

**FRUITLAND PARK LOCAL PLANNING AGENCY MEETING  
AGENDA**

**November 10, 2022**

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

**On or before 6:30 p.m.**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES** (city clerk)  
September 22, 2022 LPA meeting

**QUASI-JUDICIAL PUBLIC HEARING**

- 4. Quasi-Judicial Public Hearing – Ordinance 2022-023 – SSCPA 14.98+ Acres – North of CR 466A and East of Oliver Lane- Petitioner: T. D. Burke** (city attorney/city manager/community development director)  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION FROM LAKE COUNTY RURAL TO CITY MULTI-FAMILY HIGH DENSITY ON 14.98 +/- ACRES OF PROPERTY GENERALLY LOCATED NORTH OF CR 466A AND EAST 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 QUASI-JUDICIAL 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. 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  
LPA AGENDA ITEM SUMMARY SHEET  
Item Number: 3

**ITEM TITLE:** Draft LPA Meeting Minutes

**MEETING DATE:** Thursday, November 10, 2022

**DATE SUBMITTED:** Monday, October 31, 2022

**SUBMITTED BY:** City Clerk

**BRIEF NARRATIVE:** September 22, 2022 meeting minutes

**FUNDS REQUIRED:** None

**ATTACHMENTS:** Draft meeting minutes

**RECOMMENDATION:** Approval, if there are no corrections.

**ACTION:** Approval.

**FRUITLAND PARK LOCAL PLANNING AGENCY  
DRAFT MEETING MINUTES  
September 22, 2022  
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, September 22, 2022 at 6:15 p.m.

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

**Member Absent:** Commissioner Chris Bell.

**Also present:** City Manager Gary La Venia; City Attorney Anita Geraci-Carver; City Treasurer Jeannine Racine; Police Chief Erik Luce, Officer Anthony Buehler, Police Department; Mr. Michael “Mike” Rankin, LPG Urban Regional Planners Inc. (consultant retained by the city) and Interim Community Development Director; Deputy Finance Director Gary Bachman; Deputy City Clerk Candice Dennis, and City Clerk Esther B. Coulson.

**1. CALL TO ORDER**

Mayor Cheshire called the meeting to order.

ACTION: 6:11:22 p.m. No action was taken.

**2. ROLL CALL**

After Mayor Cheshire requested that Ms. Coulson call the roll, a quorum was declared present.

ACTION: 6:11:32 p.m. **By unanimous consent, the Local Planning Agency excused the absence of Commissioner Chris Bell at this evening’s meeting.**

**3. APPROVAL OF MINUTES**

The LPA considered its action to approve the July 28, 2022 LPA meeting minutes.

ACTION: 6:11:44 p.m. **On motion of Commissioner Mobilian, seconded by Vice Mayor Gutner and unanimously carried, the LPA approved the previously cited minutes as submitted.**

**QUASI-JUDICIAL PUBLIC HEARING**

**4. First Reading and Quasi-Judicial Public Hearing – Ordinance 2022-019 – PUD – Lake Ella Road and East of Rolling Acres Road – Petitioner Daryl M. Carter, Trustee of Lake Eller Road Land Trust**

After Ms. Geraci-Carver read into the record the title of proposed Ordinance 2022-019, Mayor Cheshire outlined the process of the quasi-judicial public hearing, and called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 158 +/- ACRES OF PROPERTY FROM PLANNED UNIT DEVELOPMENT TO RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; GENERALLY LOCATED SOUTH OF LAKE ELLA ROAD AND EAST OF ROLLING ACRES ROAD; APPROVING A MASTER DEVELOPMENT AGREEMENT; DIRECTING THE CITY MANAGER OR DESIGNEE TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY, CONFLICTS AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Rankin, who was sworn-in by Ms. Geraci-Carver, gave testimony at this evening's meeting where he described the proposed project and confirmed the presence of the applicant.

Ms. Lindsay C. T. Holt, Crawford, Modica & Holt, attorney representing the property owner, addressed the problem in presenting evidence at the LPA and expressed preference to submit same at the next hearing.

After James "Brian" Eldridge, Fruitland Park Unincorporated Area resident, referred to the certified letters that were sent to the surrounding property owners and pointed out the location of his nearby residence, Mr. Rankin outlined the sign posting and notification requirements within city limits.

In response, Ms. Kim Davis, Fruitland Park Unincorporated Area resident, voiced concerns on the sign posting locations and believed that notification ought to be sent to individuals who would be negatively impacted by the subject proposed project.

Mr. Danny McClea, Camp Geneva, gave reasons why he is requesting a wooded landscape buffer of the proposed subject property, shown on the site plan which borders the east perimeter of Camp Geneva, to be increased from 25 to 100 feet.

Ms. Jean Massy, Fruitland Park Unincorporated Area resident, voiced concerns on the siting of existing native endangered species that co-exist in the area which she believes ought to be reviewed before developing the subject property.

**ACTION:** 6:11:59 p.m. Earlier in the meeting, **a motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian that the LPA approve moving its consideration of proposed Ordinance 2022-019 as previously cited to the city commission.**

**By unanimous consent, Mayor Cheshire closed the public hearing.**

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

**END OF QUASI-JUDICIAL PUBLIC HEARING**

**5. UNFINISHED BUSINESSES**

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

ACTION: 6:24:25 p.m. No action was taken.

**6. PUBLIC COMMENTS**

There were no public comments to come before the LPA at this time.

ACTION: 6:24:26 p.m. No action was taken.

**7. ADJOURNMENT**

The meeting adjourned at 6:25 p.m.

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

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

**CITY OF FRUITLAND PARK**  
**LPA AGENDA ITEM SUMMARY SHEET**  
**Item Number: 4**

<b>ITEM TITLE:</b>	<b>Quasi-Judicial Public Hearing</b>
<b>MEETING DATE:</b>	Thursday, November 10, 2022
<b>DATE SUBMITTED:</b>	Monday, October 31, 2022
<b>SUBMITTED BY:</b>	City Attorney/City Manager/Community Development Director
<b>BRIEF NARRATIVE:</b>	<b>Quasi-Judicial Public Hearing</b>
<b>FUNDS REQUIRED:</b>	None
<b>ATTACHMENTS:</b>	Quasi-Judicial Public Hearing Establishment
<b>RECOMMENDATION:</b>	N/A
<b>ACTION:</b>	LPA Consideration

**RESOLUTION 2004-014**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA; RELATING TO QUASI-JUDICIAL HEARINGS; ESTABLISHING PROCEDURES FOR THE DISCLOSURE OF EX PARTE COMMUNICATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Florida Statute 286.0115 allows municipalities to remove the presumption of prejudice attached to ex parte communications with local public officials in quasi-judicial proceedings through the adoption of a resolution or ordinance establishing a process for the disclosure of such communications; and

**WHEREAS**, the City Commission of the City of Fruitland Park desires to implement the provisions of F.S. 286.0115 with respect to quasi-judicial proceedings which occur before the City Commission as well as city boards and committees.

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

**Section 1.** The following procedures shall apply with regards to any quasi-judicial matters before the City Commission or any board or committee of the City:

**Procedures for quasi-judicial hearings;  
Disclosure of ex parte communications.**

(a) *Intent.* Pursuant to Section 286.0115(1), Florida Statutes, it is the intent of the city commission that this section is intended to remove the presumption of prejudice from *ex parte* communications with city officials and to permit, among other things, site visits, the receipt of expert opinion, and the review of mail and other correspondence relating to quasi-judicial proceedings by said city officials. .

(b) *Definitions.* As used in this section, the following terms shall be defined as follows:

- (1) "City official" means and refers to any elected or appointed public official holding a municipal position or office who recommends or takes quasi-judicial action as a member of a city board, commission, or committee, including, but not limited to, a member of the city commission, the code enforcement board, the planning and zoning board, or the local planning agency.
- (2) "*Ex parte* communication" means a communication involving a city official and a member of the public, regarding a pending quasi-judicial action, such that the city official may be exposed to only one perspective



or part of the evidence with regard to a quasi-judicial action pending before the commission or board on which the city official serves. *Ex parte* communications occur at other than a public meeting of the board on which the city official serves at which the quasi-judicial action discussed has been publicly noticed.

- (3) "Member of the public" refers to any person interested in a quasi-judicial action, including, but not limited to, an applicant, an officer or member of a homeowner's association, an officer or member of an environmental, homebuilding/development, or concerned citizen's organization, an official or employee of a governmental entity other than the City, a developer, a property owner, or an interested citizen, or a representative of or attorney for any of the foregoing.
- (4) "Quasi-judicial" refers to a land use, land development, zoning, or building related permit, application or appeal, as set forth below, in which city officials give notice and an opportunity to be heard to certain substantially affected persons, investigate facts, ascertain the existence of facts, hold hearings, weigh evidence, draw conclusions from the facts, and apply the law to the facts, as the basis for their decision.
- (5) "Site visit" means an inspection of real property subject to an application for any quasi-judicial action prior to a public hearing on the application conducted by a city official. The mere act of driving by a site in the daily course of driving to a particular location, such as work or a particular store, which act is not undertaken for the purpose of inspecting a particular parcel of real property is not a site visit for purposes of this section.

(c) *Ex parte communications between city officials and members of the public.*

- (1) A member of the public not otherwise prohibited by statute, charter provision or ordinance may have an *ex parte* communication with any city official regarding any quasi-judicial matter on which action may be taken by the commission or board on which the city official serves; provided, that the city official adheres to the disclosure requirements set forth in sub-section (c)(3) below.
- (2) Except as otherwise provided by statute, charter provision, or ordinance, any city official may have an *ex parte* communication with any expert witness or consultant regarding any quasi-judicial matter on which action may be taken by the commission or board on which the city official serves; provided, that the city official adheres to the disclosure requirements set forth in sub-section (c)(3) below. Nothing here,

however, shall restrict a city official access to city staff or expert witness or consultant retained by the City.

(3) Disclosure.

- (A) All city officials shall disclose the occurrence of all *ex parte* communications or discussions with a member of the public or an expert witness or consultant involving said city official which relate to the quasi-judicial action pending before the commission or board on which the city official serves.
- (B) Disclosure shall occur by no later than the final public hearing, or if no formal public hearing is held, then any hearing at which the final decision regarding the quasi-judicial matter is made. The city official shall disclose the *ex parte* communication verbally or by memorandum. Any such memorandum disclosing the occurrence of the *ex parte* communication shall be placed in the official file regarding the pending quasi-judicial matter which file shall be maintained in the City Clerk's records.
- (C) At the time of disclosure, the city official shall identify the person, group, or entity with whom the *ex parte* communication took place, the substance of the *ex parte* communication, and any matters discussed which are considered by the city official to be material to said city official's decision in the pending quasi-judicial matter.
- (d) *Oral or written communications between city staff and city officials.* City officials may discuss quasi-judicial matters pending before the commission or board on which said city official serves with city staff without the requirement to disclose pursuant to sub-section (c)(3) above.
- (e) *Site visits by city officials.* Any city official may conduct a site visit of any property related to a quasi-judicial matter pending before the commission or board on which the city official serves; provided, that the city official adheres to the disclosure requirements set forth in sub-section (c)(3) above. Any disclosure of a site visit pursuant to sub-section (c)(3) shall disclose the existence of the site visit, and any information obtained by virtue of the site visit considered by the city official to be material to said official's decision regarding the pending quasi-judicial matter.
- (f) *Review of mail, correspondence, and written communications by city officials.* Any city official may review mail, correspondence, or written communications, related to a quasi-judicial matter pending before the commission or board on which the city official serves. Upon review of the mail, correspondence, or


written communication, the document shall be placed in the official file regarding the pending quasi-judicial matter and maintained in the city clerk's records.

