



506 WEST BERCKMAN STREET  
FRUITLAND PARK, FL 34731

PHONE: 352-360-6727  
FAX: 352-360-6652

<b>Board Members:</b> Al Goldberg, Chairman Daniel Dicus Fred Collins Philip Purlee, Vice Chair Walter Birriel	<b>Others:</b> Greg Beliveau, LPG Tracy Kelley, CDD Kelly Turner, Administrative Assistant
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**AGENDA  
PLANNING & ZONING BOARD  
JANUARY 16, 2020  
6:00PM**

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- I. INVOCATION AND PLEDGE OF ALLEGIANCE:**
- II. ROLL CALL:**
- III. MINUTES FROM PREVIOUS MEETING:** Approve regular Planning and Zoning Board meeting minutes from November 21, 2019.
- IV. OLD BUSINESS:** None
- V. NEW BUSINESS:**

A. Lily Mae Property Group, LLC Development Agreement Amendment (Alt Keys 3559517 & 3559525)

George W, Smith III, manager of Lily Mae Property Group, LLC, applied for an amendment to the existing development agreement for a parcel of land located at 1217 Miller Boulevard. A section of the subject property has been acquired by Lake County as a result of the widening of CR 466A therefore the property owner requests a one (1) foot reduction in the landscape buffer. Planning and Zoning Board to consider Ordinance 2020-001 approving the first amendment to developer's agreement for recommendation to City Commission.

**BOARD MEMBERS' COMMENTS:**

**PUBLIC COMMENTS:**

**ADJOURNMENT:**



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PHONE: 352-360-6727  
FAX: 352-360-6652

<b>Board Members:</b> Al Goldberg, Chairman Daniel Dicus Fred Collins Philip Purlee, Vice Chair Walter Birriel	<b>Others:</b> Greg Beliveau, LPG Tracy Kelley, CDD
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**MINUTES  
PLANNING & ZONING BOARD  
NOVEMBER 21, 2019  
6:00PM**

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- I. INVOCATION AND PLEDGE OF ALLEGIANCE:** Meeting called to order at 5:59PM. Board member Dicus led the invocation and Pledge of Allegiance.
- II. ROLL CALL:** All Board members present. Present LPG Beliveau and CDD Kelley.
- III. MINUTES FROM PREVIOUS MEETING:** Board member Dicus made motion to approve regular Planning and Zoning Board meeting minutes from September 19, 2019. Second by Board member Collins. Approved 5-0.
- IV. OLD BUSINESS:** None
- V. NEW BUSINESS:**
- A. Bailey Minor Subdivision (Alt Key 1761689); Resolution 2019-066 Granting Minor Subdivision approval.

Michael S. Bailey, owner of a parcel of land located at 500 West Mirror Lake Drive, applied for a Minor Subdivision pursuant to Fruitland Park Land Development Regulations Section 157.050(b)(4). The proposed lots are consistent with the size and dimension criteria specified in Section 154.040 of the Land Development Code, to include the minimum lot size of 12,500 square feet. No new streets are proposed or required. Planning and Zoning Board to consider Resolution 2019-066 Granting Minor Subdivision Approval for recommendation to City Commission.

LPG Beliveau gave introduction to Minor Subdivision. Four lots being proposed with a zoning of R2, homes are to be twelve-hundred (1,200) sf valued at two-hundred and fifty thousand dollars (\$250,000) utilizing all current infrastructures. City Land Planner LPG, City Engineer BESH and Technical Review Committee (TRC) recommended approval. Forty-three (43) Certified Mailings sent to surrounding property owners: two (2) notices returned opposed 1) Lot 1A should face Mirror Lake to be consistent with all current Mirror Lake homes; and 2) abutting property owner requesting privacy fence on lot line facing residential side yards.

Vice Chair Purlee made motion to approve Resolution 2019-066 granting Minor Subdivision approval of property located at 500 West Mirror Lake Drive. Second by Board member Birriel. Approved 5-0.

**BOARD MEMBERS' COMMENTS:**

Board member Purlee inquired home size is required at twelve-hundred (1200) sf. LPG Beliveau confirmed twelve-hundred (1200) sf is the requirement.

Board member Dicus questioned if Lot 1A and Lot 1B have to remain as one lot. LPG Beliveau confirmed yes.

No further comments.

**PUBLIC COMMENTS:** None.

**ADJOURNMENT:** Meeting adjourned at 6:08PM.

DRAFT



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

Staff Use Only

Case No.: \_\_\_\_\_  
 Fee Paid: \_\_\_\_\_  
 Receipt No.: \_\_\_\_\_

## Development Application

Contact Information:

Owner Name: Lily Mae Property Group, LLC  
 Address: 1217 Miller Street, Fruitland Park, Florida 34734  
 Phone: 352-408-1669 Email: grandgator7@embarqmail.com

Applicant Name: Lily Mae Property Group, LLC  
 Address: 1217 Miller Street, Fruitland Park, Florida 34734  
 Phone: 352-408-1669 Email: grandgator7@embarqmail.com

Engineer Name: N/A  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Property and Project Information:

**PROJECT NAME\*:** Magnolia Plaza

\*A project name is required for all submissions. Please choose a name representative of the project for ease of reference.

