

CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number:

ITEM TITLE: Second Reading and Public Hearing Ordinance
2025-011 Annexation – CR 468 Subdivision for
approximately 32.03 ± acres generally located west of
468 and South of Myrtle Lake Ave. Petitioner:
Burgland Capital, LLC on behalf of the owner, William
Kent Stokes Trust.

MEETING DATE: May 22, 2025

DATE SUBMITTED: May 16, 2025

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

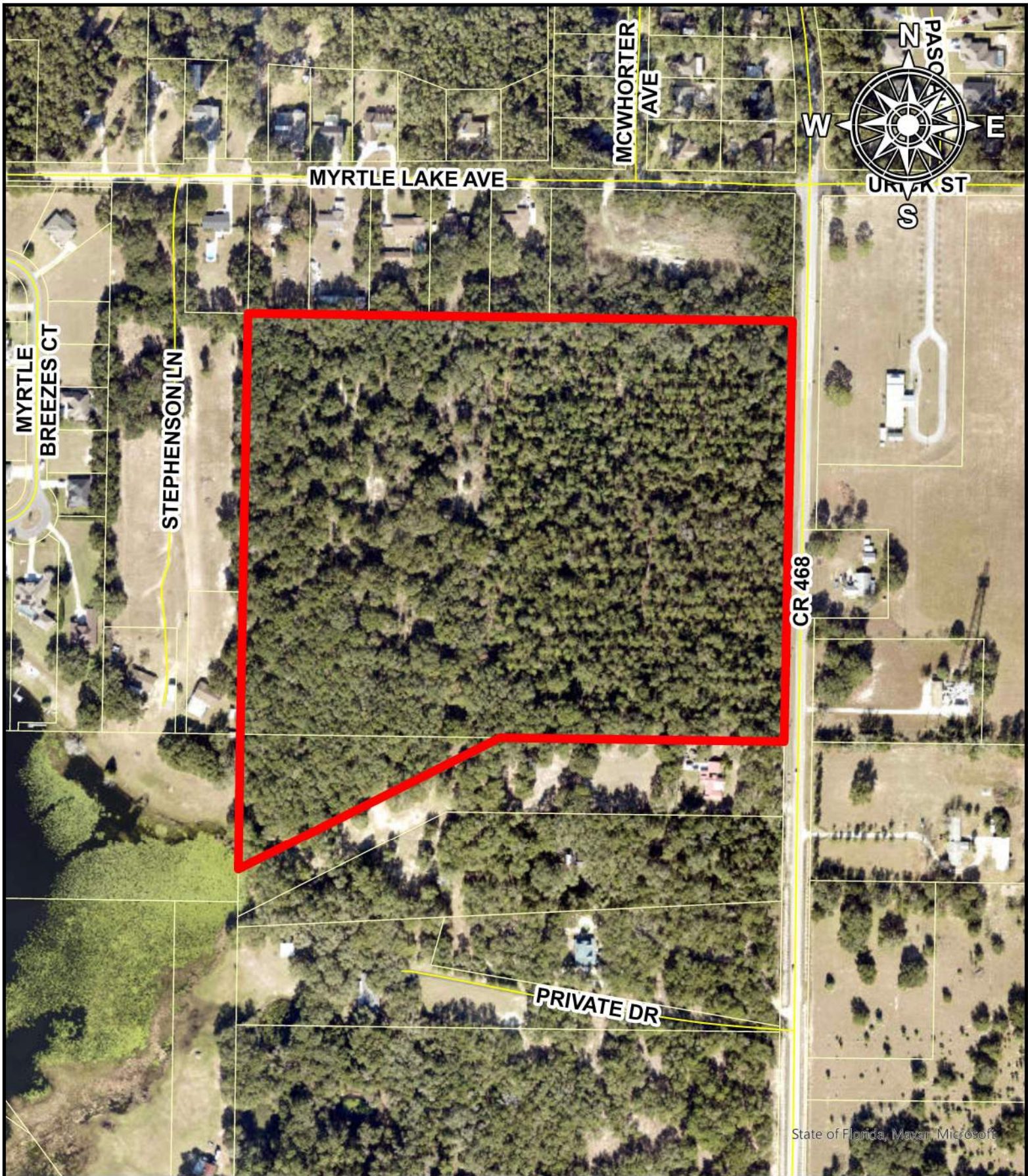
BRIEF NARRATIVE: Applicant is seeking voluntary annexation into the city
and receive city services to develop a proposed 124 lot subdivision for 50 ft lots (50' x
120') with a minimum living area of 1,350. The proposed open space is 8.01 acres or
25.3%. The site is located within the city's utility service area. An HOA is proposed to
provide management of all common areas and facilities. A one (1.0) acre amenity/open
space tract with a tot lot/playground is also proposed.

