



AGENDA

Regular City Commission Meeting

6:00 PM - Thursday, March 3, 2022 - City Hall

INVOCATION

PLEDGE OF ALLEGIANCE: VICE MAYOR LEE

CALL TO ORDER

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

1. AGENDA UPDATE
2. APPROVAL OF MINUTES
 - 2.1 February 17, 2022 - Regular City Commission Meeting
[Staff Report #22-0054 - Html](#)
[02-17-2022 CC MIN - For Approval](#)
3. PRESENTATIONS
 - 3.1 Presentation by Lake Economic Area Development Partnership (LEAD)
[Staff Report #22-0049 - Html](#)
[LEAD Presentantion](#)
 - 3.2 Presentation by EHS Future Business Leaders of America - Sonya White
[Staff Report #22-0050 - Html](#)
4. AUDIENCE TO BE HEARD
5. CONSENT AGENDA
 - 5.1 Resolution Number 22-16: Vacation of unimproved right-of-way platted as Green Lake Drive in Lake Eustis Place Subdivision Plat
[Staff Report #22-0044 - Html](#)
[Staff Report Resolution Number 22-16](#)
[Resolution Number 22-16](#)
[Notice of Public Hearing](#)
[Legal Ad Res. No. 22-16](#)
 - 5.2 Resolution Number 22-17: Approving Multiple Annual Purchases in Excess of \$50,000 for Manhole Repairs and Rehabilitation
[Staff Report #22-0042 - Html](#)
[Resolution No. 22-17](#)
 - 5.3 Lake County Library Advisory Board appointment
[Staff Report #22-0043 - Html](#)
 - 5.4 Historic Preservation Annual Report
[Staff Report #22-0041 - Html](#)
[HPB Report to CC FY 20-21](#)

6. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

- 6.1 Resolution Number 22-18: Bay State South utilities agreement
[Staff Report #22-0047 - Html](#)
[Staff Report Res 22-18 Bay State](#)
[Resolution 22-18 Final Bay State Utility Agreement](#)
[Bay State South Utilities Agreement Final Clean 2-23-22](#)
[Agreement Exhibit B Signed Bay State HOA Resolution](#)
- 6.2 Resolution Number 22-19: Agreement to cure deficiencies and abate foreclosure litigation - Colonial Inn Motel LLC
[Staff Report #22-0046 - Html](#)
[Resolution 22-19](#)
[Colonial Inn agreement](#)
- 6.3 Ordinance Number 22-05: Planned Unit Development Overlay and Planned Unit Development Master Plan for Pine Meadows Reserve - Second Reading
[Staff Report #22-0048 - Html](#)
[Staff Report Resolution Ord. 22-05](#)
[Ordinance No. 22-05 Pine Meadows Reserve](#)
[20220211 Narrative c](#)
[PUD Standards](#)
[Community Meeting Summary](#)
[08-19-2021 CC MIN](#)
- 6.4 Ordinance Number 22-06: Conditional Use Permit for the operation of a bakery retail/restaurant use in the Residential/Office Transitional (RT) land use district at 320 South Grove Street.
[Staff Report #22-0051 - Html](#)
[Staff Report Ordinance 22-06](#)
[Ordinance 22-06](#)

7. OTHER BUSINESS

- 7.1 Presentation regarding Bates Avenue Wastewater Treatment Plant Expansion and ARPA Funding
[Staff Report #22-0053 - Html](#)
- 7.2 Request for Direction on former Waterman site
[Staff Report #22-0052 - Html](#)
[Staff Report Waterman Options](#)
- 7.3 Eustis Codes Pertaining to Signage and Littering
[Staff Report #22-0028 - Html](#)
[Section 115-11 Signage - Land Development Regulations](#)
[Section 115-6.2 Central business district-urban center building design standards LDRs](#)
[Chapter 34 Article III Littering - Code of Ordinances](#)
- 7.4 Discussion regarding City Manager Vacancy
[Staff Report #22-0045 - Html](#)

8. FUTURE AGENDA ITEMS

9. COMMENTS

9.1 City Commission

9.2 City Manager

9.3 City Attorney

9.4 Mayor

10. ADJOURNMENT

This Agenda is provided to the Commission only as a guide, and in no way limits their consideration to the items contained hereon. The Commission has the sole right to determine those items they will discuss, consider, act upon, or fail to act upon. Changes or amendments to this Agenda may occur at any time prior to, or during the scheduled meeting. It is recommended that if you have an interest in the meeting, you make every attempt to attend the meeting. This Agenda is provided only as a courtesy, and such provision in no way infers or conveys that the Agenda appearing here is, or will be the Agenda considered at the meeting.

If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (Florida Statutes, 286.0105). In accordance with the Americans with Disabilities Act of 1990, persons needing a special accommodation to participate in this proceeding should contact the City Clerk 48 hours prior to any meeting so arrangements can be made. Telephone (352) 483-5430 for assistance.

"Any invocation that may be offered before the official start of the Commission meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Commission and the public. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Commission, and the Commission is not allowed by law to endorse the religious beliefs or views of this, or any other speaker.



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

Staff Report

TO: Eustis City Commission
FROM: Mary Montez, City Clerk
DATE: March 3, 2022
RE: FEBRUARY 17, 2022 - REGULAR CITY COMMISSION MEETING

Introduction:

This item is for consideration of the minutes of the February 17, 2022, regular City Commission meeting.

Attachments:

[02-17-2022 CC MIN - For Approval](#)

Reviewed by:



MINUTES

Regular City Commission Meeting

6:00 PM - Thursday, February 17, 2022 - City Hall

INVOCATION: PASTOR RICHARD ALLEN, COMMUNITY FELLOWSHIP CHURCH

PLEDGE OF ALLEGIANCE: COMMISSIONER HAWKINS

CALL TO ORDER: 6:01 P.M.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

PRESENT: Commissioner Willie Hawkins, Vice Mayor Emily Lee, Commissioner Karen LeHeup-Smith, Commissioner Nan Cobb and Mayor Michael Holland

1. AGENDA UPDATE

Tom Carrino, Interim City Manager, announced that the applicant has requested that Resolution Number 22-12 for Ellianos Coffee be postponed to the date certain of April 7, 2022.

2. APPROVAL OF MINUTES

2.1 January 24, 2022 - City Commission Workshop **February 3, 2022 - Regular City Commission Meeting**

Moved by Vice Mayor Lee, seconded by Commissioner LeHeup-Smith, to approve the Minutes as submitted. Motion carried by the following votes:

Ayes: Commissioner Hawkins, Vice Mayor Lee, Commissioner LeHeup-Smith, Commissioner Cobb and Mayor Holland

3. PRESENTATIONS

3.1 Presentation by Lake Cares - Kelsey Gonzalez

Kelsey Gonzalez and Ruthie Haffner provided a presentation to the Commission regarding Lake Cares Pantry and their programs and the number of clients they have assisted in the past year, particularly those in Eustis.

Ms. Gonzalez announced that they would be launching a capital campaign to build a new 15,000 sq.ft. facility off of 19A outside Mount Dora.

Ms. Haffner reported on their children's feeding programs in the schools, their resource advocate program, as well as how they assist other programs such as Habitat for Humanity. She noted they served over 55,000 individuals in the previous year and cited their over 200 volunteers.

3.2 Update on use of See-Click-Fix application

Kristina Rosenburg, Community Relations Coordinator, explained that See-Click-Fix is a new platform the City launched back in November to better allow residents to submit service requests to the City. She explained how the program works and provided a demonstration of how the program works. She reviewed all the ways an individual can access the program.

The Commission commented on how they have already utilized the program and encouraged the audience to download the app and make use of it.

4. AUDIENCE TO BE HEARD

- 4.1** Nancy Muenzmay thanked the City for assisting with the advertising for the third annual Antique Toy and Advertising Show. She provided a report on the event and how it has grown over the past three years. She cited how the event also utilizes local food trucks and other vendors and commented on the wide variety of individuals that attended and where they were from. She announced that 65% of the vendors have already rebooked for next year. She cited the possibility of having antique tractors at next year's event. She emphasized the lack of adequate venues in the immediate area and cited the opportunity to improve the fairgrounds for local use.

Cindy Newton thanked Mayor Holland and Tom Carrino for attending the joint planning workgroup with Lake County and the other municipalities.

Michael Kennedy addressed the Commission regarding establishing design standards for the east town area and cited the need for improving the quality of the homes in that area. He asked that the City look at standardizing the design standards throughout the City.

Jane Hepting announced that the Lake Eustis Sailing Club would be hosting the Wayfair International Championship sailing event March 7 through March 11. She thanked the City for being supportive of the Sailing Club. She then commented on the February 7th joint planning meeting and the need to get more public input on the growth within the County. She asked that the Commission appoint an advisory board or other group to discuss growth.

Brian Broomfield stated he was sent a video through Facebook regarding an incident with the City's police officers. He expressed concern regarding what he saw in the video and stated that Michael Kennedy handled himself very well in the situation. He emphasized the need for the City to address those types of situations and make sure they do not escalate so the City keeps moving in a positive direction.

Yolanda Taylor, Eustis Community Redevelopment, Inc., addressed the Commission regarding previous reports regarding Cares Act funding. She asked to have that placed on a future agenda.

Mr. Carrino stated that one of the projects being discussed for funding through the Cares Act funds is the Bates Avenue Wastewater Treatment Plant and that will be brought forward in the near future.

Mayor Holland asked to have an update on the use of those funds.

Mr. Kennedy informed the Commission that he has already scheduled a meeting with Chief Capri regarding the incident Mr. Broomfield referred to.

5. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

5.1 Resolution Number 22-11: Site plan with waivers for a drive-through Scooter's Coffee Shop Restaurant

Derek Schroth, City Attorney, announced Resolution Number 22-11: A Resolution of the City Commission of the City of Eustis, Florida; approving a site plan with waivers for a 664 +/- square foot Scooter's Coffee Drive-through Only Restaurant on approximately +/- 0.458 acres located at 809 South Bay Street.

Heather Croney, Senior Planner, announced that the applicant is Ty O'Toole, Massey Roofing, and the request is for approval of a site plan with waivers. She explained the proposal is for a drive-through only coffee shop and no walkup customers will be served. She stated it is a redevelopment of the site so it is necessary for there to be some flexibility. She provided an overview of the project and stated there are no changes to be made to the southern portion of the property. She reviewed the current land use and design district designations and provided an example of what types of businesses could be placed on the site.

Ms. Croney then reviewed the requested waivers as follows: 1) Waiver to the minimum 50% frontage buildout to allow frontage buildout percentages of 29%, 21% and 9%; 2) Waiver to the landscape buffer requirement of five feet between drive-through lane and the perimeter of the property that is visible from the street. She explained what is being proposed for the landscaping is shrubs and sod around the building and property perimeter which would screen the drive-through from public view and the property owner to the south. She continued the review of the additional waivers as follows: 3) Waiver to the landscape buffer requirement along the public streets to allow a three-foot landscape buffer along each public street frontage; and 4) Waiver to the landscape area and a ten-foot minimum planting around the buildings. She explained that if they provided what is required by the code, they would have very little area left for the development. She then presented the overall landscape plan. She stated the final waiver request is for the glazing requirements of the building design standards. She explained the requirements under the code and stated that if the applicant met those, the windows would be looking into the storage, shelving and materials. She stated that the reason for the requirements is to encourage walkability; however, the location of the project is not an area where there would be many pedestrians and it is intended to be drive-through only. She commented on how the landscaping would improve the appearance of the site.

Ms. Croney presented elevations of the proposed building showing what it is planned to look like stating they worked to meet the City's requirements as much as possible. She reviewed the notices provided and indicated she only received one inquiry regarding the project. She stated staff's recommendation for approval stating that it is substantially consistent with the LDR's and the waivers do not jeopardize the health, safety or welfare of the public.

The Commission asked how many points of entrance are there to the property currently with Ms. Croney stating there are three entrances. She indicated the

proposal is for the entrances on the east and north to be both ingress and egress but the west side would be ingress only. She confirmed that the pickup window is on the west side and the speaker and menu board is on the north. It was noted that the speed limit in the area is 35 mph.

The Commission expressed concern regarding patrons getting in and out with Ms. Croney responding that the applicant has had a traffic study done and there were no recommended changes. She indicated they have been in contact with FDOT and they will require a turn lane be constructed if traffic becomes an issue.

The Commission asked if they have discussed the project with the business to the south with Ms. Croney indicating that is who contacted the City about the project and they have discussed the project with the applicant and, she believed, they have addressed their issues.

Mr. Schroth opened the public hearing at 6:52 p.m.

Brad Verkaik, property owner to the south, indicated he had discussed his concerns with the applicant and he is good with how it is designed to keep the patrons from encroaching on his property.

The following individuals expressed opposition or concern regarding the project and possible traffic issues: 1) Cathy Gonzalez; 2) Unidentified woman; and 3) George Asbate.

There being no further public comment, the hearing was closed at 6:59 p.m.

The Commission expressed concern regarding the larger delivery trucks navigating through there with Ms. Croney stating there is adequate space for a fire truck to access the property noting that the site plan was reviewed by the Fire Department, FDOT, Kimberly Horn and Public Works. She stated that FDOT will be monitoring and, if necessary, will require installation of a left turn lane. She noted that pedestrians won't be an issue as they will not allow walk-up customers.

Jessica O'Toole, applicant, explained that they actually have requested to put in a turn lane but FDOT asked them to hold off. She stated that the lane is already there and it would only be a restriping once FDOT approves the permit. She commented on the Scooter's company stating they pride themselves on their speed in handling customers and there will not be ten employees at one time in the building. She indicated that they have been searching for a location since August 2020.

The Commission asked about how that will affect the traffic coming off of Woodward with Ms. O'Toole explaining that is where the turn lane is being considered for entrance only.

Moved by Commissioner Hawkins, seconded by Commissioner LeHeup-Smith, to approve Resolution Number 22-11. Motion carried by the following votes:

Ayes: Commissioner Hawkins, Vice Mayor Lee, Commissioner LeHeup-Smith, Commissioner Cobb and Mayor Holland

5.2 Resolution Number 22-12: Site plan with waivers for an Ellianos Coffee Drive-through Coffee Shop Restaurant

This item was announced under "Agenda Update" that it was being postponed to April 7, 2022, at the request of the applicant.

5.3 Resolution Number 22-13: Preliminary Subdivision Plat (with waiver) for the Lake Lincoln Lookout Subdivision at the Northeast Corner of Estes Road and Lake Lincoln Lane

Mr. Schroth announced Resolution Number 22-13: A Resolution of the City Commission of the City of Eustis, Florida; approving a preliminary subdivision plat with waiver for the Lake Lincoln Lookout Subdivision, an 18-lot single family residential subdivision, on approximately 5.25 acres on the northeast corner of Estes Road and Lake Lincoln Lane.

Lori Barnes, Development Services Director, reviewed the preliminary subdivision plat with one waiver for the Lake Lincoln Lookout Subdivision. She stated the applicant is Lake RC, Inc. and explained it is for an 18-lot single family residential subdivision on 5.25 acres. She explained the one waiver request is for landscape buffer plantings due to a 60-foot power utility easement that prohibits any plantings within that area. She stated the property is in the Wekiva Study Area; however, the environmental assessment study did not show any Wekiva related vegetative species on the site.

Ms. Barnes stated the site has a Suburban Residential future land use designation and is located in a Suburban Neighborhood design district. She indicated the 18 lots will result in a density of 3.4 dwelling units per acre which is below the maximum of 5 d/u allowed. The plan provides for the required 25% open space and the park space requirement of .25 acres. She stated that the landscape buffers along the public right-of-way are 15 to 24 feet as required; however, along the south side of the site, the landscaping plantings will have to be placed on the first two lots within the subdivision due to the power line easement restriction.

Ms. Barnes stated the project will utilize the house lot typology and presented the subdivision plan noting that it does include a greenway park along the western boundary of the property with landscape buffers to the south and west. She explained the applicant is dedicating right-of-way to the County along Estes Road and to the City along Lake Lincoln Lane. She stated the site does drain to the northeast and the drainage has been designed to meet the St. John's River Water Management District requirements as well as the City of Eustis stormwater regulations. She added that the post development runoff shall not exceed the pre-development runoff. She presented a view of the landscaping plan and stated the applicant intends to retain as many trees as possible within the greenway tract to provide a natural buffer that will be supplemented with Florida native landscaping.

Ms. Barnes again noted the 60-foot power easement along Lake Lincoln Lane and stated the restrictions prohibit the placement of structures, trees or plantings so they have requested the waiver to allow them to place the plantings on Lot 1 and Lot 18. She stated staff has received one letter of opposition from the Friends of the Wekiva. She stated staff's recommendation for approval and indicated that the plan is substantially consistent with the goals, objectives and policies of the Comprehensive Plan and Land Development Regulations. She confirmed that the

hearing was properly noticed; however, the wrong proof of publication was attached to the agenda item.

The Commission asked if there would be a fence with Ms. Barnes responding that the applicant has not requested fencing within their landscape buffers. She explained that the code restricts any fencing or walls within the landscape buffer in a Suburban district to decorative fencing no taller than four feet.

Mr. Schroth opened the public hearing at 7:11 p.m.

The following individuals expressed opposition or concern regarding the development: 1) Cindy Newton and 2) Cathy Gonzalez.

Tim Green, Green Consulting, addressed the Commission representing the applicant. He explained the only waiver requested was due to the Duke Energy easement which prohibits trees being planted there. He stated, otherwise, the plan adheres to the City's code and design standards.

There being no further public comment, the hearing was closed at 7:16 p.m.

Moved by Vice Mayor Lee, seconded by Commissioner LeHeup-Smith, to approve Resolution Number 22-13. Motion carried by the following votes:

Ayes: Commissioner Hawkins, Vice Mayor Lee, Commissioner LeHeup-Smith, Commissioner Cobb and Mayor Holland

5.4 Resolution Number 22-14: Approving an interlocal agreement relating to the North Lake Trail Phases 1 and 2 Project

Mr. Schroth announced Resolution Number 22-14: A Resolution of the City of Eustis, Lake County, Florida, approving and ratifying an interlocal agreement relating to the North Lake Trail Phases 1 & 2 project, providing for severability and an effective date.

Tom Carrino, Interim City Manager, explained the agreement is between Lake County, Eustis and the cities of Umatilla and Tavares. He explained where the trail is anticipated to be placed and stated the agreement allows for the feasibility study. He added this is the first step in moving forward for Phases 1 and 2 of the North Lake Trail. He stated staff's recommendation for approval.

The Commission asked about the funding with Mr. Carrino stating the agreement does not commit the City to any funding at this time but will require future funding. He stated that the City does have some funding earmarked for the trail process.

Mr. Schroth opened the public hearing at 7:19 p.m.

Mike Stephens, Lake 100 and Friends of Lake County Trails, explained that this is just the first step. He reported on the status of other trails that are underway in the area.

There being no further public comment, the hearing was closed at 7:21 p.m.

Moved by Commissioner Cobb, seconded by Vice Mayor Lee, to approve Resolution Number 22-14. Motion carried by the following votes:

Ayes: Commissioner Hawkins, Vice Mayor Lee, Commissioner LeHeup-Smith, Commissioner Cobb and Mayor Holland

- 5.5** Ordinance Number 20-32: Voluntary Annexation of property located on north side of CR 44A, east of East Eldorado Lake Drive
Ordinance Number 20-33: Comprehensive Plan amendment assigning future land use designation to above property
Ordinance Number 20-34: Assigning a design district designation to the above property

Mr. Schroth read Ordinance Number 20-32 by title on second reading: An Ordinance of the City Commission of the City of Eustis, Florida, voluntarily annexing approximately 20.691 acres of real property located on the north side of County Road 44A, east of East Eldorado Lake Drive.

Mr. Schroth reported on his and Mayor Holland's attendance on February 16th to the Florida Community Trust (FCT) board meeting. He reviewed the history of the issue and stated that the FCT did not deny Lake County's action; therefore, the City cannot move forward with the annexations. He concluded stating his recommendation that the annexations must be denied.

Mr. Schroth opened the public hearing at 7:22 p.m. There being no public comment, the hearing was closed at 7:22 p.m.

The Commission asked if all of the ordinances could be denied at one time with Mr. Schroth explaining that if they deny Ordinance 20-32 it stops contiguity for all of the other properties; therefore, those would be denied as moot.

Following the motion and second, the Commission discussed what occurred at the FCT Board meeting, expressed concern regarding how it was handled and cited an issue with the audio and with the Board members calling in to the meeting rather than being present in person.

Moved by Commissioner Cobb, seconded by Vice Mayor Lee, to deny Ordinance Number 20-32 on second reading. Motion carried by the following votes:

Ayes: Vice Mayor Lee, Commissioner LeHeup-Smith, Commissioner Cobb and Mayor Holland

Nays: Commissioner Hawkins

- 5.6** Ordinance Number 20-35: Voluntary annexation of property located on the south side of CR 44A and west of Thrill Hill Road
Ordinance Number 20-36: Comprehensive Plan amendment assigning a future land use designation to the above property
Ordinance Number 20-37: Assigning a design district designation to the above property

These ordinances were not considered due to the denial of Ordinance Number 20-32.

- 5.7** Ordinance Number 20-38: Voluntary annexation of property located on the east side of Thrill Hill Road and north of Reedy Road
Ordinance Number 20-39: Comprehensive Plan amendment assigning a future land use designation to the above property
Ordinance Number 20-40: Assigning a design district designation to the above property

These ordinances were not considered due to the denial of Ordinance Number 20-32.

- 5.8** Ordinance Number 22-04: Amendment to Chapter 102 and 115 of the Land Development Regulations

Mr. Schroth read Ordinance Number 22-04 by title on second reading: An Ordinance of the City Commission of the City of Eustis, Florida, amending the Land Development Regulations, Chapter 102-Administration and Enforcement, Section 102-21, and Chapter 115-General Building and Site Standards, Section 115-1 of the Land Development Regulations, to exempt homestead lot residential subdivisions containing no more than four lots, each lot containing a minimum of 1.5 acres of gross land area, and which do not include establishment of new streets and alleys, from certain submittal requirements and site design standards; providing for codification, severability and an effective date.

Mr. Schroth opened the public hearing at 7:27 p.m. There being no public comment, the hearing was closed at 7:27 p.m.

Moved by Commissioner Cobb, seconded by Commissioner LeHeup-Smith, to adopt Ordinance Number 22-04 on final reading. Motion carried by the following votes:

Ayes: Commissioner Hawkins, Vice Mayor Lee, Commissioner LeHeup-Smith, Commissioner Cobb and Mayor Holland

- 5.9** Ordinance Number 22-03 (Reconsideration): Design District Assignment - Property Proposed for Annexation on Suanee Avenue

Mr. Schroth read Ordinance Number 22-03 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; assigning the Suburban Neighborhood design district designation to approximately 0.494 acres of recently annexed real property on Suanee Avenue (Alternate Key Numbers 1064309 and 1427118).

Ms. Barnes reviewed the proposed design district designation of Suburban Neighborhood for property proposed for annexation located on Suanee Avenue. She explained that the Commission approved Ordinances 22-01 annexing the property and 22-02 assigning the future land use designation on first reading; however, the design district ordinance was denied. She explained that action rendered the property as undevelopable. At the February 3rd meeting, the applicant requested that Ordinance 22-03 be reconsidered on first reading and the Commission voted to rehear Ordinance 22-03 and to postpone second readings of Ordinances 22-01 and 22-02 to March 3rd.

Ms. Barnes explained the Suburban Neighborhood designation is consistent with that area of the City. She stated the Land Development Regulations require that a consistent transect is applied when assigning design district designations. She indicated that the Suburban Neighborhood would be the applicable designation for the subject property. She explained why the other designations would not be appropriate for that site and why Suburban Neighborhood is applicable. She stated staff's recommendation for approval and indicated the related ordinances are also compatible and consistent with the joint planning area. She noted that staff received one email regarding the request; however, it did not indicate opposition or support but linked to an excerpt from the City's historic preservation report that was done for the east town neighborhood in the 1990's.