Property Address: 1217 Miller Street, Fruitland Park, Florida 34731

Parcel Number(s): 05-19-24-0030-00C-01400 / 05-19-24-0030-00C-01500 Section: 5 Township: 19 Range: 24

Area of Property: Approximately 48, 212 square feet Nearest Intersection: North Valley Road and Miller Street (CR 466A)

Existing Zoning: C-1 Existing Future Land Use Designation: Commercial

Proposed Zoning: C-1 Proposed Future Land Use Designation: Commercial

The property is presently used for: Retail commercial

The property is proposed to be used for: Retail commercial

Do you currently have City Utilities? public water, septic system

Application Type:

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

Please describe your request in detail: Amend existing Developer's Agreement to provide for reduction in north landscape buffer as a direct result of taking by Lake County for CR 466A road project. Please see attached Exhibit prepared by PEER, Inc.

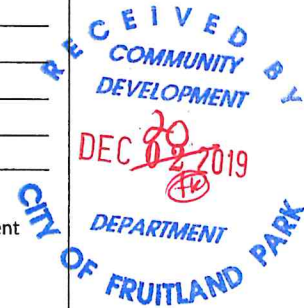
**Required Data, Documents, Forms & Fees**

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

Printed Name: George W. Smith III

Signature: \_\_\_\_\_ Date: 12/20/2019

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



# FISHBACK DOMINICK

ATTORNEYS AT LAW

1947 LEE ROAD

WINTER PARK, FLORIDA 32789-1834

G. BEN FISHBACK (1893-1983)  
JULIAN K. DOMINICK (1924-2003)

MARK F. AHLERS

\* A. KURT ARDAMAN  
CHRISTOPHER R. CONLEY  
KURT H. GARBER

\* RICHARD S. GELLER  
ERIC B. JONTZ  
J. MICHAEL KELLY

LANCE D. KING  
\* DANIEL W. LANGLEY  
THU PHAM, D.O.

MICHAEL D. TEMPKINS

OF COUNSEL

JOHN F. BENNETT  
JEFFRY R. JONTZ  
DAVID H. POPPER  
CHARLES R. STEPTER, JR.

TEL (407) 262-8400  
FAX (407) 262-8402  
WWW.FISHBACKLAW.COM

FLORIDA BAR BOARD CERTIFIED IN  
\* CITY, COUNTY AND LOCAL GOVERNMENT

November 14, 2019

## Via Electronic Mail

Greg A. Beliveau, AICP, and CEO  
LPG Urban and Regional Planners  
1162 Camp Avenue  
Mount Dora, FL 32757

**Re: Lily Mae Property Group, LLC adv. Lake County**  
**Project: CR 466A in Lake County**  
**Property Address: 1217 Miller Boulevard, Fruitland Park, FL 34731**

Dear Greg:

Please allow this letter to follow up on our telephone conversation on November 6, 2019, regarding the above-referenced eminent domain case.

As we discussed, I represent the above referenced property owner in an eminent domain case filed by Lake County ("County"). The County needs to acquire two (2) parcels from my client for the widening of CR 466A. Parcel 1015 contains 1,036± square feet and is a proposed fee strip taking (approximately ± 1.07 to 1.69 feet in width) along CR 466A with corner clips at Valley and Cutoff Roads. Parcel 8015 contains 1,901 ± square feet and is a proposed perpetual easement for the purpose of: 1) allowing the County to harmonize the future road improvements with my client's remainder property; 2) locating and maintaining future utilities; and 3) installation of drainage pipes. Over the last eight (8) years, the County has changed the nature and scope of the taking at least three (3) times, the last change occurred in April.

I am requesting the City of Fruitland Park ("City") amend the previously approved Developer's Agreement between the City and Gregory A. Summers, Sandy T. Summers and Vernon L. Summers, Jr. (my client's predecessors in interest) which was entered into by these parties back when the property was rezoned from PUD to C-1 (hereinafter "Agreement"). In addition to the code requirements for C-1, the Agreement further required, in part, a land scape buffer of fifteen (15) feet along the Northerly boundary (which is the C466A road frontage) when the property developed. As a direct result of Lake County's proposed acquisition of Parcel 1015,

the landscaping buffer along the Northerly frontage will be reduced from fifteen (15) feet to an average of fourteen (14) feet along the Northerly boundary (C466A road frontage). See the enclosed exhibit which depicts the following: 1) The County's existing right of way line; 2) the fee taking Parcel 1015; 3) the proposed right of way line; and 4) the width of the landscape buffer as a direct result of the County's taking of Parcel 1015. The average depth of the landscape buffer will be approximately thirteen (13) feet to fifteen (15) feet wide as a direct result of the County's taking of Parcel 1015.

The loss of the landscape buffer along CR 466A is the direct and proximate result of the County's proposed taking of Parcel 1015, and not due to any action or inaction by my client. Hence, this is not a self-created hardship by my client.

As we discussed, the best course of action to ensure my client's property remains in compliance with the current zoning and the Agreement, would be to amend the Agreement reducing the Northerly landscape buffer from fifteen (15) feet to "an average fourteen (14) feet". I've enclosed a proposed amendment to the Agreement in draft form for your consideration.