FUNDS REQUIRED: None


ATTACHMENTS: Ordinance 2025-011, location map, staff comments,
advertising affidavit

RECOMMENDATION: Recommended to consider approval of Ordinance
2025-011.

ACTION:



State of Florida, Maxar, Microsoft

| | | | | |
|--|---|--|----------------------|-------------|
|  | CIVIL ENGINEERING LAND PLANNING | | Aerial Map | |
| | APPIANFL.COM • 407.960.5868 | | Lake County, Florida | |
| | 2221 LEE ROAD, SUITE 27, WINTER PARK, FLORIDA 32789 | | BIN-004 | 1" = 300 ft |
| | | | Date: 6/3/2024 | |

ORDINANCE 2025-011

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 32.03 ± ACRES OF LAND GENERALLY LOCATED WEST OF CR 468 AND SOUTH OF MYRTLE LAKE AVE.; 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 AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a petition has been submitted by Jason Monroe Lee on behalf of Burgland Capital, LLC, as Applicant, on behalf of William Kent Stokes Trust, Owner, requesting that approximately 32.03 ± acres of real property generally located west of CR 468 and south of Myrtle Lake Ave. (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 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 following described property consisting of approximately 32.03 acres of land generally located west of CR 468 and south of Myrtle Lake Ave., contiguous to the City limits, is hereby incorporated into and made part of the City of Fruitland Park Florida. The property is more particularly described as follows:

LEGAL DESCRIPTION: See Exhibit "A"

Parcel Alternate Key No. 1288843 and 1289912

Section 2. The City Clerk shall forward a certified copy of this Ordinance to the Clerk of the Circuit Court, the County Manager of Lake County, Florida, and the Department of State of Florida within seven (7) days after its passage on second and final reading. 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 3. 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 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. 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 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 _____, 2025.

Chris Cheshire, Mayor
City of Fruitland Park, Florida

ATTEST:

Approved as to Form:

Gwen Johns, MMC, City Clerk

Anita Geraci-Carver, City Attorney

| | |
|----------------------|--|
| Vice-Mayor DeGrave | _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent) |
| Commissioner Cosenza | _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent) |
| VACANT | _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent) |
| VACANT | _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent) |
| Mayor Cheshire | _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent) |

Passed First Reading _____
Passed Second Reading _____

(SEAL)

EXHIBIT 'A'

Parcel 1:

The South 3/4 of the Southwest 1/4 of the Southwest 1/4 less right of way of Highway #468, in Section 9, Township 19 South, Range 24 East.

Parcel 2:

Begin at the Northwest corner of Section 16, Township 19 South, Range 24 East, run East 617.2 Feet, thence south 62°26' West to the Section line, thence North to the point of beginning.

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

ANNEXATION, SSCPA, AND REZONING

Owner: William Kent Stokes Trust

Applicant: Burgland Capital, LLC , Jason Monroe Lee

General Location: West of CR 468 and South of Myrtle Lake Ave.

Number of Acres: 32.03 ± acres

Existing Zoning: Agriculture (A) and Residential Professional (RP)

Proposed Zoning: PUD

Existing Land Use: Urban Medium Density (7 units/acre)

Proposed Land Use: Multi-Family Low Density (8 units/acre)

Date: February 24, 2025

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 135-unit single family subdivision with lots ranging in widths from 40' to 60' at a proposed density of 4.34 units/acre. Minimum lot sizes range from 4,800 SF (97 lots) and 7,200 SF (38 lots). A 1.0-acre amenity/open space tract with tot lot/playground is proposed. Total open space proposed is 7.95 acres (25.1%) which includes amenity (1.0 acres), landscape buffer (0.92 acres), conservation area (0.09 acres) and stormwater pond (5.94 acres).