- (g) *City clerk's file.* All correspondence, mail, or written communications reviewed by city officials prior to the final hearing on a pending quasi-judicial matter shall be placed in the official file regarding said matter and maintained by the city clerk. Said correspondence, mail, or written communications reviewed by city officials prior to the final hearing on a pending quasi-judicial matter, or any disclosure memoranda as described in sub-section (c)(3)(B), shall be available for public inspection. By no later than the final public hearing, or if no formal public hearing is held, then at any hearing at which the final decision regarding the quasi-judicial matter is made, the city clerk shall make said correspondence, mail, written communications, or other matters, and any disclosure memoranda placed in the official file, a part of the record. All of the foregoing documents shall be received by the commission or board as evidence, with the exception of disclosure memoranda, subject to any objections interposed by participants at the hearing.
- (h) *Opportunity to comment upon substance of disclosure.* At such time that a disclosure regarding an *ex parte* communication, receipt of an expert opinion, site visit, or review of mail, correspondence, or other written communication is made a part of the record at a hearing, persons who may have opinions or evidence contrary to those expressed in the *ex parte* communication, expert opinion, or mail, correspondence, or other written communication, or noted during the site visit, shall be given a reasonable opportunity to refute or respond and provide contrasting information, evidence, or views.

**Section 2.** 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 3.** This resolution shall be effective upon passage.

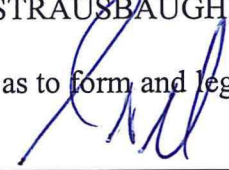
**PASSED AND RESOLVED** this 24<sup>th</sup> day of June, 2004, by the City Commission of the City of Fruitland Park, Florida.

  
\_\_\_\_\_  
JOHN L. GUNTER, JR., VICE MAYOR

ATTEST:

  
\_\_\_\_\_  
MARGE STRAUSBAUGH, CITY CLERK

Approved as to form and legality:

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



Select Year:  

## The 2020 Florida Statutes

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[Title XIX](#)[Chapter 286](#)[View Entire Chapter](#)[PUBLIC BUSINESS](#)[PUBLIC BUSINESS: MISCELLANEOUS PROVISIONS](#)**286.0115 Access to local public officials; quasi-judicial proceedings on local government land use matters.—**

(1)(a) A county or municipality may adopt an ordinance or resolution removing the presumption of prejudice from ex parte communications with local public officials by establishing a process to disclose ex parte communications with such officials pursuant to this subsection or by adopting an alternative process for such disclosure. However, this subsection does not require a county or municipality to adopt any ordinance or resolution establishing a disclosure process.

(b) As used in this subsection, the term “local public official” means any elected or appointed public official holding a county or municipal office who recommends or takes quasi-judicial action as a member of a board or commission. The term does not include a member of the board or commission of any state agency or authority.

(c) Any person not otherwise prohibited by statute, charter provision, or ordinance may discuss with any local public official the merits of any matter on which action may be taken by any board or commission on which the local public official is a member. If adopted by county or municipal ordinance or resolution, adherence to the following procedures shall remove the presumption of prejudice arising from ex parte communications with local public officials.

1. The substance of any ex parte communication with a local public official which relates to quasi-judicial action pending before the official is not presumed prejudicial to the action if the subject of the communication and the identity of the person, group, or entity with whom the communication took place is disclosed and made a part of the record before final action on the matter.

2. A local public official may read a written communication from any person. However, a written communication that relates to quasi-judicial action pending before a local public official shall not be presumed prejudicial to the action, and such written communication shall be made a part of the record before final action on the matter.

3. Local public officials may conduct investigations and site visits and may receive expert opinions regarding quasi-judicial action pending before them. Such activities shall not be presumed prejudicial to the action if the existence of the investigation, site visit, or expert opinion is made a part of the record before final action on the matter.

4. Disclosure made pursuant to subparagraphs 1., 2., and 3. must be made before or during the public meeting at which a vote is taken on such matters, so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication. This subsection does not subject local public officials to part III of chapter 112 for not complying with this paragraph.

(2)(a) Notwithstanding the provisions of subsection (1), a county or municipality may adopt an ordinance or resolution establishing the procedures and provisions of this subsection for quasi-judicial proceedings on local government land use matters. The ordinance or resolution shall provide procedures and provisions identical to this subsection. However, this subsection does not require a county or municipality to adopt such an ordinance or resolution.

(b) In a quasi-judicial proceeding on local government land use matters, a person who appears before the decisionmaking body who is not a party or party-intervenor shall be allowed to testify before the decisionmaking body, subject to control by the decisionmaking body, and may be requested to respond to questions from the

decisionmaking body, but need not be sworn as a witness, is not required to be subject to cross-examination, and is not required to be qualified as an expert witness. The decisionmaking body shall assign weight and credibility to such testimony as it deems appropriate. A party or party-intervenor in a quasi-judicial proceeding on local government land use matters, upon request by another party or party-intervenor, shall be sworn as a witness, shall be subject to cross-examination by other parties or party-intervenors, and shall be required to be qualified as an expert witness, as appropriate.

(c) In a quasi-judicial proceeding on local government land use matters, a person may not be precluded from communicating directly with a member of the decisionmaking body by application of ex parte communication prohibitions. Disclosure of such communications by a member of the decisionmaking body is not required, and such nondisclosure shall not be presumed prejudicial to the decision of the decisionmaking body. All decisions of the decisionmaking body in a quasi-judicial proceeding on local government land use matters must be supported by substantial, competent evidence in the record pertinent to the proceeding, irrespective of such communications.

(3) This section does not restrict the authority of any board or commission to establish rules or procedures governing public hearings or contacts with local public officials.

**History.**—s. 1, ch. 95-352; s. 31, ch. 96-324.

**CITY OF FRUITLAND PARK  
AGENDA ITEM SUMMARY SHEET  
L P A I t e m N u m b e r : 4**

**ITEM TITLE:** **Public Hearing - Ordinance 2022-023 SSCPA – FLU - 14.98± Acres - North of CR 466A, East of Oliver Lane and West of Micro Racetrack Road - Petitioner: T. D. Burke**

**MEETING DATE:** November 10, 2022

**DATE SUBMITTED:** October 24, 2022

**SUBMITTED BY:** City Attorney/City Manager/Community Development Director

**BRIEF NARRATIVE:** **Ordinance 2022-023 Small Scale Comprehensive Plan Amendment to amend the future land use of approximately 14.98 ± acres located north of CR 466A, east of Oliver Lane and west of Micro Racetrack Road. Petitioner: T.D. Burke.**

The owner, via the applicant, Jose Kreutz of Luxury Leased Homes USA, LLC, is requesting a small-scale comprehensive plan amendment (SSCPA) of 14.98± acres; amending the future land use from Lake County Rural to Fruitland Park Multi-family High density. The applicant is proposing development of a 240 multi-family apartment complex. The annexation, comprehensive plan amendment, rezoning, and planned development applications were approved at the November 3, 2022 Planning and Zoning Board meeting.

**FUNDS REQUIRED:** None

**ATTACHMENTS:** Draft Ordinance 2022-023, zoning maps, legal description, concept plan and elevations, justification, school currency, advertising affidavit and October 14, 2022 staff report.

**RECOMMENDATION:** Staff recommends approval of Ordinance 2022-023.

**ACTION:** **Approval.**

**ORDINANCE 2022-023**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION FROM LAKE COUNTY RURAL TO CITY MULTI-FAMILY HIGH DENSITY ON 14.98 +/- ACRES OF PROPERTY GENERALLY LOCATED NORTH OF CR 466A AND EAST 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 Luxury Leased Homes, applicant on behalf of T.D. Burke, as Owner, requesting that real property within the city limits of the City of Fruitland Park be assigned a land use designation of "Multi-Family High Density" under the Comprehensive Plan for the City 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 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 14.98 ± acres generally located north of CR 466A and east of Oliver Lane as described and depicted as set forth on Exhibit "A" shall be assigned a land use designation of Multi-Family High Density 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. 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 4: 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 5:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

**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 \_\_\_\_\_, 2022.

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

ATTEST:

Approved as to Form:

\_\_\_\_\_  
Esther Coulson, MMC, City Clerk

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

Mayor Cheshire	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
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)

Passed First Reading \_\_\_\_\_  
Passed Second Reading \_\_\_\_\_  
(SEAL)

**“EXHIBIT A”**

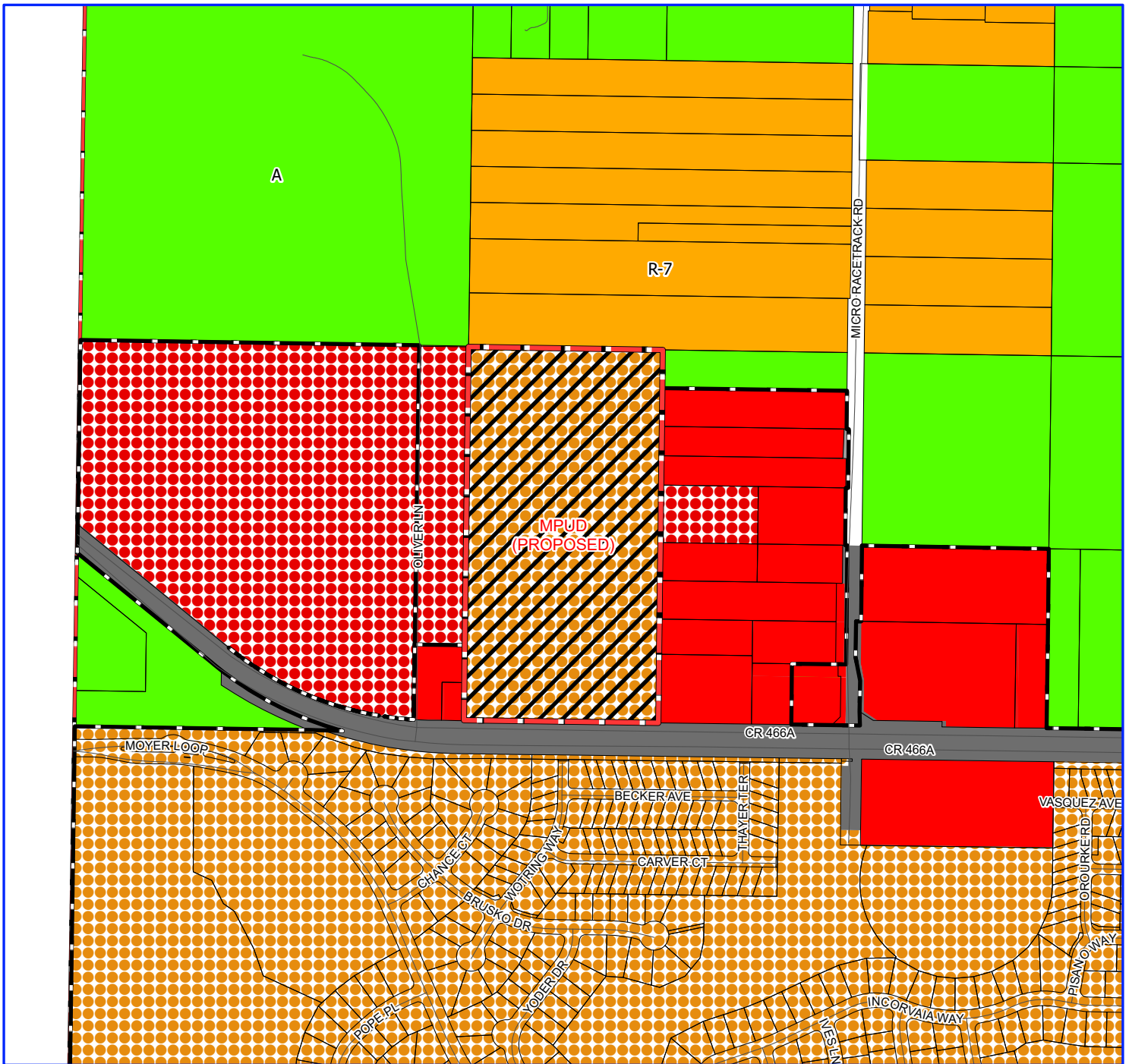


A PARCEL OF LAND LYING IN A PORTION OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND 4" X4" CONCRETE MONUMENT NO ID AT THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; THENCE NORTH 00°49'19" EAST ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6 FOR 1,326.69 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6; THENCE SOUTH 89°07'47" EAST ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6 FOR 1,327.37 FEET TO THE SOUTHWEST CORNER OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6; THENCE NORTH 00°51'56" EAST ALONG THE WEST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6 FOR 41.38 FEET TO INTERSECT THE NORTH RIGHT OF WAY OF COUNTY ROAD 466-A (MILLER BOULEVARD) AS SHOWN ON THE LAKE COUNTY ROAD MAP BOOK 2, PAGE 118; THENCE CONTINUE NORTH 00°51'56" EAST, ALONG SAID LINE, FOR 300.30 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00°51'56" EAST, ALONG SAID LINE, FOR 984.70 FEET TO THE NORTHWEST CORNER OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6; THENCE SOUTH 89°08'29" EAST ALONG THE NORTH LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6 FOR 663.12 FEET TO THE NORTHEAST CORNER OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6; THENCE SOUTH 00°50'21" WEST ALONG THE EAST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6 FOR 983.33 FEET; THENCE NORTH 89°15'33" WEST FOR 663.58 FEET TO THE POINT OF BEGINNING.