After you have an opportunity to review this letter, exhibit, and proposed amended to the Agreement, please advise as to whether we can proceed with an amendment to the Agreement to address the approximate one (1) foot loss in landscape buffer due to the County's taking. Thank you for your attention to and consideration in this matter.

Sincerely,



Kurt H. Garber

KHG/sg

Enclosures

Cc: Ed Williams (Via E-Mail)  
Richard Dreggors (Via E-Mail)  
Paul Sherma (Via E-Mail)  
George W. Smith, III (Via E-Mail)

## ORDINANCE 2020-001

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING PROVISIONS IN THE DEVELOPER'S AGREEMENT BETWEEN CITY OF FRUITLAND PARK, AND GREGORY A. SUMMERS, SANDY T. SUMMERS AND VERNON L. SUMMERS, JR., RELATING TO THE LIMITATION OF C-1 USES IN THE C-1 ZONING DISTRICT AND ADDITIONAL BUFFERING; AUTHORIZING THE MAYOR TO EXECUTE THE FIRST AMENDMENT; PROVIDING DIRECTIONS; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY AND CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on October 28, 2004 the City Commission adopted Ordinance 2004-021 rezoning real property located within the city limits of the city of Fruitland Park and generally located south of 466-A and east and west of Valley Road from PUD to C-1, and also approved a developer's agreement; and

**WHEREAS**, C.R. 466-A is being improved and the planned improvements have impacted a portion of the property which is the subject of Ordinance 2004-021; and

**WHEREAS**, the property owner has requested an amendment to the developer agreement affixed to ordinance 2004-021 to address impacts to the property as a result of C.R. 466-A improvements; and

**WHEREAS**, the City of Fruitland Park has advertised as required by law for a public hearing prior to adoption of this Ordinance; and

**WHEREAS**, the City Commission of the City of Fruitland Park, Lake County, Florida hereby finds and declares that the adoption of this ordinance is necessary, appropriate, and in the public interest of the citizens of this community.

**NOW, THEREFORE, BE IT ORDAINED** by the Commissioners of the City of Fruitland Park, Lake County, Florida, as follows:

**Section 1. Recitals.** The foregoing recitals are true and correct.

**Section 2. Approval.** The First Amendment to Developer's Agreement between City of Fruitland Park, Florida and Lily Mae Property Group, LLC **a copy of which is attached hereto**, is approved.

**Section 3. Authority.** The Commission authorizes the Mayor to execute the First Amendment to Developer's Agreement.

**Section 4. Directions.** The City Manager or designee is directed to record the First Amendment to Developer's Agreement between City of Fruitland Park, Florida and Lily Mae Property Group, LLC in the public records of Lake County, Florida.

**Section 5. Scrivener's Errors.** Scrivener's errors in the legal description may be corrected without a public hearing or at public meeting, by re-recording the original ordinance or a certified copy of the ordinance and attaching the correct legal description.

**Section 6. Severability.** If any section, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Ordinance; and it shall be construed to have been the Commissioner's intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein; and the remainder of this Ordinance, after the exclusion of such part or parts shall be deemed and held to be valid, as if such parts had not been included herein.

**Section 7. Conflicts.** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 8. Effective Date.** This ordinance shall become effective upon final adoption.

PASSED and ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by the City Commission of the City of Fruitland Park, Florida.

SEAL

CITY COMMISSION OF THE CITY OF  
FRUITLAND PARK, FLORIDA

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

ATTEST:

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

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)



Approved as to form:

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Anita Geraci-Carver, City Attorney

This instrument prepared by  
and Return to:

Kurt H. Garber, Esquire  
Fishback Dominick  
1947 Lee Road  
Winter Park, Florida 32789

**FIRST AMENDMENT TO DEVELOPER'S AGREEMENT**  
**BETWEEN**  
**CITY OF FRUITLAND PARK,**  
**AND**  
**LILY MAE PROPERTY GROUP, LLC**

This is a **First Amendment to Developer's Agreement** ("First Amendment") by and between the City of Fruitland Park, a Florida municipal corporation (the "City")

and

Lily Mae Property Group, a Florida limited liability company (the "Developer").

**WITNESSETH:**

**WHEREAS**, Developer, is the owner of that certain real property located within the city limits of the City as more particularly described on the attached Exhibit "A"; and

**WHEREAS**, Developer is the successor in interest to Gregory A. Summers, Sandy T. Summers and Vernon L. Summers, Jr., who are parties to the Developer's Agreement with the City dated \_\_\_\_\_ and recorded in Official Records Book \_\_\_\_, Page \_\_\_\_, of the Public Records of Lake County, Florida (the "Agreement"); and

**WHEREAS**, Lake County, Florida (the "County"), is in the process of widening CR 466A (Miller Street) within the city limits of the City (the "Project"); and

**WHEREAS**, as a result of the Project, a portion of Developer's property is being acquired

by the County through condemnation; and

**WHEREAS**, in connection with the County's acquisition of a portion of Developer's property, the fifteen foot (15') landscape buffer requirement along the Developer's northern property boundary will be reduced by approximately one foot (1') to an average depth of fourteen feet (14'); and

**WHEREAS**, the City and Developer desire to enter into this First Amendment amending Paragraph 2.C.2 of the Agreement regarding the fifteen feet (15') landscape buffer requirement, and allow the approximate one foot (1') reduction to an average depth of fourteen feet (14'); and

**WHEREAS**, this Amendment is necessary because of the County's acquisition and not the result of a hardship created by Developer; and

**WHEREAS**, the City and Developer wish to keep all other provisions and requirements of the Agreement in place except as expressly set forth herein.