Mr. Schroth opened the public hearing at 7:32 p.m.

Cindy Newton indicated she is the one that sent the link to the historic preservation report and reviewed a history of Rosenwald Gardens and the area.

The following individuals expressed opposition to the development citing the number of homes proposed, the street being a dead-end street, the need for additional green space and better roads and sidewalks and the number of children in the immediate area of the site: 1) Patricia Moore; 2) Bryan Broomfield; 3) Madelyn Love; and 4) Michael Kennedy.

There being no further public comment, the hearing was closed at 7:42 p.m.

At that time, no motion was forthcoming; therefore, the ordinance died for lack of a motion.

5.10 Ordinance Number 22-05: Planned Unit Development Overlay and Planned Unit Development Master Plan for Pine Meadows Reserve

Mr. Schroth read Ordinance Number 22-05 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Florida; approving a Planned Unit Development (PUD) Overlay for Pine Meadows Reserve pursuant to Section 102-29 and 109-2.8 of the Land Development Regulations; approving a planned unit development (PUD) master plan for a 548-lot mixed-product single family residential subdivision on 240.43 gross acres on the north and south sides of Pine Meadows Golf Course Road, establishing permitted uses and development standards, providing for a phasing plan, providing for conditions of approval, providing for severability and an effective date.

Ms. Barnes reviewed the requested PUD overlay and master plan for the Pine

Meadows Reserve. She stated the request is for a 548 unit mixed-product residential subdivision to be completed in three phases. She reported on the May 18, 2021, community meeting held on behalf of the applicant. She stated the applicant did make some changes to the plan based on those comments. She stated the concept plan was presented on August 19, 2021 and proposed 578 lots at that time. She explained the location of the proposed development and indicated it is not located with the Wekiva Study Area. She further explained how the Rural Neighborhood Design District will govern the development of the site to protect the natural resources. She reviewed the conservation design process and how it was used to develop the site plan. She then reviewed the community characteristics including the density, open space, impervious surface area, park space and landscape buffers and how the proposal compares to the minimums and maximums required in the code.

Ms. Barnes then explained the use of the planned unit development overlay and how it allows the developer to provide a higher level of amenities. She further explained the required seven findings for approval of a PUD. She noted the property is an irregular shape and is bisected by Pine Meadows Country Club Road.

Ms. Barnes then reviewed the departures from the Land Development Regulations as follows: 1) Limitation of permitted uses; 2) Use of distinctive lot typologies to facilitate preservation of 138-acres of combined wetland preservation, conservation, open space and parks; 3) Minimum living area per unit of 1,000 square feet; 4) Landscape buffer to pastureland; preservation and conservation areas provide for wider separation than a 50-foot supplemented landscape buffer; and 5) Use of Miami curb instead of ribbon curb or swale.

The Commission asked what is a Miami curb with Rick Gierok, Public Services Director, explaining that Miami curbing is a concrete curb and has a small valley to channel the runoff water.

Ms. Barnes continued reviewing the requirements for approving a PUD including: 1) The existing or planned infrastructure is adequate to support the anticipated development. She indicated the City does have capacity to serve with water, sewer and reclaimed water. She stated that the primary access is to County Road 44 with right and left turn lanes and deceleration lanes with a future connection to the property to the west. She indicated that the traffic study was reviewed by the City's consultant Kimberly Horn as well as Lake County and FDOT. She commented that the County has initiated discussions with the applicant regarding dedication of the trail. She added that the DRC review determined it would not impact the level of services standards with the improvements as planned. 2) The development incorporates best management practices for stormwater management, "green" building, and water and energy efficiency. 3) The development protects, preserves, and/or manages areas of significant natural resources. She stated the project proposes 92.2 acres of wetland preservation and added that only a small portion of the site along the south entrance would have an impact on the wetland area. She added that the project will provide a 23.86 acres passive park to the south of Pine Meadows Golf Course Road and south of the conservation area and 138.22 acres will be permanently dedicated as conservation, park and open space for 57% of the total site.

Ms. Barnes provided various images of the proposed landscaping at the entrance

to CR 44, the enhanced landscaping near the tennis courts, and the landscape buffer near Fairway Drive. She noted that residents had requested that no new driveways be placed on Fairway Drive; therefore, the applicant is proposing to having a landscape buffer along Fairway. She then provided an image of the northeast portion of the site where the passive park, walking trail and conservation area will be provided.

Ms. Barnes continued reviewing the requirements for approval of a PUD stating that the arrangement of the proposed uses should better integrate future development into the surrounding neighborhood. She indicated that the applicant has provided for conservation land and open space/buffers on the periphery, clustered the dwelling units and the townhomes are strategically sited to internally maximize the distance from the existing single family residences in the area.

Ms. Barnes then stated that the phasing plan shows that each phase can act independently as well as together. She indicated that staff has reviewed the plan according to the Comprehensive Plan and cited the following: 1) The density of 3.69 du/acre is less than the maximum of 5 du/ac; 2) The proposed impervious surface of 39% is less than the maximum of 40%; and 3) the plan is consistent with the FLU Element and FLU Appendix. She indicated the site is several miles from the eastern boundary of the City's joint planning area and is south of the northern JPA boundary. She commented on Map #19 which indicates a density of 2.5 dwelling units per acre for a large portion of the Pine Meadows property. She indicated that Map #19 is inconsistent with the balance of the City's Comprehensive Plan; therefore, staff does find that the proposed density is consistent with the City's regulations.

Ms. Barnes then commented on the review per the City's Land Development Regulations stating that the project exceeds the requirements for open space and park space; provides for density and impervious surface area under the maximum, meets the rural neighborhood definition and site design criteria and meets the required findings for a PUD Overlay.

Ms. Barnes summarized the proposed plan stating that the applicant did hold a community meeting, submitted a concept plan and presented it to the Commission, the PUD has been reviewed by the Development Review Committee and was advertised and posted as required by the regulations. She noted that there will be a number of additional reviews of the project. She stated that LPG has asked to provide a presentation to the Commission regarding the project which will be presented by Heather Erwhiler.

The Commission complimented Ms. Erwhiler on their report.

Ms. Erwhiler reviewed the conceptual plan versus what is now being proposed noting they have reduced the number of lots from 578 to 548. She commented on the uniqueness of the property and the environmental sensitivity of the site. She cited the community benefits and explained how they developed the plan in order to protect the natural resources. She explained they will be having a 23 acre upland recreation area with trails that will eventually connect to the Pine Meadows Conservation Area.

Mr. Schroth opened the public hearing at 8:13 p.m.

The following individuals addressed the Commission regarding the project citing various concerns: 1) Cindy Newton; 2) Terri Roher; 3) Jill Nelson; 4) Jessica Causden; 5) Jane Hepting; and 6) Michael Kennedy.

Jim Schneider responded to the comments stating they have endeavored to meet or exceed all requirements of the City code.

There being no further public comment, the hearing was closed at 8:27 p.m.

The Commission discussed the proposed PUD noting the following: 1) That Hicks Ditch is supposed to flow north, not south, to the old muck farm in Umatilla; 2) That the proposed plan meets code requirements; and 3) that the City worked with Lake County on a specific ISBA for the site.

Mr. Schroth explained that Lake County encouraged the annexation of the property prior to Commissioners Cobb and Hawkins being elected. He noted that in 2007 the family that owned the property hired Bruce Duncan and they and the City were in negotiations for development of the site so it has been under consideration for over 15 years.

The Commission discussed the purpose of a PUD and the amount of green space and open space being provided. Comments were made regarding the applicant working to exceed the City's requirements and the amount of opposition the City keeps receiving when developers are working hard to meet the requirements. The Commission commented on how well the developer has worked on the plan. Further comments were held regarding how other communities are developing but every time a development comes to Eustis the Commission receives opposition.

The Commission discussed meetings they individually held with the area residents and cited how well the developer worked to meet the resident and Commission expectations.

The Commission commented on how the County had promised to install a traffic signal on CR 44 but never has. They encouraged residents to contact the County Commission regarding the need for the signal.

The Commission commented on the need for residents to complain to Lake County regarding the state of the County-maintained roads and regarding the areas of the City that are actually in the County that are not being maintained. They commented on the County enclaves that are in poor condition. They also noted that the City not annexing the property on Suanee leaves it to be developed under County regulations which are less stringent.

The Commission thanked Ms. Barnes for her presentation and for her work with the City noting it was her last presentation to them.

It was agreed to bring back the signage and littering codes to the next agenda.

Moved by Commissioner Cobb, seconded by Commissioner LeHeup-Smith, to approve Ordinance Number 22-05 on first reading. Motion carried by the following

votes:

Ayes: Commissioner Hawkins, Vice Mayor Lee, Commissioner LeHeup-Smith, Commissioner Cobb and Mayor Holland

6. OTHER BUSINESS

6.1 Eustis Codes Pertaining to Signage and Littering

It was agreed to postpone this item to the March 3rd Commission meeting.

7. FUTURE AGENDA ITEMS: NONE

8. COMMENTS

8.1 City Commission

Commissioner Hawkins reported on the African American Heritage Parade scheduled for Saturday at 10 a.m. to go down Bates Avenue to the Ninth Grade Center.

Commissioner Cobb reported on a meeting she had with the Northshore Neighborhood Watch noting that Public Works and the Police Department have worked on that area. She thanked Public Works for beautifying the City for Georgefest and the African American Heritage Festival.

Commissioner LeHeup-Smith reported that the Spayghetti Dinner is sold out.

Vice Mayor Lee reported on the retirement party for Wes Williams who had been employed with the City for 47 years. She noted that his retirement party was held on his 80th birthday and thanked him for his service to the community. She complimented the Eustis Community Alliance for the work they are doing at the old Resource Center.

8.2 City Manager

Mr. Carrino stated that LEAD would provide a presentation to the Commission on March 3rd. He stated that the next CRA Review Committee meeting is tentatively set for March 10th. He then asked for the Commission's feedback on whether to continue the working group meetings or hold a joint City/County Commission meeting. He indicated he could contact the Commissioners individually to get their input. He then reported that staff has developed a job description for a grantwriter and that has been posted. He commented on the unacceptable condition of the right-of-way at 19 and 441. Staff set up a meeting with FDOT about the condition and they agreed that the level of maintenance was unacceptable so they are working on dates to get that improved. He then stated that Public Works is working on scheduling a design charette for Palmetto Plaza. He reported that various developers have reached out to the City regarding the former Waterman site. He stated he would be coming back to the Commission to ask for direction on that. He announced he would be taking vacation in mid-March and asked to appoint Bill Howe as Acting City Manager during his absence. He then thanked Lori Barnes for all her work with the City.

8.3 City Attorney

Mr. Schroth also thanked Lori Barnes for her service. He then announced that he needs to meet in closed session with the Commission regarding the SpenceTF lawsuit. He stated there has been no further contact since he filed the Motion to Dismiss.

CONSENSUS: It was a consensus of the Commission to meet in closed session at 5 p.m. on March 3rd prior to the regular meeting.

8.4 Mayor

Mayor Holland recognized Martha Taylor, president of the NAACP. He noted the upcoming African American Heritage Festival and Georgefest. He thanked Mr. Schroth for attending the Florida Community Trust meeting with him.

9. ADJOURNMENT

**These minutes reflect the actions taken and portions of the discussion during the meeting. To review the entire discussion concerning any agenda item, go to www.eustis.org and click on the video for the meeting in question. A DVD of the entire meeting or CD of the entire audio recording or verbatim transcript of the meeting can be obtained from the office of the City Clerk for a fee.*

MARY C. MONTEZ
City Clerk

MICHAEL L. HOLLAND
Mayor/Commissioner



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

Staff Report

TO: Eustis City Commission
FROM: Tom Carrino, Interim City Manager
DATE: March 3, 2022
RE: PRESENTATION BY LAKE ECONOMIC AREA DEVELOPMENT
PARTNERSHIP (LEAD)

Introduction:

A representative from the Lake Economic Area Development Partnership (LEAD) will provide a presentation regarding their organization and planned activities.

Attachments:

[LEAD Presentantion](#)

Reviewed by:

Tom Carrino, Interim City
Manager

Approved - 25 Feb 2022

Mary Montez, City Clerk

Approved - 25 Feb 2022



LEADing Growth in Lake County



What is LEAD?

Lake Economic Area Development (LEAD) is a public-private partnership focused on the economic development of Lake County.

A not-for-profit organization, LEAD represents a significant investment by the private sector in the growth of the community.





LEAD *is* Lake County

The financial support for LEAD comes from Lake County, the office is in Lake County, the Board is composed of representatives from Lake County businesses, and the goal is jobs and investment in Lake County.





What is the partnership with the Ocala CEP

The LEAD will contract with the Ocala CEP to provide staffing and back-office support to help jump start the organization's activities. Dedicated staff will be hired to work in and for Lake County economic development.





Business Attraction – Recruiting new Employers

LEAD will aggressively recruit new primary employers to Lake County with a focus on 3 Target Sectors: Distribution, Manufacturing—Prepared Foods, and Back Office Operations.





Business Retention – Assisting Existing Businesses

LEAD recognizes that by focusing on assisting and growing the existing business base, it retains and creates employment opportunities. Among the initiatives provided under this program are Visitation (every industry will receive at least 2 visits a year), industry-focused training opportunities, and a Plant Managers group.





Business Creation - Entrepreneurship

Growing our own opportunities is a major thrust for LEAD. LEAD will provide direct, one-on-one counseling as well as training and networking opportunities incorporating the widely regarded 1 Million Cups and FastTrac® programs from the Kauffman Foundation.





Accountability

LEAD will enter an annual MOU with the County outlining responsibilities and deliverables. LEAD will then provide to the Commissioners and the County Administrator a monthly Performance Matrix demonstrating activity towards the deliverables along with an activity report.



Accountability

ACTIVITY	OCTOBER	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	TOTAL
Business Attraction													
CEP will host at least 25 prospect visits during the year.	3	1	5										9
CEP will complete at least five Targeted Marketing events/campaigns/trade shows.	X	X	X										0
Meet with 35 site consultants	10	1	1										12
CEP will host at least 4 consultants for a FAM tour	✓	✓	✓										0
CEP will send four updates to key prospects, consultants, & brokers.	1	1	1										3
Business Retention													
CEP will complete and document in an online CRM at least 150 retention calls.	9	17	15										41
CEP will implement a corporate visitation program and complete at least two corporate visits.	X	X	X										0
CEP will engage 200 students & 35 businesses in NEXTworking career development events.	X	X	X										0

Timeline

1 February – Agreement executed by LEAD and CEP Boards of Directors

- 12 January – 28 February – Private company commitment gathering

- 1 March – Effective go-live date

- March-June – Strategic Plan; Marketing materials, Sites & Buildings Database, Websites, etc.

- April-June – CEP hires LEAD staff and fills in office

- April-May – Strategic Planning Session(s)

- 29 June – Strategic Plan Approval by LEAD Board

- 29 July – Plans of Work Approval by LEAD Board





City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

Staff Report

TO: Eustis City Commission
FROM: Tom Carrino, Interim City Manager
DATE: March 3, 2022
RE: PRESENTATION BY EHS FUTURE BUSINESS LEADERS OF AMERICA -
SONYA WHITE

Introduction:

Sonya White, advisor, has requested to provide a presentation to the City Commission regarding Eustis High School's Future Business Leaders of America organization.

Reviewed by:

Tom Carrino, Interim City
Manager
Mary Montez, City Clerk

Approved - 25 Feb 2022

Approved - 25 Feb 2022



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

Staff Report

TO: Eustis City Commission
FROM: Tom Carrino, Interim City Manager
DATE: March 3, 2022
RE: RESOLUTION NUMBER 22-16: VACATION OF UNIMPROVED RIGHT-OF-WAY PLATTED AS GREEN LAKE DRIVE IN LAKE EUSTIS PLACE SUBDIVISION PLAT

Introduction:

Resolution Number 22-16 approves the vacation and abandonment of a portion of Green Lake Drive, west of Lakeshore Drive and east of Lake Eustis.

Background:

In accordance with Chapter 82, Section 82-156(1), the adjacent property owners have initiated this vacation application as they deem the right-of-way subject to this vacation request does not serve a public purpose.

Recommended Action:

The administration recommends approval of Resolution Number 22-16.

Alternatives:

1. Approve Resolution Number 22-16.
2. Deny Resolution Number 22-16.

Budget Impact:

There would be no direct budget or staff impact.

Attachments:

[Staff Report Resolution Number 22-16](#)

[Resolution Number 22-16](#)

[Notice of Public Hearing](#)

[Legal Ad Res. No. 22-16](#)

Reviewed by:

Tom Carrino, Interim City
Manager

Approved - 25 Feb 2022

Jeff Richardson, Deputy
Development Services Director
Mary Montez, City Clerk

Approved - 24 Feb 2022

Approved - 25 Feb 2022



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

TO: EUSTIS CITY COMMISSION

FROM: TOM CARRINO, INTERIM CITY MANAGER

DATE: FEBRUARY 25, 2022

RE: RESOLUTION NUMBER 22-16 VACATION OF UNIMPROVED RIGHT-OF-WAY PLATTED AS GREEN LAKE DRIVE IN LAKE EUSTIS PLACE SUBDIVISION PLAT

Introduction:

Resolution Number 22-16 approves the vacation and abandonment of a portion of Green Lake Drive, west of Lakeshore Drive and east of Lake Eustis.

Recommended Action:

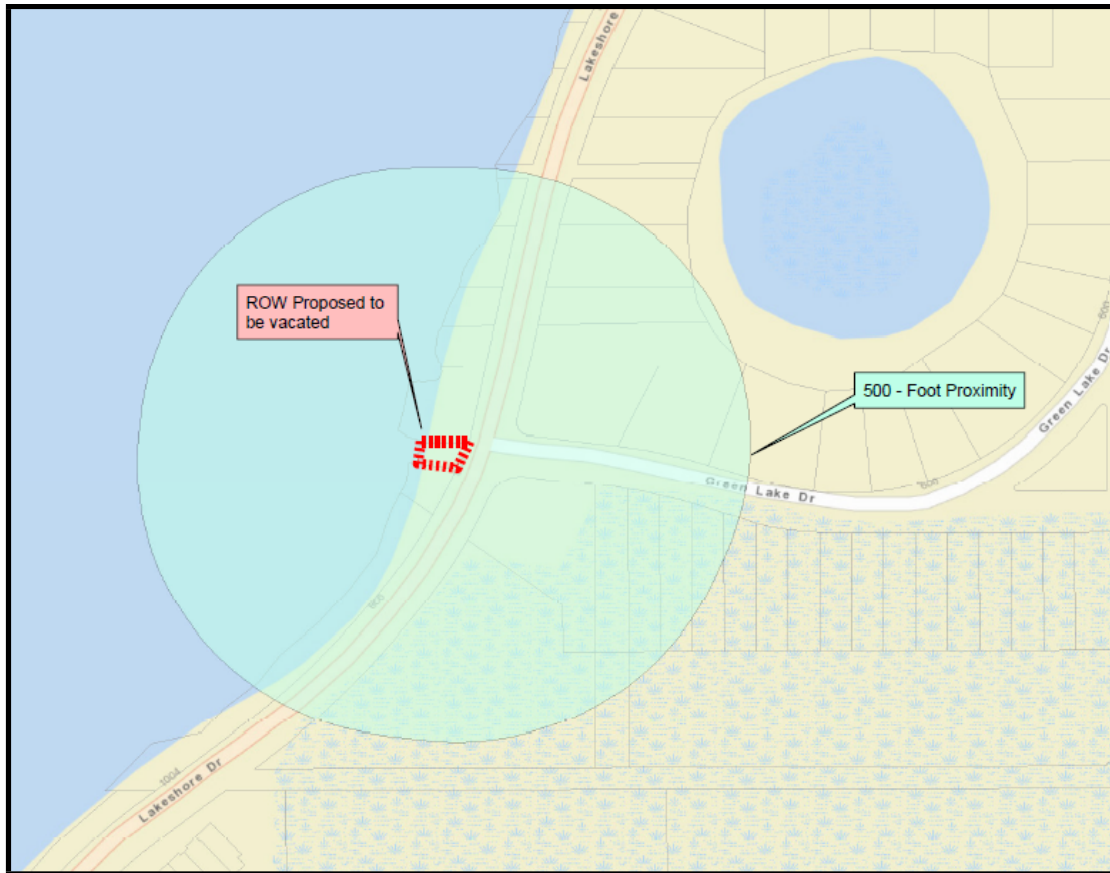
The administration recommends approval of Resolution Number 22-16.

Background:

In accordance with Chapter 82, Section 82-156(1), the adjacent property owners have initiated this vacation application as they deem the right-of-way subject to this vacation request does not serve a public purpose.

1. **Pertinent Site Information:**

The right-of-way subject to this vacation request is within the Lake Eustis Place Division, recorded in 1925. The following aerial map shows the location of right-of-ways proposed for vacation:



2. Applicable Policies and Codes & Analysis - Code of Ordinances:

Sec. 82-158. - Criteria for right-of-way vacation. At the public hearing, the city commission shall consider the following criteria in determining whether the vacation is in the public interest.

- (1) Whether the public benefits from the use of the subject right-of-way as part of the city street system;

The property is unimproved and not providing a public benefit.

- (2) Whether the proposed action is consistent with the comprehensive plan;

This proposed right of way vacation does not affect consistency with the comprehensive plan or cause any new inconsistencies.

- (3) Whether the proposed action would deny the only legal access to private property;

All abutting properties have legal access to other right-of-ways.

- (4) The effect of the proposed action upon public safety;

None.

- (5) The effect of the proposed action upon the safety of pedestrians and vehicular traffic;

None.

- (6) The effect of the proposed action upon the provision of municipal services including, but not limited to, emergency service and waste removal;

None.

- (7) The necessity to relocate utilities both public and private, if any; and

Not applicable.

- (8) The effect of the proposed action on the design and character of the area.

The vacation of this right-of-way likely will not encourage future development as a portion of the property will be a drainage easement.

Sec. 82-159. - Required findings for vacation. In order to vacate any right-of-way, the city commission must determine that:

- (1) The right-of-way no longer serves a public purpose; or

The property is unimproved and not providing a public benefit.

- (2) The right-of-way vacation is in the public interest.

Eliminating this right-of-way area and its absorption by the adjacent properties removes the City's maintenance responsibility and associated costs.

Alternatives:

1. Approve Resolution Number 22-16.
2. Deny Resolution Number 22-16.

Community Input

In accordance with Section 82-157, the department has properly advertised the Resolution in the newspaper (on February 17, 2022, in the Daily Commercial) and notified owners of property abutting the right-of-way proposed for vacation. To date, one nearby property owner has called with questions regarding the proposed vacation.

Budget / Staff Impact:

There would be no direct budget or staff impact.

Prepared By:

Heather Croney, Senior Planner

Reviewed By:

Jeff Richardson, Deputy Development Services Director

Attachments

- Resolution Number 22-16 with Exhibit A
- Adjacent Property Owner Notice
- Newspaper Advertisement

RESOLUTION NUMBER 22-16

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; AUTHORIZING THE VACATION AND ABANDONMENT OF A PORTION OF GREEN LAKE DRIVE, AS RECORDED IN THE LAKE EUSTIS PLACE SUBDIVISION PLAT, PLAT BOOK 5, PAGE 71, LYING WEST OF LAKESHORE DRIVE, EAST OF LAKE EUSTIS, AS MORE PARTICULARLY DESCRIBED HEREIN, IN ACCORDANCE WITH ORDINANCE NUMBER 19-38.