| | Surrounding Zoning | Surrounding Land Use |
|--------------|-------------------------------|--|
| North | R-1 and Ag | Urban Medium Density (7 units/acre) |
| South | Residential Professional (RP) | Urban Medium Density (7 units/acre) |
| East | PFD, Ag and R-2 | Institutional, SF Low Density (3 units/acre), Urban High Density (12 units/acre) |
| West | R-1 | Urban Medium Density (7 units/acre) |

Assessment

Application

Chapter 152, Section 152.040(e) list criteria for review of comprehensive plan and rezoning amendments as follows:

1) Consistency with the Comprehensive Plan, or in the case of a Plan amendment, consistency with the remainder of the Plan and its goal, objectives and policies.

The applicant indicated that “Per the City’s Comprehensive Plan 2035, under the Proposed Land Use Strategy, this development will help meet the City’s goal of providing a mix of housing types and styles that provides people with affordable housing choices that can accommodate changes in lifestyle.” “In addition, per the City’s Proposed Land Use Strategy, this development will also provide access to housing for residents of various ages and needs as well as conserving wetland and other environmentally sensitive areas.”

2) Consistency with applicable sections of the Land Development Code.

Chapter 154, Section 154.030(11) indicates that a conceptual plan is required for the rezoning which the applicant has submitted. Please see additional comments regarding the concept plan outlined below in the staff report.

3) Additionally, as to rezoning amendments:

A) Whether justified by changed or changing conditions.

Annexation into the city requires a city designated zoning.

B) Whether adequate sites already exist for the proposed district uses.

A PUD zoning allows for specific development criteria allowing for a mix of lot or housing types which cannot be achieved by a straight zoning category. The proposed development requires a PUD zoning which the applicant has applied for.

C) Whether specific requirements of the Land Development Code are adequate to ensure compatibility with adjoining properties as required by the Comprehensive Plan.

Any proposed development must comply with the land development regulations including landscape buffers which assist in buffering adjacent uses. The applicant submitted a statement indicating that the current land use is County Urban Medium (7 units/net acre) and the proposed amendment to City MFLD (8 units/acre).

Annexation

The subject site is adjacent to the City limits along the eastern property boundary and is eligible for voluntary annexation. The subject site is also within the City’s Utility Service Area.

Small Scale Comp Plan Amendment

The proposed small scale comprehensive plan amendment consists of 32.03 ± acres and is located south of Lake Myrtle Ave. and west of CR 468. For comprehensive plan purposes a maximum development scenario was utilized.

The site is designated as Urban Medium Density (32.03) on the Lake County Future Land Use Map and it is proposed to designate the site as City of Fruitland Park Multi-Family Low Density. Under the Lake County Urban Medium Density future land use could have developed at a maximum development scenario of 7 units/net acre pursuant to Lake County FLU Policy 1-1.3.3 which results in 224 units.

Under the proposed Multi-Family Low Density land use (8 units/acre) the property could be developed at a maximum development scenario of 256 units pursuant to FLU Policies 1-1.2 and 1-1.5; however, the proposed Planned Unit Development (PUD) zoning limits development to 135 units which results in a proposed gross density of 4.21 units/acre.

The proposed comprehensive plan amendment results in an increase of 32 units.

The property to the northern, southern and western is designated as Urban Medium Density (7 units/acre), property to the east within the city limits is designated as Institutional and SF Low Density and Lake County Urban High Density (12 units/acre). Further south along CR 468, property within the city is designated as Multi-Family High Density (15 units/acre).

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.

School Impact Analysis – Please submit school concurrency application.

Traffic Impact Analysis – The traffic impact analysis submitted was based on 139 single family units. The anticipated buildout is the end of 2027. The results indicate the proposed development would generate 1,366 daily trips, of which 101 AM peak hour trips and 135 PM peak hour trips. The proposed development will not adversely impact area roadways and will not adversely impact the Level of Service. The development will require the construction of a 425-foot northbound left turn lane and 400-foot southbound right lanes at both access driveways.