**NOW, THEREFORE, IN CONSIDERATION** of the promises and mutual covenants hereinafter contained, the parties acknowledge and agree as follows:

1. Recitals Incorporated. The above recitals are true and correct as material provisions to this First Amendment and are incorporated herein.

2. Landscape Buffer. Paragraph 2.c.2 of the Agreement is hereby deleted and replaced as follows:

On the northerly boundary of Developer's property, there shall be an average fourteen feet (14') landscape buffer, including four (4) canopy trees, two (2) understory trees, and fifteen (15) shrubs, all to be planted and maintained.

3. Notices. When either party desires to give notice unto the other, it must be given

by written notice, sent by U.S. First Class Mail or by overnight delivery, addressed to the party for whom it is intended, at the place last specified, and the place for giving of notice in compliance with the provisions of this paragraph as follows:

City:

City of Fruitland Park  
Attention: City Manager  
506 Berckman Street  
Fruitland Park, Florida 34734

Developer:

Lily Mae Property Group, LLC  
Attention: George W. Smith III  
5646 East Harbor Drive  
Fruitland Park, FL 34731

4. Ratification. Except as expressly modified by this First Amendment, the Agreement remains in full force and effect, and no other modifications shall be allowed without the written approval of the City and Developer. In the event of any conflict or ambiguity between the Agreement and this First Amendment, this First Amendment shall control.

5. Recordation. This First Amendment shall be recorded in the Public Records of Lake County, Florida, at Developer's cost, within fifteen (15) days of approval by the City.

**IN WITNESS WHEREOF**, the parties hereto have made and executed this First Amendment on the respective dates under each signature.

CITY:

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

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

ATTEST:

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

DEVELOPER:

Lily Mae Property Group, LLC, a  
Florida limited liability company

By: \_\_\_\_\_

Its: \_\_\_\_\_

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

STATE OF FLORIDA;  
COUNTY OF LAKE:

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2019, by \_\_\_\_\_, as \_\_\_\_\_ of LILY MAE PROPERTY GROUP, LLC, a Florida limited liability company, on behalf of the company.

\_\_\_\_\_  
Notary Public, State of Florida

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

My Commission expires:

## **EXHIBIT “A”**

U:\KHG\CLIENTS\LILY MAE PROPERTY GROUP\LAKE COUNTY, ADV L363-24384\FRUITLAND PARK APPROVAL DOCS\FIRST AMENDMENT TO DEVELOPER AGREEMENT 11-12-19.DOCX

**PROPERTY DESCRIPTION:**

Lots 14 and 15, Block C, VALLEY OF THE SPRINGS, according to the plat thereof, as recorded in Plat Book 25, page 5, Public Records of Lake County, Florida.

**LESS AND EXCEPT:**

A PARCEL OF LAND LYING WITHIN LOTS 14 AND 15, BLOCK C, VALLEY OF THE SPRINGS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 25, PAGE 5, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, BEING WITHIN SECTION 5, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