CONTAINING 652,744 SQUARE FEET OR 14.9849 ACRES, MORE OR LESS.

**EXHIBIT B**



**Legend**

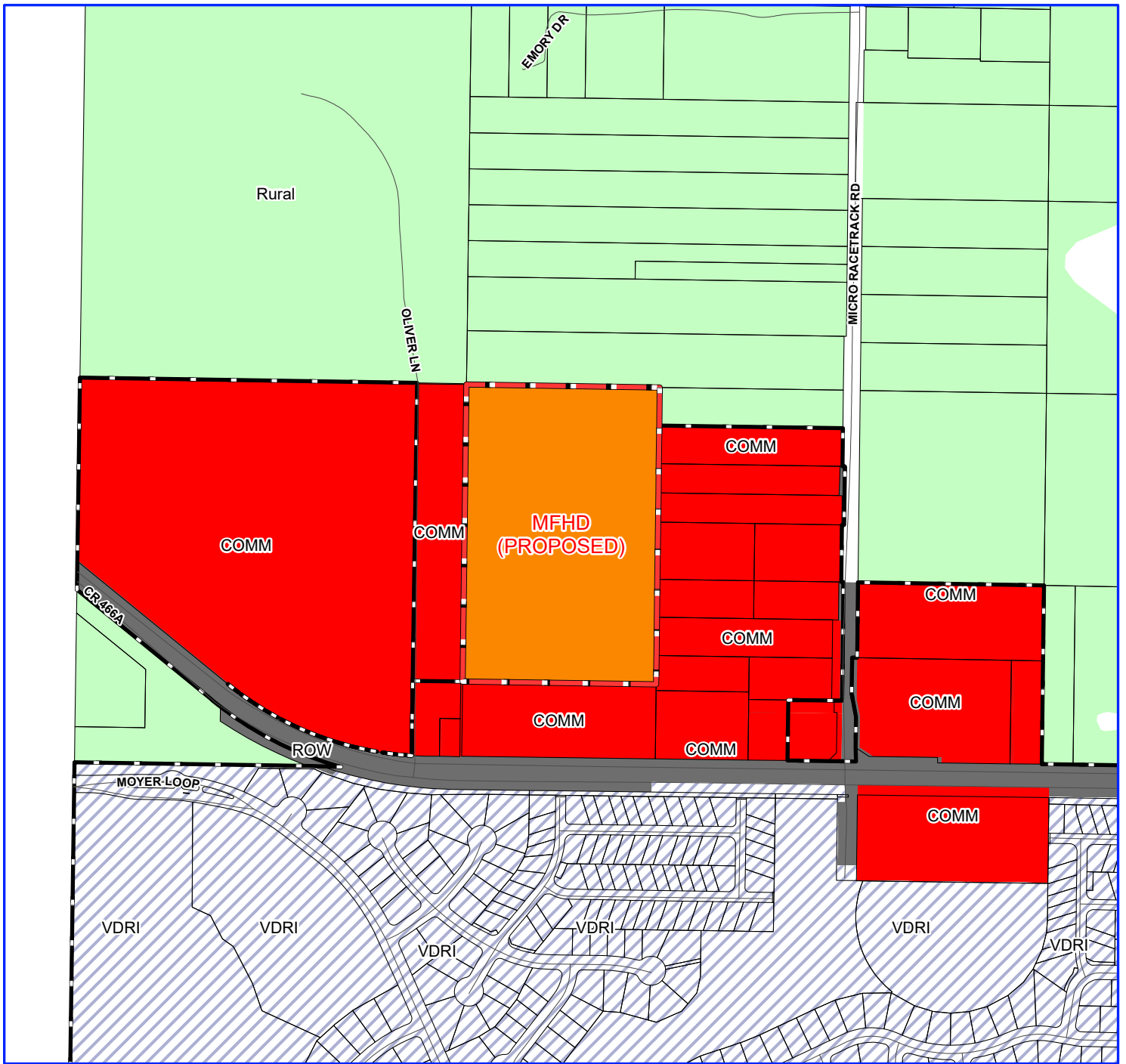
Site Boundary	PUD, Planned Unit Development
<b>Lake County Zoning</b>	CPUD, Commercial Planned Unit Development District
Agriculture	ROW, Right-of-Way
Residential	MPUD, Mixed Use PUD
<b>City of Fruitland Park Zoning</b>	
C-2, General Commercial	

1 inch = 500 feet



**City of Fruitland Park  
The Hawthornes**  
Lake County, Florida  
Proposed Zoning Map

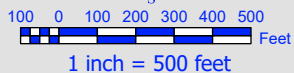
Project: 398-21-14  
File: Proposed Zoning  
Name: The Hawthornes  
PM: Sherie Lindh  
Date: October 6, 2022  
Created By: J. Wilson

**LPG Urban & Regional Planners, Inc.**  
1162 Camp Avenue, Mount Dora, Florida 32757  
Office: (352) 385-1940 / Fax: (352) 383-4824



**Legend**

- |  |  |
|--|--|
|  Site Boundary    |  ROW, Transportation                      |
| Lake County Future Land Use  |  VDRI, The Villages of Fruitland Park DRI |
|  Rural            |  MFHD, Multiple Family/High Density       |
| City of Fruitland Park Future Land Use   |  |
|  COMM, Commercial |  |



**City of Fruitland Park**  
**The Hawthornes**  
 Lake County, Florida  
**Proposed Future Land Use Map**

Project: 398-21-14  
 File: The Hawthornes FLU  
 Name: The Hawthornes  
 PM: Sherie Lindh  
 Date: October 5, 2022  
 Created By: J. Wilson



LEGAL DESCRIPTION – OVERALL PARCEL- AS SURVEYED

A PARCEL OF LAND LYING IN A PORTION OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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CONTAINING 852,037 SQUARE FEET OR 19.5601 ACRES, MORE OR LESS.

LEGAL DESCRIPTION- NORTH PARCEL

A PARCEL OF LAND LYING IN A PORTION OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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CONTAINING 652,744 SQUARE FEET OR 14.9849 ACRES, MORE OR LESS.

LEGAL DESCRIPTION- SOUTH PARCEL

A PARCEL OF LAND LYING IN A PORTION OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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CONTAINING 199,293 SQUARE FEET OR 4.5751 ACRES, MORE OR LESS.

## LEGAL DESCRIPTION: NORTH PARCEL

A PARCEL OF LAND LYING IN A PORTION OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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CONTAINING 852,037 SQUARE FEET OR 19.5601 ACRES, MORE OR LESS.



AERIAL PHOTO & LOCATION MAP

SCALE: 1" = 1,200'

## SITE COVERAGES:

LOT 1	LOT 2	LOT 3	TOTAL PROJECT AREA
SITE AREA 16.85 AC 100.0%	1.35 AC	1.36 AC	19.56 AC
OPEN SPACE 5.82 AC 34.0%			
STORMWATER POND 2.16 AC 12.8%			
BUILDINGS 2.70 AC 16.0%			
PAVEMENT & MISC. 6.27 AC 37.2%			
RECREATION AREAS 0.89 AC 5.3%			
ROW EASEMENT 0.90 AC 5.3%			
TOTAL IMPERVIOUS 8.97 AC 53.2%			
FAR = 7.26 AC (3-STY) + 0.28 AC (1-STY) / 16.85 AC = 0.45			
TOTAL PROPOSED UNITS = 240 UNITS			
PROPOSED DENSITY = 240 DU / 16.85 AC = 14.2 DU/AC			

## PROPOSED BUILDING DATA:

MINIMUM LIVING AREA OF APARTMENTS:  
 • 1 BEDROOM: 738 MIN SF  
 • 2 BEDROOM: 1063 MIN SF  
 • 3 BEDROOM: 1205 MIN SF  
 • TYPE 1 BUILDING TOTAL GSF: 37,382 (X4) = 149,528  
 • TYPE 2 BUILDING TOTAL GSF: 33,196 (X6) = 199,176

PROPOSED CLUBHOUSE: 4,000± SF (MIN)

PROPOSED BUILDING HEIGHTS:  
 TYPE 1: 30'-6" TO EAVE AND 38'-3" TO THE MEAN HEIGHT FOR BUILDING  
 TYPE 2: 30'-6" TO EAVE AND 37'-5" TO THE MEAN HEIGHT FOR BUILDING

## SETBACKS:

	BUILDING	BUFFER
FRONT (CR-466A)	50'	25'
SIDE (EAST)	25'	25'
SIDE (WEST)	25'	25'
REAR	25'	25'
INTERIOR	10'	N/A

## PARKING DATA:

STANDARD SPACES = 366 SPACES  
 POTENTIAL ADA SPACES = 12 SPACES  
 GARAGE SPACES = 35 SPACES  
 TOTAL = 413 SPACES  
 SPACES PER UNIT = 1.72

## NOTICE OF INTENT:

THE LOTS 2 & 3 ANTICIPATED USES ARE: DAY CARE CENTERS, BANKS, BARS AND LOUNGES, HEALTH AND EXERCISE CLUBS, HOTEL, MEDICAL OFFICE AND/OR CLINIC, OFFICES, RESTAURANTS, VETERINARY CLINIC, RETAIL STORE, APARTMENT LEASING CENTER AND CLUBHOUSE.

## LEGEND:

NOTE: NOT ALL SYMBOLS SHOWN HERE MAY BE APPLICABLE TO THESE DRAWINGS, ALSO THERE MAY BE ADDITIONAL SYMBOLS WITHIN PLANS NOT SHOWN HERE, SEE INDIVIDUAL DRAWING LEGEND WHERE APPLICABLE.

