



**506 WEST BERCKMAN STREET
FRUITLAND PARK, FL 34731**

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

Board Members: Al Goldberg, Chairman Daniel Dicus, Vice Chair Carlisle Burch Roger Sines Walter Birriel	Others: Michael Rankin, LPG Sharon Williams, Administrative Manager Emily Church, Office Assistant
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AGENDA
PLANNING & ZONING BOARD
June 15, 2023
6:00 PM

- I. INVOCATION AND PLEDGE OF ALLEGIANCE:**
- II. ROLL CALL:**
- III. MEETING NOTES FROM PREVIOUS MEETING:** Meeting notes from April 20, 2023 included for review/comment.
- IV. OLD BUSINESS:** NONE

NEW BUSINESS:

A. Ralph Thiele – Conditional Use Permit Application (Alternate Key: 2562684 & 1699673)

A conditional use permit approval is requested to develop a 24,000 square foot garage on the subject site. The revised conceptual site plan has addressed planning comments and meets the minimum technical standards of Chapter 155, Section 155.010(b)(1). Staff recommends the following conditions:

- 1) Storage shall be limited to personally owned vehicles.
- 2) 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. 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) square feet of planting area in (a) above. Trees installed for any other requirement of this Section may be credited towards this requirement if in the required location.

B. Miller at Cutoff – Planned Development & Rezoning (Alternate Key: 3933635)

An application for rezoning and planned development was submitted by Alex Stringfellow on behalf of the proposed development. The applicant is proposing to rezone 6.54 ± acres to a Planned Unit Development (from R-3) to accommodate 19 homes and 19 accessory dwellings, for a total of 38 dwelling units on 60' x 112' lots. The proposed density is 5.75 units/acre which is consistent with the Mixed Community land use. It is the applicant's intent to rent the single-family homes with long term leases, typically one year and to utilize the ADUs as conventional rentals (not short term or vacation rentals). Three home types are proposed: (1) 2,148 sf home with a 470 sf 2-car garage and a 705 sf ADU over the garage, (2) a 2,152 sf home with a 442 sf 2-car garage and a 939 sf ADU with a 281 sf 1-car garage and (3) a 1,500 sf home with a 470 sf 2-car garage and no ADU.

The surrounding zoning is R-7, R-3, R-1, and PUD. Surrounding land uses include Urban Medium, Multiple Family High Density, Single-Family Low Density, and Single-Family Medium Density.

Three (3) waivers are being sought to the following LDR regulations:

- (1) LDC Section 156.010(e), a waiver to exceed the maximum ADU size of 939 sf, as it is 44% whereas an accessory dwelling unit must not exceed 40% of the size of the principal dwelling unit.
- (2) LDR Section 154.030(11) to allow for a PUD that is less than 10 acres.
- (3) LDR Section 157.080(a)(1)(f) to allow for a cul-de-sac street longer than 600 feet.

C. Park Square Fruitland Park – Annexation, Rezoning & Small Scale Comp Plan Amendment (SSCPA) - Alternate Keys: 1289691

Application for Annexation, Rezoning and SSCPA submitted by applicant, Vishaal Gupta, on behalf of the owner Kimaya, LLC. The subject site is approximately 19.10 ± acres, located adjacent to the city limits along the northern and western property boundaries, and is within the city's utility service area. The property is eligible for voluntary annexation and would be considered infill development.

The property is currently zoned Agriculture in Lake County. The applicant is proposing a zoning designation to R-10, multi-family high density, along with a small-scale comprehensive plan amendment conducive to the proposed zoning. The proposed zoning is compatible with the adjacent lands. The property to the North is zoned R-15 and to the west the property is zoned MUPUD (6 units/acre). The property to the South is City of Leesburg (appears to be City of Leesburg right of way), and to the east the property is zoned C-3.

This project was initially heard before the P&Z Board on December 2022; however, the applicant has requested changes which significantly impacts the originally submitted concept plan. The number of units to be developed is capped at 170. Applicant would also like the flexibility to relocate the dog park, construct a mixture of duplexes, townhomes, and single-family detached units, etc.; remove specific architectural details with the understanding that the development shall meet or exceed all applicable performance and design standards under the City's Land Development Code.

BOARD MEMBERS' COMMENTS:

PUBLIC COMMENTS:

This section is reserved for members of the public to bring up matters of concern or opportunities for praise. Note: Pursuant to F.S. 286.0114 and the City of Fruitland Park's Public Participation Policy adopted by Resolution 2013-023, members of the public shall be given a reasonable opportunity to be heard on propositions before the Planning and Zoning Board. Pursuant to Resolution 2013-023, public comments are limited to three minutes.

ADJOURNMENT:



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Board Members: Al Goldberg, Chairman Daniel Dicus, Vice Chair Carlisle Burch Roger Sines Walter Birriel	Others: Michael Rankin, LPG Sharon Williams, Administrative Manager Emily Church, Office Assistant
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MINUTES
PLANNING & ZONING BOARD
APRIL 20, 2023
6:00 PM

- I. **INVOCATION AND PLEDGE OF ALLEGIANCE:** Led by staff member Sharon Williams.
- II. **ROLL CALL:** All presence except Board Member Water Birriel with an excused absence.
- III. **MEETING NOTES FROM PREVIOUS MEETING:** Meeting notes from January 19, 2023 included for review/comment. Board Member Burch made the motion to approve the last meeting's minutes and was seconded by Vice Chair Dicus. Passed Unanimously.
- IV. **OLD BUSINESS:** NONE

NEW BUSINESS:

A. Veterinary Emergency Clinic – Major Site Plan (Alternate Key: 3924369)

The owner is seeking site plan approval for construction of Veterinary Emergency Clinic of 9,850 SF within the Village Park Commercial Subdivision. The proposed veterinary emergency clinic is a permitted use pursuant to Ordinance 2021-002. Development of the subject site must conform with PUD Ordinance 2018-002. Surrounding zoning is PUD and C-2. Ordinance 2018-002 requires a 50' setback and 25' Type "C" landscape buffer.

Michael Rankin of LPG introduced the agenda item. William R. Hockensmith of Florida Engineering Group at 5127 South Orange Avenue, Suite 200, Orlando, FL 32809 was present on behalf of the application and stated this is an emergency-only veterinary clinic with hours of operation from 6:00 pm to 7:30 am and weekends. The clinic will not take appointments for check-ups and do not handle routine veterinary services.

Staff recommends approval of Resolution 2023-028.

The motion to approve was made by Vice Chair Dicus and was seconded by Board Member Burch. Passed unanimously.

B. Rolling Acres/Lake Ella Rd, Resibuilt - Preliminary Plan (Alternate Keys: 1284082 & 1284015)

The applicant is seeking preliminary plan approval of the proposed subdivision consisting of 603 dwelling units of single family and attached single family [413 single family units and 190 townhomes] at a density of 3.78 units/acre. Surrounding zoning is PUD and Lake County Agriculture, R-1 and R-3. Proposed single family minimum lot widths are 50' and 60' with corner lots to be 15' wider than the minimum lot widths.

The city will require a copy of the ingress/egress agreement with Lake County. Also, trees are depicted in the right-of-way on the landscape plans which may be in conflict with water/sewer and reclaim water connection locations, as well as communications lines. Both conditions are addressed in Resolution 2023-027.

Michael Rankin of LPG introduced the agenda item. Chad Moorehead of Madden, Moorehead, and Stokes was present on behalf of the development. Vice Chair Dicus expressed concern over traffic. A Traffic Mobility Consultant was in attendance and stated that the improvements were being planned with Lake County. Per the applicant's consultant, there are traffic improvements planned with Lake County that involve Lake Ella Road/Rolling Acres Road; and structural improvements along with signalization modifications discussions that are ongoing with Lake County.

Staff recommends approval with the condition that an executed/signed PUD/Master Development Agreement be submitted to the city and that every possible expedited plan for traffic improvements and flow in that area be addressed.

The motion to approve was made by Board Member Burch and Seconded by Board Member Sines. Passed unanimously.

Per Heath Rivers, the city should have the signed PUD/MDA within the next couple of weeks.

BOARD MEMBERS' COMMENTS:

PUBLIC COMMENTS:

This section is reserved for members of the public to bring up matters of concern or opportunities for praise. Note: Pursuant to F.S. 286.0114 and the City of Fruitland Park's Public Participation Policy adopted by Resolution 2013-023, members of the public shall be given a reasonable opportunity to be heard on propositions before the Planning and Zoning Board. Pursuant to Resolution 2013-023, public comments are limited to three minutes.

ADJOURNMENT:

ORDINANCE 2023-007

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, COUNTY OF LAKE, STATE OF FLORIDA, APPROVING A CONDITIONAL USE PERMIT TO ALLOW A 24,000 SQUARE FOOT PRIVATE GARAGE LOCATED IN THE C-2 ZONING DISTRICT FOR THE HEREAFTER DESCRIBED LANDS WITHIN THE CITY OF FRUITLAND PARK, FLORIDA; OWNED BY THE RALPH W. THIELE 2021 REVOCABLE TRUST DATED 12/16/21, AND LOCATED AT 35421 MICRO RACETRACK ROAD, FRUITLAND PARK, LAKE COUNTY, FLORIDA; PROVIDING FOR SEVERABILITY AND SCRIVENER'S ERRORS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an application has been received from Christopher Thompson and/or Julie Farr as applicants on behalf of the Ralph W. Thiele 2021 Revocable Trust dated 12/16/21, Owner, requesting a Conditional Use Permit pursuant to Chapter 155 of the City Land Development Regulations to allow the property located at 35421 Micro Racetrack Road, Fruitland Park, Florida (the "Property"), to be used for a private garage within the C-2 zoning district; and

WHEREAS, public notice has been provided as required by the Land Development Regulations of the City of Fruitland Park; and

WHEREAS, the Planning and Zoning Commission of the City of Fruitland Park has considered the conditional use permit request in accordance with review criteria set forth in Section 155.010 d) 2), Land Development Code and has made a recommendation to the City Commission.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Fruitland Park, Florida, as follows:

Section 1: Purpose and Intent.

That the Owner of Property in the zoning district of General Commercial (C-2), being situated in the City of Fruitland Park, Florida, shall hereafter be granted a Conditional Use Permit to allow a private garage consisting of 24,000 square feet +/- on the Property.

LEGAL DESCRIPTION: See Exhibit "A".

Alternate Key # 2562684 & 1699673

Section 2: Zoning Classification.

That the Owner of the Property shall be granted a Conditional Use Permit to allow a maximum of a 24,000 square foot private garage on the Property located in the C-2 zoning district in accordance with Chapter 155, Section 155.010 of the Land Development Regulations of the City of Fruitland Park, Florida.

- a) There shall be no outside storage.
- b) The garage is to be used solely for the purpose of storage of the Property owner's

personally owned vehicles.

- c) *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 is required.
- d) *Minimum planning requirement.* Once (1) canopy tree or three (3) understory trees, and twenty-eight (28) shrubs shall be required for every three hundred and fifty (350) square feet of planting area is required in the Building Perimeter Landscaping.
- e) The site shall be developed in substantial conformity to the conceptual plan.
- f) The Owner shall comply with all applicable provisions of the Code of Ordinances of the City of Fruitland Park, including obtaining an approved site plan.
- g) The Owner must connect the Property to City sewer within one-hundred-eighty (180) days after the date of official notice from the City that sewer becoming available.

Section 3: Severability.

If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 4: 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 5: Effective Date.

This Ordinance shall become effective upon passage.

PASSED AND ORDAINED in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this _____ day of _____, 2023.

Chris Cheshire, Mayor
City of Fruitland Park, Florida

ATTEST:

Approved as to Form:

Esther Coulson, CMC, City Clerk

Anita Geraci-Carver, City Attorney

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

Passed First Reading _____
Passed Second Reading _____
(SEAL)

EXHIBIT "A"

Commented [AG1]: Is this legal description from the boundary survey because it is different from the legal descriptions on the site plan.

From the Northeast corner of Section 33, Township 18 South, Range 24 East, Lake County, Florida, run thence South 89°47'00" West a distance of 210.00 feet along the North line of the Northeast 1/4 of said Section 33; thence South 00°13'30" East a distance of 360.00 feet along the West line of Sunset Village, a subdivision recorded in Plat Book 28, Page 59, Public Records of Lake County, Florida, to the Point of Beginning of this description; thence continue South 00°13'30" East along said West line of Sunset village a distance of 396.00 feet to the Northerly line of Lot 23 of said subdivision; thence South 89°48'20" West a distance of 606.26 feet along the Northerly line of Lots 23, 22 and 21 of said Sunset Village and their Westerly extension to the Easterly line of the right-of-way of U.S. Highway No. 441-27; thence Northerly along the Easterly line of the right-of-way of U.S. Highway 441-27 to a point that is 360.00 feet South of the North line of the Northeast 1/4 of said Section 33; thence North 89°47'00" East parallel with the North line of the Northeast 1/4 of said Section 33, a distance of 592.28 feet to the Point of Beginning.

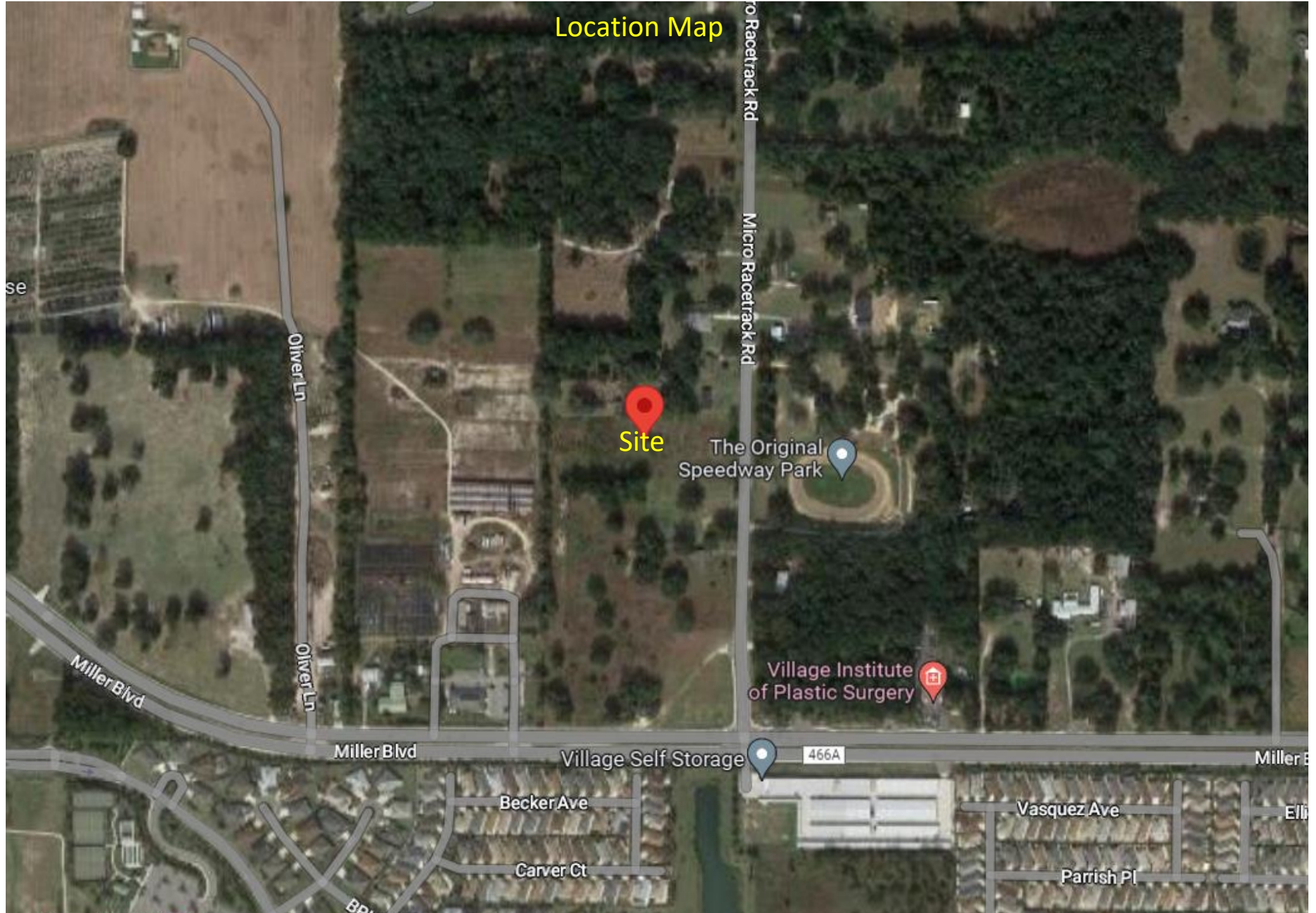
TOGETHER WITH A NONEXCLUSIVE EASEMENT FOR INGRESS AND EGRESS AND ALL OTHER LAWFUL PURPOSES OVER, UPON AND ACROSS THE FOLLOWING DESCRIBED PROPERTY:

A part of the Northeast 1/4 of the Northeast 1/4 of Section 33, Township 18 South, Range 24 East, Lake County, Florida, described as follows;

From the intersection of the Easterly right-of-way of U.S. Highway No. 441-27 and the North line of Section 33, Township 18 South, Range 24 East, Lake County, Florida, run thence Southerly along the Easterly right-of-way of Highway 441-27 a distance of 233.00 feet to the Point of Beginning; thence East parallel with the North line of said Northeast 1/4 a distance of 100.91 feet; thence turn to the left an angle of 90° and run North 25.00 feet; thence West parallel with the North line of said Northeast 1/4 a distance of 100.00 feet to the Easterly right-of-way of U.S. Highway 441-27; thence Southerly along said right-of-way 25.02 feet to the Point of Beginning, said easement having been granted in instrument recorded in Official Record Book 869, Page 901, Public Records of Lake County, Florida. TOGETHER WITH A NONEXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER, UPON AND ACROSS THE EAST 30.00 FEET OF THE FOLLOWING DESCRIBED PROPERTY AND THE NORTH 25.00 FEET OF THE WEST 81.00 FEET OF THE FOLLOWING DESCRIBED PROPERTY AND AN EASEMENT FOR INGRESS, EGRESS AND PLACEMENT OF A WATER LINE OVER, UPON AND ACROSS THE EAST 50.00 FEET OF THE WEST 131.00 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

Commencing at the Northeast corner of Section 33, Township 18 South, Range 24 East, Lake County, Florida, thence South 89°47'00" West along the North boundary of the Northeast 1/4 of the Northeast 1/4 of said Section 508.98 feet; thence departing from said North boundary South 01°52'12" West 233.01 feet to the Point of Beginning; thence South 89°47'00" West 280.02 feet to an intersection with the East right-of-way line of U.S. Highways 27 and 441 (163.00 feet wide); thence South 01°52'12" West along said right-of-way line 127.23 feet; thence departing from said right-of-way line North 89°47'00" East 280.02 feet; thence North 01°52'12" East, parallel to said East right-of-way line, 127.23 feet to the Point of Beginning. LESS ROAD RIGHT-OF-WAY. Said property being described in instrument recorded in Official Record Book 903, Page 183, Public Records of Lake County, Florida, and described again in corrective instrument recorded in Official Record Book 912, Page 1, Public Records of Lake County, Florida.

Location Map



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

CONDITIONAL USE PERMIT

Owner: Ralph W Thiele

Applicant: Christopher Thompson and/or Julie Farr

General Location: 35421 Micro Racetrack Road

Number of Acres: 2.93 ± acres

Existing Zoning: C-2

Existing Land Use: COMM (Commercial)

Date: May 26, 2023

Description of Project

A conditional use permit is being requested to develop the subject site for a 24,000 square foot private garage.

	Surrounding Zoning	Surrounding Land Use
North	C-2	Commercial
South	CPUD & C-2	Commercial
East	Ag	Rural
West	Ag	Rural

Assessment

A conditional use permit approval is requested to develop a 24,000 square foot garage on the subject site. The maximum intensity standard for C-2 zoning is limited to 70% impervious surface ratio (which includes building coverage), a maximum floor area ratio of .50, and a maximum building height of thirty-five (35) feet.

The minimum lot size is 20,000 square feet for C-2 zoning, with minimum setbacks of 50' for the front yard, 10' for side yards, and 15' for the rear yard (Section 154.030(9)(G)(i)). The site plan offers a 50' front building setback, 10' side building setbacks, and 15' rear yard setback. These meet the minimum requirements in Section 154.030(9)(G)(i).

The revised conceptual site plan has addressed planning comments and meets the minimum technical standards of Chapter 155, Section 155.010(b)(1).

Review Criteria

Per Chapter 155, Section 155.010(d)(1), in granting any conditional use, the Planning and Zoning Board may recommend and the City Commission may prescribe appropriate conditions and safeguards to ensure compliance with the requirements of this Chapter and the Code in general. Such conditions may include time limits for the initiation of the conditional use, specific minimum or maximum limits to regular Code requirements, or any other conditions reasonably related to the requirements and criteria of this Chapter.

When reviewing an application for a conditional use, the City Commission shall consider the following requirements and criteria:

The proposed use must comply with the adopted Comprehensive Plan and Future Land Use map.

The applicant states that the property is zoned C-2 – General Commercial, with a Commercial - High Intensity future land use designation. Although it will remain a private facility for the duration of the CUP, the proposed development characteristics (building size, impervious surface areas, fire protection facilities, etc) reflect a more intense, commercial development consistent with the zoning and future land use designations, enabling the facility to be easily converted when the CUP ends. The proposed development will also extend the public potable water main from the northeast corner of Micro Racetrack Road/Miller Boulevard approximately 800 linear feet to the north to bring domestic water and fire protection facilities to the site, assisting the City with the extension of its public infrastructure.

The proposed use must comply with FLU Policy 1-4.1: Variety of Commercial Lands. The location and distribution of commercial land use categories delineated on the Future Land Use Map shall be determined according to the following criteria:

- 1) Access and vicinity to U.S. 27/441; ease of access and egress to and from major thoroughfares to commercial sites; ability to achieve a functional internal circulation and off-street parking system.*
- 2) Access to County Roads 466A and 25A; ease of access to collector thoroughfares to commercial sites; ability to achieve a functional internal circulation and off-street parking system.*
- 3) The promotion of sustainable development within mixed-use sites by establishing a pattern of development which reduces the need to travel by car, encourages opportunities for cycling and walking.*
- 4) Ability to comply with adopted performance standards for preventing or minimizing nuisance impacts, such as emission of air pollutants, noise, odor and generation of hazardous waste or products.*
- 5) Ability to provide sufficient buffers and screening for purposes of mitigating impacts to adjacent residential or public facility land uses.*
- 6) Impact to the conservation and preservation of natural resources.*

7) Demand on existing and planned public services, utilities, water resources and energy resources.

Pursuant to FLU Policy 1.4.1, Commercial Designations, commercial land use designations are intended to accommodate all commercial businesses.

Traffic generation and access for the proposed use shall not adversely impact adjoining properties and the general public safety.

The applicant states that the private facility will not generate more traffic than a single-family residence, so it will not adversely impact adjoining properties or public safety.

Staff conducted a trip generation analysis based on the use of storage (ITE Code 150) which would produce 42 daily trips and 5 PM Peak hour trips. The proposed use would be considered a de minimis traffic impact.

Off-street parking, loading and service areas shall be provided and located such that there is no adverse impact on adjoining properties, beyond that generally experienced in the district

The applicant states that a 20' fire access lane has been proposed around the development, and the site has sufficient off-street parking and loading areas to insure there is no adverse impact on the adjoining properties or public right-of-way beyond that generally experienced in the district.

The project as currently designed provides the appropriate off-street parking and loading areas required by the Land Development Regulations (LDRs).

Required yards, screening or buffering, and landscaping shall be consistent with the district in general and the specific needs of abutting land uses.

The applicant states that required setback yards and landscaping are consistent with district standards. Daily traffic will mimic a private residence and all automobile storage will be indoors, mitigating the need for screening or buffering from neighboring properties.

Size, location and number of conditional use permits in the area shall be limited so as to maintain the overall character of the district as intended by the Land Development Code.

The applicant states that the facilities proposed within this CUP fit in well with the intended overall character of the C-2 zoning and Commercial future land use designation, as the facility (pre-fabricated metal building with open interior floor plan) will mimic those of several permitted uses in the C-2 zoning classification, more specifically:

- vii. Boat Sales and Service
- ix. Commercial/Industrial Equipment and Supplies
- xii. Equipment Rental

- xix. Maintenance Contractors
- xxi. Motor Vehicle Service Centers
- xxxii. Wholesalers and Distributors
- xxxvi. Motor Vehicle Repair Facility
- xxxviii. Commercial Parking

There are no CUP uses in the general area that staff is aware of. The closest storage type facility is located approximately 930' south of the subject site along CR 466A known as Village Self-Storage.

Will be compatible with existing and planned uses

The applicant will be required to meet the non-residential design standards of the land development regulations. The proposed structure includes an office and restroom facility. The city's long-term plans for the general area are for mixed use development (residential, commercial, recreational, institutional), multi-modal transportation features which include cross access, pedestrian and bicycle paths. Although private storage facilities are not envisioned for the area, design of the structure to meet the non-residential design standards and provide for office/restroom facility will allow for the proposed structure to be converted to commercial uses in the future.

Will not be injurious to the neighborhood or detrimental to the public welfare

The proposed use generates less traffic than any potential commercial use, provides for landscaping and buffers, provides for future cross access, and provides for pedestrian traffic, therefore no detrimental impact to the public welfare or neighborhood is anticipated.

Recommendation

Should the Commission approve the CUP, staff recommends the following conditions:

- 1) Storage shall be limited to personally owned vehicles.
- 2) *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. *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) square feet of planting area in (a) above. Trees installed for any other requirement of this Section may be credited towards this requirement if in the required location.

MILLER AT CUTOFF PUD

1 ft. Contours (Source: Lake County)



May 26, 2022

Street Names

Local Streets

Subdivision Lot Numbers

Building Footprints

Address Locations

Boundary Line Dimensions

Property Name

Tax Parcels Alternate Key

Tax Parcels

County Boundary

Surrounding Counties

1:2,500

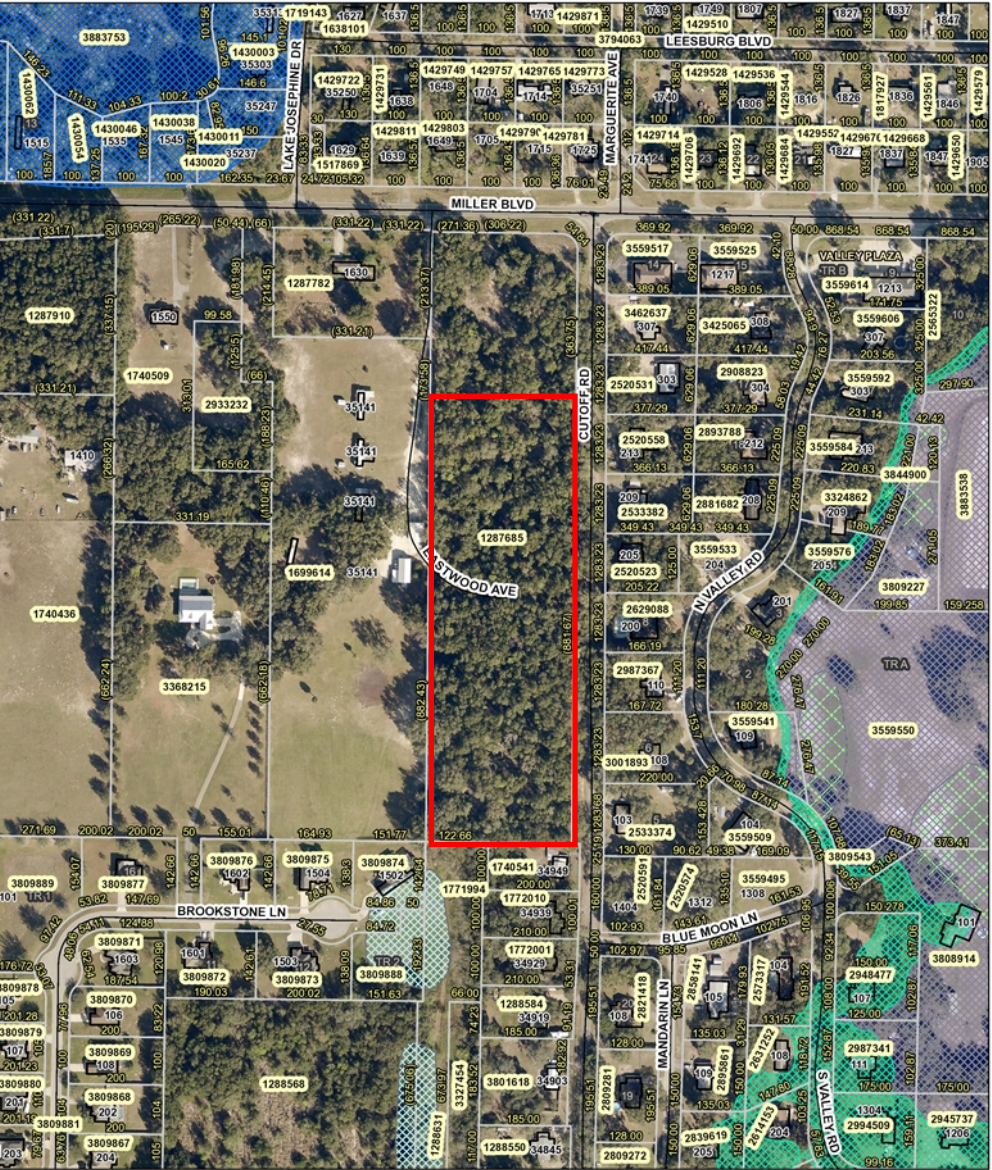
0 0.0275 0.055 0.11 mi

0 0.045 0.09 0.18 km

Lake County Property Appraiser
Lake BCC

Lake County Board of County Commissioners

Wetlands & Floodplains (Source: Lake County)