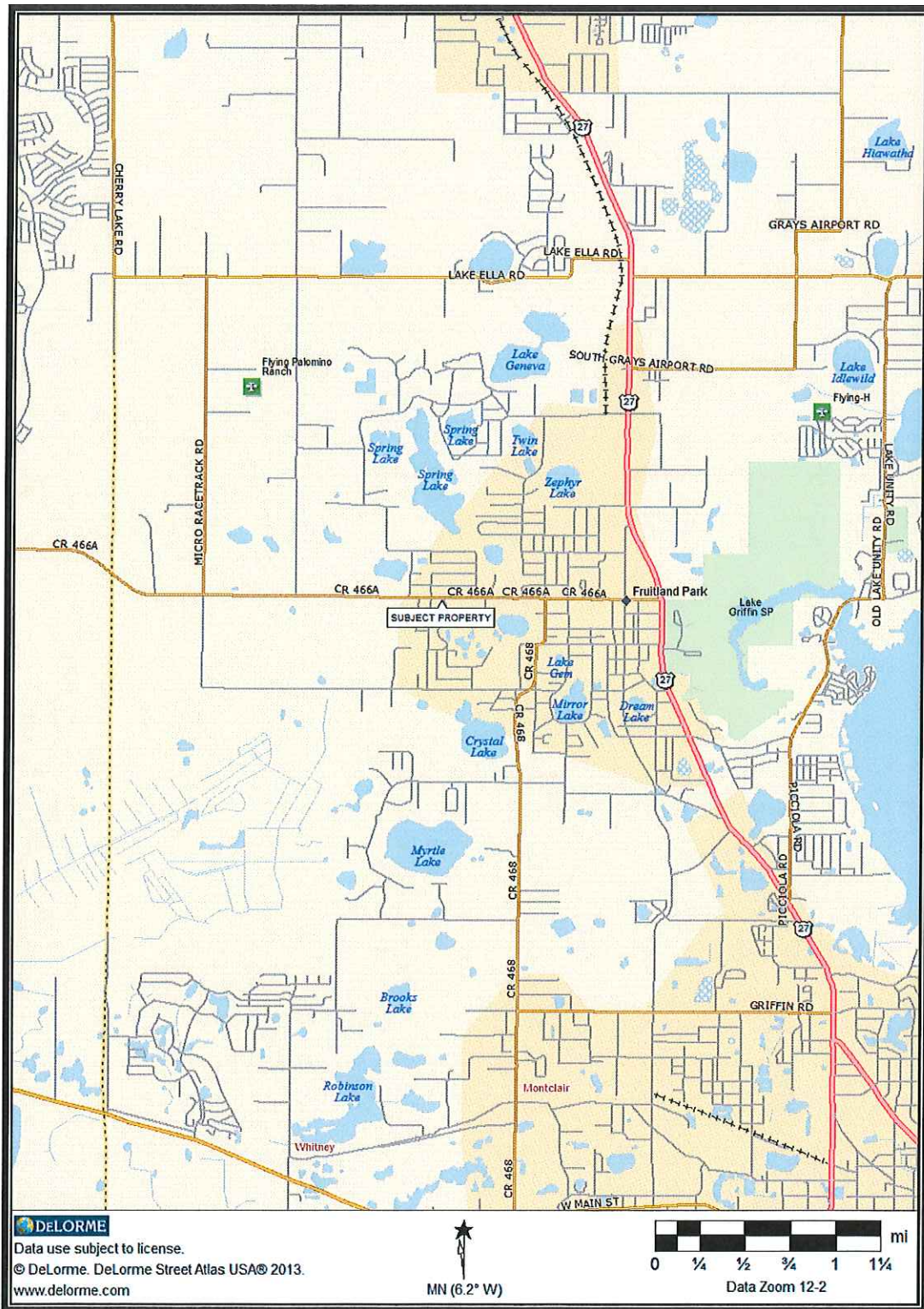
COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 5; THENCE N00°34'30"E, ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 5, 1279.76 FEET, TO THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD 466A, ACCORDING TO ROAD MAP BOOK 2, PAGE 118, OFFICIAL RECORDS OF LAKE COUNTY, FLORIDA; THENCE N89°04'41"W, ALONG SAID SOUTH RIGHT-OF-WAY LINE, 918.63 FEET, TO THE NORTHEAST CORNER OF SAID LOT 15, BLOCK C, VALLEY OF THE SPRINGS AND THE POINT OF BEGINNING; THENCE S00°55'19"W, ALONG THE EAST LINE OF SAID LOT 15, BLOCK C, 41.07 FEET, TO A NON-TANGENT INTERSECTION WITH A CIRCULAR CURVE BEING A POINT OF CUSP, CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 40.00 FEET; THENCE NORTHWESTERLY, ALONG SAID CURVE, 62.92 FEET, THROUGH A CENTRAL ANGLE OF 90°07'10" AND A CHORD BEARING AND DISTANCE OF N44°08'16"W, 56.63 FEET, TO THE POINT OF TANGENCY THEREOF; THENCE N89°11'51"W, 300.64 FEET, TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 29.00 FEET; THENCE SOUTHWESTERLY, ALONG SAID CURVE, 45.79 FEET, THROUGH A CENTRAL ANGLE OF 90°28'06" AND A CHORD BEARING AND DISTANCE OF S45°34'06"W, 41.18 FEET, TO THE WEST LINE OF THE AFOREMENTIONED LOT 14, BLOCK C, VALLEY OF THE SPRINGS; THENCE N00°20'03"E, ALONG SAID WEST LINE, 30.99 FEET, TO THE NORTHWEST CORNER THEREOF; THENCE S89°04'41"E, ALONG THE NORTH LINE OF SAID LOTS 14 AND 15, BLOCK C, VALLEY OF THE SPRINGS, 369.98 FEET, TO THE POINT OF BEGINNING.