WHEREAS, the City of Eustis has received an application, in proper order and form, to vacate, discontinue, and close a portion of Green Lake Drive, lying west of Lakeshore Drive and East of Lake Eustis, as described in Exhibit A; and

WHEREAS, in accordance with Ordinance Number 12-08, as amended by Ordinance Number 16-12 and 19-38, the City may vacate any right-of-way when the City Commission determines that the right-of-way no longer serves a public purpose or that the vacation is in the public interest; and

WHEREAS, the above described unimproved right-of-way does not provide the only legal access to any of the adjacent private property owners and does not provide a connection to other public rights-of-way; and

WHEREAS, the proposed action is consistent with the comprehensive plan; and

WHEREAS, closing the above described unimproved right-of-way would not have an adverse impact on public safety, pedestrian safety, vehicular traffic, municipal services including, but not limited to, emergency service, waste removal, and public and private utilities, or the design and character of the area; and

WHEREAS, the City Commission published a Notice of Public Hearing for street closing and vacation in the Daily Commercial, a newspaper of general circulation in Lake County, Florida, on February 17, 2022, due proof of which has been filed with the City Commission; and

WHEREAS, the City Commission, at its Regular Meeting on March 3, 2022 did consider the Closing and Vacation of said Street; and

WHEREAS, the City Commission finds that the continued dedication of the right-of-way serves no useful purpose to the general public; and

WHEREAS, the applicant and the City recognize that the described unimproved right-of-way should be maintained as a perpetual drainage easement, and

WHEREAS, vacating the above described right-of-way, and maintaining it as an easement would not have an adverse effect on public safety, pedestrian safety, vehicular traffic, municipal services including, but not limited to, emergency service, waste removal, and public and private utilities, or the design and character of the area;

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Eustis, Florida,

Section 1. That the right-of-way as described in Exhibit A, is henceforth closed, vacated, abandoned, and discontinued.

Section 2. That the Eustis City Commission, acting for the incorporated City of Eustis and the public, does hereby reserve the entire road right-of-way as a perpetual non-exclusive drainage easement.

Section 3. That this resolution shall become effective upon recording.

DONE AND RESOLVED this 3rd day of March, 2022, in regular session of the City Commission of the City of Eustis, Florida.

**CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA**

Michael L. Holland
Mayor/Commissioner

ATTEST:

Mary C. Montez, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by means of physical presence, this 3rd day of March, 2022, by the Michael L. Holland, Mayor, and Mary C. Montez, City Clerk, who are personally known to me.

Notary Public - State of Florida
My Commission Expires:
Notary Serial No:

CITY ATTORNEY'S OFFICE

This document has been reviewed and approved as to form and legal content, for use and reliance of the City Commission of the City of Eustis, Florida, except I have not performed an independent title examination of the legal description.

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 22-16 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Mary C. Montez, City Clerk

Exhibit A

Parent Tract Survey

Proposed Alternate Key ID# 1633796 Legal Description:

LOTS 155, 179 AND 180, LAKE EUSTIS PLACE, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 10, 1925, IN PLAT BOOK 5, PAGE 71, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA,

ALSO:

THAT PORTION OR PARCEL OF LAND IN GOVERNMENT LOT 2, SECTION 10, TOWNSHIP 19 SOUTH, RANGE 26 EAST, LYING BETWEEN LAKE SHORE DRIVE AND THE WATERS OF LAKE EUSTIS BOUNDED ON THE SOUTH BY A LINE DRAWN DUE WEST FROM THE SOUTHWEST CORNER OF LOT 180, AS SHOWN ON THE PLAT OF LAKE EUSTIS PLACE, TO THE WATERS OF LAKE EUSTIS, AND ON THE NORTH BY A LINE DRAWN DUE WEST FROM THE NORTHEAST CORNER OF LOT 179, AS SHOWN ON THE PLAT OF LAKE EUSTIS PLACE, TO THE WATERS OF LAKE EUSTIS, SAID PLAT OF LAKE EUSTIS PLACE BEING FILED APRIL 10, 1925, IN PLAT BOOK 5, PAGE 71, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

AND THE SOUTH 1/2 OF THAT VACATED PORTION OF LAKE SHORE DRIVE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 180, LAKE EUSTIS PLACE, SAID POINT ALSO BEING A POINT ON THE EAST RIGHT-OF-WAY LINE OF LAKE SHORE DRIVE, THENCE RUN SOUTH 89°58'31" WEST, A DISTANCE OF 78.87 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF AFORESAID LAKE SHORE DRIVE, SAID POINT BEING A POINT ON A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 759.21 FEET, TOGETHER WITH A CHORD BEARING OF NORTH 33°33'23" EAST WITH A CHORD DISTANCE 102.76 FEET; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE RUN 102.92 FEET, THROUGH A CENTRAL ANGLE OF 07°46'04" TO A POINT ON THE WESTERLY EXTENSION OF THE NORTH LINE OF LOT 179, LAKE EUSTIS PLACE, SAID POINT BEING THE POINT OF BEGINNING;

THENCE DEPARTING AFORESAID WEST RIGHT-OF-WAY LINE RUN NORTH 90°00'00" WEST ALONG SAID WESTERLY EXTENSION LINE OF THE NORTH LINE OF LOT 179, A DISTANCE OF 72.2 FEET MORE OR LESS TO THE WATERS EDGE OF LAKE EUSTIS, SAID POINT BEING POINT "A";

THENCE RETURNING TO THE POINT OF BEGINNING CONTINUE ALONG AFORESAID CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 759.21 FEET, TOGETHER WITH A CHORD BEARING OF NORTH 26°55'27" EAST WITH A CHORD DISTANCE OF 37.10 FEET; THENCE ALONG SAID CURVE RUN 37.11 FEET THROUGH A CENTRAL ANGLE OF 02°48'01" TO A POINT; THENCE RUN SOUTH 89°58'18" WEST, A DISTANCE OF 79.2 FEET MORE OR LESS TO THE WATERS OF LAKE EUSTIS; THENCE RUN SOUTHERLY ALONG THE WATERS OF LAKE EUSTIS, A DISTANCE OF 34.7 FEET MORE OR LESS TO THE AFORESAID POINT "A", SAID POINT BEING THE POINT OF TERMINUS.

Right-of-Way Vacation Legal Description:

THAT PORTION OF GREEN LAKE DRIVE, AS SHOWN ON CITY OF EUSTIS PROPERTY MAP, PAGE 161, DRAWN BY R.E.CARTER, DATED 04/07/1994 LYING SOUTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF LOT 25, LAKE EUSTIS PLACE, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 10, 1925, IN PLAT BOOK 5, PAGE 71, AND LYING NORTH OF THE WESTERLY EXTENSION OF THE NORTHERLY LINE OF LOT 179, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 10, 1925, IN PLAT BOOK 5, PAGE 71 LYING EAST OF THE WATERS OF LAKE EUSTIS; AND LYING WEST OF THE MONUMENTED AND PROJECTED WEST RIGHT-OF-WAY LINE OF LAKE SHORE DRIVE SAID PORTION OF GREEN LAKE DRIVE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHWEST CORNER OF LOT 180, LAKE EUSTIS PLACE, SAID POINT ALSO BEING A POINT ON THE EAST RIGHT-OF-WAY LINE OF LAKE SHORE DRIVE, THENCE RUN SOUTH 89°54'34" WEST, A DISTANCE OF 78.87 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF AFORESAID LAKE SHORE DRIVE, SAID POINT BEING A POINT ON A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 759.21 FEET, TOGETHER WITH A CHORD BEARING OF NORTH 33°33'23" EAST WITH A CHORD DISTANCE 102.76 FEET; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE RUN 102.92 FEET, THROUGH A CENTRAL ANGLE OF 07°46'04" TO A POINT ON THE WESTERLY EXTENSION OF THE NORTH LINE OF LOT 179, LAKE EUSTIS PLACE, SAID POINT BEING THE POINT OF BEGINNING;

THENCE DEPARTING AFORESAID WEST RIGHT-OF-WAY LINE RUN NORTH 90°00'00" WEST ALONG SAID WESTERLY EXTENSION LINE OF THE NORTH LINE OF LOT 179, A DISTANCE OF 72.2 FEET MORE OR LESS TO THE WATERS EDGE OF LAKE EUSTIS, SAID POINT BEING POINT "A";

THENCE RETURNING TO THE POINT OF BEGINNING CONTINUE ALONG AFORESAID CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 759.21 FEET, WITH A CHORD BEARING OF NORTH 25°33'21" EAST WITH A CHORD DISTANCE OF 73.33 FEET; THENCE ALONG SAID CURVE RUN 73.36 FEET THROUGH A CENTRAL ANGLE OF 05°32'12" TO A POINT OF INTERSECTION OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF LOT 25, LAKE EUSTIS PLACE, AND THE WEST RIGHT-OF-WAY LINE OF LAKE SHORE DRIVE; THENCE DEPARTING SAID WEST RIGHT-OF-WAY LINE AND ALONG SAID WESTERLY EXTENSION OF THE SOUTH LINE OF LOT 25 RUN SOUTH 89°58'18" WEST, A DISTANCE OF 90.2 FEET MORE OR LESS TO THE WATERS OF LAKE EUSTIS; THENCE DEPARTING SAID WESTERLY EXTENSION OF THE SOUTHERLY LINE OF LOT 25 RUN SOUTHERLY ALONG THE WATERS OF LAKE EUSTIS, A DISTANCE OF 71.1 FEET MORE OR LESS TO THE AFORESAID POINT "A", SAID POINT BEING THE POINT OF TERMINUS.

CONTAINING 5,016.38 SQ FT ± OR 0.12 ACRES ±.

Drainage Easement Legal Description:

THE SOUTH 50.00 FEET OF THAT VACATED PORTION OF GREEN LAKE DRIVE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 180, LAKE EUSTIS PLACE, SAID POINT ALSO BEING A POINT ON THE EAST RIGHT-OF-WAY LINE OF LAKE SHORE DRIVE, THENCE RUN SOUTH 89°54'34" WEST, A DISTANCE OF 78.87 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF AFORESAID LAKE SHORE DRIVE, SAID POINT BEING A POINT ON A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 759.21 FEET, TOGETHER WITH A CHORD BEARING OF NORTH 33°33'23" EAST WITH A CHORD DISTANCE 102.76 FEET; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE RUN 102.92 FEET, THROUGH A CENTRAL ANGLE OF 07°46'04" TO A POINT ON THE WESTERLY EXTENSION OF THE NORTH LINE OF LOT 179, LAKE EUSTIS PLACE, SAID POINT BEING THE POINT OF BEGINNING;

THENCE DEPARTING AFORESAID WEST RIGHT-OF-WAY LINE RUN NORTH 90°00'00" WEST ALONG SAID WESTERLY EXTENSION LINE OF THE NORTH LINE OF LOT 179, A DISTANCE OF 72.2 FEET MORE OR LESS TO THE WATERS EDGE OF LAKE EUSTIS, SAID POINT BEING POINT "A";

THENCE RETURNING TO THE POINT OF BEGINNING CONTINUE ALONG AFORESAID CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 759.21 FEET, WITH A CHORD BEARING OF NORTH 26°13'18" EAST WITH A CHORD DISTANCE OF 55.71 FEET; THENCE ALONG SAID CURVE RUN 73.36 FEET THROUGH A CENTRAL ANGLE OF 04°12'19" TO A POINT ON SAID WEST RIGHT-OF-WAY LINE OF LAKE SHORE DRIVE; THENCE DEPARTING SAID WEST RIGHT-OF-WAY LINE RUN NORTH 89°56'28" WEST, A DISTANCE OF 77.4 FEET MORE OR LESS TO A POINT ON THE WATERS OF LAKE EUSTIS, SAID POINT BEING POINT "C"; THENCE RUN SOUTHERLY ALONG THE WATERS OF LAKE EUSTIS, A DISTANCE OF 53.3 FEET MORE OR LESS TO THE AFORESAID POINT "A", SAID POINT BEING THE POINT OF TERMINUS.

CONTAINING 3,840.25 SQ FT ± OR 0.09 ACRES ±.

South 1/2 of Right-of-Way Vacation Legal Description:

THE SOUTH 1/2 OF THAT VACATED PORTION OF GREEN LAKE DRIVE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 180, LAKE EUSTIS PLACE, SAID POINT ALSO BEING A POINT ON THE EAST RIGHT-OF-WAY LINE OF LAKE SHORE DRIVE, THENCE RUN SOUTH 89°54'34" WEST, A DISTANCE OF 78.87 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF AFORESAID LAKE SHORE DRIVE, SAID POINT BEING A POINT ON A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 759.21 FEET, TOGETHER WITH A CHORD BEARING OF NORTH 33°33'23" EAST WITH A CHORD DISTANCE 102.76 FEET; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE RUN 102.92 FEET, THROUGH A CENTRAL ANGLE OF 07°46'04" TO A POINT ON THE WESTERLY EXTENSION OF THE NORTH LINE OF LOT 179, LAKE EUSTIS PLACE, SAID POINT BEING THE POINT OF BEGINNING;

THENCE DEPARTING AFORESAID WEST RIGHT-OF-WAY LINE RUN NORTH 90°00'00" WEST ALONG SAID WESTERLY EXTENSION LINE OF THE NORTH LINE OF LOT 179, A DISTANCE OF 72.2 FEET MORE OR LESS TO THE WATERS EDGE OF LAKE EUSTIS, SAID POINT BEING POINT "A";

THENCE RETURNING TO THE POINT OF BEGINNING CONTINUE ALONG AFORESAID CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 759.21 FEET, WITH A CHORD BEARING OF NORTH 26°55'27" EAST AND CHORD DISTANCE OF 37.10 FEET; THENCE ALONG SAID CURVE RUN 37.11 FEET THROUGH A CENTRAL ANGLE OF 02°48'01" TO A POINT; THENCE RUN SOUTH 89°58'18" WEST, A DISTANCE OF 79.2 FEET MORE OR LESS TO THE WATERS OF LAKE EUSTIS; THENCE RUN SOUTHERLY ALONG THE WATERS OF LAKE EUSTIS, A DISTANCE OF 34.7 FEET MORE OR LESS TO THE AFORESAID POINT "A", SAID POINT BEING THE POINT OF TERMINUS.

North 1/2 of Right-of-Way Vacation Legal Description:

THE NORTH 1/2 OF THAT VACATED PORTION OF GREEN LAKE DRIVE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 180, LAKE EUSTIS PLACE, SAID POINT ALSO BEING A POINT ON THE EAST RIGHT-OF-WAY LINE OF LAKE SHORE DRIVE, THENCE RUN SOUTH 89°54'34" WEST, A DISTANCE OF 78.87 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF AFORESAID LAKE SHORE DRIVE, SAID POINT BEING A POINT ON A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 759.21 FEET, TOGETHER WITH A CHORD BEARING OF NORTH 33°33'23" EAST WITH A CHORD DISTANCE 102.76 FEET; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE RUN 102.92 FEET, THROUGH A CENTRAL ANGLE OF 07°46'04" TO A POINT ON THE WESTERLY EXTENSION OF THE NORTH LINE OF LOT 179, LAKE EUSTIS PLACE; THENCE CONTINUE ALONG AFORESAID CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 759.21 FEET, WITH A CHORD BEARING OF NORTH 26°55'27" EAST AND CHORD DISTANCE OF 37.10 FEET; THENCE ALONG SAID CURVE RUN 37.11 FEET THROUGH A CENTRAL ANGLE OF 02°48'01" TO A POINT, SAID POINT BEING THE POINT OF BEGINNING;

THENCE DEPARTING AFORESAID WEST RIGHT-OF-WAY LINE RUN NORTH 90°00'00" WEST ALONG SAID WESTERLY EXTENSION LINE OF THE NORTH LINE OF LOT 179, A DISTANCE OF 72.2 FEET MORE OR LESS TO THE WATERS EDGE OF LAKE EUSTIS, SAID POINT BEING POINT "B";

THENCE RETURNING TO THE POINT OF BEGINNING CONTINUE ALONG AFORESAID CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 759.21 FEET, TOGETHER WITH A CHORD BEARING OF NORTH 24°09'21" EAST WITH A CHORD DISTANCE OF 36.25 FEET; THENCE ALONG SAID CURVE RUN 36.23 FEET THROUGH A CENTRAL ANGLE OF 02°44'11" TO A POINT; THENCE RUN SOUTH 89°58'18" WEST, A DISTANCE OF 90.2 FEET MORE OR LESS TO THE WATERS OF LAKE EUSTIS; THENCE RUN SOUTHERLY ALONG THE WATERS OF LAKE EUSTIS, A DISTANCE OF 36.4 FEET MORE OR LESS TO THE AFORESAID POINT "B", SAID POINT BEING THE POINT OF TERMINUS.

Notice of Public Hearing

You are receiving this notice because you own property within 500 feet of a land development request (see below). This is part of the City's notification process to inform the public of this request. If you have questions regarding this request, please contact us at 352-483-5460. If you have no questions or do not wish to attend the meeting, you may disregard this notice.

To: Surrounding Property Owners

From: Heather Croney, Senior Planner, City of Eustis

Date: February 11, 2022

Re: Notice of Quasi-Judicial Public Hearing – Resolution Number 22-16

Notice is hereby given that the Eustis City Commission will conduct a Quasi-Judicial Public Hearing on **March 3, 2022**, at **6:00 p.m.**, or as may be continued at their discretion, in the City Commission Room, City Hall, 10 North Grove Street, Eustis, Florida, regarding:

RESOLUTION NUMBER 22-16: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; AUTHORIZING THE VACATION AND ABANDONMENT OF A PORTION OF GREEN LAKE DRIVE, AS RECORDED IN THE LAKE EUSTIS PLACE SUBDIVISION PLAT, PLAT BOOK 5, PAGE 71, LYING WEST OF LAKESHORE DRIVE, EAST OF LAKE EUSTIS, AS MORE PARTICULARLY DESCRIBED HEREIN, IN ACCORDANCE WITH ORDINANCE NUMBER 19-38.

A Location Map is provided on the reverse side.

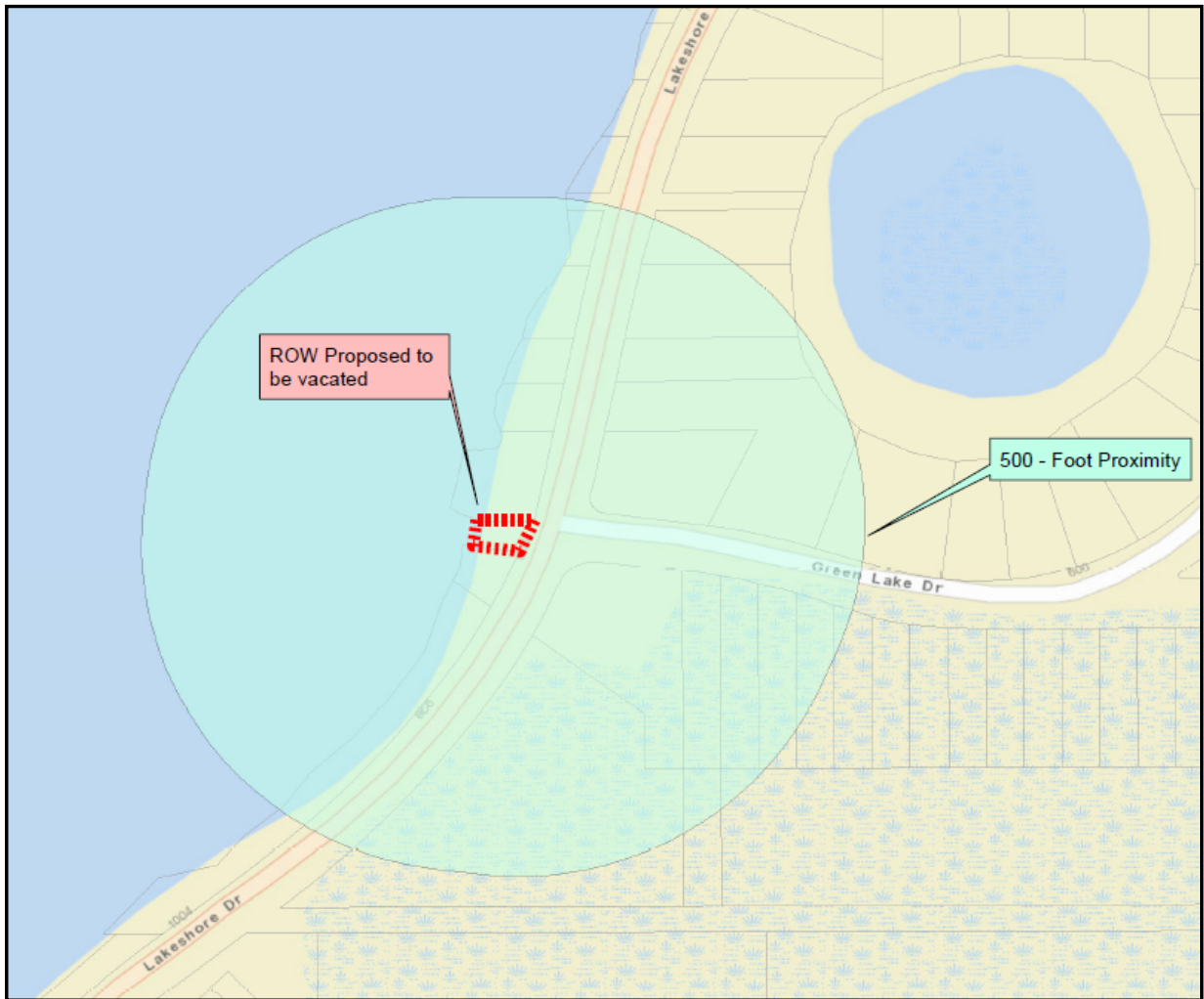
The case file, complete legal description of the property and proposed resolution will be available for examination beginning approximately five working days before the hearing from 8:00 a.m. to 5:00 p.m. at Development Services, 4 N. Grove St., the Office of the City Clerk, 10 N. Grove St., or at www.eustis.org. Please contact our office at (352) 483-5460 if you have any questions.

If a person decides to appeal any decision made by the commission with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings and that, for such purposes, he/she 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 THESE PROCEEDINGS SHOULD CONTACT THE CITY CLERK AT 352-483-5441 AT LEAST 48 HOURS BEFORE THE HEARING DATE.

File: 2021-VAC-01

Location Map



Ad Preview

NOTICE OF QUASI-JUDICIAL PUBLIC HEARING RESOLUTION NUMBER 22-16

Notice is hereby given that the City Commission of the City of Eustis will conduct a Quasi-Judicial Public Hearing on March 3, 2022, at 6:00 p.m. or as may be continued at their discretion, in the City Commission Room, City Hall, 10 N. Grove Street, Eustis, FL, to consider:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; AUTHORIZING THE VACATION AND ABANDONMENT OF A PORTION OF GREEN LAKE DRIVE, AS RECORDED IN THE LAKE EUSTIS PLACE SUBDIVISION PLAT, PLAT BOOK 5, PAGE 71, LYING WEST OF LAKESHORE DRIVE, EAST OF LAKE EUSTIS, AS MORE PARTICULARLY DESCRIBED HEREIN, IN ACCORDANCE WITH ORDINANCE NUMBER 19-38.

The case file, complete legal description of the property, and proposed resolution will be available beginning approximately five working days before the hearing from 8:00 a.m. to 5:00 p.m. at Development Services, 4 N. Grove St., the Office of the City Clerk, 10 N. Grove St., or at www.eustis.org. Please contact our office at 352- 483-5460 if you have any questions.

If a person decides to appeal any decision made by the commission with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings and that, for such purposes, he/she 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 these proceedings should contact the City Clerk at 352-483-5430 at least 48 hours before the hearing date.

Heather Croney, Senior Planner,
Eustis, FL
6917344 2/17/2022 11



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

Staff Report

TO: Eustis City Commission
FROM: Tom Carrino, Interim City Manager
DATE: March 3, 2022
RE: RESOLUTION NUMBER 22-17: APPROVING MULTIPLE ANNUAL PURCHASES IN EXCESS OF \$50,000 FOR MANHOLE REPAIRS AND REHABILITATION

Introduction:

Resolution Number 22-17 authorizes multiple annual purchases in excess of \$50,000 for manhole repairs and rehabilitation on an as-needed basis, in order to maintain the City's Sewer System.

Background:

The Water Department requires manhole repairs and rehabilitation on an as-needed basis, in order to minimize inflow and infiltration into the City's Sewer System. The City has utilized Engineered Coatings Solutions to provide manhole repair and rehabilitation services in the past. Engineered Coatings Solutions is the contracted supplier, through a piggyback contract with North Port, Florida, which expires October 26, 2022. The estimated cost for these services is over \$50,000 and is included in the approved budget for 2021-2022 fiscal year.