EXISTING CABLE TV PEDESTAL	FOUND IRON ROD AND CAP (AS NOTED)
EXISTING CAP OR PLUG	FOUND CONCRETE MONUMENT (AS NOTED)
EXISTING CLEAN OUT	EXISTING EASEMENT
EXISTING CONDUIT RISER/ MARKER	EXISTING OVERHEAD ELECTRIC CABLE
EXISTING ELECTRIC METER	EXISTING UNDERGROUND ELECTRIC CONDUIT/CABLE
EXISTING ELEVATION (SOFT)	EXISTING UNDERGROUND FIBER OPTIC CABLE
EXISTING ELEVATION (HARD)	EXISTING FORCE MAIN (# INDICATES SIZE)
EXISTING FIRE HYDRANT	EXISTING GAS MAIN (# INDICATES SIZE)
PROPOSED FIRE HYDRANT	EXISTING RECLAIM WATER MAIN (# INDICATES SIZE)
EXISTING FLOW DIRECTION	EXISTING SANITARY SEWER (# INDICATES SIZE)
PROPOSED FLOW DIRECTION	EXISTING WATER MAIN (# INDICATES SIZE)
EXISTING GAS METER	EXISTING UNDERGROUND TELEPHONE CABLE
EXISTING GAS VALVE	EXISTING UNDERGROUND TELEVISION CABLE
EXISTING GUY WIRE & ANCHOR PIN	EXISTING OVERHEAD TRAFFIC SIGNAL CABLE
EXISTING MAIL BOX	PROPOSED SANITARY SEWER (# INDICATES SIZE)
EXISTING MANHOLE (UNKNOWN)	PROPOSED WATER MAIN (# INDICATES SIZE)
PROPOSED MANHOLE	EXISTING SWALE OR CENTER OF DITCH
EXISTING SANITARY SEWER CLEANOUT	PROPOSED SWALE OR CENTER OF DITCH
EXISTING SANITARY SEWER MANHOLE	EXISTING TOP OF DITCH BANK
EXISTING ROAD SIGNS AND POSTS	EXISTING BOTTOM OF DITCH BANK
PROPOSED SIGN AND POST	EXISTING WOOD FENCE
EXISTING TEE	EXISTING WIRE OR CHAIN LINK FENCE
EXISTING UTILITY POLE	PROPOSED WIRE OR CHAIN LINK FENCE
EXISTING VALVE IRRIGATION	PROPOSED SEDIMENT FENCE
EXISTING VALVE WATER	PROPOSED VISI-BARRIER
PROPOSED WATER VALVE	EXISTING CONTOUR
EXISTING WATER METER	PROPOSED CONTOUR (SOFT)
EXISTING STORM SEWER WITH INLET	PROPOSED CONTOUR (HARD)
PROPOSED STORM SEWER WITH INLET	
PROPOSED SITE LIGHT POLES AND FIXTURES	
PROPOSED BACTERIOLOGICAL TEST POINT	

INDEX OF SHEETS		
SHEET #	DESCRIPTION	REVISIONS
1	COVER SHEET	
2	CONCEPTUAL SITE PLAN	

## REVISIONS

DATE	DESCRIPTION

THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY ROGER W. STRICOLA, PE ON THE DATE ADJACENT TO THE SEAL. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

**UPHAM INC.**  
 CIVIL ENGINEERING-SURVEYING-LANDSCAPE ARCHITECTURE  
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 LE # 0003612 LC # 0000357

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**LUXURY LEASED HOMES**

COVER SHEET

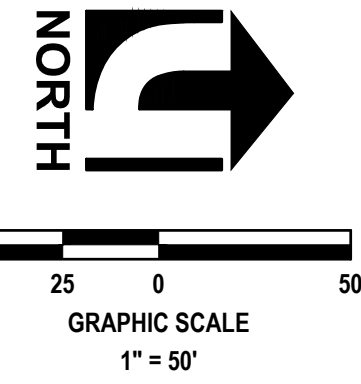
COUNTY ROAD 466A  
 FRUITLAND PARK

PROJECT No: 220802  
 DATE: OCTOBER 13, 2022  
 DESIGN BY: RWS  
 DRAWN BY: JMB  
 CHECKED BY: RWS  
 SCALE: 1" = 50'

SHEET NUMBER:

1



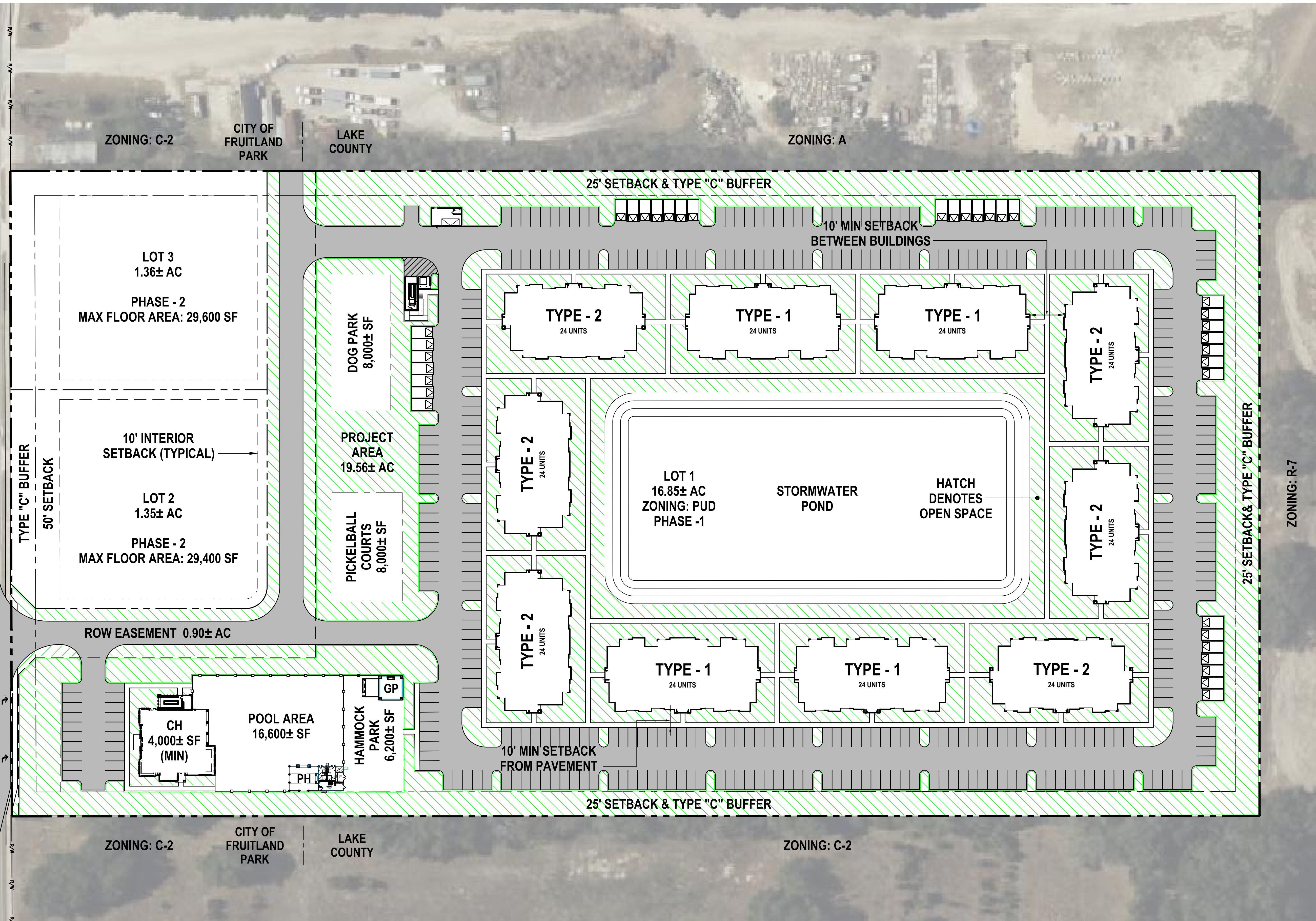


**NOTE:**  
BUILDINGS OR STRUCTURES LOCATED IN THE COMMERCIAL HIGH INTENSITY FLU WILL ADHERE TO THE CITY'S NON-RESIDENTIAL DESIGN CRITERIA



**COUNTY ROAD 466A**

MEDIAN OPENING SHALL BE ADJUSTED TO ACCOMMODATE ENTRANCE SHIFT TO THE WEST



**PAVING LEGEND:**

- ASPHALT PAVEMENT
- 1.5" SUPERPAVE FDOT SP-9.5, PER FDOT - SSRBC, SECTION 234
- 6" LIMEROCK BASE (LBR 100) MIN OF 98% MOD. PROCTOR MAX DRY DENSITY PER FDOT - SSRBC, SECTION 200 & 230 & SECTION 911 LATEST VERSION ALTERNATIVELY, CRUSH CONCRETE OF EQUAL THICKNESS. GRADATION SHOULD MEET FDOT SSRBC, SECTION 334-5.2.4
- 12" STABILIZED SUBGRADE (LBR 40) PER FDOT - SSRBC, SECTION 160, PAGE 196 (TYPE B) AND COMPACTED TO 98% (MIN) MOD. PROCTOR MAX DRY DENSITY PER AASHTO T-180 (SEE DETAIL ON SHEET C410)

**REVISIONS**

DATE	DESCRIPTION

THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY ROGER W. STROULA, PE ON THE DATE ADJACENT TO THE SEAL. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

**LUPHAM INC.**  
 CIVIL ENGINEERING-SURVEYING-LANDSCAPE ARCHITECTURE  
 265 Kenilworth Avenue • Ormond Beach • Florida 32174  
 Voice: 386.672.9515 • Fax: 386.673.6554 • luphaminc.com  
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**CONCEPTUAL SITE PLAN**

COUNTY ROAD 466A  
FRUITLAND PARK

PROJECT No: 220802  
 DATE: OCTOBER 13, 2022  
 DESIGN BY: RWS  
 DRAWN BY: JMB  
 CHECKED BY: RWS  
 SCALE: 1" = 50'

SHEET NUMBER:



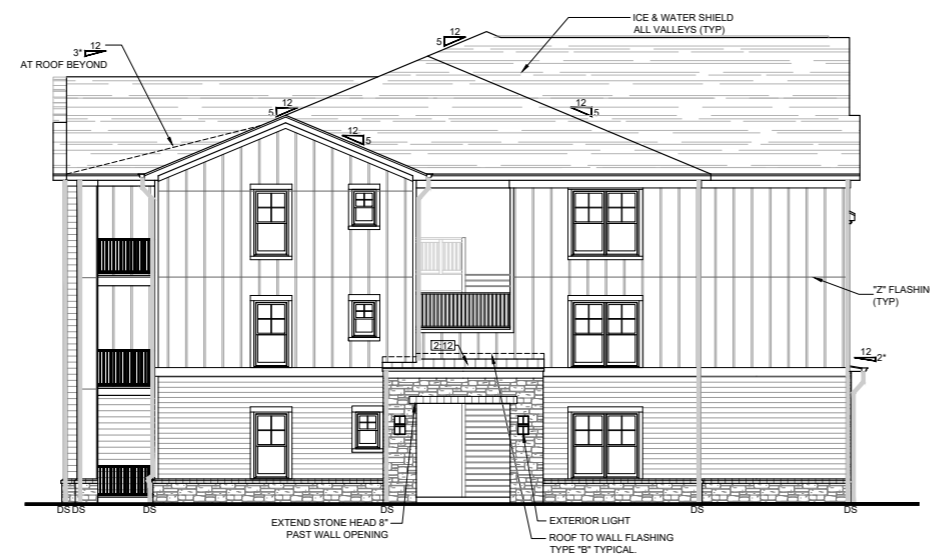




**BUILDING TYPE 1  
REAR ELEVATION**  
SCALE: 1/8"=1'-0"

ARCHITECTURAL PLANS EXTERIOR MATERIALS	
	= ASPHALT SHINGLE ROOF
	= STANDING SEAM METAL ROOF
	= FIBER CEMENT LAP SIDING
	= BOARD & BATTEN SIDING - VERTICAL 1x3 FIBER CEMENT BATTENS @ 24" O.C. OVER 5/16" FIBER CEMENT PANELS TYP.
	= CULTURED STONE VENEER
	= STONE SILL

- ELEVATION GENERAL NOTES**
- ★ 1-USE ICE AND WATER SHIELD AT ALL ROOF PLANES SLOPED BELOW 4:12.
  - 2-SEE ROOF PLANS FOR ATTIC VENTILATION CALCULATION REQUIREMENTS.
  - 3-PAINT ALL WALL AND ROOF PENETRATIONS THE SAME COLOR AS ADJACENT MATERIAL.



**BUILDING TYPE 1  
SIDE ELEVATION**  
SCALE: 1/8"=1'-0"



## The Hawthorns at Fruitland Park Comprehensive Plan Map Amendment

### Justification Narrative

The applicant, Luxury Leased Homes, is filing for a Small-Scale Comprehensive Plan Amendment to change the Future Land Use from Rural and Commercial High Intensity to Multi-Family High Density Residential Future Land Use in accordance with Policy 1-1.7. for Alt Key Numbers 1699649 and 3884325 located at 305 CR 466A on 19.57± acres within the City of Fruitland Park and Lake County, Florida.

The requested change is necessary to serve a proposed residential development consisting of two-family (duplex) residential uses in a rental community providing a need within the City of Fruitland Park. The change in land use will allow a large density of residences for the City which may reduce the need to commute to adjacent municipalities for housing and/or employment and therefore capture the population base within the community boundaries.

A concurrent rezoning application will be filed for The Ranch at Fruitland Park development to incorporate development plans and conditions to ensure compliance with the City's Goals, Objectives, and Policies for the area.