TAX MAP



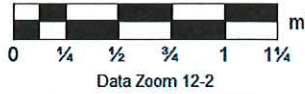


# NEIGHBORHOOD MAP



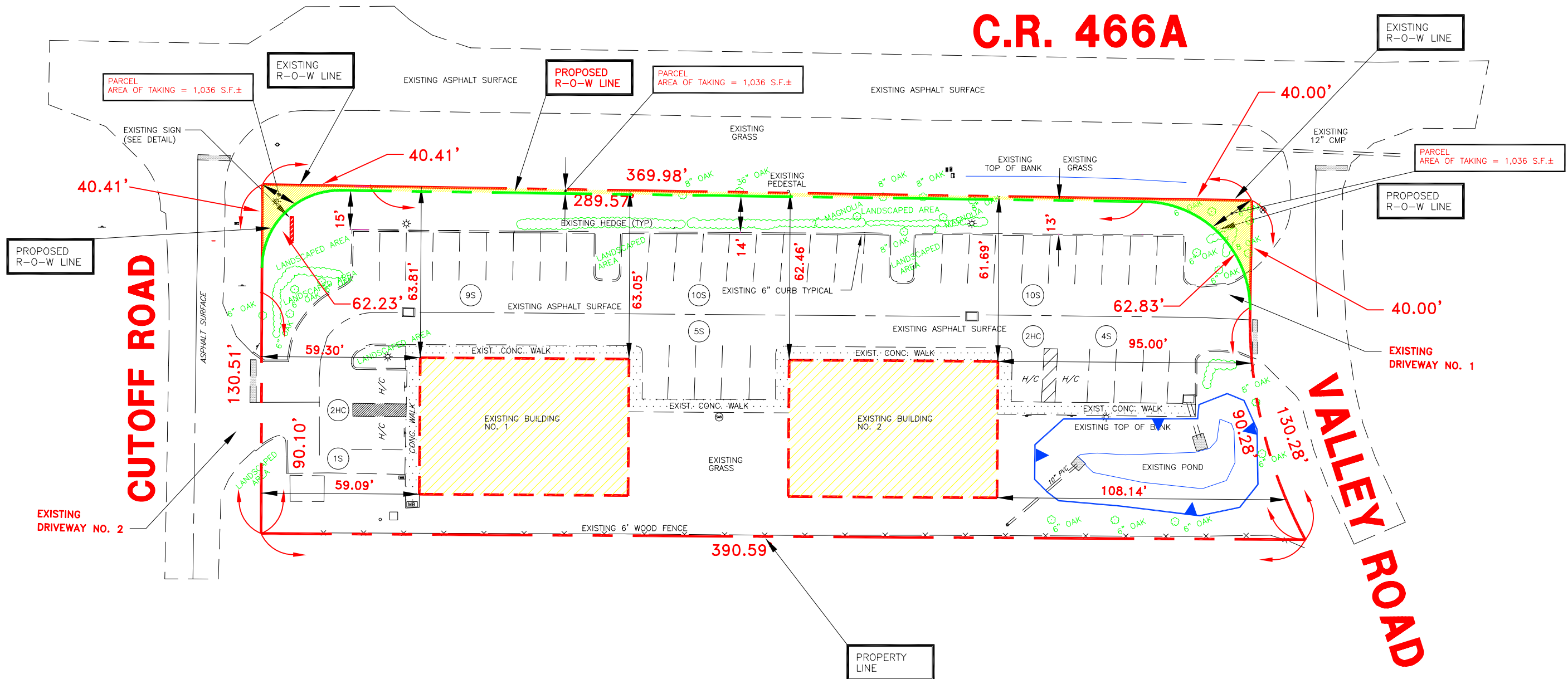
**DELORME**

Data use subject to license.  
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 www.delorme.com





# C.R. 466A



## EXHIBIT A

CLIENT: <b>FISHBACK DOMINICK</b> 1947 LEE ROAD WINTER PARK, FL. 32789 407-262-8400	PROJECT NAME:	SEC. . . TWP. . . RNG. . .	PROJECT NUMBER	NO.	DATE	BY	REVISIONS	 PROFESSIONAL ENGINEERING RESOURCES, INC. 10225 ULMERTON ROAD, SUITE 4D LARGO, FL. 33771 (727) 406-3807 CERTIFICATE OF AUTHORIZATION NUMBER: 4401	DRAWING TYPE	DESIGNED BY PVS	SHEET NUMBER
	<b>LILY MAE PROPERTY GROUP LLC PROPERTY (PARCELS 1015 &amp; 8015)</b> <b>EXISTING CONDITION PLAN SHOWING AREA OF TAKING</b>	17-2245							<input type="checkbox"/> PRELIMINARY <input type="checkbox"/> CONSTRUCTION <input type="checkbox"/> RECORD	DRAWN BY SAG CHECKED BY PVS DATE . . . . . APPROVED PAUL V. SHERMA, REG. NO. 35628	1



ORDINANCE 2004-021

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING APPROXIMATELY 2.0± ACRES OF PROPERTY GENERALLY LOCATED SOUTH OF 466-A (MILLER BOULEVARD) AND EAST AND WEST OF VALLEY ROAD (OWNED BY GREGORY A. SUMMERS, SANDY T. SUMMERS AND VERNON L. SUMMERS, JR.) FROM "PUD" (PLANNED UNIT DEVELOPMENT) TO "C-1" (NEIGHBORHOOD COMMERCIAL) WITHIN THE CITY LIMITS OF FRUITLAND PARK; CONDITIONING SUCH REZONING AND LIMITING THE USES OF SUCH PROPERTY PURSUANT TO THE TERMS OF A DEVELOPER'S AGREEMENT; PROVIDING FOR CONTINGENCIES AND CONDITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Gregory A. Summers, Sandy T. Summers, and Vernon L. Summers, Jr., as owners of the subject property, have petitioned that their property located within the city limits of the City of Fruitland Park and generally located south of 466-A (Miller Boulevard) and east and west of Valley Road currently zoned "PUD" be rezoned to "C-1"; and

WHEREAS, the owners proposed to enter into a Developer's Agreement with the City of Fruitland Park as a condition of such rezoning which, among other things, limits the uses of the property and provides buffering requirements; and

WHEREAS, the Planning and Zoning Commission has reviewed the application and determined the proposed rezoning as limited by the Developer's Agreement is consistent with the City of Fruitland Parks' Comprehensive Plan.