May 26, 2022

Street Names

Local Streets

Subdivision Lot Numbers

Building Footprints

Address Locations

Boundary Line Dimensions

Property Name

Tax Parcels Alternate Key

Tax Parcels

County Boundary

Surrounding Counties

1:2,500

0 0.0275 0.055 0.11 mi

0 0.045 0.09 0.18 km

Lake County Property Appraiser
Lake BCC

Lake County Board of County Commissioners

Flood Zones 2012

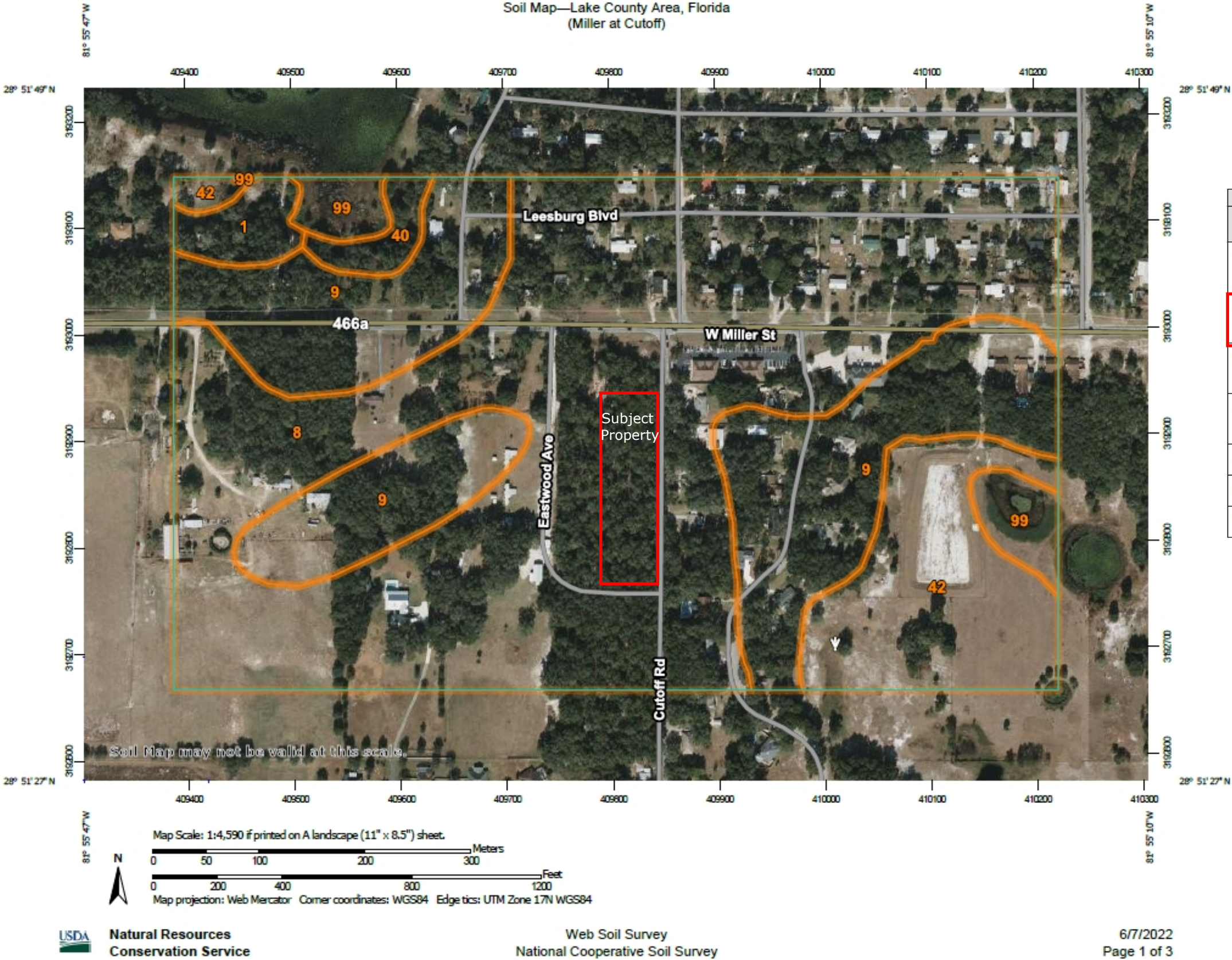
0.2 PCT ANNUAL CHANCE FLOOD HAZARD

A



STRINGFELLOW
PLANNING & DESIGN

MILLER AT CUTOFF PUD



Map Unit Legend

Map Unit Symbol	Map Unit Name
1	Sparr sand, 0 to 5 percent slopes
8	Candler sand, 0 to 5 percent slopes
9	Candler sand, 5 to 12 percent slopes
40	Placid and Myakka sands, depressional
42	Pompano sand
99	Water
Totals for Area of Interest	

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

REZONING

Owner: Lake Sumter Commercial, LLC

Applicant: Alex Stringfellow

General Location: Southwest corner of Miller Blvd & Cutoff Rd

Number of Acres: 6.54 ± acres

Existing Zoning: R-3

Existing Land Use: Commercial High Intensity (Comm) & Mixed Community (MC) (6 units/acre)

Proposed Zoning: Planned Unit Development (PUD)

Date: January 31, 2023

Description of Project

The applicant is proposing to rezone 6.54 +/- acres to a Planned Unit Development (PUD) to accommodate 19 homes and 19 accessory dwellings, for a total of 38 dwelling units on 60' X 112' lots. The proposed density is 5.75 units/acre which is consistent with the MC land use. The lots will be platted. It is the applicant's intent to rent the single family homes with long term leases, typically one year.

The proposed development consists of three home types on 60' X 112' (6,720 SF) lots:

- (1) a 2,148 sq ft home with a 470 sq ft garage and accessory dwelling unit of 705 sq ft over the garage (2 car garage, with the ADU parking in driveway)
- (2) a 2,152 sq ft home with a 442 sq ft garage and accessory dwelling unit of 939 sq ft (3 car garage, with ADU parking in the garage or the driveway)
- (3) a 1,500 sq ft home with no accessory dwelling unit and a 470 sq ft 2 car garage.

The proposed development consists of 2.53 acres of open space and stormwater, as well as .23 acres of recreation. These areas respectively encompass 39% and 3.5% of the total site. The surrounding zoning is R-7, R-3, R-1, and PUD. Surrounding land uses include Urban Medium, Multiple Family High Density, Single-Family Low Density, and Single-Family Medium Density.

	Surrounding Zoning	Surrounding Land Use
North	R-7	Urban Medium (7 du/acre)
South	R-3 and R-1	Multiple Family High Density (15 du/acre) & Single-Family Low Density (2 du/acre)
East	PUD	Single Family Medium Density (4 du/acre)
West	R-3 and R-1	Multiple Family High Density (15 du/acre)

Assessment

Rezoning

The minimum parcel size should be ten (10) acres, but parcels less than the minimum required area may be approved, if the City Commission determines that the intent and purpose of the PUD district in conjunction with the expressed municipal development policy would be served in such a case (LDR Chapter 154.030(11)). A waiver to allow for a PUD that is less than 10 acres has been included.

A waiver is being requested for the proposed accessory dwelling unit of 939 SF, as it is 44% of the size of the principal unit, and will require a waiver of LDR Section 156.010(e) in which an accessory dwelling unit must not exceed 40% of the size of the principal dwelling unit.

A waiver to Section 157.080(a)(1)(f) is requested and added to the PUD plan. This section requires a cul-de-sac street be less than 600-feet in length.

The three waivers being sought are to the following LDR regulations:

- (1) LDC Section 156.010(e), a waiver to exceed the maximum ADU size.
- (2) LDR Section 154.030(11) to allow for a PUD that is less than 10 acres.
- (3) LDR Section 157.080(a)(1)(f) to allow for a cul-de-sac street longer than 600 feet.

Conceptual Plan

The Concept plan meets the minimum technical requirements.

Recommendation

It is the applicant's intent to utilize the ADUs as conventional rentals (not short term or vacation rentals). Planning staff defers to City legal counsel if a waiver is needed to the definition section of the LDRs.

Staff has no objections to the waivers sought.

The Mixed Community land use requires a mix of uses; however, the City's policy has been those projects less than 10 acres may provide for a single land use. A mix of land uses will be achieved by the existing C-2 zoned property located along CR 466A which is also owned by the property owner.

The proposed development provides for a single-family community with accessory dwelling units, a housing option that currently does not exist within the city. The proposed PUD is compatible with the general area and would provide a transition of density from the multi-family zoning (R-3) and residential zoning (R-1) located adjacent to the western and southern property boundaries.

Staff recommends approval of the rezoning with the following recommendation to address parking concerns:

A minimum of 50% of the lots shall be developed with the Home Type 2 unit which provides the principal structure with a 2 car garage and an accessory dwelling unit with a 1 car garage.

ORDINANCE 2023-xx

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, REZONING APPROXIMATELY 6.54 ± ACRES OF PROPERTY LOCATED ON CR 466A, FRUITLAND PARK, FLORIDA FROM CITY OF FRUITLAND PARK R-3 ZONING TO THE CITY OF FRUITLAND PARK DESIGNATION OF PUD, PLANNED UNIT DEVELOPMENT WITHIN THE CITY LIMITS OF FRUITLAND PARK; APPROVING A MASTER DEVELOPMENT AGREEMENT FOR THE PROPERTY; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a petition has been submitted by Alex Stringfellow as applicant, on behalf of the owner, Lake Sumter Commercial, L.L.C. requesting that approximately 6.54 +/- acres of real property located on CR 466A (the "Property") be rezoned from City of Fruitland Park R-3 to City of Fruitland Park PUD; and

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

WHEREAS, the proposed zoning is consistent with the future land use designation; and

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

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

WHEREAS, the City Commission reviewed said petition, the recommendations of the Planning and Zoning Board, staff report and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised;

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Fruitland Park, Florida, as follows:

Section 1. The following described property consisting of approximately 6.54 ± acres of land located on CR 466A, Fruitland Park shall hereafter be designated as PUD, Planned Unit Development, as defined in the Fruitland Park Land Development Regulations. The property is more particularly described as:

LEGAL DESCRIPTION: See Exhibit A.

Parcel Alternate Key No. 3933635

and depicted in **Exhibit B.**

Section 2. That the City Manager, or designee, is hereby directed to amend, alter, and implement the official zoning maps of the City of Fruitland Park, Florida to include said designation consistent with this Ordinance.

Section 3. That the zoning classification is consistent with the Comprehensive Plan of the City of Fruitland Park, Florida.

Section 4. 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. 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. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 7. This Ordinance shall become effective in accordance with law.

PASSED AND ORDAINED in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this _____ day of _____, 2023.

Chris Cheshire, Mayor
City of Fruitland Park, Florida

ATTEST:

Approved as to Form:

Esther Coulson, CMC, City Clerk
(SEAL)

Anita Geraci-Carver, City Attorney

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

Passed First Reading _____

Passed Second Reading _____

EXHIBIT A
Legal Description

A PARCEL OF LAND BEING A PORTION OF THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LYING IN LAKE COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 5; THENCE RUN NORTH 89° 13' 16" WEST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 5 FOR A DISTANCE OF 1,349.68 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89° 13' 16" WEST ALONG SAID SOUTH LINE FOR A DISTANCE OF 306.16 FEET; THENCE DEPARTING SAID SOUTH LINE RUN NORTH 00° 33' 35" EAST ALONG THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 5 FOR A DISTANCE OF 928.14 FEET; THENCE DEPARTING SAID WEST LINE RUN NORTH 89° 50' 43" EAST FOR A DISTANCE OF 306.22 FEET TO A POINT ON THE WEST LINE OF THE EAST 25.00 FEET OF THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 5, ALSO BEING A POINT ON THE WESTERLY RIGHT OF WAY LINE OF CUTOFF ROAD, ACCORDING TO OFFICIAL RECORDS BOOK 691, PAGE 2361 AND OFFICIAL RECORDS BOOK 700, PAGE 1373 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE RUN SOUTH 00° 33' 43" WEST ALONG SAID WEST LINE AND SAID WESTERLY RIGHT OF WAY LINE FOR A DISTANCE OF 933.13 FEET TO THE POINT OF BEGINNING;

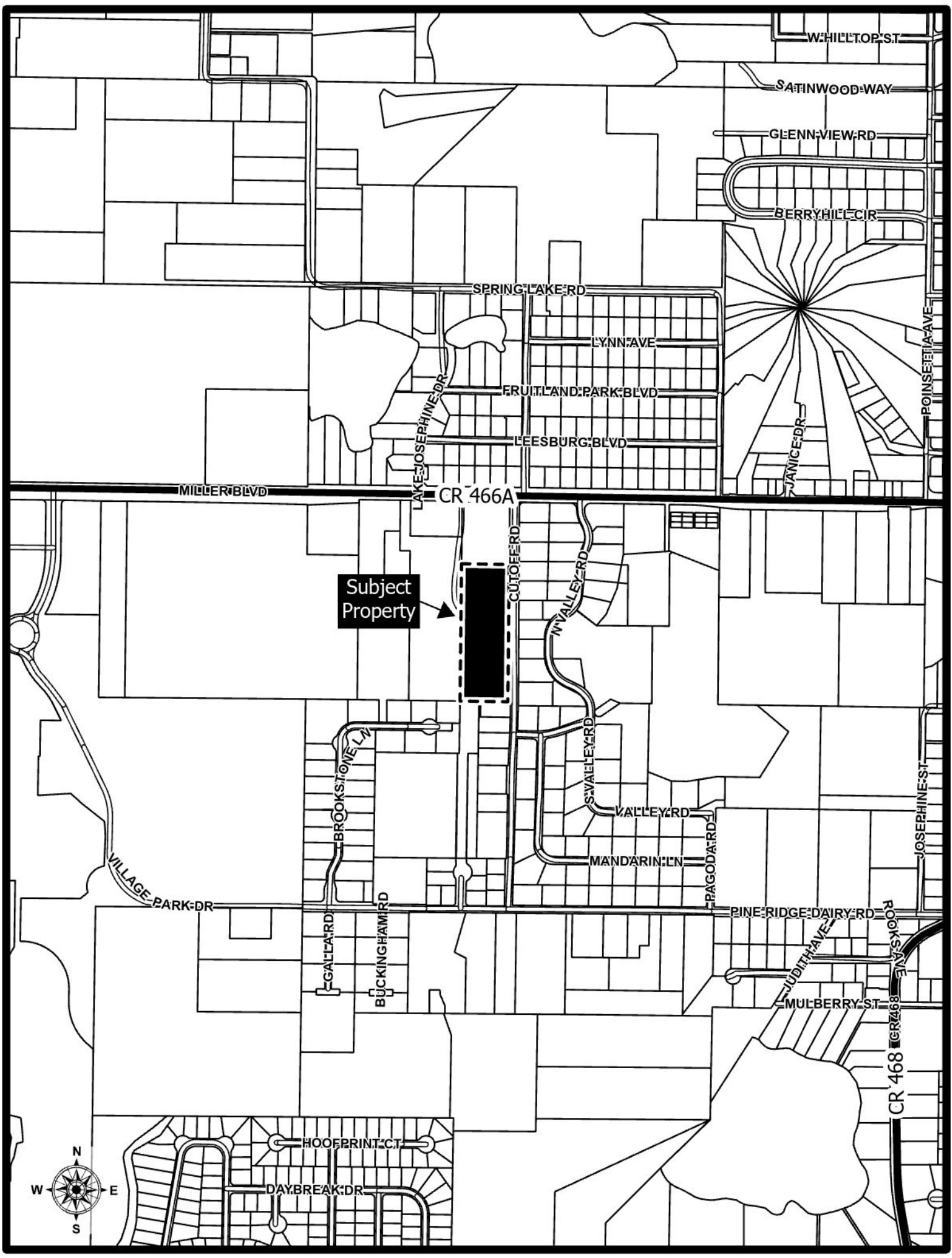
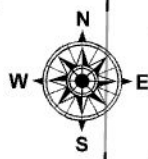
THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 284,942 SQUARE FEET, OR 6.54 ACRES, MORE OR LESS.

EXHIBIT B
Map

Subject
Property

CR 466A

CR 468



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 _____, 2023, between the **CITY OF FRUITLAND PARK, FLORIDA, a Florida municipal corporation**, (hereinafter referred to as the "City"), and Lake Sumter Commercial, LLC, a Florida limited liability company (hereinafter referred to as the "Owner").

RECITALS

1. The Owner owns 9.05 ± 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 Owner desires to rezone the Property as set forth herein .

3. The Property is currently located within the City of Fruitland Park with 6.54 +/- acres having a future land use designation of "Mixed Community" on the City of Fruitland Park Future Land Use Map and zoned City of Fruitland Park "R-3"; and 2.51 +/- acres having a future land use designation of Commercial High Intensity and zoned _____ .

4. A future land use designation of Mixed Community requires at least of two of the following uses: residential (15%-65%), commercial (5%-30%) and institutional (5%-35%) all with 20% open space; and a zoning of PUD is required.

5. Owner has filed applications rezoning from City of Fruitland Park "R-3" and _____ to City of Fruitland Park "Planned Unit Development" for the Property.

6. 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.

7. 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.

8. Owner will fund certain public improvements and infrastructure to facilitate the development of the Property.

9. 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.

10. This Agreement will only address development of the 6.54 +/- acres to be developed for residential use. At the time of proposed development of the 2.51 +/- acres of commercial or such other use as allowed by under Mixed Community future land use designation, a separate master development agreement will be required.

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 a 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, adopts an ordinance rezoning the Property and such rezoning becomes effective. 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. However, if the City denies the application for rezoning, this Agreement shall be void and shall be of no further force and effect.