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 2023) of 2.41 person per household is 335. The estimated water usage is 0.057.

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 0.196 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 0.139 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 289,000 gallons per day (0.289 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 2023) of 2.41 person per household is 335. The estimated sanitary sewer usage is 0.040 mgd. The analysis concludes that the proposed amendment will not cause a deficiency and the City will have a remaining capacity of 0.249 mgd.

Environmental Analysis – An environmental assessment was conducted by Paradise Environmental, LLC. The assessment indicates that there are 0.04 acres of water bodies and no protected species were observed on the subject site. A small portion of the site is within the 100-year flood; however, no impacts to the flood zone are proposed. Should protected species occur, the appropriate regulatory permits will be secured.

Rezoning

The subject property is currently zoned Agriculture and Residential Professional in Lake County and the proposed City zoning is Planned Unit Development (PUD) for the development of a 135-unit subdivision. Surrounding zoning consists of Residential Professional (RP), R-1, Agriculture, Public Facilities District (PFD), and R-2.

Concept Plan

The revised concept plan identifies 135 single family units consisting of the following:

97 units of 40' x 120' (4,800 SF) lots

38 units of 60' x 120' (7,200 SF) lots

Residential development to the north is developed on 1 acre lots. Subdivisions in the general area consist of Lake Myrtle Breezes (1/2 acre lots) and Arbor Park of 50' (6,250 SF), 60' (7,500 SF), and 70' (8,750 SF) lots for single family detached homes.

The applicant indicates that there is sufficient evidence that the proposed 40' and 60' lot sizes are compatible with adjacent developments. To the northeast of the site, the adjacent property is not a subdivision but a borrow pit that was used for fill material. The borrow pit will not be negatively impacted by the proposed site development. The properties to the northwest were developed as 1 acre lots, however, that is not the development trend in the area. To lessen impact to the 1 acre lots, we are proposing a 10' landscape buffer tract with a 15' landscape easement in the rear of the 60' lots adjacent to those properties.

Regarding Arbor Park (Phases 1, 2, and 3) we are proposing larger lot areas along the boundary of the subdivision at 60' in width in comparison to the majority of Arbor Park's 50' perimeter lots. Therefore, the interior 40' lots will not negatively impact the adjacent developments.

Finally, with regards to Lake Myrtle Breezes the market conditions are currently preferential to properties that are in the 40' wide, 50' wide and 60' wide range. Buyers are attracted to the lower costs (smaller roadway and infrastructure) and lower maintenance requirements of lots in this range. This is reflected in the neighboring Arbor Park development being overwhelming comprised of 50' lots. Our subject parcels have a current Future Land Use of Urban Medium through the County and we are trying to match the development trans in the CR 468 corridor.

The proposed setbacks are as follows:

Front – 20'
Front Garage – 25'
Side – 5'
Rear – 20'

The proposed minimum floor area for the homes on the 40' lots is 1,200 SF and 60' lots is 1,500 SF.

The proposed perimeter buffers are 10' with a 15' landscape easement for lots/areas abutting the property boundary. Historically, planned unit developments provide for 25' perimeter buffers. The 10' landscape buffer and 15' landscape easement provides a 25' perimeter buffer on north, portions of the south and western boundary. A 10' landscape buffer is proposed along the eastern boundary adjacent to CR 468.

Chapter 154 requires a minimum of 25% of common open space of which portions should be suitably improved to meet the recreational needs of the community. The plan indicates that the applicant is offering 25.1% open space and includes the proposed stormwater ponds. The applicant proposes a trail with benches around the stormwater pond. The concept plan indicates that the proposed amenity tract (1.0 acre) would include a tot lot/playground and a covered mailbox kiosk at a minimum.

Chapter 165, Section 165.130(A) requires a minimum 25' upland buffer adjacent to the lake. Further, Section 165.080 requires a 35' setback from the ordinary high water line. The revised master plan now indicates both the upland buffer and setback.

The applicant is requesting a maximum building coverage from 30% to 75% for 40' lots and a maximum of 65% for 60' lots. The applicant is also requesting that the minimum lot width be based on the front setback line rather than the front property line along the roadway.