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

Section 1. The following described property consisting of 2.0± acres generally located south of 466-A (Miller Boulevard); and east and west of Valley Road and more particularly described as follows:

See Exhibit "A"

shall be rezoned from "PUD" (Planned Unit Development) to "C-1" (Neighborhood Commercial) conditioned upon the adoption by the City of a Small Scale Comprehensive Plan Amendment and confirmation of such Amendment by the Florida Department of Community Affairs. The parcels shall thereafter be subject to all requirements and restrictions of the "C-1" zoning classification but shall further be limited by and subject to the

conditions set forth in the Development Agreement between the City of Fruitland Park and the owners attached hereto and incorporated by reference herein.

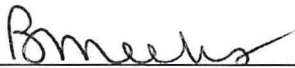
Section 2. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

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

PASSED AND ORDAINED this 28<sup>th</sup> day of October, 2004, by the City Commission of the City of Fruitland Park, Florida.

  
WILLIAM R. WHITE, MAYOR

ATTEST:

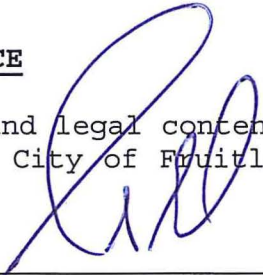
  
BEA MEEKS, CMC, CITY CLERK

Passed First Reading 10-14-04

Passed Second Reading 10-28-04

CITY ATTORNEY'S OFFICE

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

  
Scott A. Gerken, City Attorney

Date

10/28/04



**EXHIBIT "A"**

Alt. Key # 3559657

FRUITLAND PARK, VALLEY OF THE SPRINGS SUB TRACTS A & B--LESS THAT PART OF TRACT A DESCRIBED AS FOLLOWS: BEG AT NE COR OF LOT 6, BLK D, RUN E 42.42 FT, S 391.18 FT, W 200 FT TO SE COR OF LOT 4, BLK D, N 40DEG 10MIN 00SEC E 94.33 FT, N 22DEG 28MIN 07SEC E 183.02 FT, N 10DEG 05MIN 00SEC E 152.17 FT TO POB & LESS FROM NE COR OF SEC 8-19-24 RUN N 89DEG 40MIN 06SEC W 628.75 FT FOR POB, RUN S 55DEG 10MIN 00SEC W 151.93 FT, N 89DEG 52MIN 10SEC W 14.34 FT TO THE POINT OF CURVATURE OF A CURVE CONCAVE NE'LY HAVING A RADIUS OF 25 FT, THENCE NW'LY ALONG THE ARC OF SAID CURVE HAVING AN ARC DIST OF 39.55 FT, SAID ARC HAVING A CENTRAL ANGLE OF 90DEG 38MIN 24SEC, A CHORD BEARING OF N 44DEG 32MIN 58SEC W & A CHORD DIST OF 35.55 FT TO THE POINT OF TANGENCY, THENCE N 55DEG 07MIN 22SEC E 125.39 FT, S 79DEG 58MIN 11SEC E 61.96 FT TO POB & LESS FROM SE COR OF SEC 5-19-24 RUN N 89DEG 40SEC 06SEC W 424.31 FT FOR POB, CONT N 89DEG 40MIN 06SEC W 204.45 FT, N 79DEG 58MIN 11SEC W 61.96 FT, S 55DEG 07MIN 22SEC W 125.39 FT TO A POINT LYING ON E'LY R/W LINE OF VALLEY RD, RUN N 00DEG 46MIN 14SEC E 14.30 FT ALONG SAID E'LY R/W LINE TO POINT OF CURVATURE OF A CURVE CONCAVE TO THE SW, HAVING A RADIUS OF 175 FT, THENCE RUN NW'LY ALONG THE ARC OF SAID CURVE AN ARC DIST OF 156.28 FT, SAID ARC HAVING A CENTRAL ANGLE OF 51DEG 10MIN 02SEC, A CHORD DIST OF 151.14 FT, A CHORD BEARING OF N 24DEG 46MIN 08SEC W TO S'LY COR OF LOT 1 BLK D, N 08DEG 40MIN 00SEC W 276.37 FT, N 40DEG 10MIN 00SEC E 175.67 FT TO NE'LY COR OF LOT 3 BLK D, N 90DEG 00MIN 00SEC E 360 FT, S 00DEG 00MIN 00SEC E 499.14 FT TO POB-- PB 25 PG