Section 3. Land Use/Development. Development of the Property shall be substantially consistent with the "Conceptual Site Plan" prepared by Stringfellow Planning & Design., dated November 15th 2023, and attached as **Exhibit "B"** (the "Plan"). The project shall be developed as a residential subdivision. All development shall be consistent with City's "PUD" (Planned Unit Development-) zoning district and, subject to City approval. The City Commission authorizes PUD of less than 10 acres in size. 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 for 6.54 +/- acres residential. Permitted Uses shall include:

- Single family detached residential dwelling units..
- Garage apartments as an accessory use to single-family residential units.
- Passive and Active Recreation Facilities.
- Residential units shall not exceed 19 single family and 19 garage apartments as accessory structures. The 19 garage apartments may be rented.
- Temporary modular office uses shall be allowed during construction.
- Up to six (6) model homes prior to platting, after approval of the preliminary plan, provided that the model homes shall not be eligible to receive certificates of occupancy for residential use until final plat approval. All off-street parking for model homes shall comply with the requirements in the City's Land Development Code.

Permitted Uses for 2.51 +/- acres. Permitted Uses shall include:

- Either commercial or institutional as required by Mixed Community future land use designation.

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

- The minimum living area shall be 1,500 square feet for the single family detached homes without an accessory structure.

- b. The minimum living area shall be 2,148 square feet for the single family detached homes with an accessory structure.
- c. The maximum living area of the accessory structures with a two-car garage shall be 705 square feet and the maximum living area for accessory structures with a three car garage shall be 939 square feet.
- d. The single family dwelling unit and accessory structure shall be owned by the same entity or person(s).
- e. The minimum lot size shall be 6,720 square feet for the detached single-family homes.
- f. Minimum lot width for detached single-family shall be 60 feet with a minimum lot depth of 112 feet.
- g. Minimum Setback requirements for detached residential units shall be:

Front: Local Roadways - Twenty feet (20')
 Garage - Twenty-three feet (23')

Side: Local Roadways - Twenty feet (20')
 Another Lot - Seven and one-half feet (7.5')

Rear: Local Roadway- Twenty feet (20')
 Another Lot - Seventeen feet (17')

Accessories Setback: All accessory structures shall be located no closer to the property line than five feet (5').

- h. Maximum building height shall be limited to thirty-five feet (35') for single family.
- i. Parking: The minimum parking the Applicant will be required to provide is as follows:
 - a. Single family dwelling unit with 3-car garage and garage apartment:
 - i. 3 garage spaces
 - ii. 3 driveway spaces
 - b. Single family dwelling unit with 2-car garage and garage apartment:
 - i. 2 garage spaces
 - ii. 3 driveway spaces
 - c. Single family dwelling unit with no garage apartment:
 - i. 2 garage spaces
 - ii. 2 driveway spaces
- j. In lieu of a maximum building coverage an impervious surface ratio of sixty percent (60%) per lot shall be utilized.
- k. For clarity and avoidance of doubt, the open space requirement associated with the development of the Property shall be 25% of the total developable acreage of the Property.
- l. In order to utilize the stormwater ponds as common open space they shall provide a recreational component such as walking trails, dog park, or open play fields.
- m. A minimum of 50% of the homes shall be Type 2 (3 car garage with garage apartment).
- n. Cul-de-sac length may exceed six hundred feet (600').
- o. Cul-de-sac shall have a diameter of one hundred feet (100') or greater.
- p. A minimum of 20% of parks and open space is required to comply with the future land use designation. Any zoning standard not specifically listed in this Agreement shall be in compliance with the R-3 zoning district standards and other applicable sections of the Land Development Code.

Section 6. Residential Design Standards. Design Standards shall be as follows:

- a. **Architectural features** - All buildings shall utilize at least three of the following design features to provide visual relief along all elevations of the single-family units. Garage vehicle doors shall incorporate the following elements: raised decorative panels, decorative glass panels or panes, decorative hinges, etc. 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
- b. **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:
 - 1) At least thirty-five percent (35%) full-width brick or stone (not including window and door areas and related trim areas), with the balance being any type of lap siding and/or stucco.
 - 2) At least thirty percent (30%) full-width brick or stone, with the balance being stucco and/or 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.).
 - 3) 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.

Section 7. Changes to the Development Plan. Changes to the Development Plan, other than those conditions described in this agreement, shall be revised in accordance with the Planned Unit Development review process.

Section 8. Site Access and Transportation Improvements. Vehicular access to the project site shall be provided by one primary access off of Miller Cutoff Road, unless otherwise approved by Lake County. Actual location and design of the boulevard shall be determined during the Preliminary Subdivision Plan review. Other potential vehicular and pedestrian accesses will be reviewed during the development review process.

- a. The Permittee 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 including curb and gutter.

- 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 Permittee 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.
- e. Should the Permittee desire to dedicate the proposed project's internal road system to the City of Fruitland Park; the City, at its discretion, may accept or not accept the road system. Prior to acceptance, the Permittee shall demonstrate to the City the road system is in suitable condition and meets City of Fruitland Park requirements. As a condition of accepting the roadway system the City may create a special taxing district or make other lawful provisions to assess the cost of maintenance of the system to the residents of the project, and may require bonds or other financial assurance of maintenance for some period of time
- f. A traffic/transportation study shall be submitted prior to preliminary subdivision plan approval for review and determination of any necessary access improvements if required by Lake County. Said improvements will be the responsibility of the Permittee.

Section 9. 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. Lighting shall comply with the nonresidential design requirements of the Fruitland Park Land Development Regulations.

Section 10. 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. All such improvements must be constructed to City requirements and transferred to City as a contribution in aid of construction.

Section 11. 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 other 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 12. Easements. Owner shall provide the City such public easements or right of way in form acceptable to the City Attorney, as the City deems necessary for utility services, including but not limited to sewer, water, drainage and reclaimed water services.

Section 13. Landscaping/Buffers. Owner has reviewed City's Land Development Regulations relating to landscaping and agrees to comply with such regulations. Owner shall install and maintain a fifteen-foot (15') landscape buffer type "B" along the PUD perimeter property boundary. 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 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 14. 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 15. 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 16. 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 17. Signage. Owner shall submit a master sign plan as a component of the preliminary 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 18. 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. Title opinion or certification shall have an effective date of no more than 30 days prior to submittal. A copy of all back up documents referenced in the title opinion or certification must be provided.

Section 29. 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 20. 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 21. 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 22. 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 23. Binding Effect; Assignability. This Agreement, once effective, shall be binding upon and enforceable by and against the parties hereto and their 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 24. 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, nor 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 25. Exhibits. All exhibits attached hereto are hereby incorporated in and made a part of this Agreement as if set forth in full herein.

Section 26. 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:	Paul Missigman, Manager Lake Sumter Commercial, L.L.C. 200 E. Canton Ave., Suite 102 Winter Park, Florida 32789
Copy to:	

Section 27. 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 28. 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 29. Amendment. Amendments to the provisions of this Agreement shall be made by the parties only in writing by formal amendment.

Section 30. 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:**

LAKE SUMTER COMMERCIAL, L.L.C.

Witness Signature

By: _____
Tricia Doody, Manager

Print Name

Witness Signature

By: _____
Paul Missigman, Manager

Print Name

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me by [] physical presence or [] online notarization this ____ day of _____ by Tricia Doody and Paul Missigman as Managers of Lake Sumter Commercial, L.L.C., 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 [X] 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 [X] 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

A PARCEL OF LAND BEING A PORTION OF THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LYING IN LAKE COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 5; THENCE RUN NORTH 89° 13' 16" WEST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 5 FOR A DISTANCE OF 1,349.68 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89° 13' 16" WEST ALONG SAID SOUTH LINE FOR A DISTANCE OF 306.16 FEET; THENCE DEPARTING SAID SOUTH LINE RUN NORTH 00° 33' 35" EAST ALONG THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 5 FOR A DISTANCE OF 928.14 FEET; THENCE DEPARTING SAID WEST LINE RUN NORTH 89° 50' 43" EAST FOR A DISTANCE OF 306.22 FEET TO A POINT ON THE WEST LINE OF THE EAST 25.00 FEET OF THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 5, ALSO BEING A POINT ON THE WESTERLY RIGHT OF WAY LINE OF CUTOFF ROAD, ACCORDING TO OFFICIAL RECORDS BOOK 691, PAGE 2361 AND OFFICIAL RECORDS BOOK 700, PAGE 1373 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE RUN SOUTH 00° 33' 43" WEST ALONG SAID WEST LINE AND SAID WESTERLY RIGHT OF WAY LINE FOR A DISTANCE OF 933.13 FEET TO THE POINT OF BEGINNING;

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 284,942 SQUARE FEET, OR 6.54 ACRES, MORE OR LESS.

EXHIBIT "B"
THE PLAN

MILLER AT CUTOFF PUD

Project Name: Miller at Cutoff

Alternate Key: 1287685

Developer:

Atlantic Housing Partners

200 E. Canton Avenue, Suite 102, Winter Park, FL 32789

Site Location: South of Miller Boulevard and West of Cutoff Road in the City of Fruitland Park, FL.

Adjacent Zoning & Land Uses: R-7 (Lake County) to the North, C-2 to the Northeast, PUD to the East, R-1 and R-3 to the South and R-1 (Lake County) and R-3 to the West.

Proposed Use: Residential and amenity buildings including, but not limited to, mail kiosks, gazebos, and other ancillary uses.

Proposed Phasing: Not applicable.

Proposed Parking: 2 Car Garage & Driveway

Acreage & Density:

Gross Acreage of Parcel: +/- 9.05 Acres

Net Acreage in PUD: +/- 6.6 Acres

Max Density in FLU: 6 Du/Ac

Max Allowable: 39 Units

Proposed Units: 19 Units plus up to 19 ADUs

WMD: St. Johns River Water Management District

Floodplain: None present on the subject property.

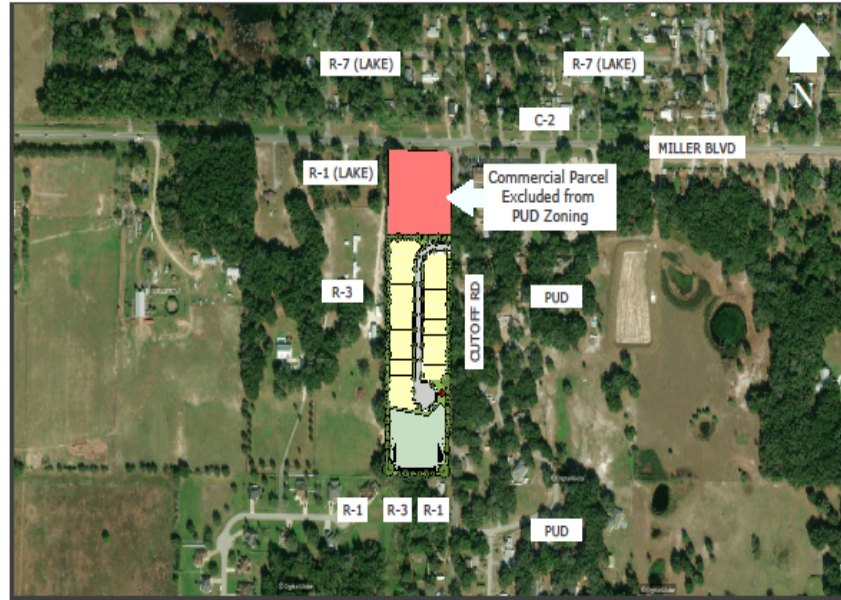
Utilities: City water service, fire protection, sewage disposal. Stormwater is proposed on site.

Waivers:

1. LDC Section 156.010(e), waiver to exceed maximum ADU size.
2. Waiver to allow for a PUD that is less than 10 acres.
3. LDC Section 157.080(a)(l)(f), waiver to allow for a cul-de-sac street longer than 600 feet.

Conditions:

1. Principal Structure and Accessory Dwelling unit will be owned by the same entity.
2. Cul-de-sacs shall have a diameter of 100' or greater.



Situated south of Miller Blvd west of Cutoff Road in the City of Fruitland Park, Florida the Miller at Cutoff project is a proposed development of 19 single family homes with up to 19 accessory dwelling units. The total parcel size is +/- 9.05 Acres, however the commercial area of the project will not be part of the PUD and is currently zoned C-2. No commercial development is currently proposed. The remaining +/- 6.6 Acres on the south portion of the property is requesting a rezoning to a PUD and will contain residential uses. Current future land use allows up to 6 DU/AC or 39 units. The proposed development will have 19 single family units, along with up to 19 accessory units. The development will include an association that will maintain community amenities and associated private improvements. Access for the development will occur from Miller Blvd.

Improvements to Cutoff Road: Cutoff road will be improved to County standards from Miller Boulevard to the entry road for the community. The entryway to the community will be greater than 300 feet from the intersection of Miller Boulevard. A sidewalk on the west side of Cutoff Road will be provided for the length of the subject property. Location to be determined.



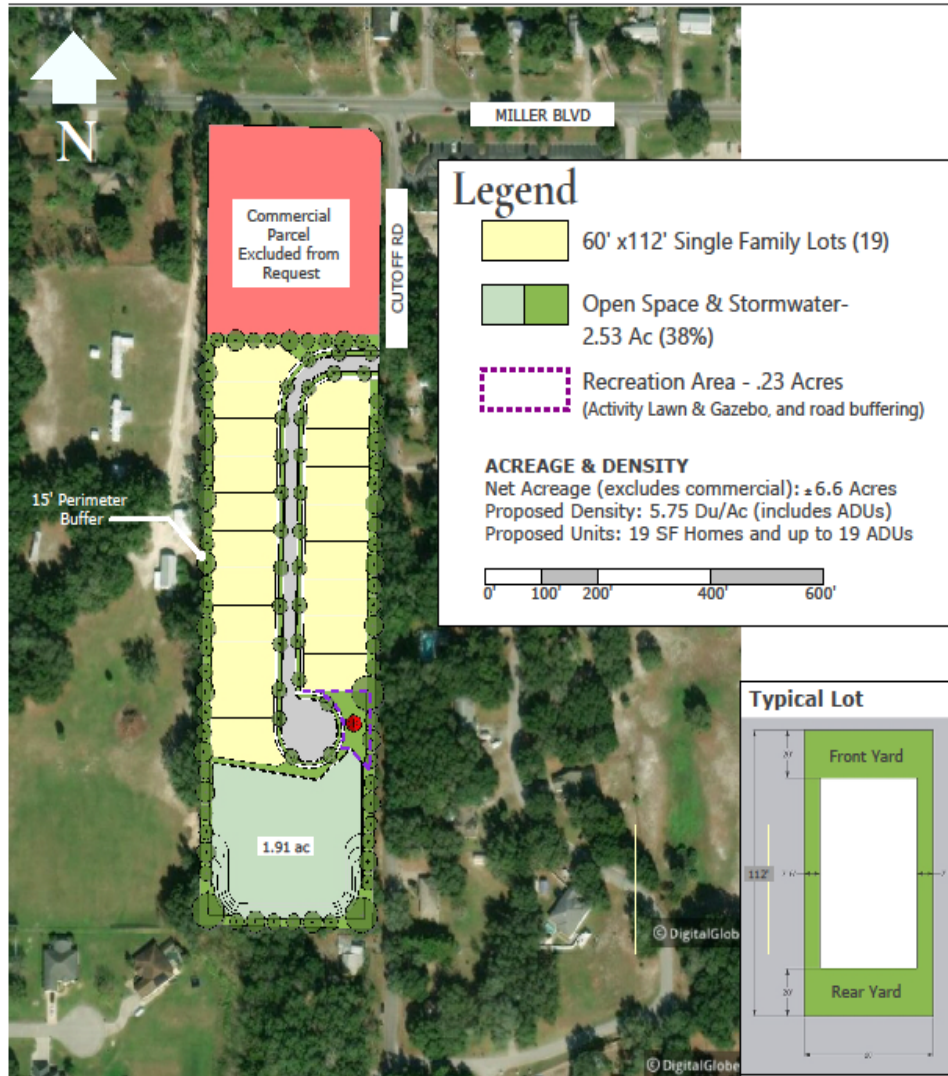
Plan Prepared by:
ALEX STRINGFELLOW
352.217.7710
alex@stringfellowplanning.com

Additional Supporting
Graphics Prepared by:
SIMON HARDT
207.607.9366
simon@stringfellowplanning.com



STRINGFELLOW
PLANNING & DESIGN

MILLER AT CUTOFF PUD



Unit Details

Home Type 1: (2-car garage, Accessory Unit parking in driveway)

Principal Unit:

2,148 SF - AC Area

470 SF - Garage

Accessory Unit (over garage):

705 SF - AC Area (33% the size of the AC Area of principal unit)

- No Garage for Accessory Unit

Home Type 2: (3-car garage, Accessory Unit parking in driveway or garage)

Principal Unit:

2,152 SF - AC Area

442 SF - 2 Car Garage

Accessory Unit:

939 SF - AC Area (44% the size of principal structure, requires waiver of LDC Section 156.010(e))

281 SF - 1 Car Garage

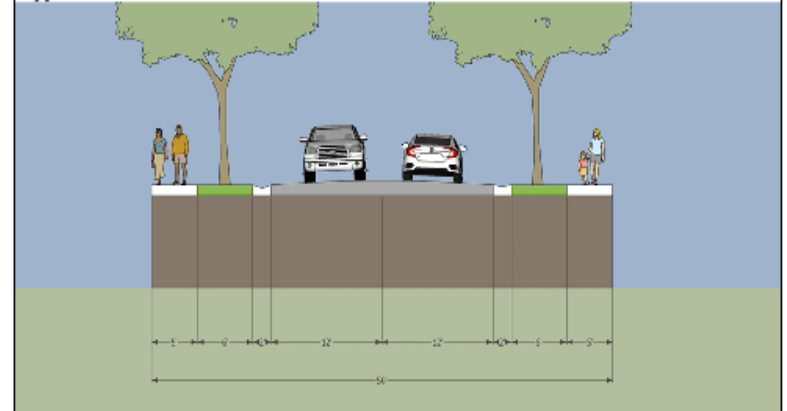
Home Type 3: SF homes without Accessory Unit

1,500 SF - AC Area

470 SF - 2 Car Garage

Max Building Height: 35 ft.