The proposed amendment is not inconsistent with the goals, objectives, and policies of the comprehensive plan. The Comprehensive Plan Future Land Use Policy 1-1.7 Multi-Family High Density Residential allows the proposed residential use with a density not to exceed 15 units per acres, however the developer proposes a voluntary density not to exceed 11± dwelling units per acre. The Comprehensive Plan Table 1-1 indicates there is 204.98 acres of vacant Multi-Family High Density remaining. This request is within the allowable range of available land for this future land use.

The adjacent properties to the west have a Commercial and Rural Future Land Use designations. The properties to the north are located within the unincorporated Lake County limits and have a Rural Future Land Use designation. The properties to the east are designated as Commercial and the properties to the south, including beyond CR 466A (Miller Boulevard), are designated The Villages of Fruitland Park (VDRI). This Future Land Use is compatible with the adjacent Future Land Uses as it provides a stepping stone to adjacent uses.

The City of Fruitland Park encourages a mix of housing types and styles that provide people with affordable housing choices that can accommodate changes in lifestyle. This development will provide a different housing type than currently available within the area allowing for a variety of housing types to accommodate a diversity of housing needs. The City's projects a demand for 5,460 housing units by 2035 with the established Future Land Use Map having sufficient vacant capacity to accommodate 8,371 housing units.

The proposed amendment should not be considered urban sprawl or exemplify an energy inefficient land use pattern. The proposed development is located within the City limits of The City of Fruitland Park along with the annexation request for the northern 15.00± acres, with public utilities available to the property.

The proposed amendment will not have an adverse effect on environmentally sensitive systems as the only wetlands identified on the property are part of the water detention system previously constructed as part of the “Burke’s BBQ” restaurant. Six (6) gopher tortoise burrows were the only protected species of wildlife observed on the property and will be permitted through the proper agencies if required. Attached is ecological and wildlife report conducted by Modica and Associates.

According to the FEMA Flood Map 12069C0305E, the property is located within Zone X, which indicates the property is in an area of minimal flood hazard.

Transportation – The Transportation Element of the Comprehensive Plan identifies CR 466A as being within the jurisdiction of Lake County as an arterial for the City of Fruitland Park.

A Traffic Impact Analysis conducted by Traffic Impact Group, LLC dated November 11, 2021 states the development proposes to generate 1,486 trips per day with 21 entering trips and 72 existing trips in AM peak hour trips and 69 entering and 41 exiting trips in the PM peak hour are attributed to the development. CR 466A analysis indicates the roadway segment is projected to continue to operate at an acceptable level of service. No right turn lanes from CR 466A are needed for the site driveways.

Therefore, the report notes the development does not cause a capacity deficiency on the adjacent roadway and it is expected to continue to operate in acceptably with no improvements recommended.

Potable Water & Sewer – The Comprehensive Plan Objectives 4-10 and 4-2 for water and sewer specify Goals and Policies for adherence for development connection to City of Fruitland Park public utilities. This development is currently served by well and septic facilities. There is an existing wastewater line running along CR 466A in front of the parcel which may be utilized to provide service to the development. However, the closest water facility is located to the east at the intersection of CR 466A and Micro Racetrack Road. Reclaimed water is not currently available for irrigation, however, current regulations require a dry line be installed for this service when it becomes available.

Utilizing a single-family residence as the highest basis factor for conversion, the estimated usage is calculated as follows:

204 dwelling units = 204 ERU’s

204 ERU’s x 300 gpd (water) = 61,200 gpd total water increase for the development

204 ERU’s x 250 gpd (sewer) = 51,000 gpd total wastewater increase for the development

Solid Waste – Objective 4-6 of the Comprehensive Plan outlines the City’s Solid Waste policies. The City’s Solid Waste is currently collected by a contracted carrier for curbside pickup on a weekly schedule. We anticipate the development to produce approximately:

204 dwelling units x 2.76 persons per unit = 563 persons

563 persons x 7 pounds/day = 3,941 pounds per day

The Public School Facilities Element (Chapter 10) – The proposed development will add up to 204 residential dwelling units to the City of Fruitland Park thus increasing the potential number of students in the nearby elementary, middle and high schools. The potential impact the local school system may be as follows:

204 Dwelling Units x 0.155 students/household = 31.62 or 32 elementary students  
 204 Dwelling Units x 0.13 students/household = 26.52 or 27 middle and high students

Ms. Helen Lavalley of the Lake County School District noted the local elementary school may have capacity limitations in the near future, however expansions are currently in the design stage. Capacity for the middle and high schools have adequate capacity at the present time for the addition of students. The City of Fruitland Park Elementary School notes current student stations available at 35 of their 765 capacity. Carver Middle School has a 1129 student capacity with a current student count of 784 and Leesburg High School notes current student count of 1625 with their 1982 capacity.

Lake County Schools' 2021-2025 capital improvement plan includes \$65 million of new and expanded schools, and \$106 million for school renovations and modernization. An expansion of the Villages Elementary School in Lady Lake is expected to open in 2025, which will relieve pressure on the Fruitland Park Elementary School.

Fruitland Park Elementary School

35 Open Concurrency Capacity – 32 potential students from development = 3 remaining student capacity

Carver Middle School

345 Open Concurrency Capacity – 16 potential students from development = 328 remaining student capacity

Leesburg High School

357 Available Stations – 23 potential students from development = 334 remaining student stations

Stormwater – The development will meet the City's code requirements and obtain permits from the St. Johns River Water Management District at the development approval/site plan approval review application in accordance with Policies put forth in Goal 4A. A copy of the approved permit will be supplied to the City.

Recreation and Open Space – The residential development is proposing to provide onsite amenities to provide recreational services and proper open space for their residents. A clubhouse with swimming pool, 24-hour fitness, coffee bar, pickle ball court, tot lot and dog park will be included.

The proposed plan amendment will not adversely affect transportation, potable water, sewer, schools or other public facilities without providing remedies to correct the system or facility as noted by the information provided above. The proposed plan amendment is consistent with and generally furthers the State Comprehensive Plan.



## **The Hawthorns at Fruitland Park Small Scale Comprehensive Plan Map Amendment Justification Narrative**

Subject Real Estate: The Project consist of two (2) parcels which combine for 19.58 acres:

- Alt Key 1699649 (the “South Parcel”) is located within the City of Fruitland Park, and shall retain the Commercial High Intensity FLU.
- Alt Key 3884325 (the “North Parcel”) is located in unincorporated Lake County, however if approved, shall be annexed into the City of Fruitland Park and this SCCPA assigns a Multi-Family High Density Residential FLU.

### **Applicant’s Request**

The applicant, **LUXURY LEASED HOMES**, is filing for a Small-Scale Comprehensive Plan Amendment for the North Parcel (Alt Key 3884325) which would change the Future Land Use from Rural to Multi-Family High Density Residential Future Land Use. The South Parcel (Alt Key 1699649) is not a part of the SCCPA request, as the existing Commercial High Intensity FLU shall remain in effect.

Applicant requests a concurrent rezoning amendment to a Mixed Use PUD, which includes both the South and North Parcels, in order to construct a community which will offer traditional commercial uses along CR 466A, in the form of commercial buildings, and a proposed residential development consisting of multi-family apartment homes in a rental community providing a need within the City of Fruitland Park. The change in land use will allow a large density of residences for the City which may reduce the need to commute to adjacent municipalities for housing and/or employment and therefore capture the population base within the community boundaries.

The proposed amendment is not inconsistent with the goals, objectives, and policies of the comprehensive plan. The Comprehensive Plan Future Land Use Policy 1-1.7 Multi-Family High Density Residential allows the proposed residential use with a density not to exceed 15 units per acres, however the developer proposes a voluntary density not to exceed 240 apartment homes across the 19.58 acres. The Comprehensive Plan Table 1-1 indicates there is 204.98 acres of vacant Multi-Family High Density remaining. This request is within the allowable range of available land for this future land use.

The Applicant’s proposal to provide commercial uses along the CR 466A frontage maintains the commercial integrity of the corridor, a stated priority in Fruitland Park.

### **Compatibility with Adjacent Uses**

To our West, the adjacent properties have a Commercial and Rural Future Land Use designations. A 140,000 Sq. ft. retail project (The Commons) has been approved.

333 North Alabama Street, Suite 350  
Indianapolis, IN 46204  
P: 317-677-7125





To our South exists the Villages of Fruitland, an age-restricted residential community of a housing density and home sizes similar to our proposed project.

To our East, the properties are designated Commercial.

The properties to the north are located within the unincorporated Lake County limits and have a Rural Future Land Use designation. The properties consist of 3- to 5-acre homesteads, accessible off Micro Racetrack Road. Applicant contends that its mixed-use project provides a transitional use between the high intensity retail project The Commons and proposes 35' deep landscaped buffer yards to mitigate the impact of the change in zoning. It is noteworthy that no existing homes are located within 500' of the Hawthorns.

The City of Fruitland Park encourages a mix of housing types and styles that provide residents with affordable housing choices that can accommodate changes in lifestyle. This development will provide workforce housing and add to the of housing options. The City's projects a demand for 5,460 housing units by 2035 with the established Future Land Use Map having sufficient vacant capacity to accommodate 8,371 housing units.

The proposed amendment should not be considered urban sprawl or exemplify an energy inefficient land use pattern. The proposed development is located within the City limits of The City of Fruitland Park along with the annexation request for the northern 15.00± acres, with public utilities available to the property.

The proposed amendment will not have an adverse effect on environmentally sensitive systems as the only wetlands identified on the property are part of the water detention system previously constructed as part of the "Burke's BBQ" restaurant. Six (6) gopher tortoise burrows were the only protected species of wildlife observed on the property and will be permitted through the proper agencies. A 100% survey will be completed within 90-days of a construction start. Attached is ecological and wildlife report conducted by Modica and Associates, as well as a follow-up note dated 3/7/22.

According to the FEMA Flood Map 12069C0305E, the property is located within Zone X, which indicates the property is in an area of minimal flood hazard.

Transportation – The Transportation Element of the Comprehensive Plan identifies CR 466A as being within the jurisdiction of Lake County as an arterial for the City of Fruitland Park.

A Traffic Impact Analysis conducted by Traffic Impact Group, LLC dated August 16, 2022 states the development proposes to generate 28 entering trips and 90 exiting trips in the AM peak hour and 100 entering and 66 exiting trips in the PM peak hour are attributed to the development. CR 466A analysis indicates the roadway segment is projected to continue to operate at an acceptable level of service. A right turn lane, along west-bound CR 466A, will be provided, which meets Lake County criteria.



Therefore, the report notes the development does not cause a capacity deficiency on the adjacent roadway and it is expected to continue to operate in acceptable level of service.

Potable Water & Sewer – The Comprehensive Plan Objectives 4-10 and 4-2 for water and sewer specify Goals and Policies for adherence for development connection to City of Fruitland Park public utilities. This development is currently served by well and septic facilities. There is an existing wastewater line running along CR 466A in front of the parcel which may be utilized to provide service to the development. However, the closest water facility is located to the east at the intersection of CR 466A and Micro Racetrack Road. Reclaimed water is not currently available for irrigation, however, current regulations require a dry line be installed for this service when it becomes available.

The estimated usage for the residential portion is calculated as follows:

240 Multi-Family Homes at a 0.75 Per Unit Factor = 180 ERU's  
180 ERU's x 300 gpd (water) = 54,000 gpd total water increase for the development  
180 ERU's x 250 gpd (sewer) = 45,000 gpd total wastewater increase for the development

Solid Waste – Objective 4-6 of the Comprehensive Plan outlines the City's Solid Waste policies. The City's Solid Waste is currently collected by a contracted carrier for curbside pickup on a weekly schedule. We anticipate the development to produce approximately:

240 dwelling units x 2.76 persons per unit = 663 persons  
663 persons x 7 pounds/day = 4,637 pounds per day

The Public School Facilities Element (Chapter 10) – The proposed development will add up to 240 residential dwelling units to the City of Fruitland Park thus increasing the potential number of students in the nearby elementary, middle and high schools. The potential impact to the local school system is projected, by Lake County Schools, follows:

- Seventy-Two (72) students, based on an estimate of 255 new homes

A "School Concurrency Application & Service Provider" was submitted to Lake County Schools by the Applicant. On 2/16/22, Ms. Helen Lavalley of the Lake County School District issued a School Concurrency Capacity Reservation (attached) noting that **"The Analysis performed indicates the level of service standards for each school level will not be exceeded by the students generated from this residential development."**

Stormwater – The development will meet the City's code requirements and obtain permits from the St. Johns River Water Management District at the development approval/site plan approval review application in accordance with Policies put forth in Goal 4A. A copy of the approved permit will be supplied to the City.