Comprehensive Plan Compliance

The proposed amendment complies with the following policies:

FLU Policy 1-1.2: Density and Intensity Standards.
FLU Policy 1-1.5: Multiple-Family Low Density
FLU Policy 1-2.1: Promote Orderly, Compact Growth
FLU Policy 1-3.1: Planned Unit Development

Recommendation

Please submit school concurrency letter upon receipt from Lake County Schools.



VIA EMAIL echurch@fruitlandpark.org

February 5, 2025

Emily Church
Office Assistant
City of Fruitland Park
506 W. Berckman St.
Fruitland Park, FL 34731

RE: CR 468 SUBDIVISION (AVO 043866.148)

Dear Ms. Church:

Per your email request dated February 4, 2025, I have reviewed the documents which were included in the drop box for the above referenced project. Based on my review, I have no further comments.

Should you have any questions, please feel free to contact our office at 352-343-8481.

Sincerely,

HALFF

A handwritten signature in blue ink, appearing to read "BT", located below the printed name.

Brett J. Tobias, P.E.
Team Leader
btobias@halff.com

BJT:ab

The Villages® DAILY SUN

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

Before the undersigned authority personally appeared **Amber Sevison**, who on oath says that she is Legal Ad Coordinator of the DAILY SUN, a daily newspaper published at Lady Lake in Lake County, Florida with circulation in Lake, Sumter and Marion Counties; that the attached copy of advertisement, being a Legal # **01244885** in the matter of

NOTICE OF NOTICE OF PUBLIC HEARING

was published in said newspaper in the issues of

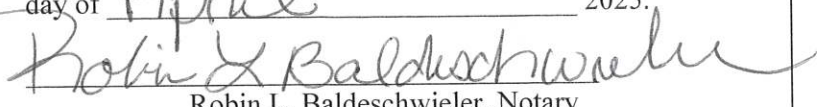
APRIL 1, 2025
APRIL 8, 2025

Affiant further says that the said Daily Sun is a newspaper published at Lady Lake in said Lake County, Florida, and that the said newspaper has heretofore been continuously

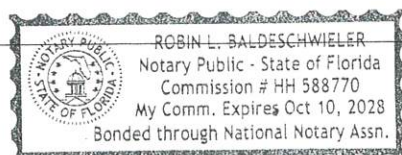
published in said Lake County, Florida each week and has been entered as second-class mail matter at the post office in Lady Lake, in said Lake County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisements; and affiant further says that he has neither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


(Signature Of Affiant)

Sworn to and subscribed before me this 9
day of April 2025.


Robin L. Baldeschwieler, Notary

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



NOTICE OF PUBLIC HEARING

ORDINANCE 2025-011

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 32.03 ± ACRES OF LAND GENERALLY LOCATED WEST OF CR 468 AND SOUTH OF MYRTLE LAKE AVE.; 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 AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2025-0012

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 MEDIUM DENSITY TO CITY MULTI-FAMILY HIGH DENSITY OF 32.03 +/- ACRES OF PROPERTY GENERALLY LOCATED WEST OF CR 468 AND SOUTH OF LAKE MYRTLE AVE.; DIRECTING THE CITY MANAGER OR DESIGNEE TO TRANSMIT THE AMENDMENT TO THE APPROPRIATE GOVERNMENTAL AGENCIES PURSUANT TO CHAPTER 163, FLORIDA STATUTES; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY, CONFLICTS AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2025-0013

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 32.03 +/- ACRES OF PROPERTY FROM LAKE COUNTY AGRICULTURE (A) AND RESIDENTIAL PROFESSIONAL (RP) TO CITY OF FRUITLAND PARK PLANNED UNIT DEVELOPMENT (PUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; GENERALLY LOCATED WEST OF CR 468 AND SOUTH OF LAKE MYRTLE AVE.; APPROVING A MASTER DEVELOPMENT AGREEMENT FOR THE PROPERTY; 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.

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

Planning & Zoning Board Thursday, April 17, 2025 @ 6:00 p.m.
City Commission 1st Reading Thursday, May 8, 2025 @ 6:00 p.m.
Land Planning Agency Thursday, May 8, 2025 @ 6:15 p.m.
City Commission 2nd Reading Thursday, May 22, 2025 @ 6:00 p.m.

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

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