Typical Road Section



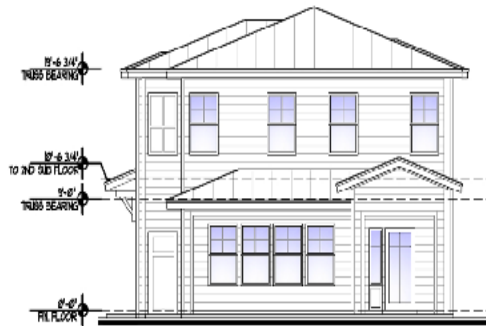
MILLER AT CUTOFF PUD



1 BUILDING TYPE I - FRONT ELEVATION OPT. A
SCALE: 3/16" = 1'-0"



2 BUILDING TYPE I - RIGHT ELEVATION OPT. A
SCALE: 3/16" = 1'-0"



3 BUILDING TYPE I - REAR ELEVATION OPT. A
SCALE: 3/16" = 1'-0"



4 BUILDING TYPE I - LEFT ELEVATION OPT. A
SCALE: 3/16" = 1'-0"

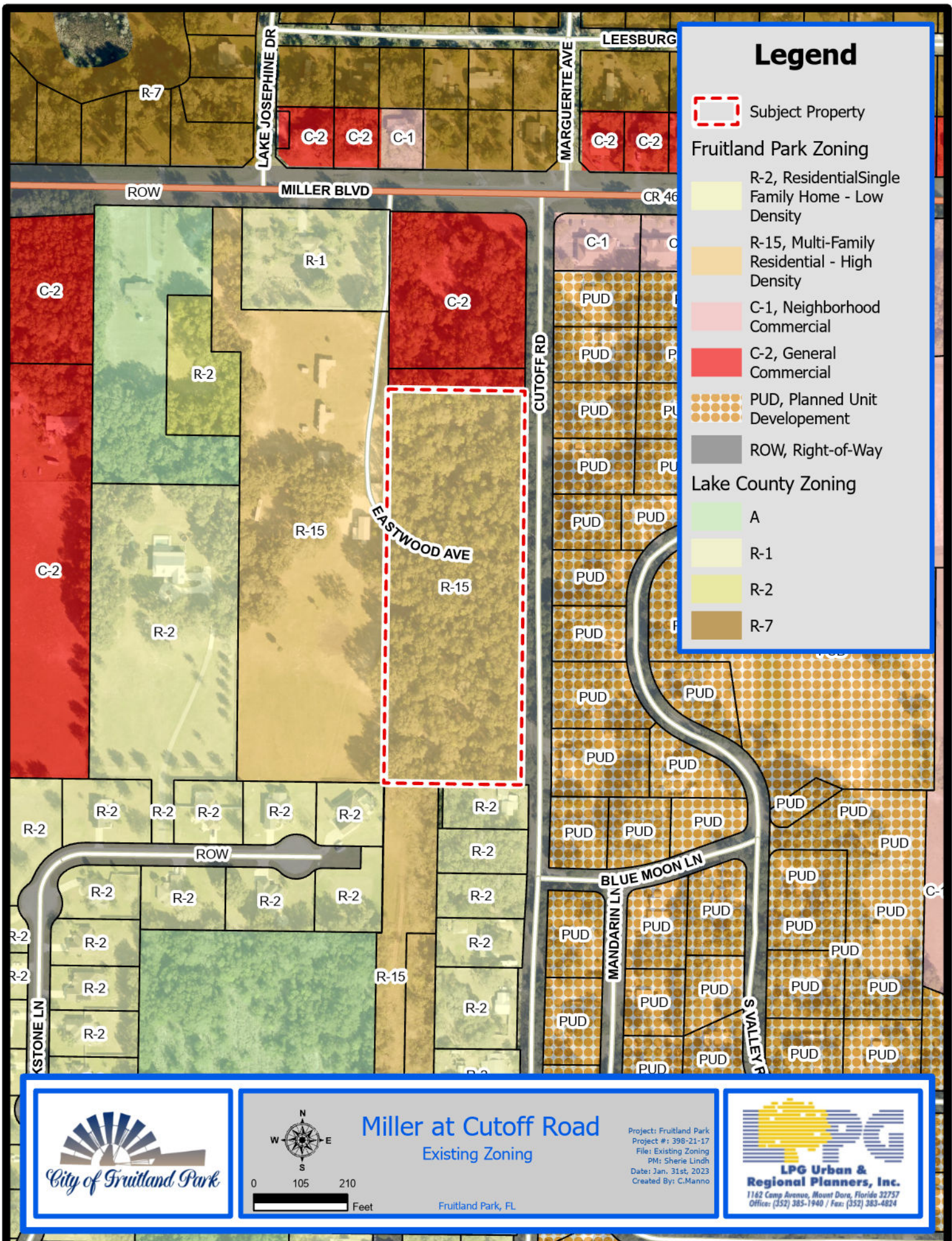
November 15, 2022

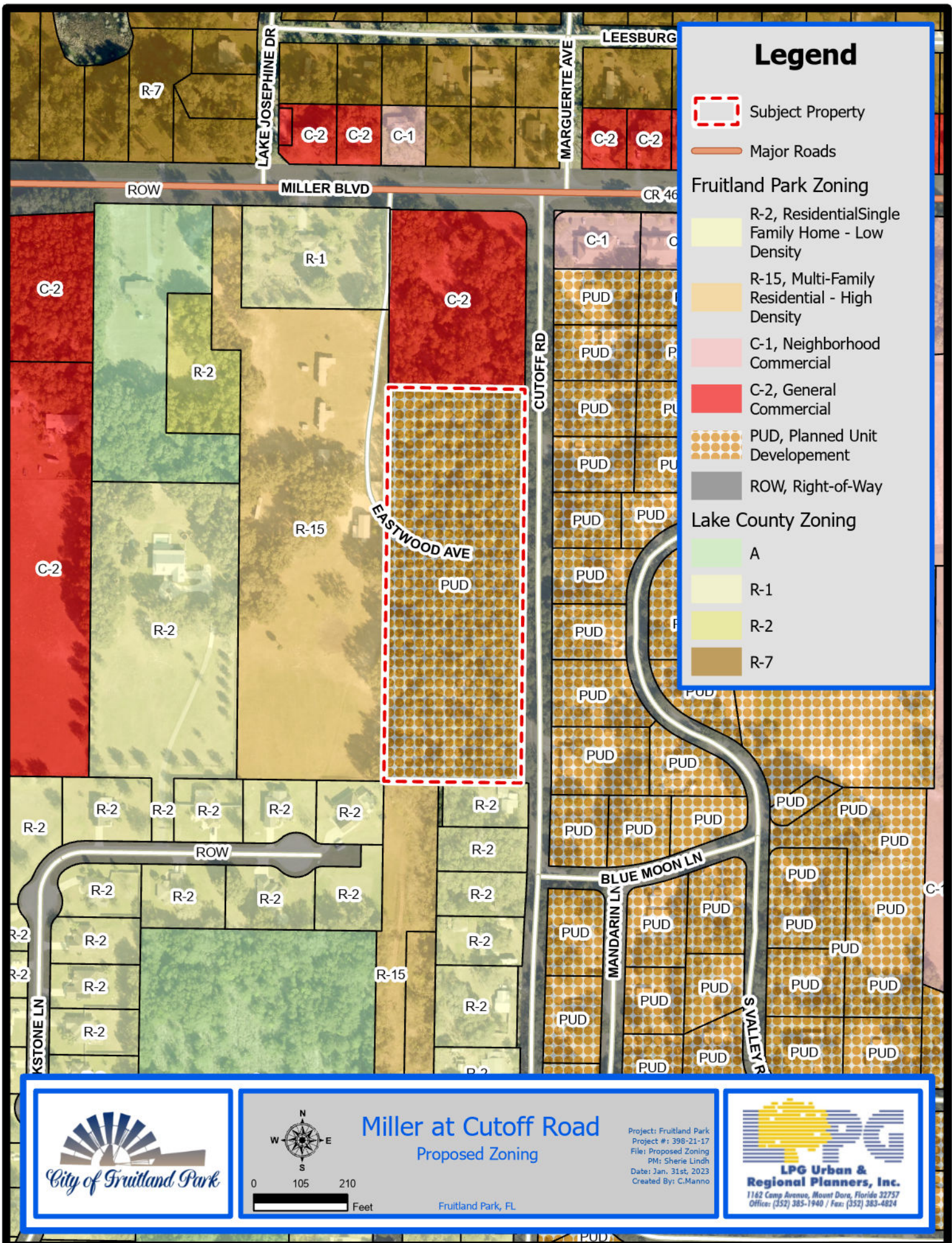
FRUITLAND PARK, FLORIDA | Miller at Cutoff

SLOCUM PLATTS
ARCHITECTS, P.A.
10000 W. BAYVIEW BLVD., SUITE 100
DADE COUNTY, FLORIDA 33147
TEL: 305.400.1111 FAX: 305.400.1112
WWW.SLOCUMPLATTS.COM



P





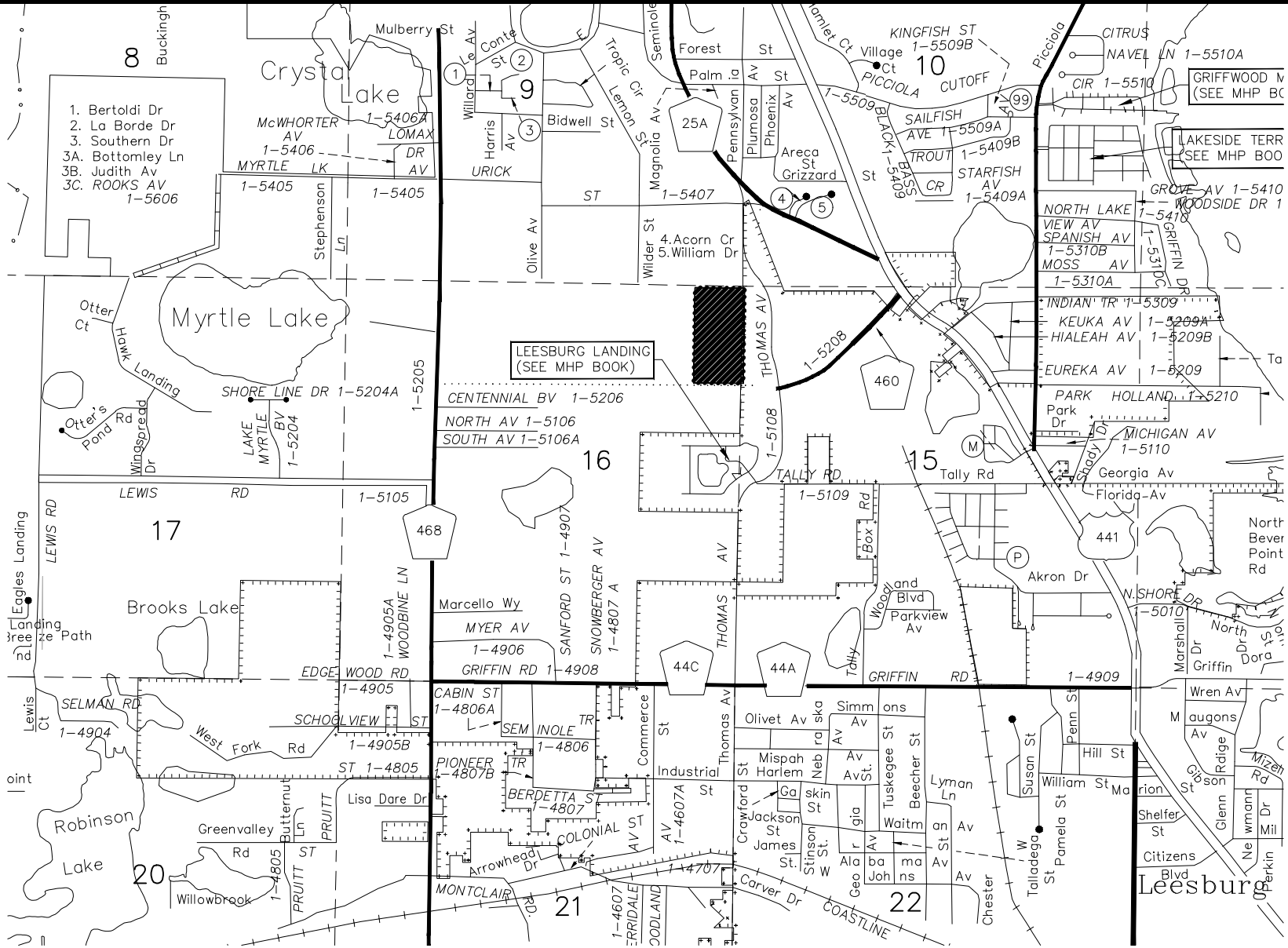


CONCEPT
SCALE = 1"=100'

SITE DATA	
DUPEX HOMES	= 56
TOWNHOMES	= 112
TOTAL = 168	



AERIAL
SCALE = 1"=100'



VICINITY MAP
SCALE = 1"=2000'

LAND USE

OWNER
KIMAYA, LLC
C/O VISHAAL GUPTA
5200 VINELAND ROAD, SUITE 200
ORLANDO, FL 32811

ACREAGE
ALT KEY
EXISTING ZONING
EXISTING LAND USE
PROPOSED ZONING
PROPOSED LAND USE
BUILDING HEIGHT
UNITS
DENSITY

19.11 AC (832,412 SF)
1289891
AGRICULTURE (COUNTY)
URBAN HIGH DENSITY (COUNTY)
MULTI FAMILY MEDIUM DENSITY (R10)
MULTI FAMILY MEDIUM DENSITY
35' MAX.
168 UNITS
8.8 UNITS / ACRE