Recommended Action:

Staff recommends approval of Resolution Number 22-17.

Alternatives:

1. Approve Resolution Number 22-17
2. Deny Resolution Number 22-17

Discussion of Alternatives:

1. Alternative 1 approves the Resolution.

Advantages:

- The City can proceed with uninterrupted maintenance of the City's Sewer System.

- The daily schedule of the Water Department can continue without interruptions caused by sewer system failures.
- The City will be meeting the requirements of Senate Bill 712.

Disadvantages:

- There are no disadvantages to approving the resolution.

2. Alternative 2 denies the Resolution.

Advantages:

- There are no advantages to denying the resolution, because these services are required to keep the City running smoothly.

Disadvantages:

- Possible interruption of sewer service to customers, because of sewer system failures.
- Inflow and infiltration in the City sewer system.
- Failure to meet the requirements of Senate Bill 712.

Reviewed By:

Brandon Pennington, Water Superintendent
Greg Dobbins, Deputy Director of Public Utilities, Water/Wastewater
Rick Gierok, P.E., Director of Public Works/City Engineer

Prepared By:

Melissa Fuller, Sr. Staff Assistant – Water Department

Attachment(s):

Resolution Number 22-17

Available Upon Request

Engineered Coatings Solutions Executed Contract

Budget Impact:

Funds for the proposed work have been included in the approved Fiscal Year 2021-2022 budget.

Attachments:

[Resolution No. 22-17](#)

Reviewed by:

Tom Carrino, Interim City
Manager

Approved - 25 Feb 2022

Mary Montez, City Clerk

Approved - 25 Feb 2022

RESOLUTION NUMBER 22-17

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, APPROVING MULTIPLE ANNUAL PURCHASES IN EXCESS OF \$50,000 FOR MANHOLE REPAIRS AND REHABILITATION.

WHEREAS, the Water Department requires manhole repairs and rehabilitation on an as-needed basis, in order to minimize inflow and infiltration into the City's sewer system; and

WHEREAS, the Water Department has a need for these essential services which require multiple annual purchases in excess of \$50,000; and

WHEREAS, the City's approved 2021-2022 budget includes funds for the purchase of these services; and

WHEREAS, Engineered Coatings Solutions is the contracted supplier, through a piggyback contract with North Port, Florida, which expires October 26, 2022; and

WHEREAS, the City of Eustis Purchasing Ordinance requires that the City Commission approve any purchase in excess of \$50,000.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Eustis, Lake County, Florida, that:

- (1) The City Commission hereby authorizes multiple purchases in excess of \$50,000 for manhole repairs and rehabilitation; and
- (2) The City Commission hereby authorizes the Purchasing Department to complete transactions in accordance with this resolution; and
- (3) That this resolution shall become effective immediately upon passing.

DONE AND RESOLVED, this 3rd day of March, 2022, in regular session of the City Commission of the City of Eustis, Lake County, Florida.

**CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA**

Michael L. Holland
Mayor/Commissioner

ATTEST:

Mary C. Montez, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by means of physical presence, this 3rd day of March, 2022, by Michael L. Holland, Mayor, and Mary C. Montez, City Clerk, who are personally known to me.

Notary Public - State of Florida
My Commission Expires:
Notary Serial No:

CITY ATTORNEY'S OFFICE

This document has been reviewed and approved as to form and legal content, for use and reliance of the City Commission of the City of Eustis, Florida.

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 22-17 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Mary C. Montez, City Clerk



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

Staff Report

TO: Eustis City Commission
FROM: Tom Carrino, Interim City Manager
DATE: March 3, 2022
RE: LAKE COUNTY LIBRARY ADVISORY BOARD APPOINTMENT

Introduction:

This item is for consideration of the appointment of Dr. Betsy Dokken as the Eustis Memorial Library representative to the Lake County Library Advisory Board.

Background:

The Eustis Memorial Library joined the Lake County Library System in January 2020. As a member of this system, the Eustis Memorial Library maintains a seat on the County Library Advisory Board. This includes a main person and an alternate. The last two Board members resigned their positions in 2021. The newest Eustis Library Board of Trustee member has applied to be one of the Lake County Library Advisory Board members. The Lake County Library Advisory Board approves and recommends the library annual plan of service, impact fee allocations and most recently they have been tasked with approval of the requested change in the formula of how much Member Libraries receive from the county annually through appropriations.

Recommended Action:

Staff recommends approval of Dr. Betsy Dokken as a member of the Lake County Library Advisory Board.

Policy Implications:

The person appointed to this position is an advocate for the Eustis Memorial Library and is able to vote on system-wide decisions.

Budget Impact:

There is no budget impact for this appointment.

Reviewed by:

Tom Carrino, Interim City

Approved - 25 Feb 2022

Manager
Mary Montez, City Clerk

Approved - 25 Feb 2022



City of Eustis

Development Services Department

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5460

TO: EUSTIS CITY COMMISSION
FROM: TOM CARRINO, INTERIM CITY MANAGER
DATE: MARCH 3, 2022
RE: HISTORIC PRESERVATION ANNUAL REPORT

Introduction:

The purpose of this item is to provide the City Commission with an annual report as required by Section 46-59 of the Code of Ordinances.

Recommended Action:

Acceptance of Historic Preservation Board Annual Report.

Background:

On September 7, 1995, the City adopted Ordinance Number 95-27 establishing a historic preservation program within the City. The ordinance is now codified as Chapter 46 of the Eustis Code of Ordinances. Section 46-59 states that, "The board shall annually make a report to the city commission of its activities." Pursuant to that requirement, the Eustis Historic Preservation Board offers the following regarding its activities for the period beginning October 1, 2020 and ending September 30, 2021.

Summary of Regular Historic Preservation Activities:

Activity	Number Reviewed/ Attended	Number Approved	Number Denied
New Local Landmark Designations	0	0	0
National Register Proposals:	0	0	0
Certificates of Appropriateness:	1	1	0
Administrative COAs:	6	6	0
Ad Valorem Tax Exemption Projects:	0	0	0
Historic Preservation Board Meetings:	4	n/a	n/a
Workshops Attended by Board Members:	0	n/a	n/a

Other Historic Preservation Activities:

Staff, with the assistance of Christine Dalton, a local planner and Eustis resident, applied for the FY 2022-2023 FL Small Matching Grant for City of Eustis Historic and Architectural Survey to conduct a survey to determine historic buildings in the City that are now over 50-years old (since the last survey). Eustis placed 39 out of a total of 51 submittals and the overall score received was 85.4, but was not awarded the grant. The Board requested that staff apply again during the next grant cycle.

Planned Activities for Next Reporting Period:

- Review certificates of appropriateness and local landmark designation requests as needed.
- Monitor grant opportunities for updating historic site surveys to include buildings built prior to 1970.
- Conduct historic preservation education and research as staff availability allows.
 - Focus on a mid-century modern component and the post war years

Alternatives

1. Accept the Historic Preservation Annual Report
2. Do not accept the Historic Preservation Annual Report and provide other direction to staff.

Discussion of Alternatives

1. Alternative 1 accepts the report as presented.

Advantages:

- The requirements of Section 46-59 of the Code of Ordinances will be met.

Disadvantages:

- None.

2. Alternative 2 does not accept the report as presented.

Advantages:

- Any necessary changes to the report could be made.

Disadvantages:

- The requirements of Section 46-59 of the Code of Ordinances will not be met, and the HPB must submit a revised report.

Budget and Staff Impact

There is no budget or staff impact related to this item.

Prepared By:

Heather Croney, Senior Planner

Reviewed By:

Jeff Richardson, Deputy Development Services Director



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

Staff Report

TO: Eustis City Commission
FROM: Tom Carrino, Interim City Manager
DATE: March 3, 2022
RE: RESOLUTION NUMBER 22-18: BAY STATE SOUTH UTILITIES AGREEMENT

Introduction:

Resolution Number 22-18 approves a Utility Agreement between Bay State South Community Association, Inc. and the City of Eustis.

Background:

See attached Staff Report.

Attachments:

[Staff Report Res 22-18 Bay State](#)
[Resolution 22-18 Final Bay State Utility Agreement](#)
[Bay State South Utilities Agreement Final Clean 2-23-22](#)
[Agreement Exhibit B Signed Bay State HOA Resolution](#)

Reviewed by:

Tom Carrino, Interim City Manager	Approved - 25 Feb 2022
Mary Montez, City Clerk	Approved - 25 Feb 2022



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

TO: EUSTIS CITY COMMISSION

FROM: TOM CARRINO, INTERIM CITY MANAGER

DATE: MARCH 3, 2022

RE: RESOLUTION NUMBER 22-18
BAY STATE SOUTH UTILITIES AGREEMENT

Introduction:

Resolution Number 22-18 approves a Utility Agreement between Bay State South Community Association, Inc. and the City of Eustis.

Recommended Action:

Staff recommends approval of Resolution Number 22-18.

Background:

The City of Eustis has never taken ownership of water and sewer infrastructure in the Bay State South subdivision. The City has been approached by representatives of the Bay State South Community Association to take over that infrastructure. Resolution Number 22-18 approves an agreement that transfers ownership of the water and sewer infrastructure in Bay State South to the City following improvements to be funded by the HOA.

SEWER:

The agreement outlines that the City of Eustis will conduct an internal camera survey of the sewer system to evaluate the conditions of the lines. Bay State South will pay Eustis a total of \$10,000 for this service. Upon a satisfactory inspection and a determination that no deficiencies exist in the system needing remediation or replacement, the City of Eustis will take over perpetual ownership and maintenance of the majority of the Bay State South sewer system, as described in the agreement. Due to their current location, the agreement states that the City will not take ownership of the mains and laterals immediately adjacent to lots on Park Street unless first relocated at Bay State South's expense.

WATER:

The agreement also establishes that the City will replace all of the customer service lines running from the mains to the water meters. The HOA will pay \$73,600 for that work, and the City of Eustis will own and maintain the water service lines after replacement.

Bay State South will continue to own and maintain the water mains until such time they require replacement. Once the mains are replaced (to be paid for by Bay State South) to a standard acceptable to the City of Eustis, the City shall take over perpetual ownership and maintenance of replaced mains.

Payment

Bay State South shall pay the City a total of \$83,600.00, which shall not include any additional services requested of the City of Eustis beyond the camera survey and water service line replacements. A down payment of \$41,800 will be due upon approval of this agreement by the City of Eustis. The remaining balance of \$41,800 is to be paid in 5 equal payments of \$8,360 due the 1st of January of each year, beginning January 1, 2023 and continuing each and every year thereafter until payment is made in full by Bay State South. Additionally, Bay State South shall provide a surety bond guaranteeing payment in full to the City of Eustis.

Budget / Staff Impact:

The current five-year plan has budgeted line items for the proposed repairs. As part of the agreement, the Bay State South Community Association will pay a total of \$83,600 for the work outlined.

Alternatives:

1. Approve Resolution Number 22-18
2. Deny Resolution Number 22-18

Prepared By:

Tom Carrino, Interim City Manager

Attachments:

Resolution Number 22-18 with accompanying Bay State South Utilities Agreement

RESOLUTION NUMBER 22-18

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, APPROVING A UTILITY AGREEMENT BETWEEN THE CITY OF EUSTIS AND BAY STATE SOUTH COMMUNITY ASSOCIATION, INC.; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT AND ALL OTHER DOCUMENTS ASSOCIATED THEREWITH.

WHEREAS, the Bay State South Community Association, Inc. wishes to enter into a Utility Agreement with the City of Eustis, giving the City ownership of their water system and majority of their sewer systems; and

WHEREAS, upon taking over perpetual ownership of these systems, the City of Eustis would maintain and service the water and sewer utilities; and

WHEREAS, the City Commission wishes to authorize and designate the City Manager to act as its agent to execute the Bay State South Utilities Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Eustis, Florida, as follows:

- 1) That the Bay State South Utilities Agreement between the City of Eustis and the Bay State South Community Association, Inc. is hereby approved; and
- 2) That the City Manager is hereby authorized to execute the Agreement as presented and all other documents associated therewith.

DONE AND RESOLVED, this 3rd day of March, 2022, in regular session of the City Commission of the City of Eustis, Lake County, Florida.

**CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA**

Michael L. Holland
Mayor/Commissioner

ATTEST:

Mary C. Montez, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by physical presence, this 3rd day of March, 2022, by Michael L. Holland, Mayor, and Mary C. Montez, City Clerk, who are personally known to me.

Notary Public - State of Florida
My Commission Expires:
Notary Serial No:

CITY ATTORNEY'S OFFICE

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

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 22-18 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Mary C. Montez, City Clerk

BAY STATE SOUTH UTILITIES AGREEMENT

This **UTILITIES AGREEMENT** (the “Agreement”) is made and entered into as of the day of _____, 2022 (the “Effective Date”), by and between **THE CITY OF EUSTIS, FLORIDA**, a Florida municipal corporation (“City of Eustis”), whose address is 4 North Grove Street, Eustis, Florida 32727, and **BAY STATE SOUTH COMMUNITY ASSOCIATION, INC.** a Florida not for profit corporation (“Bay State South”), whose address is Post Office Box 724, Eustis, FL 32727-0724.

WITNESSETH:

WHEREAS, the water and sewer system within Bay State South, more accurately identified and recorded at Book 25, Page 13, Book 30, Page 1-2, Book 37, Page 21 in the Official Records of Lake County, Florida, less and excepting Lot 17 and Lot 26 (the “Property”) and further described in the Addendum attached as Exhibit “A”, which are currently maintained by Bay State South;

WHEREAS, the City of Eustis has the capabilities to maintain and service the water and sewer systems referenced herein;

WHEREAS, the City of Eustis and Bay State South wish to enter into this Agreement for the purposes of the City of Eustis potentially owning and maintaining the water and sewer systems referenced herein;

NOW, THEREFORE, for and in consideration of the mutual covenants, premises, and promises hereinafter set forth, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **Recitals.** The foregoing recitals are true and correct in all respects and are expressly incorporated herein by reference.
2. **Sewer.**
 - a. **Phase I:** The City of Eustis shall conduct an internal camera survey of the sewer system to evaluate the conditions of the lines and determine functionality of the sewer system, for which Bay State South shall pay to the City of Eustis a total of \$10,000.
 - b. **Phase II:** Given a satisfactory inspection and upon the Director of Public Works’ determination that no deficiencies exist in the system that need remediation or replacement, the City of Eustis will take over perpetual ownership and maintenance of the Bay State South sewer system as more specifically described in Exhibit A. In the event maintenance and repairs are required before the City of Eustis takes over perpetual ownership and maintenance, Bay State South shall pay the cost of said maintenance. The sewer mains and laterals located immediately adjacent to the lots along Park Street will perpetually remain the

responsibility of Bay State South, unless relocated at Bay State South's cost to a position acceptable to the City of Eustis.

3. **Water.**

- a. **Phase I:** The City of Eustis will have system customer service lines replaced from the mains to the City of Eustis owned water meter. After replacement, the City of Eustis will own and maintain said lines. Bay State South shall pay to the City of Eustis a total of \$73,600.00 in the manner described in Section 4 of this Agreement. In the event maintenance and/or a repair is needed on a customer service line scheduled for replacement under this paragraph between the effective date of this agreement and the ownership of the service lines by the City, the City shall either perform the repair or the replacement. The cost of said repair or replacement shall be the sole responsibility of the City.
- b. **Phase II:** Bay State South will continue to own and maintain the water mains until such time they require replacement. Once the mains are replaced to a standard acceptable to the City of Eustis, the City of Eustis shall take over perpetual ownership and maintenance of replaced mains. All costs for such replacements will be the responsibility of Bay State South.

4. **Payment.** The amount owed to the City for the services performed under Sewer Phase I and Water Phase I by Bay State South shall be \$83,600.00 in total, which shall not include any additional services requested of the City of Eustis for either Sewer Phase II or Water Phase II. A down payment of \$41,800 will be due upon approval of this agreement by the City of Eustis. The remaining balance of \$41,800 is to be paid in 5 equal payments of \$8,360 due the 1st of January of each year, beginning January 1, 2023 and continuing each and every year thereafter until payment is made in full by Bay State South. No interest is to accrue on these amounts. However, if a payment is late or if a payment is not made by Bay State South, interest may be charged by the City at the highest rate allowed by law from the date the payment was due until payment is received by the City, and payment of the party's principal may be accelerated to be due and payable immediately in full. Bay State South shall, prior to any work being performed by the City, provide a payment bond from a recognized surety approved by the City guaranteeing payment in full to the City of Eustis.
5. **Proof of Resolution.** Prior to the execution of this agreement, Bay State South shall approve a resolution to assess each lot of the 92 affected owners \$181.74 annually until the obligation of Bay State South has been satisfied in its entirety. Said assessment is to establish a fund for the payment to the City as detailed in this Agreement. A copy of such resolution shall be attached to this Agreement as Exhibit "B".
6. **No Prepayment Penalty.** The parties may elect to prepay any or all of the remaining unpaid balance pursuant to Paragraph 4 of this Agreement. No penalties will be assessed against any party for such prepayment.

7. **Easement.** Bay State South shall grant a blanket easement to the City of Eustis for all utilities which the City of Eustis shall now maintain as a result of this Agreement. The City of Eustis shall prepare the easement document for review and execution by Bay State South and shall record the executed blanket easement in the public records of Lake County, Florida.
8. **Entire Agreement.** This Agreement constitutes the entire agreement between the parties with respect to the transactions completed herein, and, except as set forth herein, it supersedes all prior understandings or agreements between the parties related to the services in this Agreement.
9. **Assignment.** This Agreement shall be binding on the parties hereto and their representatives, successors and assigns. No party shall assign this Agreement or the rights and obligations to any other party without the prior written consent of the other party hereto, which may not be unreasonably withheld.
10. **Relationship of the Parties.** Nothing contained in this Agreement shall be deemed or construed, either by the parties hereto or by any third party, to create the relationship of principal and agent or to create any partnership, joint venture or other association between the parties.
11. **Indemnification.** The City of Eustis does not waive sovereign immunity, except that, consistent with applicable Florida law, including, but not limited to Chapter 768, Florida Statutes, each party shall hold the other harmless for the negligent acts of itself and its officers, agents, and employees, but only to the extent permitted by law.
12. **Default.** Any party to this Agreement, in the event of or act of default by the others, shall have all remedies available to it under the laws of the State of Florida including but not limited to injunction to prevent default or specific performance to enforce this Agreement. The rights of the parties shall be considered cumulative and shall not be waived now or in the future by the exercise of any rights and remedies provided under the terms of this Agreement and authorized by law.
13. **Severability.** In the event any provision or portion of this Agreement is held by any court of competent jurisdiction to be invalid or unenforceable, such holding will not affect the remainder hereof, and the remaining provisions shall continue in full force and effect to the same extent as would have been the case had such invalid or unenforceable provision or portion never been a part hereof.
14. **Recordation.** This Agreement shall be recorded in the Official Records of Lake County, Florida with a resolution by the City of Eustis approving this Agreement.
15. **Time of the Essence.** Time is hereby declared of the essence to the lawful performance of the duties and obligations contained in this Agreement.
16. **Force Majeure.** In the event that the performance of this Agreement by any party is prevented or interrupted in consequence of any cause beyond the control of either party,

including but not limited to an Act of God or of the public enemy, war, national emergency, allocation or of other governmental restrictions upon the use or availability of labor or materials, rationing, civil insurrection, riot, racial or civil rights disorder or demonstration, strike, embargo, flood, tidal wave, fire, explosion, bomb detonation, nuclear fallout, windstorm, hurricane, earthquake, or other casualty or disaster or catastrophe, governmental rules or acts or orders or restrictions or regulations or requirements, acts or action of any government or public or governmental authority or commission or agency or agent or official or officer, the enactment of any statute or ordinance or resolution or regulation or rule or ruling or order, order or decree or judgment or restraining order or injunction of any court, such party shall not be liable for such non-performance.

17. **Waiver; Modification.** The failure by any party to insist upon or enforce any of their rights shall not constitute a waiver thereof and nothing shall constitute a waiver of any party's right to insist upon strict compliance with the terms of this Agreement. Any party may waive the benefit of any provision or condition for its benefit, which is contained herein. No oral modification of this Agreement is binding upon the parties and any modification must be in writing and signed by both parties.
18. **Governing Law.** This Agreement shall be governed by and construed under the laws of the State of Florida.
19. **Application; Affect.** If any provision of this Agreement or the application thereof to any party, person, or circumstances shall be held or deemed to be invalid or unenforceable to any extent, the remainder of this Agreement and the application of such provisions to other parties, persons, or circumstances shall not be affected thereby and shall be enforced to the greatest extent permitted by law.
20. **Notices.** Any notices which may be permitted or required hereunder shall be in writing and shall be deemed to have been duly given as of the date and time the same are personally delivered, transmitted by facsimile, email, or within three days after depositing with the United States Postal Service, postage prepaid by registered or certified mail, return receipt requested, or within one day after depositing with an overnight delivery service from which a receipt must be obtained, and addressed as follows:

TO EUSTIS: Tom Carrino, Interim City Manager
 City of Eustis
 10 N. Grove St.
 P.O. Drawer 68
 Eustis, FL 32727

With a copy to: Derek A. Schroth, Esquire
 Bowen & Schroth, P.A.
 600 Jennings Ave.
 Eustis, FL 32726

TO BAY STATE: Mark Huling

SOUTH President of Bay State South
PO Box 724
Eustis, FL 32737-0724

With a copy to: Thomas R. Slaten, Jr. Esquire
Larsen Slaten PLCC
5323 Millenia Lakes Blvd., Suite 300
Orlando, FL 32839

21. **Disclaimer of Third Party Beneficiaries.** This Agreement is for the sole benefit of the parties hereto, and no right of action shall accrue upon or by reason hereof, to or for the benefit of any third party. Nothing in this Agreement either express or implied is intended or shall be construed to confer upon or give any person, corporation, or governmental entity other than the parties hereto any right, remedy, or claim under or by the reason of this Agreement or any provisions or conditions hereof and all of the provisions, representations, covenants, and conditions herein contained shall inure to the sole benefit of and shall be binding upon the parties hereto and their respective representatives, successors and assigns.
22. **Addendum.** The sewer and water systems referenced herein are described in the Addendum attached as Exhibit "A".

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in form and manner sufficient to bind them as of the date indicated herein above.

**BAY STATE SOUTH COMMUNITY
ASSOCIATION, INC.**

THE CITY OF EUSTIS

Mark Huling, President
Date: _____

Michael Holland, Mayor
Date: _____

EXHIBIT “A”

SCOPE OF WATER AND SEWER SYSTEM WORK

Bay State South Community Association, Inc. Maintained Sanitary Sewer System

Infrastructure: That portion of the sewer system south of Beacon Street manhole servicing Lots 18 through 33 inclusive along Park Street (not including the manhole in Beacon Street).

Lot Owner Maintained Sanitary Sewer System Infrastructure: All Sanitary Sewer Service Laterals from the Lot Lines to the homes.

City Maintained Sanitary Sewer System Infrastructure: All of the Sanitary Sewer System not maintained by Bay State South or the Lot Owners including but not limited to: All Sewer laterals/lines from the Lot Line to the Main excepting that portion of the sewer system south of Beacon Street manhole servicing Lots 18 through 33 inclusive along Park Street; Main Gravity Lines and all Manholes; Manhole Frames & Covers; Pipe Connections and Fittings; Drop Connections; Terminal Lampholes; Forcemain Pipe and Fittings; Forcemain Valves; entire Lift Station including wet well, pumps, guiderails, float switches, control panel, supports, valves, valve vault, electrical and electronic components, alarms, and telemetry; Fencing around Lift Station including gate(s); Related Signage; Concrete Lift Station Access Drive; All Sanitary Sewer System Infrastructure falling within the public right of ways of Washington Street and Abrams Road.