Recreation and Open Space – The residential development is proposing to provide onsite amenities to provide recreational services and proper open space for their residents. A clubhouse with swimming pool, 24-hour fitness, coffee bar, pickle ball court, tot lot and dog park will be included.

The proposed plan amendment will not adversely affect transportation, potable water, sewer, schools or other public facilities without providing remedies to correct the system or facility as noted by the information provided above. The proposed plan amendment is consistent with and generally furthers the State Comprehensive Plan.



**Superintendent:**  
Diane S. Kornegay, M.Ed.

**School Board Members:**  
**District 1**  
Bill Mathias  
**District 2**  
Kristi Burns, Ph.D.  
**District 3**  
Marc Dodd  
**District 4**  
Mollie Cunningham  
**District 5**  
Stephanie Luke

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201 West Burleigh Boulevard · Tavares · FL 32778-2496  
(352) 253-6500 · Fax: (352) 253-6503 · [www.lake.k12.fl.us](http://www.lake.k12.fl.us)

February 16, 2022

Mr. Jose Kreutz  
Luxury Leased Homes USA  
333 N. Alabama Street, #350  
Indianapolis, IN 46204

**RE: The Hawthorns at Fruitland Park – City of Fruitland Park  
School Concurrency Capacity Reservation (District Project #LCS2022-06)  
Alternate Keys: 1699649, 3884325**

Dear Mr. Kreutz:

The School Board of Lake County has reviewed the application information for the above referenced residential development. The application indicates 183 single family dwelling units. The proposed development is estimated to generate approximately sixty-four (64) students.

Based on the information provided in the application the property is located within Concurrency Service Area (CSA) #9. The analysis performed indicates the level of service standards for each school level will **not** be exceeded by the students generated from this residential development.

It has been determined at this time that school capacity is available and will be reserved for your project. **This capacity reservation will expire one year from date of issuance.** In the event, a final development order is obtained within the year this capacity reservation will be valid for the life of the project. Please notify the school district when the final development order is obtained in order to update the project records.

If you should require additional time to obtain the final development order approval, please notify District staff prior to the expiration date to discuss time extension options. Once the reservation expires, the capacity will be released and a new completed application and fee will be required. If you have any questions, please contact me at (352) 253-6694 or at [lavalleyh@lake.k12.fl.us](mailto:lavalleyh@lake.k12.fl.us).

Sincerely,

Helen LaValley  
Growth Planning Department

Encl: School Concurrency Availability Determination

# Lake County Florida School Board CIP

## School Concurrency Availability Determination

**Project Name:** The Hawthorns at Fruitland Park  
**Date Received:** 2/8/2022  
**Case Number:** LCS2022-06  
**Builder Name:** TD Burke, owner  
**Location:** NEC of CR466A (Miller Str) and Oliver Lane

**Project Planned Units:**  
**# Single Family:** 183      **# Multi-Family:** 0  
**# Townhomes:** 0      **# Apartments:** 0

**Additional Information:** 11/30/21 Recd FLUA & Rez project information  
 2/8/22 Recd SC app

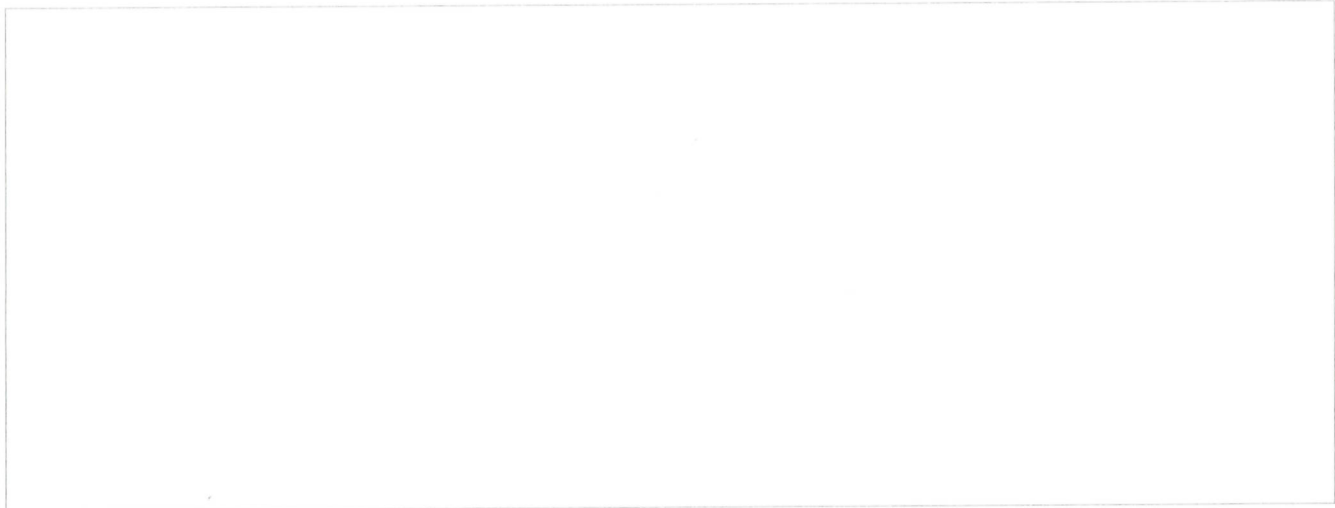
**Project Unit Yield By Type of School**

	Yield	Elem	Mid	High
Single Family	0.157	29		
Single Family	0.114			21
Single Family	0.079		14	

**Service Area Analysis**

Concurrency Service Area (CSA)	Current Capacity	Programmed Capacity	Total Capacity	Current Enrollment	Reserved Demand	Total Demand	Available Capacity	Project Demand
CSA #9 - Elementary	1969	262	2231	1689	389	2078	153	29
CSA #9 - Middle	1129	0	1129	812	128	940	189	14
CSA #9 - High	1982	0	1982	1575	318	1893	89	21

Project Demand may differ from Project Yield by Type of School due to rounding



**Record and Return to:**  
**City of Fruitland Park**  
**Attn: City Clerk**  
**506 W. Berckman Street**  
**Fruitland Park, Florida 34731**

## **MASTER DEVELOPMENT AGREEMENT**

**THIS AGREEMENT** is entered into and made as of the \_\_\_\_th day of \_\_\_\_\_, 2022, between the **CITY OF FRUITLAND PARK, FLORIDA, a Florida municipal corporation**, (hereinafter referred to as the “City”), and **T.D. BURKE** (hereinafter referred to as the “Owner”).

### **RECITALS**

1. The Owner desires to rezone approximately 19.56 ± acres of property within the City of Fruitland Park, described and depicted as set forth on **Exhibit “A”** attached to and incorporated in this Agreement (hereafter referred to as the “Property”).
2. The Property is currently located within the City of Fruitland Park and is currently zoned Lake County Agriculture and City General Commercial (C-2) with a future land use designation on the City of Fruitland Park Future Land Use Map of “Commercial High Intensity” and “Multi-Family High Density.”
3. Owner has filed applications for rezoning for the Property as a Mixed Use Planned Unit Development.
4. Owner represents that it is the sole legal owner of the Property and that it has the full power and authority to make, deliver, enter into, and perform pursuant to the terms and conditions of this Agreement and has taken all necessary action to authorize the execution, delivery, and performance of the terms and conditions of this Agreement.
5. The City of Fruitland Park has determined that the rezoning of the Property and the proposal for its development presents, among other things, an opportunity for the City to secure quality planning and growth, protection of the environment, and a strengthened and revitalized tax base.
6. Owner will fund certain public improvements and infrastructure to facilitate the development of the Property.
7. The Property is within the City’s Chapter 180, Florida Statutes, utility district, and Owner has requested and City desires to provide water and sewer as well as other municipal services to the Property.

**ACCORDINGLY**, in consideration of the mutual benefits and the public interest and other good and

valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

**Section 1. Recitals.** The above recitals are true and correct, are hereby incorporated herein by reference, and form a material part of this Agreement. All exhibits to this Agreement are hereby deemed a part thereof.

**Section 2. Conditions Precedent.** Owner has filed an application for rezoning for the Property. It is understood and agreed to by the City and the Owner that this Agreement shall not be binding or enforceable as to any party unless and until: a) the City duly adopts the Agreement and adopts an ordinance rezoning the Property. The parties hereto understand and acknowledge that the City is in no way bound to rezone the Property. The City shall have the full and complete right to approve or deny the application for rezoning.

**Section 3. Land Use/Development.** Development of the Property shall be substantially consistent with the "PUD Conceptual Plan" prepared by Upham, Inc., dated October 13, 2022, and attached as **Composite Exhibit "B"** (which may be referred to as the "Plan" or the "PUD Master Plan" or "Development Plan"). The project shall be developed in accordance with the Permitted Uses set forth below. All development shall be consistent with City's "PUD" (Planned Unit Development) zoning district and, subject to City approval. As set forth further below, all land use issues addressed herein must be adopted by City through its regular procedures before being effective.

**Section 4. Permitted Uses.** Permitted Uses shall include:

- a. Multi-family apartments not to exceed 240 units.
- b. Recreation amenities.
- c. Day Care Center
- d. Bank
- e. Bars and Lounges
- f. Health and Exercise clubs
- g. Hotel
- h. Medical Office/Clinic
- i. Offices
- j. Restaurants
- k. Veterinary Clinic
- l. Retail Sales and Services

**Section 5. Development Standards.** Development Standards shall be as follows:

- a. Maximum Impervious Surface Ratio (ISR) 70%
- b. Minimum Open Space 25%, which may include all buffers, recreation and other pervious area not located within platted road right of way.
- c. Maximum Building Height of 45', measured to the mean height of hip or gabled roofs.
- d. Minimum distance between multi-family buildings shall be thirty-five feet (35') measured from building wall to building wall.
- e. Interior buildings shall have a setback of ten feet (10') from the edge of pavement (travel lane).
- f. Minimum Setback requirements, as measured from the PUD perimeter property lines shall be:

- i. North: Twenty-five feet (25')
  - ii. South: Fifty feet (50') from the right of way of CR 466-A
  - iii. East: Twenty-five feet (25')
  - iv. West: Twenty-five feet (25')
- g. Open space shall not be less than twenty-five (25) percent of the total property area. Stormwater ponds may not be included as open space unless designed as an amenity.
- h. Parking: The Owner will be required to meet the parking requirements of the Fruitland Park Land Development Regulations.
- i. Type "C" Landscape buffers of twenty-five feet (25') shall be provided along the PUD perimeter property boundaries.

**Section 6. Commercial Design Standards.**

All non-residential development shall meet the design standards of Chapter 154, Section 154.050 through Section 154.070 (inclusive).