FLOOD ZONE

ZONE A & ZONE X PER FEMA MAP # 12069C0170E,
EFFECTIVE 12/18/2012

ZONING

NORTH: R-3 MULTI FAMILY HIGH DENSITY RESIDENTIAL
(FRUITLAND PARK)
SOUTH: PUD (PLANNED UNIT DEVELOPMENT)
(FRUITLAND PARK)
EAST: HIGH DENSITY RESIDENTIAL (LEESBURG)
WEST: PUD (PLANNED UNIT DEVELOPMENT) (FRUITLAND PARK)

FUTURE LAND USE
NORTH: MULTI FAMILY HIGH DENSITY RESIDENTIAL
(FRUITLAND PARK)
SOUTH: PUD (PLANNED UNIT DEVELOPMENT)
(FRUITLAND PARK)
EAST: HIGH DENSITY RESIDENTIAL (LEESBURG)
WEST: PUD (PLANNED UNIT DEVELOPMENT)
(FRUITLAND PARK)

WATER
SEWER

CITY OF FRUITLAND PARK
CITY OF FRUITLAND PARK

FRUITLAND PARK APARTMENTS
AND TOWNHOMES
ANNEXATION AND COMP
PLAN



DATE:	FEBRUARY 2022
DESIGNED BY:	CCH
DRAWN BY:	CCH
CHECKED BY:	CCH
JOB NO.:	047773.001
FILE NAME:	KIMYA
Sheet 1	

CHARLES C. HIOTT, P.E.
PROFESSIONAL ENGINEER NO. 54813

ORDINANCE 2023 - 001

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 19.10 ± ACRES OF LAND GENERALLY LOCATED SOUTH OF URICK STREET AND WEST OF THOMAS AVENUE; DIRECTING THE CITY MANAGER TO PROVIDE CERTIFIED COPIES OF THIS ORDINANCE AFTER APPROVAL TO THE CLERK OF THE CIRCUIT COURT, THE LAKE COUNTY MANAGER AND THE DEPARTMENT OF STATE OF THE STATE OF FLORIDA; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY AND CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a petition has been submitted by Vishaal Gupta, as Applicant, on behalf of Kimaya, LLC, Owner, requesting that approximately 19.10 ± acres of real property generally located south of Urick Street and west of Thomas Avenue (the "Property") be annexed to and made a part of the City of Fruitland Park; and

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

WHEREAS, this Ordinance has been advertised as required by law with a copy of said notice sent via certified mail to the Board of County Commissioners of Lake County as provided for by statute; and

WHEREAS, the Planning and Zoning Board considered this ordinance at a public meeting; and

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

WHEREAS, the City Commission has determined that the area proposed for annexation meets the requirements of §171.044, Florida Statutes; and

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Fruitland Park, Florida, as follows:

Section 1. The recitals set forth above are hereby adopted as legislative findings of the City Commission of the City of Fruitland Park.

Section 2. The following described property consisting of approximately 19.10 acres of land generally located south of Urick Street and west of Thomas Avenue, contiguous to the City limits, is hereby incorporated into and made part of the City of Fruitland Park Florida. The property is more particularly described as follows:

LEGAL DESCRIPTION: See attached Exhibit A.

Parcel Alternate Key No. 1289891

Section 3. Upon this Ordinance becoming effective, the property annexed shall be subject to all laws, ordinances, and regulations enforced in the City of Fruitland Park, and shall be entitled to the same privileges and benefits as other parts of the City of Fruitland Park upon the effective date of the annexation. Except that the property annexed in this Ordinance is subject to the Land Use Plan

of the Lake County Comprehensive Plan and county zoning regulations until the City adopts the Comprehensive Plan Amendments to include the property annexed in the City Comprehensive Plan.

Section 4. The City Clerk shall forward a certified copy of this Ordinance to the Clerk of the Circuit Court, the County Manager of Lake County, Florida, and the Department of State of Florida within seven (7) days after its passage on second and final reading. It shall further be submitted to the Office of Economic and Demographic Research within 30 days of approval along with a statement specifying the population census effect and the affected land area. F.S. 171.091, Florida Statutes.

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

Section 6. 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 7. All ordinances and parts of ordinances to the extent in conflict with this Ordinance are hereby repealed.

Section 8. This Ordinance shall become effective immediately upon passage by the City Commission of the City of Fruitland Park.

PASSED AND ORDAINED in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this _____ day of _____, 2023.

Chris Cheshire, Mayor
City of Fruitland Park, Florida

(SEAL)

ATTEST:

Esther Coulson, CMC, City Clerk

Approved as to Form:

Anita Geraci-Carver, City Attorney

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

Passed First Reading _____
 Passed Second Reading _____

EXHIBIT A
Legal Description

THE EAST 1/2 OF THE NORTHEAST 1/4 OF NORTHEAST 1/4, SECTION 16,
TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA.
LESS THE SOUTH 50 FEET THEREOF.

ALSO DESCRIBED AS:

BEGIN AT THE NORTHEAST CORNER OF SECTION 16, TOWNSHIP 19 SOUTH,
RANGE 24 EAST, LAKE COUNTY, FLORIDA THENCE S 00°53'57" E, ALONG THE
EAST LINE OF THE NORTHEAST 1/4 OF NORTHEAST 1/4, A DISTANCE OF 1265.41
FEET; THENCE N 89°25'38" W, A DISTANCE OF 657.76 FEET, TO THE WEST LINE OF
THE EAST 1/2 OF THE NORTHEAST 1/4 OF NORTHEAST 1/4, THENCE N 00°55'00"
E, ALONG SAID WEST LINE, A DISTANCE OF 1266.62 FEET, TO THE NORTH LINE
OF THE NE 1/4 OF SAID SECTION 16; THENCE S 89°19'17" E, ALONG SAID NORTH
LINE, A DISTANCE OF 657.37' TO THE POINT OF BEGINNING.

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

ANNEXATION, SSCPA, AND REZONING

Owner: Kimaya, LLC

Applicant: Vishaal Gupta

General Location: Silver Pointe Circle/ Urick St/ Thomas Ave

Number of Acres: 19.10 ± acres

Existing Zoning: Agriculture (Lake County)

Proposed Zoning: R-10 (City of Fruitland Park)

Existing Land Use: Urban High (Lake County) (12 units/acre)

Proposed Land Use: Multi-Family Medium Density (10 units/acre)

Date: May 1st, 2023

Description of Project

The applicant is requesting annexation, a small-scale comp plan amendment, and a rezoning to receive city services and develop a proposed development including fifty-six (56) duplex home and one-hundred and twelve (112) townhomes (proposed gross density 8.79 units/acre).

	Surrounding Zoning	Surrounding Land Use
North	R-15	Multi-Family High Density (15 units/acre)
South	City of Leesburg – appears to be r/w	City of Leesburg – no land use designated
East	C-3	General Commercial (City of Leesburg)
West	MUPUD	Mixed Community (6 units/acre)

Assessment

Annexation

The subject site is adjacent to the City limits along the northern and western property boundaries and is eligible for voluntary annexation. The proposed annexation would be considered infill development. The subject site is also within the City's Utility Service Area.

Rezoning

The subject property is currently zoned Agriculture in Lake County and the proposed City zoning is R-10 (minimum lot size for single family of 8,000 square feet with central sewer being utilized, and minimum lot size for multi-family of 6,000 square feet with central sewer). The proposed zoning is compatible with the adjacent lands. The property to the North is zoned R-15, and to the west the property is zoned MUPUD (6 units/acre). The property to the South is City of Leesburg (appears to be City of Leesburg right of way), and to the east the property is zoned C-3.

Small Scale Comp Plan Amendment

For comprehensive plan purposes a maximum development scenario was utilized.

Residential Needs Analysis – The housing element data and analysis indicates the City requires a minimum of 5,460 additional dwelling units to meet the projected need through 2035. The addition of 287 units will assist in meeting this need.

School Impact Analysis – The amendment will decrease the impacts to schools, as it is a decrease in density from 12 units/acre (228 units) to 10 units/acre (191 units). The decrease in school age children is from 65 students to 54 students; a decrease of 11 students. Please provide adequate school facilities determination from Lake County Schools.

Existing County Land Use Residential Units: 228 units

Proposed Development Residential Units: 191 units

The anticipated number of students generated by the existing land use is shown in Table 1.

**TABLE 1
STUDENTS GENERATED BASED ON EXISTING DEVELOPMENT**

Lake County Student Generation Rates	
Multi-Family	
Type	Student Multipliers per Dwelling Unit
High School	0.143
Middle School	0.063
Elementary School	0.077
Total	0.283

SCHOOL	SF Units	STUDENT GENERATION RATE	STUDENTS GENERATED	MF UNITS	STUDENT GENERATION RATE	STUDENTS GENERATED	GRAND TOTAL
ELEMENTARY	0	0.152	0	228	0.143	33	33
MIDDLE	0	0.074	0	228	0.063	14	14
HIGH	0	0.102	0	228	0.077	18	18
GRAND TOTAL							65

The anticipated number of students generated by the proposed land use is shown in Table 2.

SCHOOL	SF Units	STUDENT GENERATION RATE	STUDENTS GENERATED	MF UNITS	STUDENT GENERATION RATE	STUDENTS GENERATED	GRAND TOTAL
ELEMENTARY	0	0.152	0	191	0.143	27	27
MIDDLE	0	0.074	0	191	0.063	12	12
HIGH	0	0.102	0	191	0.077	15	15
GRAND TOTAL							54

Traffic Impact Analysis – The amendment will decrease traffic impacts as it is an decrease in density. The LOS for Dr Martin Luther King Jr. Blvd is “D”. Results of the trip analysis indicate that the proposed amendment will decrease the daily trips by 281 and reduce the PM Peak hour trips by 23.

TRIP GENERATION ANALYSIS
Proposed Land Use Program

Land Use	Size/Unit	ITE Code	Daily Trips	PM Peak Hour Trips	PM Trips Enter	PM Trips Exit
MF Residential	191 units	220	1,388	105	66	39

TOTAL GROSS TRIPS (PROPOSED)	1,388	105	66	39
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Existing Land Use Program

Land Use	Size/Unit	ITE Code	Daily Trips	PM Peak Hour Trips	PM Trips Enter	PM Trips Exit
MF Residential	228 units	220	1,669	128	80	47
TOTAL GROSS TRIPS (EXISTING)			1,669	128	80	47

Net Difference (Proposed Net Generation Minus Existing Net Trip Generation)

Land Use	PM Peak Hour Trips	PM Trips Enter	PM Trips Exit
TOTAL NET TRIPS (PROPOSED – EXISTING)	-23	-14	-8

Solid Waste Impact Analysis – The LOS for solid waste is 2 collections per week pursuant to Public Facilities Policy 4-6.1. The City utilizes a private waste hauler through a franchise agreement. The amendment will not cause a deficiency in the LOS.

Utility Impact Analysis – The subject site is within the City of Fruitland Park Utility Service Area and central water is available. The LOS for water is 172 gallons per resident per day pursuant to Public Facilities Policy 4-10.1. The estimated population based on US Census data (estimated 2019) of 2.42 person per household is 462. The estimated water usage is 0.079.

The City owns, operates and maintains a central potable water treatment and distribution system. The permitted plant capacity is 2.879 MGD and the permitted consumptive use permit capacity is 1.22 MGD. The City has a current available capacity of .396 mgpd and an analysis was conducted of the proposed amendment based on land use and the City's Level of Service (LOS) standards. The analysis concludes that the proposed amendment will not cause a deficiency and the City will have a remaining available capacity of 0.317 mgpd.

The City of Fruitland Park provides sanitary sewer. The City of Fruitland Park has an agreement with the Town of Lady Lake to treat sewage and the maximum capacity is 500,000 gallons per day (0.5 mgd). The City currently has an available capacity of 430,000 gallons per day (0.43 mgd). The LOS for sanitary sewer is 122 gallons per resident per day pursuant to Public Facilities Policy 4-2.1. The estimated population based on US Census data (estimated 2019) of 2.42 person per household is 462. The estimated sanitary sewer usage is 0.056 (mgd). The analysis concludes that the proposed amendment will not cause a deficiency and the City will have a remaining capacity of 0.374 (mgd).

Environmental Analysis – There are no wetlands or surface waters onsite. Formal surveys for the federally listed sand skink were completed in accordance with USFWS survey protocol in May 2022. A 4-week formal coverboard survey detected a total of forty-seven (47) coverboard with skink tracks within the project site on suitable habitat. The coverboard survey tracks detected determined that 7.43 acres of the subject property contains occupied sand skink habitat and if this area cannot be avoided then mitigation will be required from a USFWS approved Conservation Bank.

There were no known eagle nests observed on the property. A pedestrian survey of the subject property located potentially occupied gopher tortoise burrows. Prior to land clearing and/or construction it is advised that a 100% survey of all potentially suitable gopher tortoise habitat be performed. Prior to development, appropriate regulatory permits will be required.

Comprehensive Plan Compliance

The subject amendment is consistent with the following Comprehensive Plan policies, among others. The amendment will further the City's goals in meeting projected housing demands through 2035.

FLU Policy 1-1.1: Adequate Residential Land Area.

FLU Policy 1-1.2: Density and Intensity Standards and Table 1-1 – Multi-Family Medium Density, 10 units/acre.

FLU Policy 1-1.6: Multiple-Family Medium Density.

FLU Policy 1-2.1: Promote Orderly, Compact Growth.

Concept Plan

The concept plan provided includes fifty-six (56) duplex homes, and one-hundred and twelve (112) townhomes for a total of one-hundred and sixty-eight (168). The proposed density is 8.8 units per acre. Open space is not notated on the plan, but be advised that pursuant to Chapter 154, Section 154.030(d)(5)(E)(xi), 25% minimum open space is required.

Pursuant to Chapter 154, Section 154.030(d)(5)(E)(x), the minimum living area for duplexes and multi-family is 600 square feet each, exclusive of porches, garages, or utility rooms.