Bay State South Community Association, Inc. Maintained Potable Water System

Infrastructure: All Water Main Lines within the subdivision including Tees, Crosses, Wyes, Plugs, Elbows and Bends, Blow-Off(s), service saddles, straps, and clamps, corporation stop at the main, main line Valves and Valve Boxes and Valve Box Collars, Reducer/Increaser fittings on the main lines, and Main Line Thrust Blocks & Restraints.

Lot Owner Maintained Potable Water System Infrastructure: All Service lines from the City owned meter to the house and/or auxiliary structures.

City Maintained Potable Water System Infrastructure: All of the Potable Water System infrastructure not maintained by Bay State South or the Lot Owners including but not limited to: All replaced poly service lines (single and double) from the corporation stop to the City owned meter (including the meter and all fittings attached to the City side of the meter) together with all fittings and appurtenances thereto; All water meters; All water system infrastructure falling within the public right of ways of Washington Street and Abrams Road; All Fire Hydrant Assemblies including the hydrant, fire hydrant riser, elbow, gate valve & box, pipe to main and tee at main, mechanical restraints, thrust blocks, and pipe from the main line to the fire hydrant; The Service Line to the lift Station in its entirety including the RPZ Backflow Preventer and hose bib.

Maintenance Operations: Maintenance operations shall include but not be limited to the repair and/or replacement of existing infrastructure facilities, installation of new infrastructure facilities, and removal of infrastructure facilities as needed. All costs associated with said Maintenance Operations shall be the responsibility of the appropriate party as defined herein

performing the maintenance. The intent of this description is to include all existing and new facilities required to provide continuous service to all Lot Owners within the Bay State South Subdivision that are under jurisdiction of the Association.

Restoration due to maintenance operations: Notwithstanding any future ordinance amendments or additions, all areas within or affected by maintenance operations shall be restored in accordance City of Eustis ordinances in force and affect as of the effective date of this agreement.

[END OF EXHIBIT "A"]

EXHIBIT "B"

**BOARD OF DIRECTORS
RESOLUTION APPROVING THE BAY STATE SOUTH UTILITIES AGREEMENT WITH
THE CITY OF EUSTIS - TRANSFER OF OWNERSHIP OF WATER AND SEWER SYSTEMS
AND AMENDED ANNUAL ASSESSMENT**

WHEREAS, Article VII, Section 1(c) of the Amended and Restated By-Laws of Bay State South Community Association, Inc. empowers the Bay State South Community Association, Inc. (Association) Board of Directors (Board) to enter into agreements for the benefit of its Association Members; and

WHEREAS, uncertainty has arisen regarding the ownership and maintenance of the water and sewer system within the Bay State South Subdivision.

WHEREAS, the Association desires to resolve the uncertainty regarding ownership and maintenance of the water and sewer system that is currently maintained by the Association; and

WHEREAS, the City of Eustis has the capabilities to maintain and service the Bay State South Subdivision water and sewer systems; and

WHEREAS, the City of Eustis and the Association wish to enter into an agreement for the purpose of the City of Eustis owning and maintaining the water and sewer systems within the Bay State South Subdivision; and.

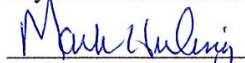
NOW, THEREFORE, it is hereby resolved by the Board as follows:

1) The Association hereby enters into the attached Bay State South Utilities Agreement with The City of Eustis, Florida for the ownership and maintenance of the Bay State South Subdivision water and sewer systems, effective on the date of its execution by all parties to the Agreement.

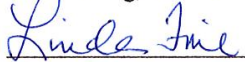
2) Pursuant to Article VI of the Amended and Restated Declaration of Easements, Covenants, Conditions, and Restrictions, the Board hereby adopts and levies an Annual Assessment increase of \$181.74 per Lot for all 92 Lots to pay for the costs to be incurred pursuant to the attached Agreement, which Annual Assessment was adopted after providing the Members with the required meeting notice setting forth the purpose of the meeting, including adoption of the Annual Assessment.

This Resolution was adopted by a majority of the Board of Directors of the Bay State South Community Association, Inc. on the 23 day of Feb, 20212

Bay State South Community Association, Inc.



Mark Huling, President



Linda Fine, Secretary



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

Staff Report

TO: Eustis City Commission
FROM: Tom Carrino, Interim City Manager
DATE: March 3, 2022
RE: RESOLUTION NUMBER 22-19: AGREEMENT TO CURE DEFICIENCIES
AND ABATE FORECLOSURE LITIGATION - COLONIAL INN MOTEL LLC

Introduction:

Resolution Number 22-19 approves an agreement with the Colonial Inn Motel LLC to cure the code enforcement deficiencies and abate the foreclosure litigation. City Attorney Derek Schroth will present the agreement for consideration.

Attachments:

[Resolution 22-19](#)

[Colonial Inn agreement](#)

Reviewed by:

Tom Carrino, Interim City
Manager
Mary Montez, City Clerk

Approved - 25 Feb 2022

Approved - 25 Feb 2022

RESOLUTION NUMBER 22-19

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, APPROVING AN AGREEMENT TO CURE DEFICIENCIES AND ABATE FORECLOSURE LITIGATION; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT AND ALL OTHER DOCUMENTS ASSOCIATED THEREWITH; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, disputes have arisen between the City and the principals of the Colonial Inn Motel, LLC, regarding that certain real property located at 1000 S. Bay Street, Eustis, in Lake County, Florida, ; and

WHEREAS, the City has established a Code Enforcement Board to interpret and enforce City Ordinances to promote and protect the health, safety and general welfare of the public; and

WHEREAS, the dispute arose due to code violations which led to code enforcement action, filing of code enforcement liens and foreclosure litigation; and

WHEREAS, to avoid the expense and time of litigation and to ensure compliance with City codes, the Parties have agreed to attempt to resolve and settle the dispute on the terms and conditions set forth in the attached Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Eustis, Florida, as follows:

- 1) That the Agreement to Cure Deficiencies and Abate Foreclosure Litigation between the City of Eustis and the Colonial Inn Motel, LLC, attached as Exhibit A, is hereby approved; and
- 2) That the City Manager is hereby authorized to execute the Agreement as presented and all other documents associated therewith; and
- 3) That said Agreement shall become effective immediately upon passage.

DONE AND RESOLVED, this 3rd day of March, 2022, in regular session of the City Commission of the City of Eustis, Lake County, Florida.

**CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA**

Michael L. Holland
Mayor/Commissioner

ATTEST:

Mary C. Montez, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by physical presence, this 3rd day of March, 2022, by Michael L. Holland, Mayor, and Mary C. Montez, City Clerk, who are personally known to me.

Notary Public - State of Florida
My Commission Expires:
Notary Serial No:

CITY ATTORNEY'S OFFICE

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

City Attorney's Office Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 22-19 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Mary C. Montez, City Clerk

EXHIBIT "A"

AGREEMENT TO CURE DEFICIENCIES AND ABATE FORECLOSURE LITIGATION

This Agreement to Cure Deficiencies and Abate Foreclosure Litigation (the "Agreement") made this ____ day of March, 2022, is entered into by and among the City of Eustis (the "City"), whose address is 10 North Grove Street, Eustis, Florida 32726, and Colonial Inn Motel, LLC ("Colonial Inn"), whose address is 1000 S. Bay Street, Eustis, FL 32726 (collectively referred to herein as the ("Parties")).

WHEREAS, disputes have arisen among the Parties (the "dispute") regarding that certain real property located in Lake County, Florida commonly known as the Colonial Inn at 1000 S. Bay Street, Eustis, FL 32726.

WHEREAS, the City has established a Code Enforcement Board to interpret and enforce City Ordinances to promote and protect the health, safety and general welfare of the public.

WHEREAS, the dispute arose due to code violations which led to code enforcement action, filing of code enforcement liens and foreclosure litigation.

WHEREAS, to avoid the expense and time of litigation and to ensure compliance with City codes, the Parties have agreed to attempt to resolve and settle the dispute on the terms and conditions set forth in this Agreement.

NOW, THEREFORE, in consideration of the foregoing recitals and of the conditions, covenants and agreements set forth below, the consideration and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Curing Deficiencies. Within 30 days of the date this Agreement is fully signed, the Colonial Inn shall cure all deficiencies and implement all recommendations set forth in the Universal Engineering Property Condition Assessment, except for those deficiencies identified as long-term needs. The Universal Engineering Property Condition Assessment is attached hereto as Exhibit "A." Within 30 days of the date this Agreement is signed, the Colonial Inn shall also install an interconnected fire alarm system pursuant to the Fire Chief's recommendations and surveillance cameras pursuant to the Police Chief's recommendations.
2. Abatement of Foreclosure. The foreclosure action shall be abated until a majority of the City Commission, at a City Commission meeting, instructs the City Attorney to resume and proceed with the foreclosure action. The City has absolute, sole discretion to decide whether to resume the foreclosure action. During the abatement period, current per diem fines may continue to accrue as determined by the City Commission in its sole and absolute discretion.
3. Referral to Code Enforcement Board. Upon curing the deficiencies and installation of an interconnected fire alarm system and surveillance cameras to the City's satisfaction, the City

Commission shall refer this matter to the Code Enforcement Board for a recommendation on reducing the indebtedness owed.

4. Board Review. The Board shall review the matter and provide a recommendation to the City Commission.

5. City Commission Review. The City Commission shall review the Board's recommendation and decide the amount owed by the Colonial Inn.

6. Dismissal. Upon the City Commission's decision and payment in full of the amount determined to be owed by the Colonial Inn, the foreclosure action shall be dismissed, the lien discharged and the case closed. Payment in full shall be made within 15 days of the City Commission's decision.

7. Repeat Violation. Any subsequent code violations found on the Property shall be treated as a repeat violation as provided in Chapter 162, Florida Statutes.

8. Authority. The Parties, individually and respectively, represent and warrant they possess full authority to enter into this Agreement. Each Party further represents and warrants that no third party has now acquired or will acquire rights to present or pursue any claims arising from or based upon the claims that have been released herein.

9. Further Assurances; Cooperation. Each party hereto shall execute such further instruments, documents, and agreements, and shall provide such further written assurances, as may be reasonably requested by the other party to better evidence and reflect the transactions described herein and contemplated hereby, and to carry into effect the intents and purposes of this Agreement.

10. Entire Agreement. The Parties represent and agree that no promise, inducement, or agreement other than as expressed herein has been made to them and that this Agreement is fully integrated, supersedes all prior agreements and understandings, and any other agreement between the Parties, and contains the entire agreement between the Parties.

11. Persons Bound. This Agreement shall be binding on and shall inure to the benefit of the Parties and their respective heirs, assigns, beneficiaries, and successors-in-interest.

12. Governing Law and Jurisdiction. The laws of the State of Florida shall apply to and control any interpretation, construction, performance or enforcement of this Agreement. The Parties agree that the exclusive jurisdiction for any legal proceeding arising out of or relating to this Agreement shall be the courts serving Lake County, Florida and all Parties hereby waive any challenge to personal jurisdiction or venue in that court.

13. Advice of Counsel. The parties each acknowledge that they have entered into this Agreement voluntarily and with full knowledge and understanding of its terms. Each party further

represents that they have sought guidance or advice from counsel of their choosing, or have knowingly and voluntarily waived such right, and the parties have read and fully understand the terms of this Agreement and voluntarily agree to be bound hereby.

14. Voluntary and Informed Consent. The Parties, individually and respectively, represent and agree (1) they have read and fully understand this Agreement, (2) they are fully competent to enter into this Agreement, (3) they are executing this Agreement voluntarily and free of any undue influence, duress, or coercion, (4) they have had the advice of independent counsel or waived such right, and (5) they have not relied upon the advice of counsel for the other Party in entering into this Agreement.

15. Construction. This Agreement shall be construed as if the Parties jointly prepared it, and any uncertainty or ambiguity shall not be interpreted against any one Party.

16. Modification. No oral agreement, statement, promise, undertaking, understanding, arrangement, act or omission of any Party, occurring subsequent to the date hereof may be deemed an amendment or modification of this Agreement unless reduced to writing and signed by the Parties hereto or their respective successors or assigns.

17. Severability. The Parties agree that if, for any reason, a provision of this Agreement is held unenforceable by any court of competent jurisdiction, this Agreement shall be automatically conformed to the law, and otherwise this Agreement shall continue in full force and effect.

18. Counterparts. This Agreement may be executed in several counterparts and all counterparts so executed shall constitute one agreement binding on all Parties hereto, notwithstanding that all the Parties are not signatories to the original or the same counterpart. Facsimile signatures shall be accepted the same as an original signature. A photocopy of this Agreement may be used in any action brought to enforce or construe this Agreement.

19. No Waiver. No failure to exercise and no delay in exercising any right, power or remedy under this Agreement shall impair any right, power or remedy which any Party may have, nor shall any such delay be construed to be a waiver of any such rights, powers or remedies or an acquiescence in any breach or default under this Agreement, nor shall any waiver of any breach or default of any Party be deemed a waiver of any default or breach subsequently arising.

20. Number and Headings. Whenever applicable within this Agreement, the singular shall include the plural and the plural shall include the singular. The headings in this Agreement are used solely for convenience of reference and shall not control the meaning or interpretation of this Agreement.

IN WITNESS WHEREOF, the Parties have executed this Agreement and of their own free acts after having carefully read and fully understood its content on the dates set forth below.

Colonial Inn Motel, LLC.



Amrutlal Patel, President

02/22/22

Date

City of Eustis

Tom Carrino
Interim City Manager

Date



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

Staff Report

TO: Eustis City Commission
FROM: Tom Carrino, Interim City Manager
DATE: March 3, 2022
RE: ORDINANCE NUMBER 22-05: PLANNED UNIT DEVELOPMENT OVERLAY AND PLANNED UNIT DEVELOPMENT MASTER PLAN FOR PINE MEADOWS RESERVE - 2ND READING

Introduction:

Ordinance Number 22-05 approves a Planned Unit Development (PUD) Overlay and PUD Master Plan for Pine Meadows Reserve, a 548-lot mixed-product single-family residential subdivision located 240.43-acres on the north and south sides of Pine Meadows Golf Course Road, with frontage on County Road (CR) 44.

Background:

See attached Staff Report.

Recommended Action:

The administration recommends approval of Ordinance Number 22-05.

Alternatives:

1. Approve Ordinance Number 22-05
2. Deny Ordinance Number 22-05

Attachments:

[Staff Report Resolution Ord. 22-05](#)
[Ordinance No. 22-05 Pine Meadows Reserve](#)
[20220211 Narrative c](#)
[PUD Standards](#)
[Community Meeting Summary](#)
[08-19-2021 CC MIN](#)

Reviewed by:

Tom Carrino, Interim City

Approved - 25 Feb 2022

Manager
Mary Montez, City Clerk

Approved - 25 Feb 2022



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

TO: EUSTIS CITY COMMISSION
FROM: TOM CARRINO, INTERIM CITY MANAGER
DATE: FEBRUARY 17, 2022
RE: ORDINANCE NUMBER 22-05: PLANNED UNIT DEVELOPMENT OVERLAY AND MASTER PLAN FOR PINE MEADOWS RESERVE

Introduction:

Ordinance Number 22-05 approves a Planned Unit Development (PUD) Overlay and PUD Master Plan for Pine Meadows Reserve, a 548-lot mixed-product single-family residential subdivision located 240.43-acres on the north and south sides of Pine Meadows Golf Course Road, with frontage on County Road (CR) 44.

Recommended Action:

The administration recommends approval of Ordinance Number 22-05.

Background:

1. Pertinent Site Information:

- a. The proposed development is to be located on 240.43 gross acres on the north and south sides of Pine Meadows Golf Course Road. The net developable area totals 148.24 acres. The land is partially wooded and portions of the project area are wetlands and/or located in the flood plain. The property is NOT located within the Wekiva Study area.
- b. Unique in its history, the property was a golf course and sod farm, which uses have impacted the onsite habitat/wetlands. Other unique characteristics include its size (an assemblage of 240.4 acres is atypical in Eustis), its configuration (irregular shape, bisected by Pine Meadows Golf Course Road), its proximity to a conservation park (Pine Meadows Conservation Area), its wetland areas (92.2-acres) and flood plain areas (134.1-acres). This project also has the distinction of being the first Rural Residential subdivision to be reviewed under City's form-based code and the Rural Site Design Standards.
- c. Proposed is a mixed-product residential subdivision to include 406 single-family detached units and 142 single-family attached units (townhomes) with road right-of-way, dedicated conservation areas, bike trail, parks and open space. The anticipated net density of 3.69 dwelling units per acre falls below the maximum of 5.0 dwelling units per acre established for the Suburban Residential land use designation.
- d. On May 18, 2021, Development Services facilitated a Community Meeting to review the proposed development. At that time, the concept plan proposed 578 units. Property owners within 500-feet were invited by mail, the meeting was advertised in the Daily Commercial and signs were posted on the project site.

Eighteen members of the public attended the meeting. (See attached meeting summary).

- e. On August 19, 2021, the City Commission approved a concept plan for the project via Resolution Number 21-61, which the concept plan proposed 578 units. (See attached meeting minutes).
- f. On December 21, 2022, the Development Review Committee reviewed and recommended approval of this Pine Meadows Reserve PUD, a 548-unit mixed-product subdivision for submittal to the City Commission subject to minor revisions to address remaining comments, which revisions have been submitted.
- g. The site and surrounding properties' land uses, design district designations, and existing uses are shown below:

	Future Land Use	Existing Use	Design District
Site	Suburban Residential*	Vacant	Rural Neighborhood*
North	Suburban Residential Rural Transition (Co)	SFR	Rural Neighborhood n/a
South	Mixed Commercial/Industrial and Public Institutional	Government use and vacant	Suburban Corridor
East	Suburban Residential Conservation (Co)	Vacant & County Park	Rural Neighborhood n/a
West	Suburban Residential and Rural Residential	SFR and vacant	Rural Neighborhood

*The land use and design district designations on the site include Mixed Commercial/Industrial and Suburban Residential; and Rural District and Rural Neighborhood, but pursuant to Section 102-15 of the Land Development Regulations, Suburban Residential and Rural Neighborhood will govern the entire site.

Applicant's Request:

The applicant is requesting Planned Unit Development Overlay and Planned Unit Development Master Plan approval for a 548-unit mixed-product single-family residential subdivision, including establishment of permitted uses, development standards and a phasing plan.

Sec. 102-29. - PUD overlay.

The intent and purpose of a planned unit development (PUD) overlay is to provide for a diversity of land uses to create a planned, sustainable community and provide an opportunity for flexibility and innovation. The objective is not simply to allow exceptions to otherwise applicable regulations, but to encourage a higher level of design and amenity than it is possible to achieve under the current regulations...

Planned Unit Development Overlay and Planned Unit Development Master Plan:

Per the attached Exhibit A, the applicant is requesting approval of a Planned Unit Development Overlay/Planned Unit Development Master Plan for a residential subdivision with the following general development characteristics:

PUD Master Plan Component	Required Minimums & Maximums	Provided
Gross Area	n/a	240.43 acres
Net Area (gross area less wetlands, water bodies)	n/a	148.24 acres
Unit Count	741 maximum	548
Density	5 dwelling units/acre maximum	3.69 dwelling units/acre
Density in Floodplain	Less than 2 dwelling units/acre	1 dwelling unit/ac
Open Space (does not include wetlands/water bodies)	25% minimum of net area (37.06-acres)	31% (46.03-acres)
Impervious Surface Area	40% maximum	39%
Impervious Surface Area in Floodplain	25%	16%
Park Space	6-acres	25.35-acres
Landscape Buffers *Adjacent to arterial and collector roads; and 50-feet adjacent to cropland, agricultural production and pasture land	50-feet *	65 to 130-feet adjacent to CR 44 Preserved wetlands adjacent to pasture land

Analysis of Request According to Applicable Policies and Codes:

- a. Section 102-29 PUD Overlay: The intent and purpose of a planned unit development (PUD) overlay is to provide for a diversity of land uses to create a planned, sustainable community and provide an opportunity for flexibility and innovation. The objective is not simply to allow exceptions to otherwise applicable regulations, but to encourage a higher level of design and amenity than it is possible to achieve under the current regulations. The city may impose specific conditions of approval upon any PUD. Such conditions shall be recommended for the purposes of assuring consistency with the comprehensive plan or elements thereof; offsetting or minimizing impacts upon public improvements, surrounding land uses, and significant environmental features; and assuring the adequacy of public services and facilities which will specifically serve the proposed planned unit development site. Conditions imposed upon an approved master planned unit development plan shall constitute the standards and guidelines against which the development of the planned unit development site, or any increment or phase thereof, shall be reviewed.

In order to approve a PUD, findings of fact shall be made to support the following conclusions:

- a. There are special physical or geographical conditions or objectives of development which warrant a departure from the standard land use and design district regulations.

The previously disturbed nature of the property subject to this request, and the unique size (an assemblage of 240.4 acres is atypical in Eustis), configuration (irregular shape, bisected by Pine Meadows Golf Course Road), proximity to a conservation park (Pine Meadows Conservation Area), wetland areas (92.2-acres), and flood plain areas (134.1-acres) warrant a departure from the standard regulations.

The following departures from the design district regulations represent minor development standard adjustments to accomplish a clustered conservation design subdivision; despite that provisions for conservation design and minimization of site disturbance in FLU 5.2.1 and 5.2.9 of the Comprehensive Plan are not applicable to the project as it is not within the Wekiva Study area. Nevertheless, the PUD Master Plan as designed meets the intent of [Sec. 115-4.2.2](#) of the Land Development Regulations regarding rural site design.

Limitation of Permitted Uses

Permitted uses in the Suburban Residential land use district are provided for in [Table 109-4](#) of the Land Development Regulations. To create a community with a higher level of amenity and minimize impacts to the surrounding land uses, the applicant is proposing a limitation of permitted uses as follows:

ACCESSORY BUILDINGS	MAINTENANCE BUILDINGS	RETENTION PONDS
CLUBHOUSE/ CABANA	MODEL HOMES	SALE CENTER
CONSTRUCTION TRAILERS	PARKS	SINGLE FAMILY DETACHED
DOG PARK	POOL	SINGLE FAMILY ATTACHED
GAZEBO	PUBLIC SERVICE/	TENNIS COURTS
HOME OCCUPATIONS	FACILITIES	TOWNHOMES
	REAL ESTATE OFFICE	TRAILS

Lot Typologies

Allowable lot typologies in Rural Neighborhood are provided for in [Section 109-5.8](#), Rural Performance Standards of the Land Development Regulations (LDR). Permitted lot types in Rural Neighborhood are limited to Homestead, Estate, House and Duplex. The minimum lot size in this category is 55 x 120 (6,600 square feet). While the Comprehensive Plan calls for greater flexibility and creativity in the design of residential developments to preserve onsite environmental resources (FLU 4.1.1) and the Land Development Regulations encourage clustered residential subdivisions and concentrating homes on a small portion of the site ([Section 109-5-7](#) and [115-4.2.2.](#)), the lot typology limitations are antithetical to the creation of a subdivision that provides a mix of products that meet the current market demand, at a density that provides for financially feasible project that includes extension of public utilities.

Therefore, the PUD Master Plan proposes distinctive lot typologies to provide for the preservation of 138-acres of combined wetland preservation and open space, which equates to more than half of the project's gross acreage. While the dimensional standards of the proposed distinctive lot typologies depart from the LDR standards, an alternative plan utilizing the Rural Neighborhood permitted typologies would result in more wetland impacts and less conservation area.

Lot Type	Lot Minimum	Lot Width	Lot Depth
R1	4,600	40'	115'
R1-Corner Lot	6,900	60'	115'
R2	5,750	50'	115'
R2-Corner Lot	8,050	70'	115'
TH-Internal Lot	2,200	20'	110'
TH-End Lot	3,850	35'	110'

Minimum Living Area:

The LDRs do not provide for a minimum living area square footage for residential dwelling units. To ensure Pine Meadows Reserve maintains consistency in building design and level of amenity, the applicant is proposing a minimum living area of 1,000 square feet (under air/heat).