5

ORB 2023 PGS 321 & 325, ORB 2307 PG 1163

Alt. Key # 3559614

FRUITLAND PARK, VALLEY OF THE SPRINGS LOT 9, BLK D PB 25 PG

5

ORB 2023 PG 0321, ORB 2023 PG 0325

Alt. Key # 3559517

FRUITLAND PARK, VALLEY OF THE SPRINGS SUB LOT 14, BLK C PB 25 PG 5

ORB 2023 PG 0321, ORB 2023 PG 0325

Alt. Key # 3559525

FRUITLAND PARK, VALLEY OF THE SPRINGS SUB LOT 15, BLK C PB 25 PG 5

ORB 2023 PG 0321, ORB 2023 PG 0325



Prepared by & Return to:  
Steven J. Richey, Esquire  
Steven J. Richey, P.A.  
Post Office Box 492460  
Leesburg, FL 34749-2460

**DEVELOPER'S AGREEMENT  
BETWEEN  
CITY OF FRUITLAND PARK,  
AND  
GREGORY A. SUMMERS, SANDY T. SUMMERS AND  
VERNON L. SUMMERS, JR.  
RELATING TO THE  
LIMITATION OF C-1 USES IN THE C-1 ZONING DISTRICT  
AND ADDITIONAL BUFFERING**

This is an Agreement by and between the City of Fruitland Park, a political subdivision of the State of Florida, hereinafter referred to as "City", through its City Council;

and

Gregory A. Summers, Sandy T. Summers and Vernon L. Summers, Jr., hereinafter referred to as "Developer".

**WITNESSETH:**

**WHEREAS**, DEVELOPER, is the owner of a certain parcel of land situated within the City limits of the City of Fruitland Park, more fully described in the attached Exhibit "A";

**WHEREAS**, the DEVELOPER has filed an application for rezoning the property from PUD to Commercial (C-1) of the subject property;

**WHEREAS**, the DEVELOPER is desirous of obtaining rezoning approval from the City so the hereinafter DEVELOPER may develop the subject property.

**NOW, THEREFORE, IN CONSIDERATION** of the promises and mutual covenants hereinafter contained, the parties do agree as follows:

1. Recitals Incorporated. The above recitals are true and correct and incorporated herein.

2. Development Conditions and Improvements. The Developer agrees as follows:

a. The Developer agrees to abide by and comply in all respects to the requirements of the City's land development rules, codes and ordinances, including, without limitation, those pertaining to the subject property and development thereof.

b. The Developer agrees to limit the C-1 uses to those listed herein:

1. Offices for professional services
2. Personal Services
3. Financial Services
4. Office Supply
5. Retail sales, accessory to Retail Services, not to exceed 7,500 square feet
6. Business Services
7. Office Complex

8. Medical Office/ Clinic

All other uses are strictly prohibited.

c. The Developer agrees to additional buffering on the subject property as follows:

1. On the Easterly, Southerly and Westerly boundaries, ten feet (10') of landscape buffering, to include two (2) canopy trees and eight (8) shrubs shall be planted and maintained.
2. On the Northerly boundary, fifteen feet (15') of landscape buffering, to include four (4) canopy trees, two (2) understory trees and fifteen (15) shrubs, shall be planted and maintained.

3. Recordation. This Agreement shall be recorded in the Public Records of Lake County, Florida.

4. Amendments. It is further agreed no modification, amendment or alteration in the terms or conditions contained herein shall be effective unless contained in a written document with the same formality and of equal dignity herewith.

5. Entire Agreement. This document incorporates and includes all prior negotiations, correspondence, conversations, agreements, or understandings applicable to the matters contained herein and the parties agree there are no commitments, agreements, or understandings concerning the subject matter of this Agreement which are not contained in this document. Accordingly, it is agreed no



deviation from the terms hereof shall be predicated upon any prior representations or agreements whether oral or written.

6. Notices. When either party desires to give notice unto the other, it must be given by written notice, sent by registered United States mail, with return receipt requested, addressed to the party for whom it is intended, at the place last specified, and the place for giving of notice in compliance with the provisions of this paragraph. For the present, the parties designate the following as the respective places for giving of notice to-wit:

**City of Fruitland Park**

City Manager

City of Fruitland Park  
506 West Berckman Street  
Fruitland Park, FL 34731

**Developer**

Gregory A. Summers, Sandy T. Summers and Vernon L. Summers, Jr.  
c/o Steven J. Richey, Esquire  
Steven J. Richey, P.A.  
Post Office Box 492460  
Leesburg, FL 34749-2460

**IN WITNESS WHEREOF**, the parties hereto have made and executed this Agreement on the respective dates under each signature.

ATTEST:

**CITY OF FRUITLAND PARK**

\_\_\_\_\_  
BEA L. MEEKS, City Clerk

\_\_\_\_\_  
WILLIAM R. WHITE, Mayor

Approved as to form and legality by City Attorney:

This \_\_\_\_\_ day of August, 2004.

WITNESSES:

**DEVELOPER**

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

\_\_\_\_\_  
GREGORY A. SUMMERS

This \_\_\_\_\_ day of August, 2004.

Print Name:

Print Name:

SANDY T. SUMMERS

This \_\_\_\_ day of August, 2004.

Print Name:

Print Name:

VERNON L. SUMMERS, JR.

This \_\_\_\_ day of August, 2004.

Print Name:

developer's agreement SUMMERS