Pursuant to Chapter 154, Section 154.030(d)(5)(E)(vii), the required setbacks for the duplexes are as follows:

Front: Local roadways - 20'
Garage setback from roadway – 25'

Side: Local roadway -20'
Another lot -10'
Garage setback from roadway – 25'

Rear: Local roadways – 20'
Another lot - 20'
Garage setback from roadway – 25'

Although the LDRs do not directly address townhomes, typically setbacks for townhomes are as follows:

Front: 20'
Front Garage: 25'
Side: 0'
Side (Between Building Pads): 10'
Side (Adjacent to Streets): 15'
Rear: 15'

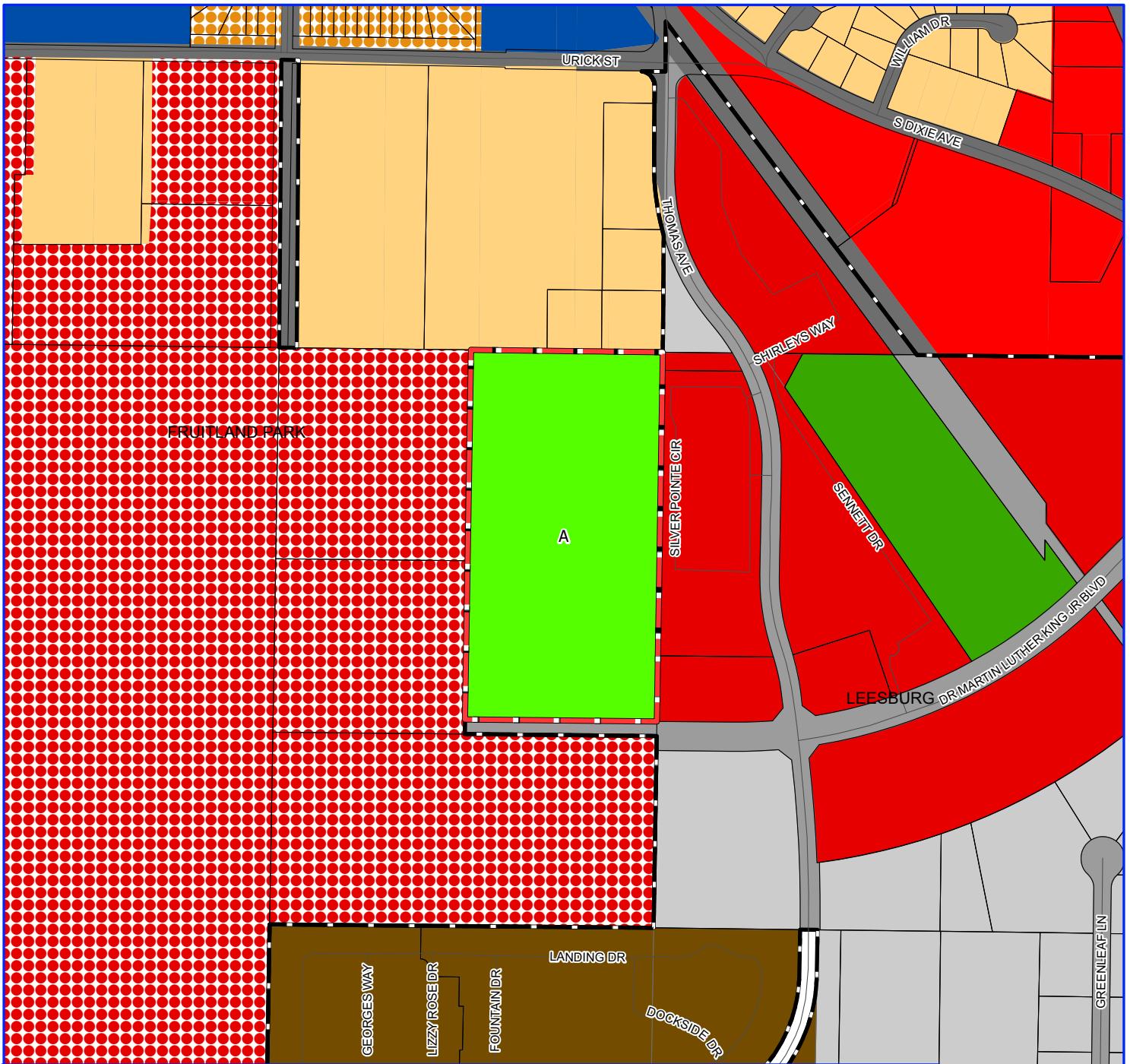
Pursuant to Chapter 164, Section 164.030(b), a type “A” landscape buffer is required to the north, and a type “B” landscape buffer is required to the south, east, and west. The type “A” buffer requires a 10’ minimum with 2 canopy trees and 8 shrubs per 100’. The type “B” buffer requires a 15’ minimum with 4 canopy trees, 2 understory trees, and 15 shrubs per 100’.

The main entrance being proposed is off of Martin Luther King Jr. Boulevard and a secondary entrance is being proposed off of Thomas Avenue. It appears that it is being proposed to extend Martin Luther King Jr. Blvd to the subject property through the City of Leesburg right of way directly to the south of the property. It also appears that an entrance will be developed off of Thomas Avenue for a secondary entrance. Please be advised that pursuant to Chapter 162, Section 162.030(d), residential access drive’s must be a minimum of 10’ in width, and a maximum of 24’. The radius must be a minimum of 5’ and a maximum of 10’.

Parking spaces are not designated on the concept plan, however pursuant to Chapter 162, Section 162.040(b)(4), duplexes and single family attached 1, 2 and 3 bedroom units require 2 spaces per unit, and 4+ bedroom units require 3 spaces per unit.

Recommendation

The proposed small scale comprehensive plan amendment and rezoning are consistent with the comprehensive plan.



Legend

Site Boundary

City Limits

Lake County Zoning

Agriculture

City of Fruitland Park Zoning

R-15, Multi-Family Residential - High Density

C-2, General Commercial

PUD, Planned Unit Development

CPUD, Commercial Planned Unit Development District

PFD, Public Facilities District

ROW, Right-of-Way

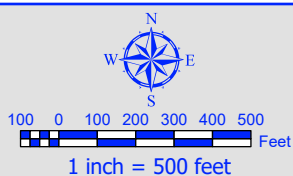
City of Leesburg Zoning

C-3

M-1

P

R-3

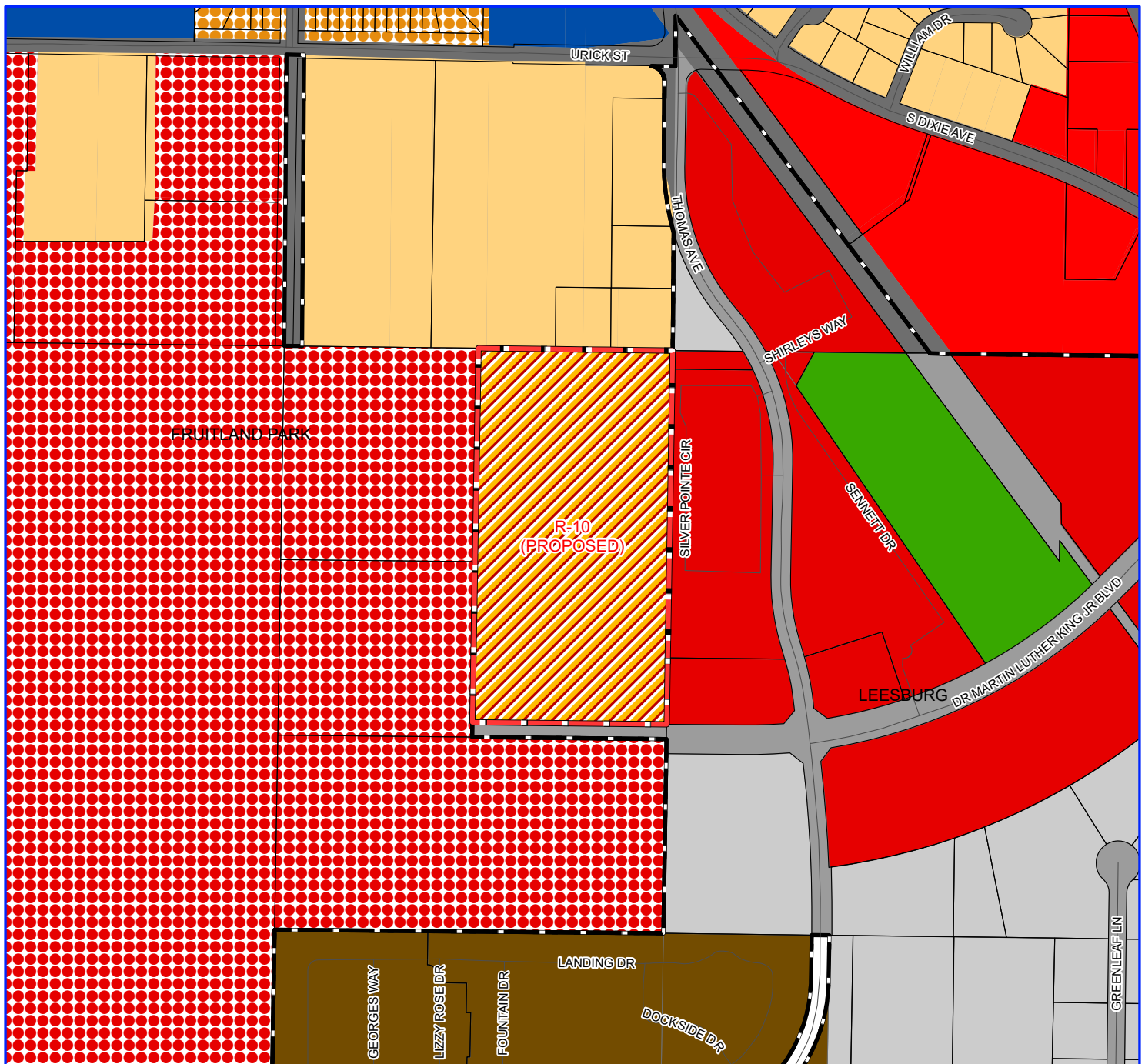


City of Fruitland Park Park Square

Lake County, Florida
Existing Zoning Map

Project: 398-22-10
File: Existing Zoning
Name: Park Square
PM: Sherie Lindh
Date: December 7, 2022
Created By: J.Wilson





Legend

Site Boundary

City Limits

Lake County Zoning

Agriculture

City of Fruitland Park Zoning

R-15, Multi-Family Residential - High Density

C-2, General Commercial

PUD, Planned Unit Development

CPUD, Commercial Planned Unit Development District

PFD, Public Facilities District

ROW, Right-of-Way

R-10, Multi-family Medium Density Residential

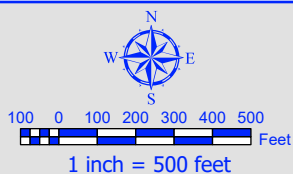
City of Leesburg Zoning

C-3

M-1

P

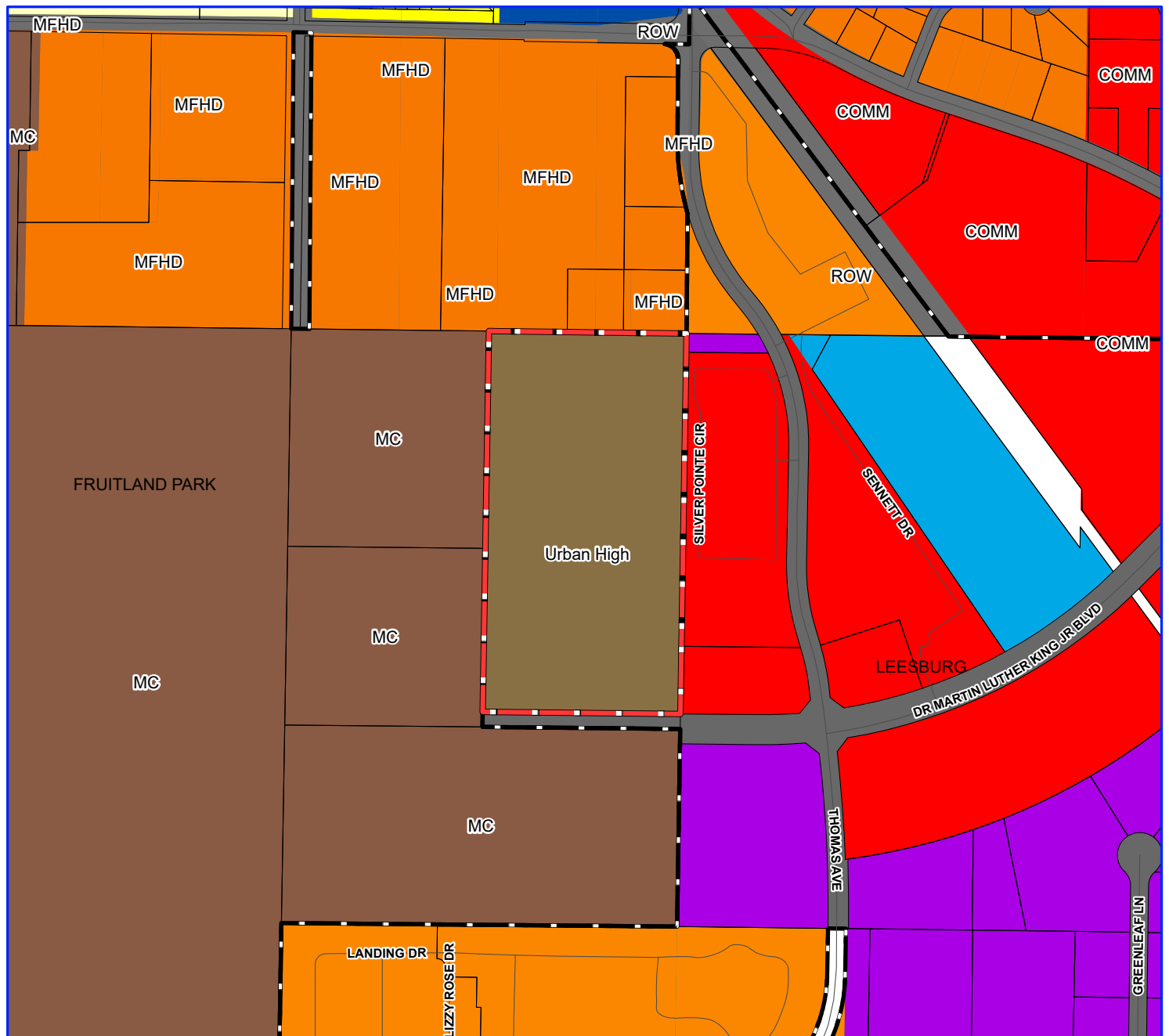
R-3



City of Fruitland Park Park Square Lake County, Florida Proposed Zoning Map

Project: 398-22-10
File: Proposed Zoning
Name: Park Square
PM: Sherie Lindh
Date: December 14, 2022
Created By: J.Wilson





Legend

Site Boundary

City Limits

Lake County Future Land Use

Urban High Density

City of Fruitland Park Future Land Use

SFLD, Single Family Low Density

SFMD, Single Family Medium Density

MFHD, Multiple Family/High Density

COMM, Commercial

MC, Mixed Community

INST, Institutional

ROW, Transportation

City of Leesburg Future Land Use

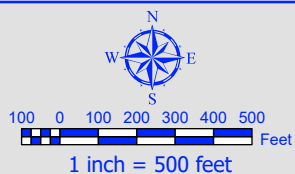
RIGHT-OF-WAY

GENERAL COMMERCIAL

INSTITUTIONAL

INDUSTRIAL

HIGH DENSITY

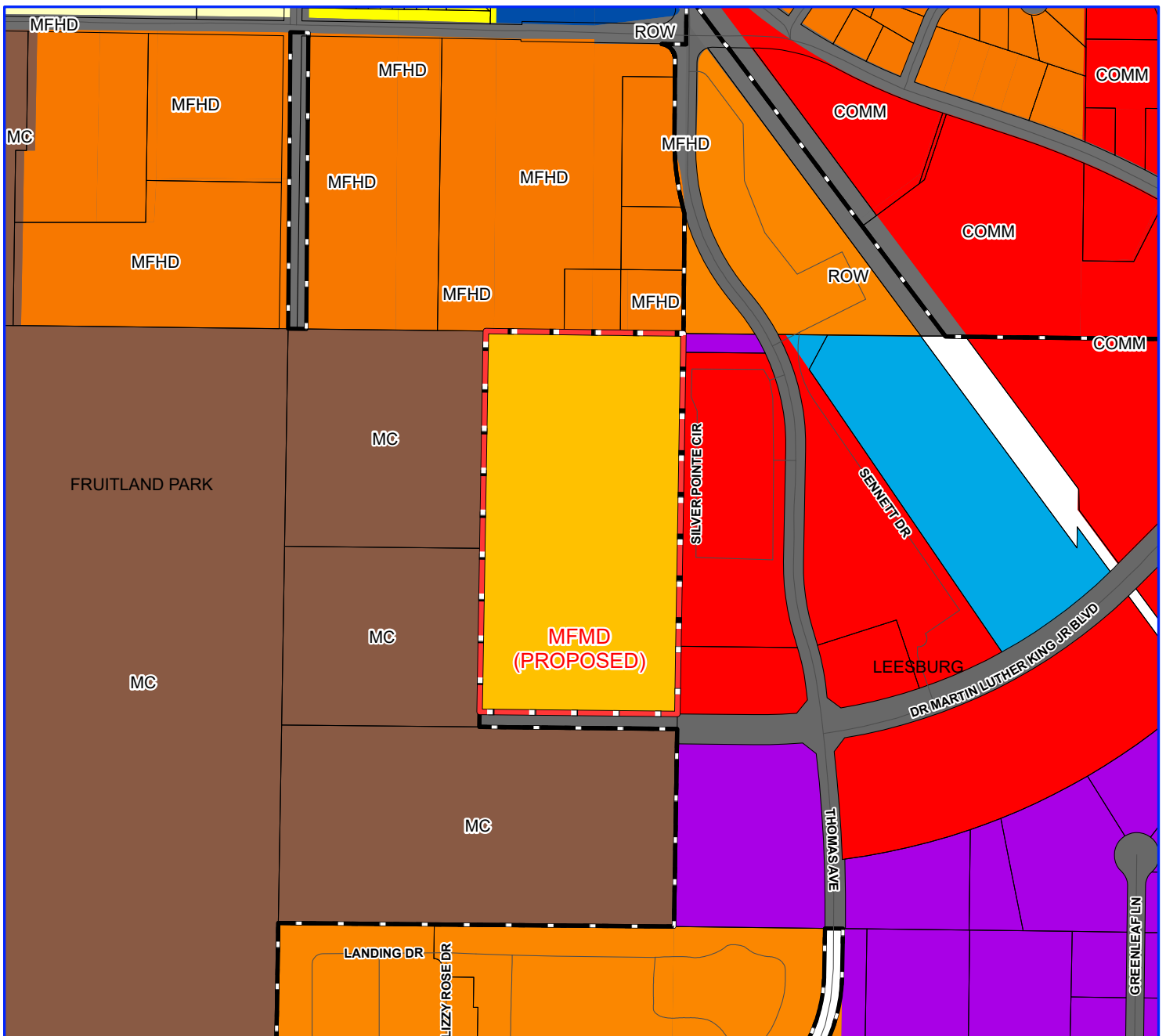


City of Fruitland Park Park Square

Lake County, Florida
Existing Future Land Use Map

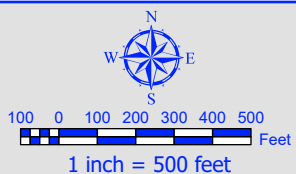
Project: 398-22-10
File: Existing FLU
Name: Park Square
PM: Sherie Lindh
Date: December 7, 2022
Created By: J.Wilson