Landscape Buffer to Pasturelands:

[Section 115-9.3.3](#) of the Land Development Regulations require a 50-foot landscape buffer, which buffer is required to be supplemented with trees and vegetation if the existing conditions is not densely vegetated. Properties to the east, southeast, west and southwest of the subject property are classified as Pasture Improved by the Lake County Property Appraiser. The PUD Master Plan proposes that the preservation and conservation areas between the development and adjacent pasture land serves as a buffer, which provides for a wider separation than a 50-foot landscape buffer.

Road Right-of-Way:

Section 115-7.3.3 of the Land Development Regulations specifies street types permitted in the Rural Neighborhood design district, and Section 115-7.3 specifies the typical cross section for each street type. A modified Residential Road street type is proposed for the development; the only departure from the regulations in this regard is the use of a Miami curb rather than a ribbon curb or swale. This modified cross section is preferred by the residential development community and has been regularly utilized for projects within the city limits.

- b. The resulting development is consistent with the character of the surrounding area and the overall planning objectives of the city.

Concentrating dwelling units internal to the site, preserving conservation land on the perimeter of the project provides separation from the existing residential developments, preserves the rural viewshed in the area and promotes compatibility with the surrounding neighborhoods. Where new residential dwelling units are proposed in locations near existing residences where dedicated conservation land will not exist, open space in the form of landscape buffers is provided.

As designed, the project is consistent with the Development Framework and Planning Principals outlined in the Comprehensive Plan, Goal FLU 1, Objective FLU 1.1 and Policy 1.1.1.

GOAL FLU 1: DEVELOPMENT FRAMEWORK

Implement a land use and development framework that will:

- ☐ ***Promote diversified economic development;***
- ☐ ***Protect and enhance residential neighborhoods;***
- ☐ ***Ensure services and facilities for new and existing development;***
- ☐ ***Discourage urban sprawl;***
- ☐ ***Recognize the value of natural resources; and***
- ☐ ***Respect private property rights.***

OBJECTIVE FLU 1.1: DEVELOPMENT FRAMEWORK IMPLEMENTATION

To create a planning framework and implementation strategy that will enhance the livability of the City of Eustis; promote its natural, cultural, and physical resources; minimize any negative effects of urban development on the natural resources of the City; maintain overall air quality; and discourage urban sprawl.

Policy FLU 1.1.1: Planning Principles

The following principles shall guide the creation of land use policy and development regulations within the City of Eustis:

- ☐ ***Creating a range of housing opportunities and choices;***
- ☐ ***Creating walkable neighborhoods;***
- ☐ ***Encouraging community and stakeholder collaboration;***
- ☐ ***Fostering distinctive, attractive communities with a strong sense of place;***

- ☐ ***Making development decisions predictable, fair and cost effective;***
- ☐ ***Allowing for a mix of land uses;***
- ☐ ***Providing for open space, natural beauty and protection of critical environmental areas;***
- ☐ ***Providing a variety of transportation choices;***
- ☐ ***Encouraging compact building design.***

- c. The existing or planned infrastructure is adequate to support the anticipated development.

The project proposes extension of water and wastewater utilities to serve the development, and capacity is available. The development proposes construction of an internal roadway system to include pedestrian connectivity internal and external to the development.

- d. The development incorporates best management practices for stormwater management, "green" building, and water and energy efficiency.

The stormwater management system will be designed to meet the city's land development regulations and St. Johns River Water Management District regulations; post-development runoff shall not exceed predevelopment conditions. The dedication of over half of the gross acreage of the site as open space or conservation area will provide that the existing drainage patterns remain intact.

Water efficiency is provided for in the PUD Master Plan with provision of city reclaim water for irrigation, and the homeowner's association (HOA) will promote Florida friendly landscaping. Within Pine Meadows Reserve, appliances will be Energy Star compliant and Water Sense/Water Star plumbing fixtures will be utilized.

- e. The development protects, preserves, and/or manages areas of significant natural resources.

The PUD Master Plan preserves 92.19-acres of wetlands, and provides a 23.86-acre passive park with walking and bike trails. When combined with the amenity center, open space areas and landscape buffers, the plan provides for a total of 138.22-acres (57% of the site) to be permanently dedicated as conservation, park space and open space.

- f. The arrangement of proposed uses better integrates future development into the surrounding neighborhood.

Concentrating dwelling units internal to the site, preserving conservation land on the perimeter of the project provides separation from the existing residential developments, preserves the rural viewshed in the area and promotes compatibility with the surrounding neighborhoods. Where new residential dwelling units are proposed in locations near existing residences

where dedicated conservation land will not exist, open space in the form of landscape buffers are provided.

- g. Each development phase can, together with any phases that preceded it, exist as an independent unit that meets all approval criteria and other applicable regulations even if no subsequent phase should ever be completed.

The PUD Master Plan complies.

- b. Comprehensive Plan - Future Land Use Element Appendix; Land Development Regulations Section 109-2.3, 109-3, 109-4: Suburban Residential (SR) This designation is provided to accommodate the majority of residential development within the City. General Range of Uses: This designation is intended to provide for a mix of single family detached, patio home, and townhouse dwellings in a suburban atmosphere and may also include ACLF, parks and recreation facilities, and schools. Apartments may be permitted through the PUD process. Public and utility services and facilities that are 2 acres or less in size are also permitted. Maximum Density/Intensity: Suburban Residential lands may be developed up to a maximum density of 5 dwelling units per net buildable acre. The maximum density may be exceeded through an affordable housing density bonus as provided in the Special Provisions. Maximum Impervious Surface Area 40%; Minimum open space required 25% or 35% if environmental analysis finds Wekiva related vegetative species.

The Planned Unit Development Overlay provides for single-family attached and detached homes at a maximum density of 3.69 units per acre in a Suburban Residential land use district, which permits up to 5 dwelling units per acre. Yet, although approximately 47.6-acres of the site is indicated for a density limitation of 4 dwelling units per acre on Map 19 of the Eustis Future Land Use Element Map Series, the remainder of the property subject to this request is indicated for a density limitation of 2.5 dwelling units per acre. However, Map 19 is inconsistent with the balance of the Comprehensive Plan Future Land Use Element and Future Land Use Element Appendix. The Future Land Use Element Appendix indicates the Suburban Residential (SR) designation is provided to accommodate the majority of residential development within the city at up to 5 dwelling units per acre.

Furthermore, Policy FLU 1.3.2: Maintain Residential Compatibility of the Eustis Comprehensive Plan indicates, “ review and analysis of development applications and future land use map amendments shall recognize as a fundamental principle of the City’s Comprehensive Plan that the highest concentration of development density and intensity within the City shall be permitted in the downtown and that this overall density/intensity decreases incrementally outward from the downtown to lower densities that are located in outlying rural areas or areas of the City which have physical limitations to development. Higher density in locations away from downtown, but supported with urban services and retail/employment activity, is permitted as an exception to this principle.”

The proposed development of 3.69 dwelling units per acre will be served with water and sewer. The property is located about a half a mile south of the Umatilla

JPA boundary (which area has been deemed appropriate to eventually be in the city limits of Umatilla and provided with urban services) and 2.75 miles from the eastern Eustis/LCBCC JPA boundary outside of which the true rural areas of unincorporated Lake County exist. The proposed density provides for an appropriate transition from the higher density of the downtown (up to 40 units per acre) to the areas outside the downtown which transition from 12 units per acre to 5 units per acre, and in the case of this project 3.69 units per acre.

In keeping with Florida Statute (FS) 163.3177, directing density to municipalities reduces the proliferation of sprawl thereby protecting true rural and agricultural lands. By directing development to municipalities, development pressure on outlying areas is reduced. Provision of cost-effective public services is not only provided for in Eustis' Strategic Plan, it is an important factor in protecting natural resources, including groundwater. Greater densities are warranted and necessary for cost effective provision of public services where both water and sewer are provided. Compact service areas reduce per capita costs of public services.

The Planned Unit Development Overlay, consistent with the Comprehensive Plan and Land Development Regulations, provides for roadway, sidewalks and residences equating to a 39% impervious surface area (maximum 40%). The plan provides 31% open space, exceeding the minimum 25% requirement. The proposed plan is consistent with the Suburban Residential land use per the Future Land Use Element Appendix of the Comprehensive Plan and the Land Development Regulations.

- c. Land Development Regulations – Design Districts Section 109-5.7. - Rural development pattern intent statements.

Intent. The rural development pattern relies primarily on a pattern of clustered residential development that provides substantive open space that serves to preserve and enhance the rural view shed and character of the community. Nonresidential uses are primarily located in centers and may contain a mix of uses.

Rural neighborhood.

Definition. Predominately residential uses where a portion of the land is designated as undivided, permanent open space of a site in an effort to preserve the existing natural resource areas while providing a significant amount of open space.

Structure. Developable land is subdivided into buildable lots. This development option provides an opportunity for communities to meet both their development and conservation goals by concentrating homes in a small portion of a site in an effort to preserve the existing natural resource areas on a larger scale.

Form. Preservation of natural landscape organizes development to make a place.

The PUD plan meets the intent of the of the Rural development pattern and Rural Neighborhood design district. Clustered residential units on the site provides for preservation of 57% of the land area as conservation, open space, parks and preserved wetlands to preserve the rural viewshed. This larger scale preservation

of natural resources on the property is made possible by concentrating the development on a smaller, previously disturbed portion of the site. The amenity center, passive park, walking trails and bike trail creates a sense of place that is unique and atypical of subdivisions in the city limits.

- d. Land Development Regulations – Chapter 115 General Building and Site Design Standards

Section 115-3.3. addresses rural districts and residential compatibility as follows:

Sec. 115-3.3. - Rural districts.

Rural residential compatibility. For lands within the rural design district, the maximum residential density permitted shall be consistent with the maximum density of the applicable land use district assigned to each individual property.

The property has a Suburban Residential land use designation which permits a maximum of 5 dwelling units per acre. The Pine Meadows Reserve PUD proposes 3.69 dwelling units per acre.

When any rural design district abuts an existing development in a suburban district, and proposed new residential lots will share a common boundary with existing or platted lots:

The width of the new lots may be no more than 200 percent of the width of the existing or platted lots, unless:

- (a) The existing or platted lots are non-conforming to the suburban design district standards;
- (b) Central sewer service is not available.

Not applicable.

When any rural design district abuts an existing development in a rural district, and proposed new residential lots will share a common boundary with existing or platted lots:

The width of the new lots may not be less than 85 percent of the width of the existing or platted lots, unless:

- (a) A landscape buffer (15 to 25 feet wide) is provided between the new lots and existing or platted lots; or
- (b) Park space as permitted by Section 115-8.3 is provided between the new lots and existing or platted lots.

Not applicable.

Section 115-4.2.2. includes general site design criteria to respect the natural topography of the site and follow the outlined four-step design process. Compliance as is demonstrated as follows:

Sec. 115-4.2.2. - Rural design districts.

Greater flexibility and creativity in the design of residential developments within the rural design districts is permitted through the subdivision development approval process and the design criteria provided herein as a means to preserve on-site environmental resource and preservation areas. Rural subdivisions shall be organized into three components: 1) wetlands and water bodies; 2) open space; and 3) developed areas. Site design process. After delineating the wetlands and water bodies on a site, development within the rural design districts shall generally follow a four-step design process as described below.

The Planned Unit Development Master Plan has been reviewed for general consistency with the rural subdivision site design criteria. Further review of the preliminary subdivision plat for each phase will be required as the project progresses.

(1) Step 1: Delineate open space areas and development areas.

a. External connectedness. Except as otherwise prioritized by subsection c. below and when off-site open space exists, open space shall be configured to create or add to a larger contiguous off-site network of interconnected open space, particularly existing habitats, and opportunities for restoring native habitats. Whenever opportunities exist to create connections with existing or potential off-site open space, greenways or conservation systems on adjoining parcels or with existing or proposed local or regional recreational trails, such connections shall be provided. Opportunities for connections will be determined based upon the natural features of both the subject property and adjacent properties; the existence of connected natural systems, the existence of a proposed local or regional trail, or the existence of other such features that would function and support the purpose and intent of the rural design districts. Where open space would further support critical linkages of either an existing or proposed local or regional recreational trail, such connection shall be made accessible to the public for such purpose.

With its bike trail and passive park providing connection to the county Pine Meadows Conservation park, Pine Meadows Reserve has been designed to connect conservation systems. Trail dedication for connection with the proposed Trout Lake/Lake May Loop Trail shall be provided for on final plat. Wetland preservation areas, passive park space and other open spaces are provided on the periphery of the project area which connect to offsite wetland areas to the west, east and northeast.

b. Internal connectedness. Open space shall be configured to create connected and integrated open space within the subdivision parcel to the maximum extent practicable and shall be based upon the context sensitive site design standards and priorities that are provided in subsection c. below. Open space shall still be considered connected if it is separated by a roadway or accessory amenity.

Open space preservation is prioritized to protect and restore native habitat (wetland and flood zone areas) and is connected externally and internally where possible. Open space will be accessibly through out the development via the internal street system including sidewalks on both sides of the road.

c. Context sensitive site design. The areas to be preserved shall be identified on a case-by-case basis to address the individual natural features of each site.

The open space preservation objectives, in order of priority, are to:

- 1) protect listed species,
- 2) create/enhance connectivity of open space,
- 3) protect native habitat and
- 4) restore native habitat. The relative size and functional value of each feature shall be assessed as a part of the site design process to determine the protection measures required. Based on an assessment of the quality and quantity of on-site natural resources, departures from the above prioritization are allowed. In addition to the protection of natural features as described above, other types of allowable open space may be provided as a secondary priority including: View shed protection of existing and planned public roadways. Continuation of agriculture uses; and Recreation

According to the listed species report prepared by Ecological Consulting Solutions (ECS), two gopher tortoise burrows were observed during the cursory survey. Both were located on the southern half of the property. Overall, ECS estimates no more than 10 gopher tortoise burrows may be present. A 100% survey will be required. A permit can be obtained within 30 days to relocate the onsite gopher tortoise population.

No nests were observed of the Florida Sandhill crane. Only one wetland is present that could support crane nesting and it is small. ECS was able to verify no nests were present within the wetland.

With its bike trail and passive park providing connection to the county Pine Meadows Conservation park, Pine Meadows Reserve has been designed to connect conservation systems. Trail dedication for connection with the proposed Trout Lake/Lake May Loop Trail shall be provided for on final plat. Wetland preservation areas, passive park space and other open spaces are provided on the periphery of the project area which connect to offsite wetland areas to the west, east and northeast.

The preserved wetlands will remain undisturbed with the exception of removing invasive exotic species.

Clustered residential units on the site provides for preservation of 57% of the land area as conservation, open space, parks and preserved wetlands to preserve the rural viewshed. This larger scale preservation of natural resources on the property is made possible by concentrating the development on a smaller, previously disturbed portion of the site. The amenity center, passive park, walking trails and bike trail creates a sense of place that is unique and atypical of subdivisions in the city limits.

Perpetual easement. Open space shall be preserved in perpetuity through the use of an irrevocable open space/conservation easement. The easement shall be in such form as is deemed acceptable by the city attorney and shall be recorded for the entire property which is subject to development including both the developed lots and the remaining open space. Maintenance of native habitat areas. Protected habitat areas within the open space shall not be converted to other uses, and shall be maintained in their natural condition and managed to sustain or enhance their native function. These areas may be modified to restore the overall condition and natural functions of the features.

A conservation easement will be provided for on final plat.

(2) Step 2: Location of development lots. The location of residential development lots shall be configured to meet the following standards:

a. Residential lots shall be arranged in a contiguous pattern and shall be clustered in such a way as to preserve the function, purpose and integrity of the on-site natural resources and environmental systems to the maximum extent practicable.

The residential lots are strategically placed on previously disturbed areas of the property to ensure preservation of wetlands, resources and hydrology.

b. The development shall minimize disturbance to woodlands, wetlands, and other natural features.

Clustered residential units on the site provides for preservation of 57% of the land area as conservation, open space, parks and preserved wetlands

c. The development shall protect and preserve the rural appearance of land when viewed from public roads and from abutting properties to the maximum extent practicable.

Open space and landscape buffers are provided on the CR 44 frontage, and the periphery of the development is comprised of conservation areas, passive park and buffers.

d. The design shall minimize the amount of road length required for the subdivisions to the maximum extent practicable.

Clustering the residential units on the previously disturbed areas of the site has minimized the road length to the extent practical.

(3) Step 3: Alignment of streets and trails. a. Support of open space areas. Streets shall avoid or at least minimize adverse impacts on the designated open space areas. To the greatest extent practicable, wetland crossings shall be avoided. b. Continuation of street pattern between phases. The street layout of subsequent phases shall be coordinated with the street system of previous phases. c. A proposed trail network should be shown consistent with the obligations included herein that require external connectedness with existing or proposed local or regional recreational trails. Where critical linkages of either an existing or proposed local or regional recreational trail exist, such connection shall be made accessible to the public for such purpose.

The PUD has been designed to minimize impact to open space. Only one area of wetland impact is proposed. The street pattern and layout were designed to operate both dependently and independently. The proposed trail connector will connect CR 44 to the Pine Meadows Conservation Area.

(4) Step 4: Design of lots. Lot lines for the subdivision should be drawn as the last step in the design process.

The PUD master plan demonstrates the design of the lots was the final step of the design.

Section 115-4.9 includes the City's stormwater management regulations. ***At time of preliminary subdivision plat for each phase, the city engineer will require drainage calculations and review the plan for compliance with city regulations. A St. Johns River Water Management District permit will also be required for the project.***

Sections 115-7, 8 and 9 outline standards for transportation, parks, and landscaping. A traffic impact analysis was prepared by Traffic Mobility Consultants for review by FDOT, Lake County, and the City's traffic consultant, Kimley Horn. As a result of the review, the PUD Master Plan provides for a left and right turn lane with paved shoulders on CR 44. North Street (at the southwest quadrant of the property will be preserved for future connectivity to the parcels to the west.

The plan meets or exceeds requirements for parks and landscaping.

Summary of Recommendation:

Staff recommends approval of the Pine Meadows Reserve planned unit development (PUD) as the proposed density of 3.69 units per acre falls below the maximum of 5 dwelling units per acre. The requested PUD standards and minor departures from the applicable city regulations are justified by the unique characteristics of the site and the resulting preservation of 57% of the site in wetland, parks, open space and buffers.

Alternatives:

1. Approve Ordinance Number 22-05
2. Deny Ordinance Number 22-05

Discussion of Alternatives:

Alternative 1 approves Ordinance Number 22-05

Advantages:

- The property owner can move forward with the proposed development.
- The action will provide for new residential development, potential job creation in the city, and increased tax revenue.

- The action is consistent with the goals, objectives, and policies of the Comprehensive Plan, including the Housing Element, which outlines the goal to promote safe, sanitary and affordable housing to meet the needs of various household types and income groups characteristic of the city and planning area.

Disadvantages:

- There are no disadvantages.

Alternative 2 denies Ordinance Number 22-05.

Advantages:

- The Commission could request modifications to the PUD.

Disadvantages:

- The property owner could proceed with subsequent reviews and approvals toward ultimate development of the property.
- The developer could abandon the project and the City could lose an economic development opportunity.

Budget / Staff Impact:

There would be no direct cost to the City associated with the action other than providing standard City services to the development. There would be no additional staff time beyond the normal plan review process and building inspection. Upon end user development, the City would realize increased tax revenue.

Community Input:

Development Services has placed the proper legal advertisements in the newspaper; notified surrounding property owners within 500 feet; and the property was posted. As of February 10, 2022, staff has received no inquiries nor expressions of objections to or support of the proposed development. An opportunity for public input will be provided at the February 17, 2022 public hearing.

Prepared By:

Lori Barnes, AICP, Development Services Director

Attachments

- Ordinance Number 22-05 w/Exhibit A – Planned Unit Development Master Plan & Phasing Plan
- Project Narrative
- PUD Standards
- Community Meeting Summary
- August 19, 2021 Meeting Minutes

ORDINANCE NUMBER 22-05

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, APPROVING A PLANNED UNIT DEVELOPMENT (PUD) OVERLAY FOR PINE MEADOWS RESERVE PURSUANT TO SECTION 102-29 AND 109-2.8 OF THE LAND DEVELOPMENT REGULATIONS; APPROVING A PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN FOR A 548-LOT MIXED-PRODUCT SINGLE-FAMILY RESIDENTIAL SUBDIVISION, ON 240.43 GROSS ACRES ON THE NORTH AND SOUTH SIDES OF PINE MEADOWS GOLF COURSE ROAD, ESTABLISHING PERMITTED USES AND DEVELOPMENT STANDARDS, PROVIDING FOR A PHASING PLAN, PROVIDING FOR CONDITIONS OF APPROVAL, PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, TLC Pine Meadows, LLC has made an application for a Planned Unit Development Overlay for a 548-lot mixed product single-family residential subdivision on 240.43 gross acres on the north and south sides of Pine Meadows Golf Course Road, more particularly described as follows:

LCPA PARCEL ID# 24-18-26-0400-000-01101, 24-18-26-0400-000-02500, 24-18-26-0405-000-01201, 24-18-26-0455-002-00000, 24-18-26-0455-003-00000, 35-18-26-0001-000-01900, 35-18-26-0001-000-02001, 35-18-26-0500-000-00300, 36-18-26-0002-000-00100

THAT PART OF THE EAST 169.5 FEET OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 18 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, LYING SOUTH OF THE SOUTHERLY LINE OF THE RIGHT OF WAY KNOWN AS PINE MEADOWS GOLF COURSE ROAD.