**Section 7. Multi-Family Design Standards.** Design Standards shall be as follows:

- a. Multi-family development shall meet the R-15 MFHDR zoning development standards.
- b. Architectural features - All buildings shall utilize at least three of the following design features to provide visual relief along all elevations of the multi-family units. Front doors shall incorporate the following decorative elements: raised decorative panels, decorative glass panels or panes, decorative handles, etc. Designs may vary throughout the development.
  - 1) Dormers
  - 2) Gables
  - 3) Recessed or raised entries
  - 4) Covered porch entries
  - 5) Cupolas
  - 6) Pillars or decorative posts
  - 7) Bay window (minimum 12 inch projections)
  - 8) Eaves (minimum 6-inch projections)
  - 9) Front windows with arched glass tops and minimum 4-inch trim
  - 10) Metal roofs
  - 11) Decorative Corbels and Brackets
- c. Building Materials - Exterior building materials contribute significantly to the visual impact of a building on the community. These materials shall be well designed and integrated into a comprehensive design style for the project. The total exterior wall area of each building elevation shall be composed of one of the following:



- i. The exterior wall area may be any type of lap siding and/or stucco, including a “cementitious” lap siding. (A “cementitious” lap siding product is defined as a manufactured strip siding composed of cement-based materials rather than wood fiber-based or plastic-based materials. For example, Masonite or vinyl lap siding would not be allowed under this option.) The exterior may include full width or cast brick or stone.
  - ii. All textured stucco, provided there are unique design features such as recessed garages, tile or metal roofs, arched windows etc. in the elevations of the buildings or the buildings are all brick stucco. Unique design features shall be reviewed by the Community Development Director for compliance.
- c. Details, such as, brackets, corbels, decorative panels, may be made from alternative materials, such foam with a hard shell finish.
- d. Buildings shall have landscape areas planted with trees, shrubs or groundcovers, other than sod, around the building as follows:
  - i. Building Perimeter landscaping. A minimum three (3) foot wide landscape area, with an average of five (5) feet or more, around a minimum of forty (40) percent of the total building perimeter and within twenty-five (25) feet of the building walls.
  - ii. *Minimum planting requirement.* One (1) canopy tree or three (3) understory trees, and twenty-eight (28) shrubs shall be required for every three hundred and fifty (350) feet of planting area in c. 1) above. Trees installed for any other requirement of this subsection c. may be credited towards this requirement if in the required location.

**Section 8. Development Phasing.** The proposed project may be constructed in phases in accordance with the Planned Unit Development Master Plan (attached as part of these conditions). Changes to the Planned Unit Development Master Plan, other than those conditions described in this agreement, shall be revised in accordance with the Planned Unit Development review process. If such changes are consistent with this Master Development Agreement, the amendment to the Planned Unit Development Master Plan will be processed as a Minor Development under LDC section 160.040.

**Section 9. Site Access and Transportation Improvements.** Vehicular access to the project site shall be provided by a minimum of one access point on CR 466-A. The access points shall be reviewed during the development review process.

- a. The Owner shall provide all necessary improvements within and adjacent to the development as required by Lake County and City of Fruitland Park.
- b. All roads within the development shall be designed and constructed by the developer to meet the City of Fruitland Park requirements. Drive aisles within parking areas shall not be required to be constructed to City street standards.
- c. Sidewalks shall be provided on both sides of the local internal roads and shall provide cross connections to all recreation and residential areas. Internal road rights-of-ways shall be of sufficient width to contain the sidewalks. All sidewalks shall be constructed in accordance with City of Fruitland Park Codes.
- d. The City of Fruitland Park will not be responsible for the maintenance or repair of any of the roads or transportation improvements. The Owner shall establish an

appropriate legal entity that will be responsible to pay the cost and perform the services to maintain the roads and transportation improvements, inclusive of all sidewalks.

- e. A traffic/transportation study shall be submitted prior to preliminary plan approval for review and determination of any necessary access improvements if required by Lake County. Said improvements will be the responsibility of the Owner.
- f. At such time that traffic signals are warranted at the proposed project entrance, the Owner shall pay their pro rata share of the cost of the signal(s) as determined by Lake County or the City.

**Section 10. Lighting.** All exterior lighting shall be arranged to reflect light away from adjacent properties to the greatest extent possible while providing lighting adequate to ensure safety on road right of way and parking areas.

**Section 11. Water, Wastewater, and Reuse Water.** Subject to the terms herein, Owner and their successors and assigns agree to obtain water, reuse water, irrigation water, and wastewater service (hereafter, "Utilities") exclusively through purchase from City. Owner covenants and warrants to City that it will not engage in the business of providing such Utilities to the Property or within City's F.S. Chapter 180 utility district. Notwithstanding the foregoing, private wells for irrigation purposes will be allowed within the Property so long as such wells are approved and permitted by the St. Johns River Water Management District (the "District") and comply with the rules and regulations of the District. Owner shall construct, at Owner's expense, all on-site utility facilities (e.g. lift stations and lines) as well as pay for the extension of facilities from City's current point of connection. Owner shall also construct, at Owner's expense, "dry" utility lines for reclaimed water purposes. Except as otherwise provided herein, all such improvements must be constructed to City requirements and transferred to City as a contribution in aid of construction. Owner shall own and maintain all onsite water and wastewater improvements including any lift station(s) up to the point of connection at the property line for the wastewater improvements and up to the point of connection to the City water meter for the water utility improvements. Owner shall, at its expense, install fire hydrant(s) and extend utility line(s) as required by the Settlement Agreement entered into between the City of Fruitland Park and Owner in Lake County Case No. 2019-CA-001894.

**Section 12. Impact Fees.** Owner shall be required to pay impact fees as established by City from time to time, including water and wastewater impact fees. The amount to be paid shall be the adopted impact fee rate at the time the building permit is issued. Owner agrees to pay all impact fees and any impact fees adopted after the execution of this Agreement as building permits are issued. If impact fees increase from the time they are paid until the building permit is issued, Owner shall pay the incremental increased amount at the time building permits are issued.

Prepayment of utility impact fees and acceptance by City of such fees shall reserve capacity. No capacity is reserved until or unless such fees have been paid pursuant to an agreement with City. Owner agrees and understands that no capacity has been reserved and that Owner assumes the risk that capacity will be available. Accordingly, if capacity is available at the time of site plan and City is willing to allocate such capacity to Owner, Owner shall enter into a reservation agreement and any other utility agreements or easements related to the Property as requested by City from time to time.

**Section 13. Easements.** Owner shall provide the City such easements or right of way in form acceptable to the City Attorney, as the City deems necessary for the installation and maintenance of roads, sidewalks, bikeways, street lighting or utility services, including but not limited to sewer, water, drainage and reclaimed water services.

**Section 14. Landscaping/Buffers.** Developer has reviewed City's Land Development Regulations relating to landscaping and agrees to comply with such regulations. Owner shall install and maintain a twenty-five foot (25') landscape buffer along the PUD perimeter property boundaries. All landscaping and tree protection shall comply with Chapter 164 of the City of Fruitland Park Land Development Regulations.

Owner shall, at its sole expense, install underground irrigation systems on all common areas of the Property, as well as exercise any other measures reasonably necessary to ensure the long-term maintenance of the landscaping.

Owner shall design and construct, at its sole expense, the interior landscaped areas and islands within the parking areas of the Property in accordance with all applicable City of Fruitland Park Land Development Regulations. Owner shall maintain such areas.

Owner acknowledges City's goal of achieving a greater level of tree preservation within the City. In aid of such goal, Owner agrees to comply with all applicable City of Fruitland Park Land Development Regulations pertaining to tree removal and replacement.

**Section 15. Stormwater Management.** Owner agrees to provide at Owner's expense a comprehensive stormwater management system consistent with all regulatory requirements of the City and the St. John's River Water Management District. Impacts to flood plains are allowed in accordance with the Water Management District procedures for compensating storage and will be based on the 100-year floodplain established by Lake County.

**Section 16. Other Municipal Facilities/Services.** The City hereby agrees to provide, either directly or through its franchisees or third party providers, police and fire protection, emergency medical services, and solid waste collection, disposal, and recycling services to the Property under the same terms and conditions and in the same manner as are afforded to all other commercial property owners within the City.

**Section 17. Environmental Considerations.** The Owner agrees to comply with all federal, state, county, and city laws, rules and regulations regarding any environmental issues affecting the Property.

**Section 18. Signage.** Owner shall submit a master sign plan as a component of the final site plan (i.e., construction plan) application for the Property. Such plan shall be in compliance with all applicable regulations contained within the City of Fruitland Park Land Development Regulations, unless City grants a waiver or variance pursuant to the City's Land Development Regulations. Alternatively, the Owner, in the Owner's discretion, may apply to amend the PUD to incorporate a Master Signage Plan at the time that the Owner desires to install signage at the development.

**Section 19. Title Opinion.** Owner shall provide to City, in advance of the City's execution of this Agreement, a title opinion of an attorney licensed in the State of Florida, or a certification by an abstractor or title company authorized to do business in the State of Florida, showing marketable title to

the Property to be in the name of the Owner and showing all liens, mortgages, and other encumbrances not satisfied or released of record.

**Section 20. Compliance with City Laws and Regulations.** Except as expressly modified herein, all development of the Property shall be subject to compliance with the City Land Development Regulations and City Code provisions, as amended, as well as regulations of county, state, local, and federal agencies. All improvements and infrastructure shall be constructed to City standards.

**Section 21. Due Diligence.**

The City and Owner further agree that they shall commence all reasonable actions necessary to fulfill their obligations hereunder and shall diligently pursue the same throughout the existence of this Agreement. The City shall further provide all other municipal services to the Property as are needed by Owner from time to time in accordance with the City’s applicable policies for the provision of said services.

**Section 22. Enforcement/Effectiveness.** A default by either party under this Agreement shall entitle the other party to all remedies available at law. This is a non-statutory development agreement which is not subject to or enacted pursuant to the provisions of Sections 163.3220 – 163.3243, *Florida Statutes*.

**Section 23. Governing Law.** This Agreement shall be construed in accordance with the laws of the State of Florida and venue for any action hereunder shall be in the Circuit Court of Lake County, Florida.

**Section 24. Binding Effect; Assignability.** This Agreement, once effective, shall be binding upon and enforceable by and against the parties hereto and their successors in interest and/or assigns. This Agreement shall be assignable by the Owner to successive owners. Owner shall, however, provide written notice to the City of any and all such assignees. The rights and obligations set forth in this Agreement shall run with the land and be binding on all successors and/or assignees. Owner consents to the placement of a claim of lien on the Property upon default in payment of any obligation herein without precluding any other remedies of City. The parties hereby covenant that they will enforce this Agreement and that it is a legal, valid, and binding agreement.

**Section 25. Waiver; Remedies.** No failure or delay on the part of either party in exercising any right, power, or privilege hereunder will operate as a waiver thereof, nor will any waiver on the part of either party or any right, power, or privilege hereunder operate as a waiver of any other right, power, privilege hereunder, not will any single or partial exercise of any right, power, or privilege hereunder preclude any other further exercise thereof or the exercise of any other right, power, or privilege hereunder.

**Section 26. Exhibits.** All exhibits attached hereto are hereby incorporated in and made a part of this Agreement as if set forth in full herein.

**Section 27. Notice.** Any notice to be given shall be in writing and shall be sent by certified mail, return receipt requested, to the party being noticed at the following addresses or such other address as the parties shall provide from time to time:

As to City:	City Manager City of Fruitland Park
-------------	--

	506 W. Berckman Street Fruitland Park, Florida 34731 352-360-6727 Telephone
Copy to:	Chris Cheshire, City Mayor City of Fruitland Park 506 W. Berckman Street Fruitland Park, Florida 34731 352-360-6727 Telephone  Anita Geraci-Carver Law Office of Anita Geraci-Carver, P.A. 1560 Bloxam Avenue Clermont, Florida 34711 352-243-2801 Telephone 352-243-2768 Facsimile
As to Owner:	T.D. Burke P.O. Box 816 Fruitland Park, FL 34731-0816
Copy to:	Jose Kreutz Luxury Leased Homes USA, LLC 333 N. Alabama Street, Suite 350 Indianapolis, IN 46204

**Section 28. Entire Agreement.** This Agreement sets forth all of the promises, covenants, agreements, conditions, and understandings between the parties hereto, and supersedes all prior and contemporaneous agreements, understandings, inducements or conditions, express or implied, oral or written, except as herein contained. However, the failure of this Agreement to address a particular permit, condition, term, or restriction shall not relieve Owner from complying with the law governing said permitting requirements, conditions, terms or restrictions.

**Section 29. Term of Agreement.** The term of this Agreement shall commence on the date this Agreement is executed by both the City and Owner, or the effective date of the annexation of the Property, whichever occurs later, and shall terminate twenty (20) years thereafter; provided, however, that the term of this Agreement may be extended by mutual consent of the City and the Owner, subject to a public hearing.

**Section 30. Amendment.** Amendments to the provisions of this Agreement shall be made by the parties only in writing by formal amendment.

**Section 31. Severability.** If any part of this Developer’s Agreement is found invalid or unenforceable in any court, such invalidity or unenforceability shall not effect the other parts of this Developer’s Agreement, if the rights and obligations of the parties contained herein are not materially prejudiced and if the intentions of the parties can be effected. To that end, this Developer’s Agreement is declared severable.