Legend

- | | | |
|--|------------------------------------|---------------------------------------|
| Site Boundary | SFMD, Single Family Medium Density | MFMD, Multiple Family/ Medium Density |
| City Limits | MFHD, Multiple Family/High Density | City of Leesburg Future Land Use |
| Lake County Future Land Use | COMM, Commercial | RIGHT-OF-WAY |
| Urban High Density | MC, Mixed Community | GENERAL COMMERCIAL |
| City of Fruitland Park Future Land Use | INST, Institutional | INSTITUTIONAL |
| SFLD, Single Family Low Density | ROW, Transportation | INDUSTRIAL |
| | | HIGH DENSITY |



City of Fruitland Park Park Square Lake County, Florida Proposed Future Land Use Map

Project: 398-22-10
File: Proposed FLU
Name: Park Square
PM: Sherie Lindh
Date: December 14, 2022
Created By: J.Wilson



ORDINANCE 2023-003

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 19.10 +/- ACRES OF PROPERTY FROM LAKE COUNTY AGRICULTURE (A) TO CITY OF FRUITLAND PARK R-10 WITHIN THE CITY LIMITS OF FRUITLAND PARK; GENERALLY LOCATED SOUTH OF URICK STREET AND WEST OF THOMAS AVENUE; DIRECTING THE CITY MANAGER OR DESIGNEE TO HAVE AMENDED 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.

WHEREAS, a petition has been received from Vishaal Gupta as applicant, on behalf of Kimaya, LLC as Owner, requesting that real property within the city limits of the City of Fruitland Park be rezoned from Lake County A to City Multi-Family Medium Density Residential (R-10) within the City limits of Fruitland Park; and

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

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

WHEREAS, the City Commission reviewed said petition, the recommendations of the Planning and Zoning Board, staff report and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised;

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

Section 1: The following described property consisting of approximately 19.10 ± acres generally located South of Urick Street and west of Thomas Avenue as described on Exhibit "A" and depicted as set forth on Exhibit "B" shall hereafter be designated as R-10 "Multi-Family Medium Density Residential" as defined in the Fruitland Park Land Development Regulations.

Section 2: That the City Manager, or designee, is hereby directed to have amended, altered, and implemented the official zoning maps of the City of Fruitland Park, Florida to include said designation consistent with this Ordinance.

Section 3. Severability. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 4. 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 5. Conflict. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. This Ordinance shall become effective immediately upon passage by the City Commission of the City of Fruitland Park.

PASSED AND ORDAINED in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this _____ day of _____, 2023.

Chris Cheshire, Mayor
City of Fruitland Park, Florida

ATTEST:

Approved as to Form:

Esther Coulson, CMC, City Clerk

Anita Geraci-Carver, City Attorney

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

THE EAST 1/2 OF THE NORTHEAST 1/4 OF NORTHEAST 1/4, SECTION 16,
TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA.
LESS THE SOUTH 50 FEET THEREOF.

ALSO DESCRIBED AS:

BEGIN AT THE NORTHEAST CORNER OF SECTION 16, TOWNSHIP 19 SOUTH,
RANGE 24 EAST, LAKE COUNTY, FLORIDA THENCE S 00°53'57" E, ALONG THE
EAST LINE OF THE NORTHEAST 1/4 OF NORTHEAST 1/4, A DISTANCE OF 1265.41
FEET; THENCE N 89°25'38" W, A DISTANCE OF 657.76 FEET, TO THE WEST LINE OF
THE EAST 1/2 OF THE NORTHEAST 1/4 OF NORTHEAST 1/4, THENCE N 00°55'00"
E, ALONG SAID WEST LINE, A DISTANCE OF 1266.62 FEET, TO THE NORTH LINE
OF THE NE 1/4 OF SAID SECTION 16; THENCE S 89°19'17" E, ALONG SAID NORTH
LINE, A DISTANCE OF 657.37' TO THE POINT OF BEGINNING.

EXHIBIT B

ORDINANCE 2023-002

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 URBAN HIGH DENSITY TO CITY MULTI-FAMILY MEDIUM DENSITY OF 19.10 +/- ACRES OF PROPERTY GENERALLY LOCATED SOUTH OF URICK STREET AND WEST OF THOMAS AVENUE; 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 Vishaal Gupta as applicant, on behalf of Kimaya, LLC 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 Medium 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 19.10 ± acres generally located south of Urick Street and west of Thomas Avenue as described and depicted as set forth on Exhibit "A" shall be assigned a land use designation of Multi-Family Medium 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 _____, 2023.

Chris Cheshire, Mayor
City of Fruitland Park, Florida

ATTEST:

Approved as to Form:

Esther Coulson, CMC, City Clerk

Anita Geraci-Carver, City Attorney

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

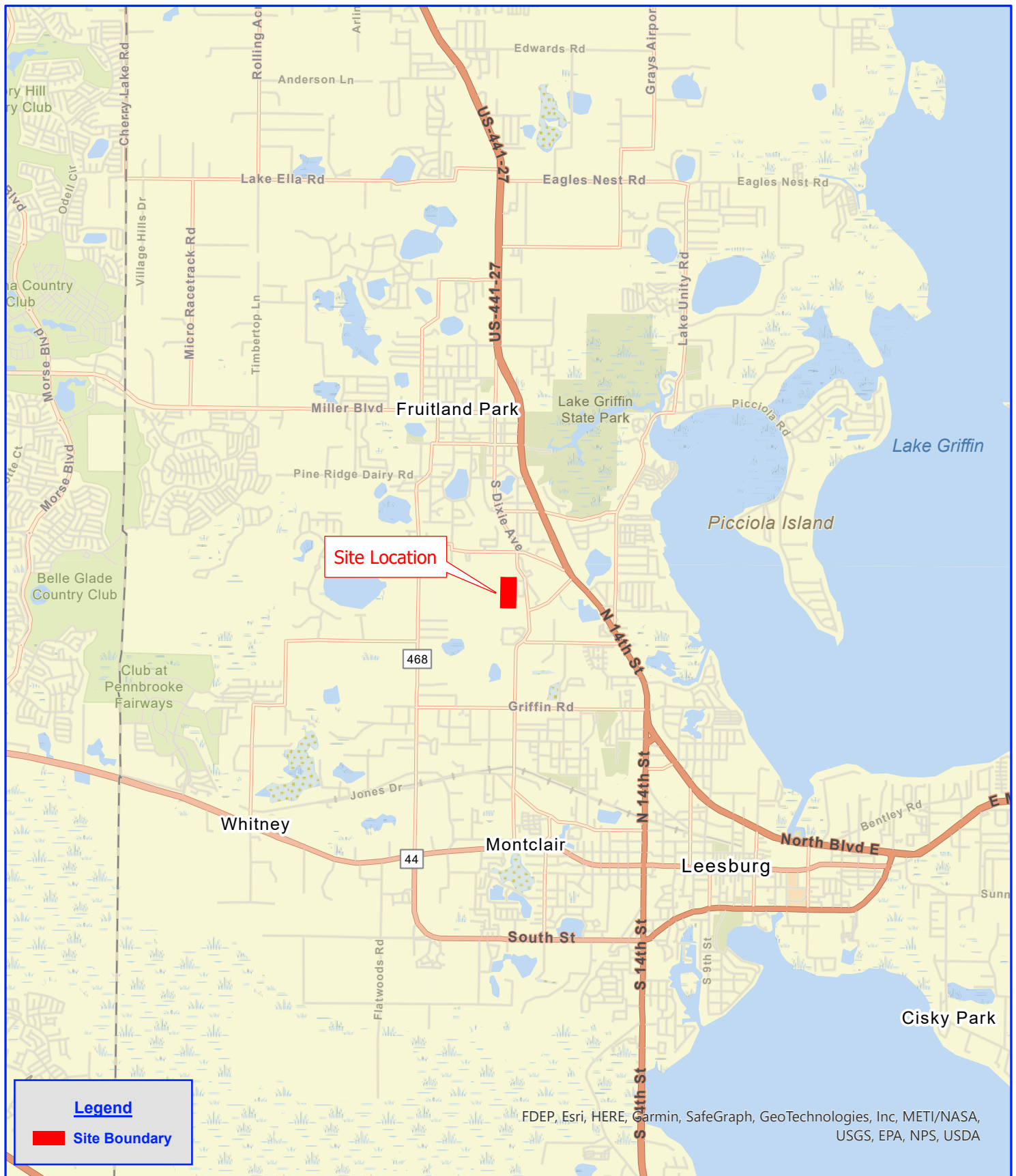
“EXHIBIT A”

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LINE, A DISTANCE OF 657.37' TO THE POINT OF BEGINNING.

EXHIBIT B



0.5 0 0.5 1 Miles
1 inch = 1 miles

City of Fruitland Park **Park Square** Lake County, Florida Location Map

Project: 398-22-10
 File: Location
 Name: Park Square
 PM: Sherie Lindh
 Date: December 7, 2022
 Created By: J.Wilson



DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT ("Agreement") is entered into and made as of the ____ day of _____, 2023 between the **CITY OF FRUITLAND PARK, FLORIDA**, a Florida municipal corporation, (hereinafter referred to as the "City"), and **KIMAYA, LLC**, a foreign limited liability company (hereinafter referred to as the "Owner").

RECITALS

WHEREAS, on May 11, 2023 the City Commission considered the annexation, future land use designation and rezoning for the property described and depicted as set forth on **Exhibit "A" attached to and incorporated** in this Agreement (hereafter referred to as the "Property").

WHEREAS, the City Commission approved the future land use designation based on the density set forth on the Fruitland Park Duplex and Townhomes Conceptual Site Plan attached as Exhibit "B" (the "Plan"); ~~with a maximum density of eight ten (108) units per acre and 168 residential units; with a maximum of 170 residential units.~~

WHEREAS, 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.

WHEREAS, the City of Fruitland Park has determined that the development of the Property presents, among other things, an opportunity for the City to secure quality planning and growth, and provide an appropriate transition between residential land uses.

WHEREAS, The City of Fruitland Park has determined that the proposed development is consistent with the City's comprehensive plan and land development regulations.

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. Land Use/Development. Development of the Property shall be substantially consistent with the "Fruitland Park Duplex and Townhomes Conceptual Site Plan" attached as Exhibit "B" (the "Plan") consisting of a mixture of duplexes and townhomes, and single family detached units, not to exceed 168 residential units consisting of no more than 56 duplex homes and no more than 112 townhomes for fee simple ownership; single-family homes "for sale" or "for rent" that will be either Townhomes, Duplexes or single family detached product, or mixture of all of these. Development shall include duplex homes along the eastern and western boundaries and townhomes within the center of the Property; however, during the major site plan consideration process the City Commission may, in its sole discretion, approve deviations as to the locations of the duplex homes and townhomes. Also during the major site plan consideration process the City

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~~Commission may, in its sole discretion, approve additional units.~~ The community shall consist of A-recreational green space with two pavilions shall be located central to the townhomes. Along the southern portion of the Property, there shall be constructed a dog park with pavilion, a pool and spa with cabana, as well as a walking trail around the perimeter of the dry retention area. These homes will not be more than 2 story. Three (3) or more story Apartments buildings are not permitted.

Section 3. Elevations and Architectural Features. City and Owner agree that development of the Property shall meet or exceed all applicable performance and design standards under the City's Land Development Code and shall be substantially consistent with the Exterior Elevation "A" Front and Rear as depicted and described in Exhibit C attached hereto and incorporated herein. Roofs shall be tile.

Section 4. Property Owners Association. The Owner shall establish a property owners association which shall be responsible for maintenance of common areas and infrastructure within the Property, including, but not limited to, parks and recreation areas, stormwater retention, open space areas, and roads. Owner shall record declarations satisfactory to City setting forth these requirements and detailing assessments in conjunction with the platting of the Property. A property owner association shall be required to set up and maintain a reserve account for road maintenance, repair and replacement.

Section 5. 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, water and wastewater utilities, 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 property owners within the City.

Section 6. Environmental Considerations. Owner shall comply with all federal, state, county, and city laws, rules and regulations regarding any environmental issues affecting the Property.

Section 7. Compliance with City Laws and Regulations. Except as expressly modified herein, all development of the Property shall be subject to compliance with the City's LDC 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 8. Enforcement/Effectiveness. A default by either party under this Agreement shall entitle the other party to all remedies available at law or as set forth in Section 163.3243, Florida Statutes.

Section 9. 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 10. Binding Effect; Assignability. This Agreement, once effective, shall be binding upon and enforceable by and against the parties hereto and their 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. The parties hereby covenant that they will enforce this Agreement and that it is a legal, valid, and binding agreement.

Section 11. 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 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 12. Exhibits. All exhibits attached hereto are hereby incorporated in and made a part of this Agreement as if set forth in full herein.

Section 13. 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: Mayor
City of Fruitland Park
506 W. Berckman Street
Fruitland Park, Florida 34731
352-360-6727 Telephone

Anita Geraci-Carver, Esq.
City Attorney
1560 Bloxam Ave.
Clermont, FL 34711
anita@agclaw.net

Owner: Kimaya, LLC
5200 Vineland Road, Ste. 200
Orlando, FL 32811
Attn: Vishaal Gupta, Manager
Email: _____

Copy to: Lowndes Law
215 N. Eola Dr.
Orlando, FL 32801
Attn: Logan Opsahl, Esq.

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Section 14. **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 15. **Term of Agreement.** All rights, privileges, benefits and burdens created herein are covenants running with the land, binding upon and inuring to the benefit of the City, the Owner, and their respective assigns and successors in title.

Section 16. **Amendment.** Amendments to the provisions of this Agreement shall be made by the parties only in writing by formal amendment.

Section 17. **Severability.** If any part of this Development Agreement is found invalid or unenforceable in any court, such invalidity or unenforceability shall not affect the other parts of this Development 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 Development Agreement is declared severable.

[SIGNATURES APPEAR ON FOLLOWING PAGES]

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

<u>SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:</u>	<u>OWNER</u>
	<u>KIMAYA, LLC, a foreign limited liability company</u>
Witness: _____	By: _____
	Name: _____
Witness: _____	Title: _____

CITY OF FRUITLAND PARK

Chris Cheshire, Mayor
City of Fruitland Park, Florida

ATTEST:

Esther Coulson, CMC, City Clerk

(SEAL)

**EXHIBIT “A”
The Property
(Legal Description)**