AND

THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 18 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, LESS RIGHT OF WAY FOR PINE MEADOWS GOLF COURSE ROAD. ALSO LESS AND EXCEPT LOTS 1 AND 2, PINE MEADOWS FAIRWAY ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 17, PAGE 56, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

AND

TRACTS 21 TO 26, INCLUSIVE, AND TRACTS 37 TO 40, INCLUSIVE, EUSTIS MEADOWS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 2, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, LESS AND EXCEPT THEREFROM THE RIGHT OF WAY FOR PINE MEADOWS GOLF COURSE ROAD, AS SHOWN ON PLAT BOOK 17, PAGE 56 AND THE RIGHT OF WAY FOR FAIRWAY DRIVE, AS SHOWN ON PLAT BOOK 17, PAGE 56, AND THE RIGHT OF WAY FOR PINE-MEADOWS ROAD, AS SHOWN ON PLAT BOOK 17, PAGE 12. ALSO, LESS AND EXCEPT LOTS 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 AND 28, PINE MEADOWS FAIRWAY ESTATES, ACCORDING TO THE MAP OR

PLAT THEREOF, AS RECORDED IN PLAT BOOK 17, PAGE 56, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

AND

PARCEL A:

THAT PART OF LOT 12, IN SECTION 36, TOWNSHIP 18 SOUTH, RANGE 26 EAST, MAP OF EUSTIS MEADOWS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 2, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; AND THAT PART OF BLOCKS 3 AND 15, IN SECTION 36, TOWNSHIP 18 SOUTH, RANGE 26 EAST, TOWN PLAT OF EUSTIS MEADOWS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 2, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT A 5/8" IRON ROD AND CAP (PLS 3351) AT THE NORTHEAST CORNER OF LOT 12 OF SAID MAP OF EUSTIS MEADOWS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 2, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; RUN THENCE SOUTH 87°04'27" WEST, ALONG THE NORTH LINE OF SAID LOT 12, ALSO BEING THE NORTH LINE OF THE SOUTHWEST 1/4 OF SECTION 36, TOWNSHIP 18 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, A DISTANCE OF 651.38 FEET TO THE NORTHWEST CORNER OF SAID LOT 12; THENCE SOUTH 00°32'04" EAST, ALONG THE WEST LINE OF SAID LOT 12, A DISTANCE OF 1,280.21 FEET TO A 4" OCTAGONAL MONUMENT AT THE SOUTHWEST CORNER OF SAID LOT 12; THENCE NORTH 87°33'44" EAST, ALONG THE SOUTH LINE OF SAID LOT 12, A DISTANCE OF 15.01 FEET; THENCE SOUTH 00°32'04" EAST, A DISTANCE OF 15.01 FEET TO THE NORTHWEST CORNER OF BLOCK 3 OF SAID TOWN PLAT OF EUSTIS MEADOWS; THENCE NORTH 87°33'44" EAST, ALONG THE SOUTH RIGHT OF WAY LINE OF NORTH STREET, A DISTANCE OF 10.01 FEET; THENCE SOUTH 00°32'04" EAST, ALONG A LINE 10 FEET EAST OF WHEN MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE EAST RIGHT OF WAY LINE OF CEDAR STREET, A DISTANCE OF 433.22 FEET TO AN INTERSECTION WITH A LINE THAT IS 50.00 FEET NORTH OF AND PARALLEL WITH, WHEN MEASURED OF RIGHT ANGLES THERETO, THE NORTH RIGHT OF WAY LINE OF COUNTY ROAD NO. 44-A; THENCE NORTH 88°02'40" EAST, ALONG SAID LINE WHICH IS 50.00 FEET NORTH OF AND PARALLEL WITH THE NORTH RIGHT OF WAY LINE OF COUNTY ROAD NO. 44-A, A DISTANCE OF 111.02 FEET, TO AN INTERSECTION WITH THE WESTERLY TOP OF THE BANK OF A CANAL KNOWN AS HICKS DITCH; THENCE NORTH 24°12'31" EAST, ALONG SAID TOP OF BANK, 108.49 FEET; THENCE NORTH 21°03'29" EAST, ALONG SAID TOP OF BANK, 200.06 FEET; THENCE NORTH 19°20'32" EAST, ALONG SAID TOP OF BANK, 200.30 FEET; THENCE NORTH 20°32'44" EAST, ALONG SAID TOP OF BANK, 394.93 FEET; THENCE NORTH 19°41'20" EAST, ALONG SAID TOP OF BANK, 541.12 FEET TO AN INTERSECTION WITH THE EAST LINE OF SAID LOT 12; THENCE NORTH 00°44'07" WEST, ALONG THE EAST LINE OF SAID LOT 12, 402.85 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH A 50 FEET WIDE INGRESS AND EGRESS EASEMENT ALONG THE EASTERLY LINE BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCE AT A 5/8" IRON ROD AND CAP (PLS 3351) AT THE NORTHEAST CORNER OF LOT 12 OF MAP OF EUSTIS MEADOWS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN

PLAT BOOK 1, PAGE 2, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; RUN THENCE SOUTH 00°44'07" EAST, ALONG THE EAST LINE OF SAID LOT 12, A DISTANCE OF 402.85 FEET TO THE POINT OF BEGINNING; RUN THENCE NORTH 00°44'07" WEST, ALONG THE EAST LINE OF SAID LOT 12, A DISTANCE OF 125.70 FEET; THENCE SOUTH 22°42'12" WEST, 116.65 FEET; THENCE SOUTH 19°41'20" WEST, 542.07 FEET; THENCE SOUTH 20°32'44" WEST, 395.08 FEET; THENCE SOUTH 19°20'32" WEST, 200.08 FEET; THENCE SOUTH 21°03'29" WEST, 197.94 FEET; THENCE SOUTH 24°12'31" WEST, 131.68 FEET TO AN INTERSECTION WITH A LINE THAT IS 50.00 FEET NORTH OF AND PARALLEL WITH WHEN MEASURED AT RIGHT ANGLES THERETO THE NORTH RIGHT OF WAY LINE OF COUNTY ROAD NO. 44-A; THENCE NORTH 88°02'40" EAST, ALONG SAID LINE WHICH IS 50.00 FEET NORTH OF AND PARALLEL WITH THE NORTH RIGHT OF WAY LINE OF COUNTY ROAD NO. 44-A, A DISTANCE OF 55.71 FEET, TO AN INTERSECTION WITH THE WESTERLY TOP OF THE BANK OF A CANAL KNOWN AS HICKS DITCH; THENCE NORTH 24°12'31" EAST, ALONG SAID TOP OF BANK, 108.49 FEET; THENCE NORTH 21°03'29" EAST, ALONG SAID TOP OF BANK, 200.06 FEET; THENCE NORTH 19°20'32" EAST, ALONG SAID TOP OF BANK, 200.30 FEET; THENCE NORTH 20°32'44" EAST, ALONG SAID TOP OF BANK, 394.93 FEET; THENCE NORTH 19°41'20" EAST, ALONG SAID TOP OF BANK, 541.12 FEET TO THE POINT OF BEGINNING.

AND

PARCEL B: THAT PART OF BLOCKS 2 AND 14, AND THAT PART OF A VACATED PORTION OF ORANGE STREET, IN SECTION 36, TOWNSHIP 18 SOUTH, RANGE 26 EAST, TOWN PLAT OF EUSTIS MEADOWS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 2, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A 5/8" IRON ROD AND CAP (PLS 3351) AT THE NORTHEAST CORNER OF LOT 12 OF MAP EUSTIS MEADOWS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 2, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; RUN THENCE SOUTH 87°04'27" WEST, ALONG THE NORTH LINE OF SAID LOT 12, ALSO BEING THE NORTH LINE OF THE SOUTHWEST 1/4 OF SECTION 36, TOWNSHIP 18 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, A DISTANCE OF 651.38 FEET TO THE NORTHWEST CORNER OF SAID LOT 12; THENCE CONTINUE SOUTH 87°04'27" WEST, ALONG THE NORTH LINE OF LOT 11, SAID MAP OF EUSTIS MEADOWS, ALSO BEING THE NORTH LINE OF THE SAID SOUTHWEST 1/4 OF SECTION 36, A DISTANCE OF 175.55 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE WEST 150.00 FEET OF THE EAST 1/2 OF SAID LOT 11; THENCE SOUTH 00°26'01" EAST, ALONG THE EAST LINE OF THE WEST 150.00 FEET OF THE EAST 1/2 OF SAID LOT 11 AND ITS PROLONGATION THEREOF, A DISTANCE OF 1,293.80 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT OF WAY LINE OF NORTH STREET AND THE POINT OF BEGINNING; THENCE NORTH 87°33'44" EAST, ALONG THE SOUTH RIGHT OF WAY LINE OF NORTH STREET, A DISTANCE OF 152.76 FEET TO A LINE 10 FEET WEST OF WHEN MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE WEST RIGHT OF

WAY LINE OF CEDAR STREET; THENCE SOUTH 00°32'04" EAST, ALONG SAID LINE 10 FEET WEST OF WHEN MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE WEST RIGHT OF WAY LINE OF CEDAR STREET, A DISTANCE OF 432.80 FEET TO AN INTERSECTION WITH A LINE THAT IS 50.00 FEET NORTH OF AND PARALLEL WITH WHEN MEASURED AT RIGHT ANGLES TO THE NORTH RIGHT OF WAY LINE OF COUNTY ROAD NO. 44-A; THENCE SOUTH 88°02'40" WEST, ALONG SAID LINE WHICH IS 50.00 FEET NORTH OF AND PARALLEL WITH THE NORTH RIGHT OF WAY LINE OF COUNTY ROAD NO. 44-A, A DISTANCE OF 153.49 FEET, TO AN INTERSECTION WITH A LINE WHICH BEARS SOUTH 00°26'01" EAST FROM THE POINT OF BEGINNING; THENCE NORTH 00°26'01" WEST, ALONG THE SOUTHERLY PROLONGATION OF THE EAST LINE OF THE WEST 150.00 FEET OF THE EAST 1/2 OF SAID LOT 11, A DISTANCE OF 431.53 FEET TO THE POINT OF BEGINNING.

AND

PARCEL C: THAT PART OF LOT 11, IN SECTION 36, TOWNSHIP 18 SOUTH, RANGE 26 EAST, MAP OF EUSTIS MEADOWS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 2, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A 5/8" IRON ROD AND CAP (PLS 3351) AT THE NORTHEAST CORNER OF LOT 12 OF MAP OF EUSTIS MEADOWS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 2, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; RUN THENCE SOUTH 87°04'27" WEST, ALONG THE NORTH LINE OF SAID LOT 12, ALSO BEING THE NORTH LINE OF THE SOUTHWEST 1/4 OF SECTION 36, TOWNSHIP 18 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, A DISTANCE OF 651.38 FEET TO THE NORTHWEST CORNER OF SAID LOT 12, AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 87°04'27" WEST, ALONG THE NORTH LINE OF LOT 11, SAID MAP OF EUSTIS MEADOWS, ALSO BEING THE NORTH LINE OF THE SAID SOUTHWEST 1/4 OF SECTION 36, A DISTANCE OF 175.55 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE WEST 150.00 FEET OF THE EAST 1/2 OF SAID LOT 11; THENCE SOUTH 00°26'01" EAST, ALONG THE EAST LINE OF THE WEST 150.00 FEET OF THE EAST 1/2 OF SAID LOT 11, A DISTANCE OF 1,243.77 FEET TO AN INTERSECTION WITH A LINE 35.00 FEET NORTH OF WHEN MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE NORTH RIGHT OF WAY LINE OF NORTH STREET; THENCE NORTH 87°33'44" EAST, ALONG SAID LINE 35.00 FEET NORTH OF WHEN MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE NORTH RIGHT OF WAY LINE OF NORTH STREET, A DISTANCE OF 177.69 FEET TO AN INTERSECTION WITH THE WEST LINE OF SAID LOT 12; THENCE NORTH 00°32'04" WEST, ALONG SAID WEST LINE OF LOT 12, A DISTANCE OF 1,245.19 FEET TO THE POINT OF BEGINNING.

WHEREAS, Section 102-29 of the Eustis Land Development Regulations provides for a Planned Unit Development Overlay (PUD) to create planned sustainable communities, provide an opportunity for flexibility and innovation and to encourage a higher level of design and amenity than is possible to achieve under the current regulations; and

WHEREAS, the unique site characteristics of the Pine Meadows Reserve property and the development objectives warrant a departure from the standard land use and design district regulations; and

WHEREAS, the proposed PUD complies with the density limitations under the assigned Suburban Residential land use; and

WHEREAS, minor departures from the assigned Rural Neighborhood design district regulations are necessary to address the desired PUD development standards to accomplish a clustered conservation design subdivision with a higher level of amenity and design; and

WHEREAS, the resulting development is consistent with the character of the surrounding area and the overall planning objectives of the city; and

WHEREAS, the existing and planned infrastructure is adequate to support the development; and

WHEREAS, the development incorporates best management practices for stormwater management, "green" building, and water and energy efficiency; and

WHEREAS, the development protects, preserves, and manages areas of significant natural resources; and

WHEREAS, the arrangement of proposed uses better integrates future development into the surrounding neighborhood; and

WHEREAS, each development phase can, together with any phases that preceded it, exist as an independent unit that meets all approval criteria and other applicable regulations even if no subsequent phase should ever be completed;

NOW, THEREFORE, THE COMMISSION OF THE CITY OF EUSTIS HEREBY ORDAINS:

SECTION 1. PLANNED UNIT DEVELOPMENT OVERLAY

That the Pine Meadows Reserve Planned Unit Development Overlay for 548-lot mixed product single-family residential subdivision located on north and south sides of Pine Meadows Golf Course Road, with conditions provided for in Section 4.

SECTION 2. PLANNED UNIT DEVELOPMENT MASTER PLAN

That the Pine Meadows Reserve Planned Unit Development Master Plan, attached hereto as Exhibit "A", is hereby approved with the following development standards:

Permitted Uses:

ACCESSORY BUILDINGS
CLUBHOUSE/ CABANA

CONSTRUCTION TRAILERS
 DOG PARK
 GAZEBO
 HOME OCCUPATIONS
 MAINTENANCE BUILDINGS
 MODEL HOMES
 PARKS
 POOL
 PUBLIC SERVICE/ FACILITIES
 REAL ESTATE OFFICE
 RETENTION PONDS
 SALE CENTER
 SINGLE FAMILY DETACHED
 SINGLE FAMILY ATTACHED
 TENNIS COURTS
 TOWNHOMES
 TRAILS

Site Characteristics

Total Acreage	240.43 AC
Floodplain Acreage	134.10 AC
Wetland Acreage	92.20 AC
Net Acreage	148.23 AC
Developable Acreage	148.23 AC
Open Space Percentage	25%
Open Space Acreage	46.03 AC
Recreation/Amenities Acreage	25.35 AC
Total Unit Count	548
Net Density	3.7 units/acre
Gross Density within the Floodplain	1 unit/acre
Impervious Area	39%
Impervious Surface Ratio	57.87 AC
Impervious Area within the Floodplain	8.40 AC
Impervious Surface Ratio within the Floodplain	16%*

*Impervious Surface Ratio may not exceed 25% pursuant to Policy CON 1.1.4

Lot Typology & Standards

Lot Type	Lot Minimum	Lot Width	Lot Depth	Front	Side	Rear	Height
R1	4,600	40'	115'	25'	5/5'	10'	35'
R1-Corner Lot	6,900	60'	115'	25'	25'/5'	10'	35'
R2	5,750	50'	115'	25'	5'/5'	10'	35'
R2-Corner Lot	8,050	70'	115'	25'	25'/5'	10'	35'
TH-Internal Lot	2,200	20'	110'	20'	0'	15'	35'
TH-End Lot	3,850	35'	110'	20'	15'/0'	15'	35'

Roadway Standards

Road Type	Road Width	Travel Lane Width	Curb Width	Grass Strip Width	Sidewalk Width
Internal	50'	12'	2'	6'	5'*

*Sidewalk on both side of internal streets

Landscape Buffers:

- A. Enhanced landscape shall be provided adjacent to the existing tennis courts and parking area immediately south of Pine Meadows Golf Course Road.
- B. Preservation and conservation areas adjacent to pasture land with greater width of separation than landscape buffer to pasture lands.

Recreational Amenities

- A. Existing Tennis Courts will remain with enhanced landscaping planned to improve the appearance of the courts and provide additional open space.
- B. Dog Park -.46-acre Special Use Facility
- C. Amenity Area-1.03-acres Special Use Facility
- D. Upland Passive Park-23.86 acres Natural Resources Area (includes trail system)

SECTION 3. TERM & PHASING

The term of this Planned Unit Development shall be ten (10) years from the effective date. The project is anticipated in three phases as follows, and as shown on Exhibit B:

Phase 1A: 2023

Phase 1B: 2026

Phase 2: 2029

Provided the project is continuing in good faith, the City Manager shall be authorized to adjust phase completion dates provided such extension does not exceed the 10-year PUD term.

SECTION 4. CONDITIONS

- A. That a Preliminary Subdivision Plat approval, Final Engineering and Construction Plan

approval and Final Plat for each phase shall be consistent with the Land Development Regulations, except as provided for herein.

- B. That pursuant to Policy FLU 5.2.13 of the Comprehensive Plan, a management plan for wetland areas shall be submittal as part of the Phase 1A Preliminary Subdivision Plat.
- C. At time of Preliminary Subdivision Plat for each phase, subdivision plans shall be shown to fully comply with all policies under CON 2.3 of the Comprehensive Plan.

SECTION 5.

That this Ordinance shall become effective upon passing.

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this 3rd day of March 2022.

**CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA**

Michael L. Holland
Mayor/Commissioner

ATTEST:

Mary C. Montez, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by means of physical presence, this 3rd day of March, 2022, by the Michael L. Holland, Mayor, and Mary C. Montez, City Clerk, who are personally known to me.

Notary Public - State of Florida
My Commission Expires:
Notary Serial No:

CITY ATTORNEY'S OFFICE

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

City Attorney's Office

Date

CERTIFICATE OF POSTING

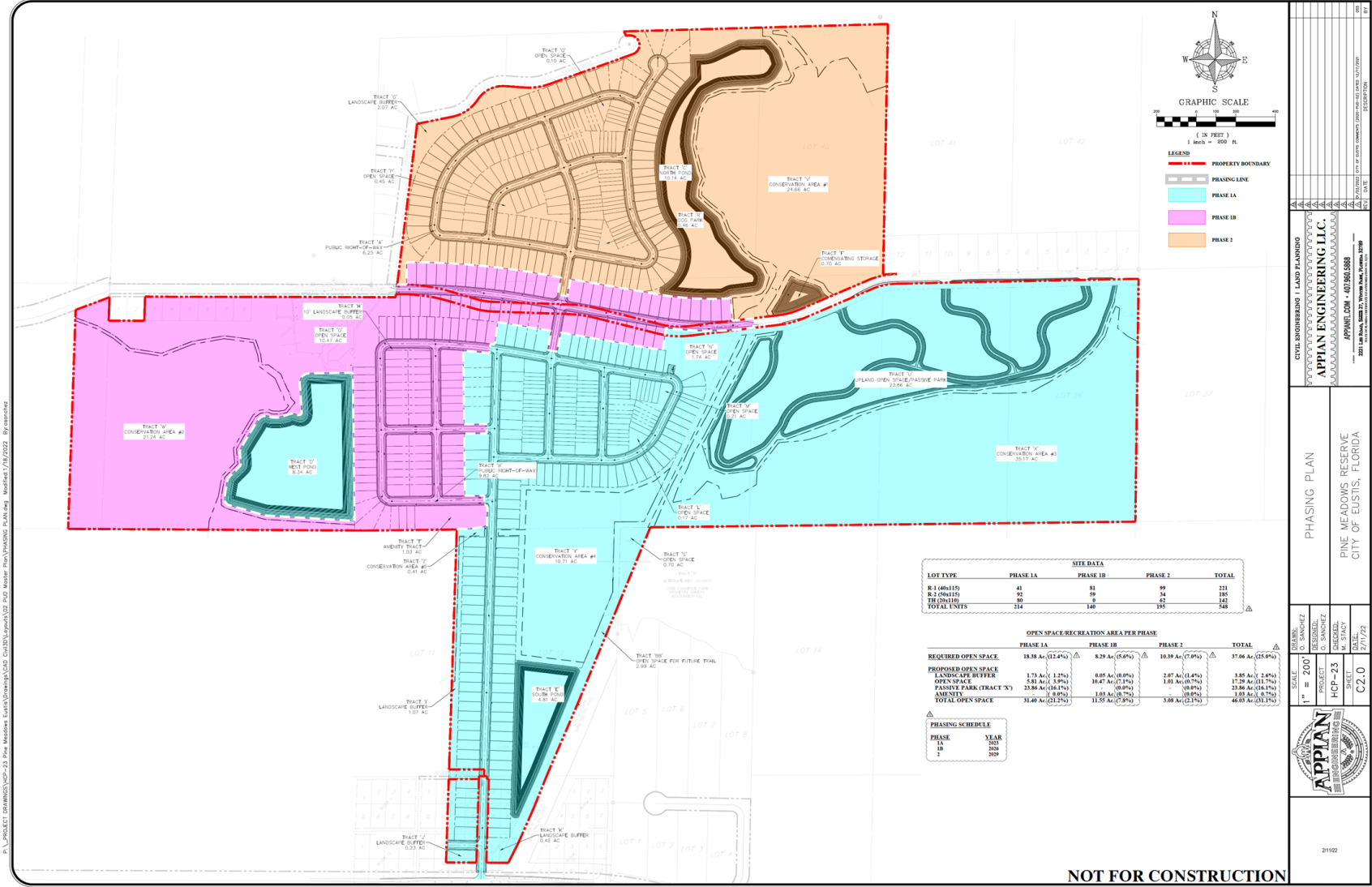
The foregoing Ordinance Number 22-05 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Mary C. Montez, City Clerk

Exhibit A – PUD Master Plan



Exhibit B – PUD Phasing Plan





Pine Meadow PUD

Project Narrative

February 11, 2022

Background

Pine Meadows PUD consists of 9 parcels and a portion of Tract B of the Cobb Commerce Park totaling 240.43 acres of property, north of CR 44 in the City of Eustis. A conceptual PUD plan was approved on August 19, 2021. The project site is the former Pine Meadows golf course. The current use of the property is sod farm. The surrounding area is a mix of single family homes and agricultural lands. The area is transitioning from rural to suburban with additional development being planned southwest of the project site on land owned by the City of Eustis.

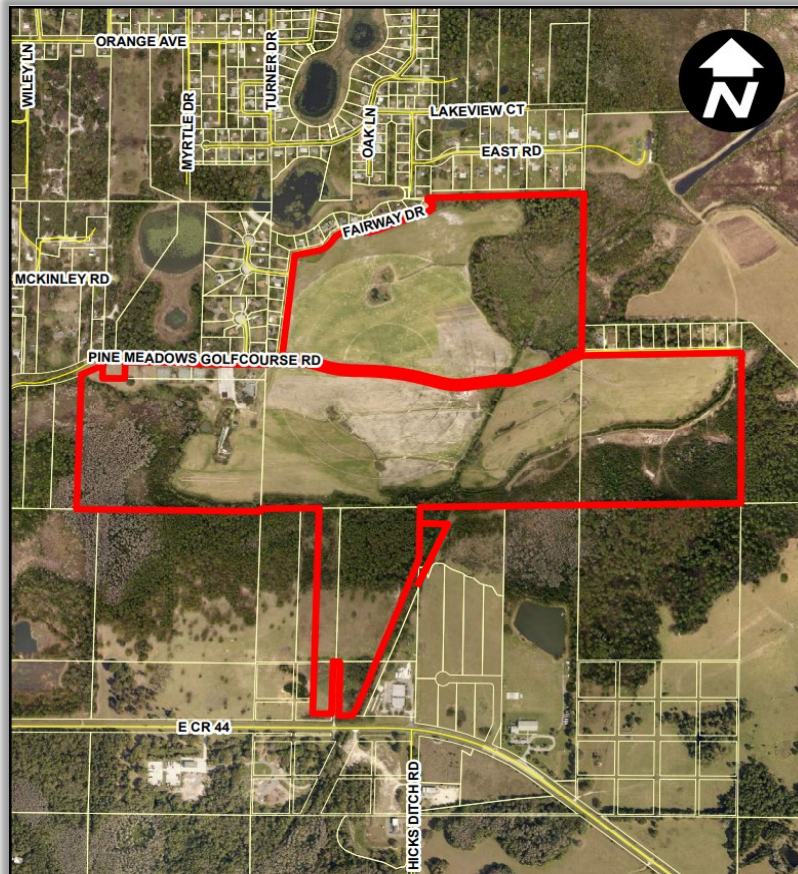


Figure 1. Project Location

1162 Camp Ave., Mount Dora, FL 32757. Phone (352) 385-1940 Fax (352) 383-4824

The subject property is unique in size, shape, composition, and location. Few if any other properties in the City of Eustis possess such a distinctive mixture of attributes. The assembled parcels form an odd shape with a right of way bisecting the north 1/3 of the site. A large percentage of the site is wetlands, which are concentrated along the periphery of the property. Disturbed areas of the subject property are concentrated internal to the site. The former use of a golf course and then a sod farm have left the site with significant area of low quality habitat and exposed onsite and offsite wetlands to significant amounts of fertilizers, herbicides and fungicides.

Location of the subject property on CR-44 is desirable for a variety of uses. However, the large area of wetlands and adjacent conservation lands make residential development an ideal use for the site. The proposed project concentrates development on previously disturbed areas, allowing large tracts of contiguous uplands adjacent to the online wetlands to be preserved along the periphery of the property. The preserved areas protect the rural view shed and provide habitat for wildlife.

A portion of the subject property is located in the floodplain. Density and intensity of development in floodplain areas is limited. The PUD is designed to limit development in the portion of the site within the floodplain.

The controlling future land use is Suburban Residential; however, the design district is Rural Neighborhood, which encourages the clustering of housing, use of previously disturbed lands and preservation of large tracts of contiguous open land. The surrounding area is transitioning. However, the rural character and development pattern in the area remains discernible as not all surrounding lands are controlled by the city.

The subject property is in the Suburban Residential (SR) and Mixed Commercial/Industrial (MCI) Future Land Use categories. Figure 2 shows the subject property in relation to the two Future land use categories. The majority of the property is in the SR FLU with a small area adjacent to CR-44 in the MCI FLU. The controlling future land use on the subject property is Suburban Residential.