**IN WITNESS WHEREOF**, the Owner and the City have executed this Agreement as of the day and year first above written.

**SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:**

**OWNER:**

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
T.D. Burke

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Print Name

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me by [ ] physical presence or [ ] online notarization this \_\_\_\_ day of \_\_\_\_\_ by T.D. Burke, who is personally known to me or who have produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public  
Notary Public - State of Florida  
Commission No \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

ACCEPTED BY THE CITY OF FRUITLAND PARK

Approved as to form and  
Legality for use and reliance  
by the City of Fruitland Park

By: \_\_\_\_\_  
Chris Cheshire, Mayor

Date: \_\_\_\_\_

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

ATTEST: \_\_\_\_\_  
Esther B. Coulson  
City Clerk

STATE OF FLORIDA  
COUNTY OF LAKE

The foregoing instrument was acknowledged before me by  physical present or  online notarization this \_\_\_\_\_ day of \_\_\_\_\_ by Chris Cheshire, Mayor of the City of Fruitland Park, a Florida municipal corporation on behalf of the corporation and Esther B. Coulson, City Clerk of the City of Fruitland Park, Florida, on behalf of the corporation, who are  personally known to be me or produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public  
Notary Public - State of Florida  
Commission No \_\_\_\_\_

My Commission Expires \_\_\_\_\_

**EXHIBIT "A"**  
LEGAL DESCRIPTION

LEGAL DESCRIPTION – OVERALL PARCEL- AS SURVEYED

A PARCEL OF LAND LYING IN A PORTION OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT A FOUND 4" X4" CONCRETE MONUMENT NO ID AT THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; THENCE NORTH 00°49'19" EAST ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6 FOR 1,326.69 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6; THENCE SOUTH 89°07'47" EAST ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6 FOR 1,327.37 FEET TO THE SOUTHWEST CORNER OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6; THENCE NORTH 00°51'56" EAST ALONG THE WEST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6 FOR 41.38 FEET TO INTERSECT THE NORTH RIGHT OF WAY OF COUNTY ROAD 466-A (MILLER BOULEVARD) AS SHOWN ON THE LAKE COUNTY ROAD MAP BOOK 2, PAGE 118 AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00°51'56" EAST, ALONG SAID LINE FOR 300.30 FEET TO THE SOUTHWEST CORNER OF THE NORTH PARCEL; THENCE CONTINUE NORTH 00°51'56" EAST, ALONG SAID LINE, FOR 984.70 FEET TO THE NORTHWEST CORNER OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6; THENCE SOUTH 89°08'29" EAST ALONG THE NORTH LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6 FOR 663.12 FEET TO THE NORTHEAST CORNER OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6; THENCE SOUTH 00°50'21" WEST ALONG THE EAST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6 FOR 983.33 FEET TO THE SOUTHEAST CORNER OF THE NORTH PARCEL; THENCE SOUTH 00°50'21" WEST ALONG SAID EAST LINE FOR 300.30 FEET TO INTERSECTION WITH THE AFORESAID NORTH RIGHT OF WAY OF COUNTY ROAD 466-A (MILLER BOULEVARD) (SAID POINT BEING NORTH 00°50'21"E 42.88 FEET FROM THE SOUTHEAST CORNER OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6) ; THENCE NORTH 89°15'33" WEST ALONG SAID NORTH RIGHT OF WAY FOR 663.72 FEET TO THE POINT OF BEGINNING.

CONTAINING 852,037 SQUARE FEET OR 19.5601 ACRES, MORE OR LESS.



**COMPOSITE EXHIBIT "B"**

COMPOSITE EXHIBIT "B"

**Exhibit "C"**

The Villages  
**DAILY SUN**

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

Before the undersigned authority personally appeared **Joseph Szabo**, 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 #1091730 in the matter of

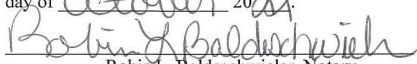
**NOTICE OF PUBLIC HEARING**

was published in said newspaper in the issues of

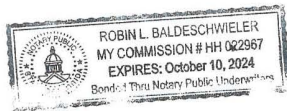
**OCTOBER 26, 2022**

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 28  
 day of October 2022  
  
 Robin L. Baldeschwieler, Notary

Personally Known X or  
 Production Identification \_\_\_\_\_  
 Type of Identification Produced \_\_\_\_\_



**NOTICE OF PUBLIC HEARING**

ORDINANCE 2022-025

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 15.00 ± ACRES OF LAND GENERALLY LOCATED NORTH OF CR 466-A, EAST OF OLIVER LANE AND WEST OF MICRO RACETRACK ROAD; 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 SCRIVENER'S ERRORS, SEVERABILITY AND CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2022-023

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION FROM LAKE COUNTY RURAL TO CITY MULTI-FAMILY HIGH DENSITY ON 14.98 +/- ACRES OF PROPERTY GENERALLY LOCATED NORTH OF CR 466A AND EAST 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.

ORDINANCE 2022-024

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 19.56 ± ACRES OF PROPERTY FROM CITY OF FRUITLAND PARK C-2 AND LAKE COUNTY AGRICULTURE TO CITY OF FRUITLAND PARK MIXED USE PLANNED UNIT DEVELOPMENT (MPUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK FOR RESIDENTIAL AND COMMERCIAL USE; APPROVING A MASTER DEVELOPMENT AGREEMENT FOR THE PROPERTY; DIRECTING THE CITY MANAGER TO HAVE AMENDED 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.

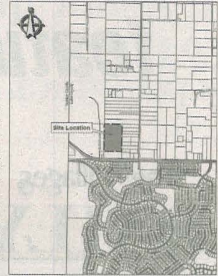
RESOLUTION 2022-062

A ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A DECLARATION OF UNITY OF TITLE UNIFYING AS AN INDIVISIBLE BUILDING SITE, TWO PROPERTIES LOCATED AT MICRO RACETRACK RD., FRUITLAND PARK, FLORIDA, OWNED BY FRUITLAND GROVE, LLC AND IDENTIFIED BY THE LAKE COUNTY PROPERTY APPRAISER AS ALTERNATE KEY NUMBER 1288151 AND ALTERNATE KEY NUMBER 1699665; PROVIDING FOR A DECLARATION OF UNITY OF TITLE TO BE RECORDED IN THE PUBLIC RECORDS OF LAKE COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

The proposed Ordinances/Resolution will be considered at the following public meetings:

- Fruitland Park Planning & Zoning Board Meeting on November 3, 2022 at 6:00 p.m.
- Fruitland Park City Commission Hearing on November 10, 2022 at 6:00 p.m.
- Fruitland Park City Commission Hearing on December 8, 2022 at 6:00 p.m.

The public meetings will be held in the Commission Chambers located at City Hall, 506 West Berkman Street, Fruitland Park FL 34731. These meetings are open to the public and hearings may be continued as determined by the P&Z Board and City Commission from time to time to a date certain. The proposed Ordinances/Resolution 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 Ordinances/Resolution.



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.

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

**ANNEXATION/SSCPA/PUD**

**Owner(s):** T D Burke

**Applicant:** Luxury Leased Homes USA, LLC – Jose Kreutz

**General Location:** 305 CR 466A, Fruitland Park, Florida

**Number of Acres:** 19.56 ± acres

**Existing Zoning:** Lake County A, Agriculture & Fruitland Park C-2

**Existing Land Use:** Lake County Rural & Fruitland Park Commercial High Intensity

**Proposed Zoning** Mixed Use PUD

**Proposed Land Use:** Multi-Family High Density & Commercial High Intensity

**Date:** October 14, 2022

**Description of Project**

The subject property consists of two properties; a 4.57-acre parcel (Alt Key 1699649) in the city limits with frontage on CR-466A, developed with the Burke’s BBQ restaurant and an office building along with a 14.98-acre parcel (Alt Key 3884325) to the north of the existing restaurant in Lake County developed with a landscaping business and nursery. The applicant is requesting to annex the 14.98-acre parcel (Alt Key 3884325) into the city limits and add it to the existing Burke’s BBQ parcel (Alt Key1699649) to allow construction of a mixed-use project consisting of 240 multi-family apartments, associated recreation and 2.71 acres of general commercial.

A companion small-scale comprehensive plan map amendment is requested for the northern 14.98 +/- acre subject property amending the future land use from Lake County Rural to Multi-Family High Density (15 units/acre). A concurrent rezoning amendment is proposed for the entire site from Lake County Agriculture and C-2 to PUD. The concept plan shows the location of the multi-family units and residential supporting facilities including a community building with leasing office, pool, located adjacent to CR-466A with commercial lots along CR 466A. The proposed density of the PUD is 12.27 units per acre. The existing Burke’s Restaurant will be demolished to allow construction of the development.

The immediate surrounding properties are zoned for C-2 and intended for high intensity commercial uses. The subject property is located immediately north of the Villages of Fruitland

Park, consisting of primarily single-family homes and supporting neighborhood commercial use. The existing area has a mix of uses.

	<b>Surrounding Zoning</b>	<b>Surrounding Land Use</b>
<b>North</b>	County Agriculture and R-7	County Rural
<b>South</b>	Village of Fruitland Park DRI	Village of Fruitland Park DRI
<b>East</b>	Commercial	C-2
<b>West</b>	County Agriculture, Commercial	County Rural, C-2

**Table 1. Surrounding Property Uses**

**Assessment**

**Concept Plan**

The concept plan meets the minimum technical requirements of the LDRs.

**Annexation**

The southern parcel is located within the City limits. The request is to annex the northern 14.98 acres into the City limits. The existing use on the property is a landscaping company and plant nursery. The adjoining properties to the east are within the City limits. The property is contiguous to the City limits on the south side as well.

**Small Scale Comprehensive Plan Amendment & Rezoning-Planned Unit Development**

The request is to amend the future land use from Lake County Rural to Multi-Family High Density (15 units/acre) on 14.98 acres.

**Schools-**

A School Capacity Reservation letter has been provided with the application.

**Recreation**

The concept plan identifies a clubhouse, pool, pickleball courts, small park area, and one (1) dog park for recreational amenities.

**Traffic-** A traffic study prepared by Traffic Impact Group, LLC, dated August 2022 was submitted. The report states that CR-466A will continue to operate at an appropriate level of service with the additional traffic attributed to the proposed development.

**Environmental Assessment-** An environmental assessment prepared by Modica & Associates, Inc dated October 2021 was submitted. The report identified the presence of gopher tortoise burrows. A letter from Modica & Associates, Inc. dated March 2022 indicates that there are no WOTUS jurisdictional wetlands onsite. A sand skink survey exemption was granted by the FWC.

## **Recommendation**

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### **Annexation**

The subject property is contiguous to the city limits and therefore is eligible for annexation.

### **Small Scale Comp Plan Map Amendment**

The proposed amendment to MFHD is compatible with adjacent land uses and consistent with the comprehensive plan, will not degrade level of service for public facilities, and meets the following policies (among others):

FLU Policy 1-1.2, Table 1-13

FLU Policy 1-1.7 – MF High Density

FLU Policy 1-2.1 – Promote Orderly Growth

FLU Policy 1-2.2 – New Development

### **Rezoning**

The requested mixed-use PUD is consistent with the LDRs and comprehensive plan. The proposed PUD provides for residential, recreation and commercial uses. The proposed plan provides buffers to mitigate the adjacent land uses.

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

**ITEM TITLE:** Public Comments

**MEETING DATE:** Thursday, November 10, 2022

**DATE SUBMITTED:** Monday, October 31, 2022

**SUBMITTED BY:** City Clerk

**BRIEF NARRATIVE:** 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.

**FUNDS REQUIRED:** None

**ATTACHMENTS:** Resolution 2013-023, Public Participation Policy and Chapter 286 Florida Statutes

**RECOMMENDATION:** None

**ACTION:** None



**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

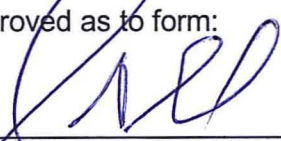
ATTEST:

  
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 2020 Florida Statutes

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[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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