The SR FLU is characterized as a “designation to accommodate the majority of residential development in the City” and is intended to provide a mix of housing types in a suburban context. The maximum density of the SR FLU is 5 units/acre.



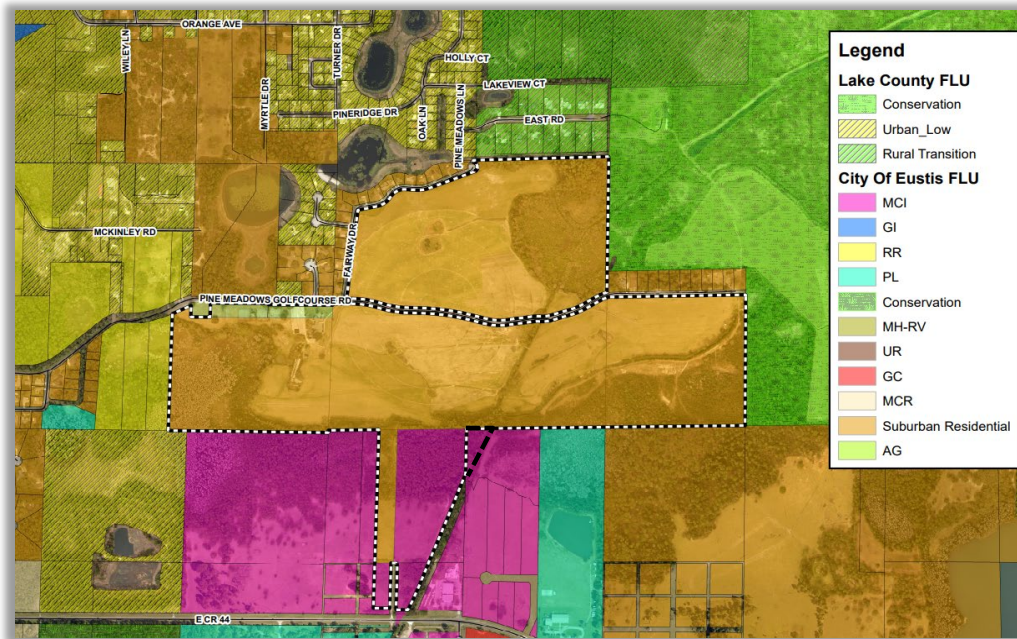


Figure 2. Future Land Uses

The subject property is in the Rural Neighborhood and Rural Design Districts. The intent of the design districts is to ensure safe, functional and attractive development within the City and ensure compatibility between uses. The rural development pattern relies primarily on the clustering of residential units providing for preservation of substantive open space which serves to preserve and enhance the rural view shed and character of the community.

The majority of the subject property is in the Rural Neighborhood district characterized by primarily residential uses where permanent undivided open space is provided to preserve natural resources and rural view sheds. Homes are concentrated on small portions of the project site allowing for the preserving of natural resources through setting aside of large tracts of contiguous of open space on the periphery of the property. The preserved open space and wetlands are connected to the adjacent Pine Meadows Conservation Area located northeast of the subject property. Figure 3 shows the location of the design districts in relation to the subject property.

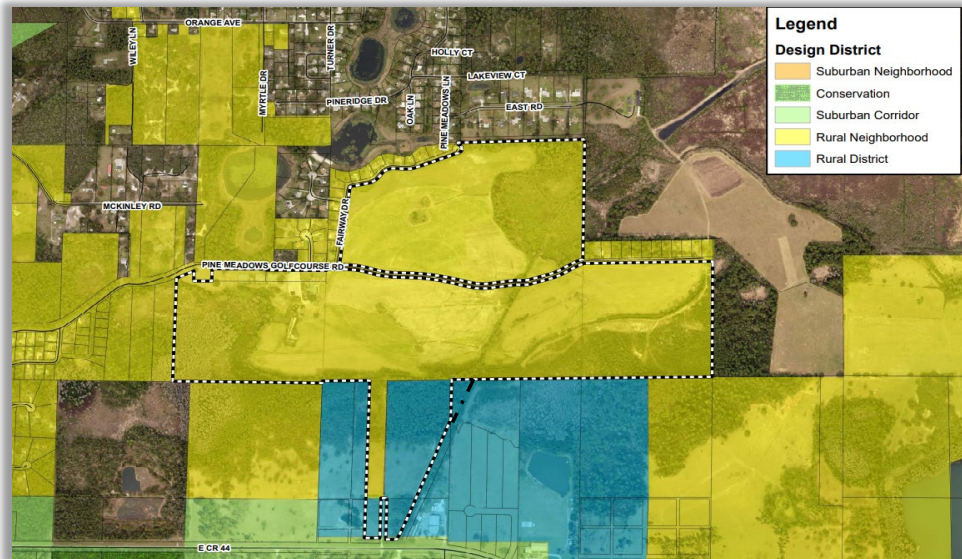


Figure 3. Design Districts

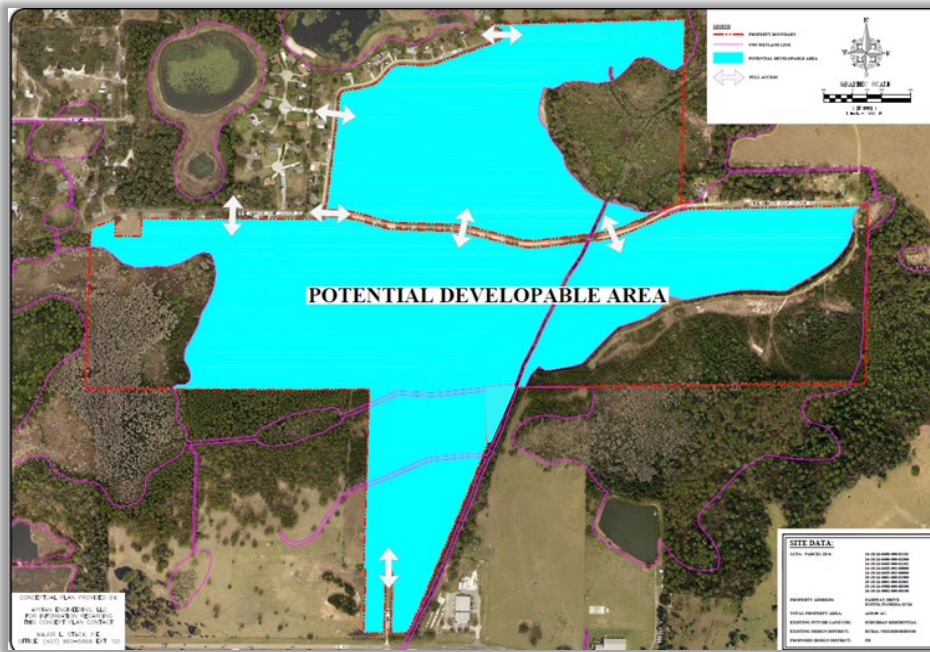
Eight (8) percent of the subject property in the south, adjacent to CR-44 is in the rural design district which is characterized as an area of primarily single uses which includes warehouses, office parks and campuses. Development in this district is organized to efficiently use land to support a single use. The controlling design district for the PUD is the rural neighborhood district.

Project Request

The request is to permit a residential planned unit development on 240.43± acres. Consistent with Sec. 109-2.8, the PUD is requested to allow a variety of housing types to be integrated into a master planned community. The former use of the site as a golf course and sod farm has reduced the ecological viability of the internal portion to the site, which is where the new housing is proposed.

Approximately 92 acres of wetlands remain on the site. The wetlands are proposed for preservation along with open space consisting of several large areas of contiguous uplands totaling approximately 23.86 acres. Approximately 115 acres are proposed for preservation including wetlands and upland areas. Additionally, 19 acres of open space is provided including buffers, a dog park, a recreational amenity area, and internal open space adjacent to new housing. The total open space provided is 31.1% of the site or 46.03 acres not including the preserved wetlands. Pursuant to City Code 25% open space is required or 37.06 acres. Applicant is providing an additional 9 acres or 6% of open space excluding the wetlands in excess of the code requirements. The additional open space and placement of open areas provide an additional benefit to the City and surrounding property owners.

Of the 240.43 acres only approximately 62% of the site is developable, as demonstrated in Figure 4. The developable area is reduced to 26% of the site as demonstrated in Table 1, when the wetland areas, open space areas, stormwater retention areas, and rights of ways are subtracted from the total acreage.



Areas	Acres	Percentage of Site
Total Acreage	240.43 Ac	100%
Wetland Acreage	92.20 Ac	38%
Open Space	46.02 Ac	19%
Stormwater Areas	22.82 Ac	10%
Right of Ways	16.07 Ac	7%
Net Developable Area	63.32 Ac	26%

Table 1: Site Development Areas

The development areas consist of several development pods, clustered internal to the subject property. The wetlands and large preserved open spaces are located on the periphery of the site. Smaller open space areas are located within the development tracts to provide green spaces and active recreational opportunities.

Phasing

Figure 5 is the PUD phasing plan which demonstrates the lot layout, and project phasing. The project is broken down into 3 phases. Phase 1A will begin along CR-44 and will include construction of the North Street extension, pond and passive park ending below Pine Meadows Golf Course Road (light blue). Phase 1B includes reconstruction and straightening of Pine Meadows Golf Course Road and enhancement of landscaping area adjacent to the existing tennis courts (pink). During reconstruction of Pine Meadows Golf Course Road, traffic will be diverted through the project to allow straightening of the right of way and installation of utilities within the right of way. Phase 2 consists of the north 1/3 of the project, above Pine Meadows Golf Course Road.

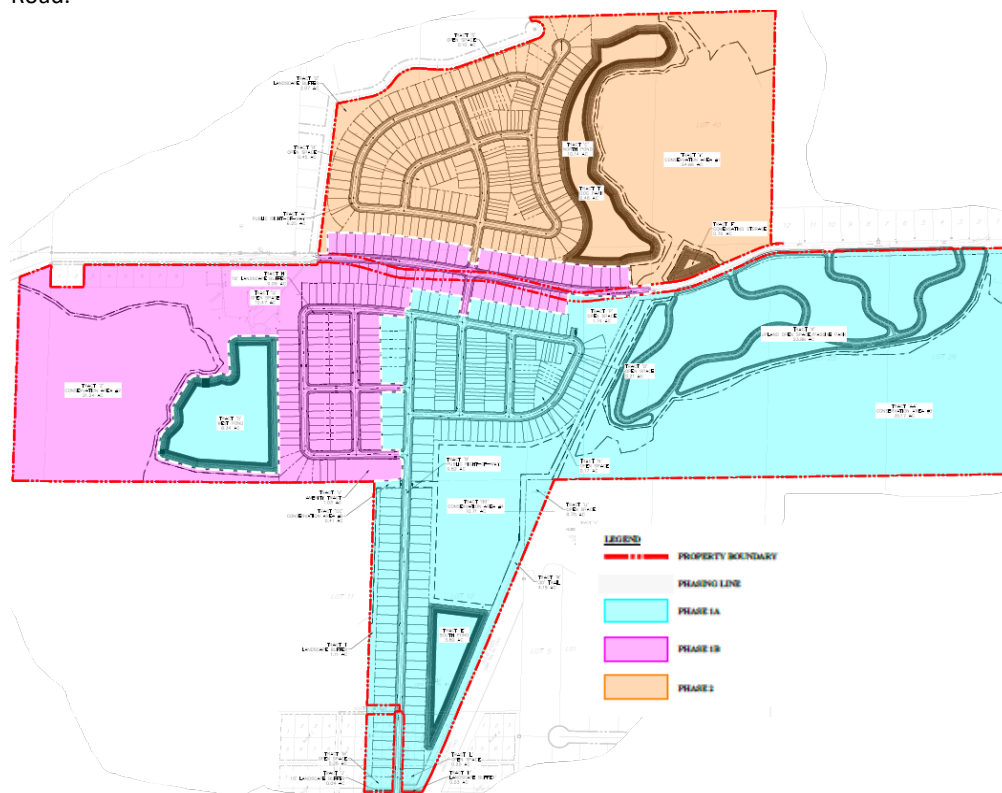


Figure 5. PUD Phasing Plan

The location of the open space on the periphery of the project is a design feature. The larger tracts of open space buffer the existing wetlands and provide for preservation of native habitat. Given the past use of the site as a golf course and later a sod farm, priority was placed on preserving previously undisturbed area from future development. The housing is clustered on the previously disturbed areas to limit the impact of development on native and secondary habitat that existed or has developed since the golf course was closed. The open space and wetland areas allow for

wildlife to access portions of the site contiguous to Pine Meadows Conservation Area and allow for infiltration. A priority of the PUD design was to preserve existing hydrological function of the onsite and offsite wetlands to the greatest extent possible.

By providing a diversification of lot sizes and housing types along with clustering of development in the PUD, large tracts of contiguous open space were maintained. This provides additional housing units with a context sensitive design. The open space and preservation area protect the rural view shed, support protection of natural resources while allowing development of previously disturbed areas which are not suitable habitat due to previous use of the property.

Clustering & Lot Typology

The PUD clusters the units primarily along Pine Meadow Golf Course Road, with a development pod of single-family homes extending south from Pine Meadow Golf Course Road to CR-44. The mix of housing units include single family detached, single family attached and townhomes. The PUD consists of 406 single family units and 142 townhome units for a total of 548 units. The PUD proposed distinct building lot types, developed specifically for the unique constraints of the Pine Meadow's site. Due to the size, shape, composition and location of the PUD, a distinctive typology was chosen in lieu of using the rural typology due to the unique physical and environmental limitations of the subject property. Lot types include R-1, a single family 40' wide minimum lot; R-2, a single family 50' wide minimum lot type; and TH, a townhome unit with a 20' wide minimum lot as demonstrated in Table 2.

Lot Typology & Standards

Lot Type	Lot Minimum	Lot Width	Lot Depth	Front	Side	Rear	Height
R1	4,600	40'	115'	25'	5'/5'	10'	35'
R1-Corner Lot	6,900	60'	115'	25'	25'/5'	10'	35'
R2	5,750	50'	115'	25'	5'/5'	10'	35'
R2-Corner Lot	8,050	70'	115'	25'	25'/5'	10'	35'
TH-Internal Lot	2,200	20'	110'	20'	0'	15'	35'
TH-End Lot	3,850	35'	110'	20'	15'/0'	15'	35'

Table 2. Pine Meadows Distinctive Lot Typology

The location of wetlands and the preservation of contiguous uplands resulted in the development areas being clustered internal to the PUD on a smaller development footprint. Application of the rural lot typologies would place further constraints on the lot sizes and layout and would create a need for waivers. To simplify design and implementation of the PUD, a uniform and distinct typology was developed to maximize the development area, while maintaining a net density of 3.7 units per acre.

Per Sec. 102-29 the PUD process is intended to provide opportunity for flexibility and innovation in design. The objective of the PUD is to allow flexibility to encourage a higher level of design. The Pine Meadows PUD is providing recreational amenities including a dog park, a passive park with trails, and dedicating trail right of way to the County to connect the Pine Meadows Conservation Area with CR-44. Per City code requirements 6 acres of recreation/park area is required, 25.35



acres is provided. Open space is designed to preserve upland habitat contiguous to onsite and offsite wetlands. A variety of lot types/ housing types are provided. The design preserves more than half of the subject property, protects the rural view shed and limits development to previously disturbed areas. No other recent projects have provided the level of design or amenities to the City of Eustis.

The proposed density of 3.7 units per acre is a reduction in the density provided during the recent conceptual plan approval. Some lots sizes were adjusted to provide a more advantageous mix of lot sizes. The maximum building height within the PUD is 35 feet consistent with Sec. 109-3.

If the typologies permitted in the rural design district were used. A waiver would have been required to allow townhome lots. Seven waivers would have been required for setbacks and minimum and maximum lot sizes. A typology unique to the Pine Meadows PUD provided a more realistic approach then requesting waivers. Density proposed is consistent with the Suburban Residential FLU.

Approximately 134.1 acres of the subject property are in the 100-year floodplain. Gross density is restricted in the floodplain areas. The gross density of the floodplain area is shown on the master plan as **1 unit per acre (133 units/134.1 acs)**. Figure 6 graphically demonstrates the floodplain area in relation to the proposed lot layout. Policy CON 1.1.4 requires gross density to be less than 2 unit per acre for development within the 100-year floodplain. However, LDC Sec.102-18 requires net density to be calculated for the entire PUD. As a result of the inconsistency between the Comprehensive Plan and the Land Development Code, both the gross density of the floodplain area and the net density of the entire PUD are provided.



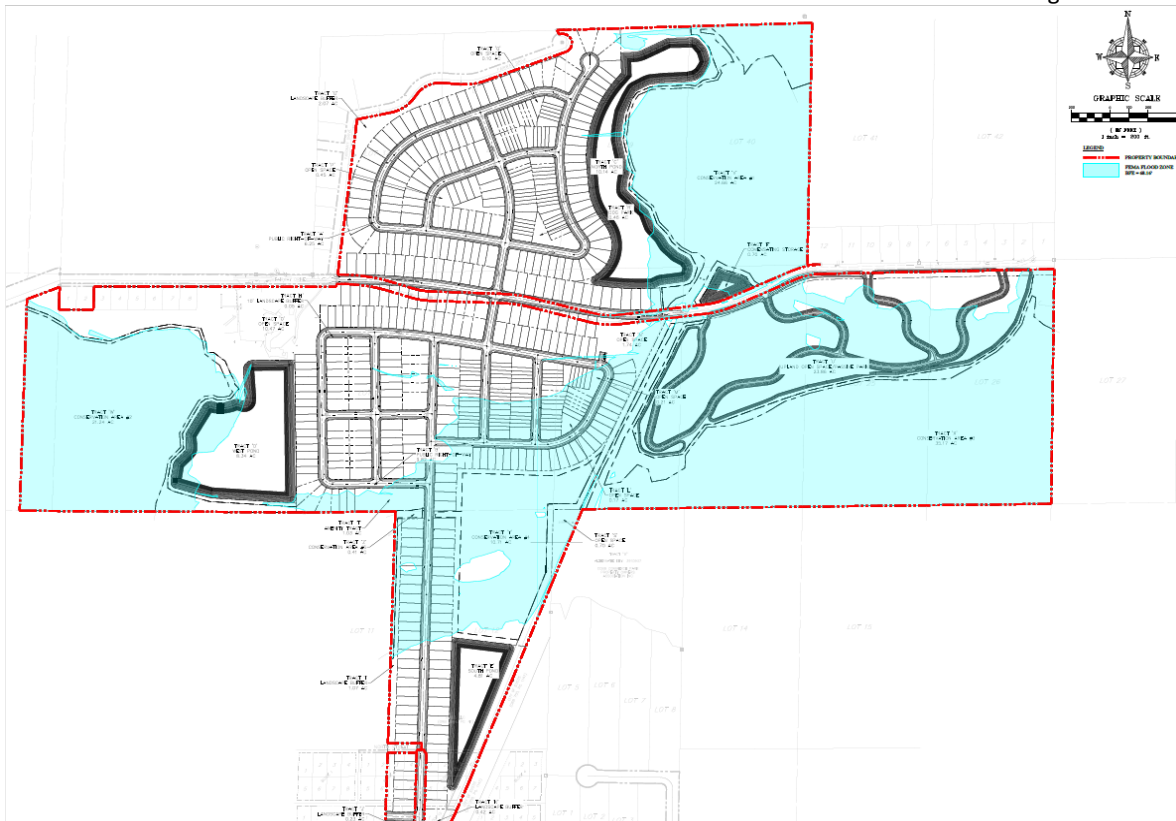


Figure 6. Floodplain Areas within the Subject Property

The proposed net density of 3.7 is consistent with the density allowed in the Suburban Residential FLU of 5 units/acre. The maximum yield of available units is calculated to be 741 units (148.23 acs. x 5 units/acre. The proposed number of units on the developable area of 148.23 acres is 548 units. The proposed net density for the PUD is 3.7 units/acres (548 units/148.23 acs.). The proposed unit count is 191 units less than the maximum number of available units.

Open space will be preserved through an appropriate instrument. All common areas in the PUD shall be maintain by a property owners association with the required legal instruments recorded in the public record.

The PUD will be served by central water and sewer provide by the City of Eustis. City water is available at CR 44 and Pine Meadows Golf Course Road. City sewer is available at CR 44 just east of the driveway for Cobb's Tractor.

Surrounding Area

The surrounding area is a mix of uses, the character is dominated by rural residential and vacant lands. Table 3 provides a summary of the surrounding land uses. The area is transitioning from a predominately rural area to a suburban area. The immediate area still maintains significant open lands with a scattered development pattern. The City owns a large tract immediately to the west of the subject property and the Pine Meadows Conservation Area, owned by the County is northeast of the PUD.

Direction	Future Land Use	Existing Use	Design District
North	Suburban Residential Rural Transition (Co)	SFR	Rural Neighborhood n/a
South	Mixed Commercial/Industrial & Public Institutional	Government Use & Vacant	Suburban Corridor
East	Suburban Residential & Conservation (Co)	Vacant & County Park	Rural Neighborhood n/a
West	Suburban Residential & Rural Residential	SFR & Vacant	Rural Neighborhood

Table 3. Surrounding Land Uses

Care was taken to reduce perceived impacts of the proposed PUD. The proposed use of single family residential is consistent with the scattered residential uses in the immediate area. Housing in the PUD is clustered internal to the site with wetland and contiguous uplands preserved along the periphery of the site. Development pods are located on previous disturbed areas of the site allowing native habitat and indigenous plant communities to be preserved on adjacent uplands. Open space occupies 31% of the site and includes passive and recreational amenities along with connection between onsite and offsite wetlands. The PUD will not be gated and right of way was donated along the east side of the property to provide a trail between CR-44 and the Pine Meadows Conservation Area northeast of the PUD.

Factoring the open space and the wetland preservation areas, 57% or 138.22 acres of the subject property will be protected from future development. Of the 240 +/- acres only approximately 102 acres will be developed, this acreage includes stormwater management areas, right of ways and development tract. Setting aside a large portion of the PUD acreage for preservation has enabled protection of the existing rural view sheds in the area and provided a significant physical separation between adjoining uses. Buffers are provided adjacent to boundary lines where existing homes are located. Buffers vary in width however the overall required plantings are provided. A fence is proposed along Fairway drive and was included as a result of comments from the community meeting held on May 18, 2021.

Enhanced landscaping is proposed adjacent to the existing tennis courts, which will provide an attractive entry to the community from Pine Meadows Golf Course. Stormwater Management areas are incorporated into the design, situated away from CR-44 and Pine Meadows Golf Course Road.



Design District

The PUD is organized consistent with Sec. 115-4.2.2 and includes wetland preservation areas, large contiguous open spaces and development areas which cluster the proposed development internal to the project site along Pine Meadows Golf Course Road. The PUD design demonstrates a clear delineation between the development areas, open space and wetland areas. Open space areas are configured along the boundaries of the subject property to provide connected habitat with offsite lands and maintained the connection between onsite and offsite wetlands and natural areas.

Lands are reserved through the property in the east to allow extension of the Lake County Trail System. An internal trail network in the passive park in the eastern part of the PUD is connected to the County trail system allowing residents and trail users access to the passive park. The design of the open space, inclusion of the trail system and the preservation of the wetlands support the purpose and intent rural design district.

Open space is configured to create connected and integrated open space areas within the PUD. The clustering of housing internal to the project means that large tracts of open space are created along the project fringe ensuring nearly each lot is directly adjacent to open space and recreation opportunities are within close proximity to each development pod. The design has concentrated the development on previously disturbed areas of the property as a means protect natural areas and integrate the project into the surrounding rural lands. The Master Plan demonstrates open space and proposed lot layout.

Open space shall be preserved in perpetuity using an appropriate instrument. Any proposed easement shall be in such a form as is deemed acceptable by the city attorney. Any protected habitat areas within the open space, shall not be converted to other uses, and shall be maintained in their natural condition and managed to sustain their native function.

Comprehensive Plan Consistency

The PUD design clusters the development internal to the subject property along the existing right of way of Pine Meadow Golf Course Drive, taking advantage to the greatest extent possible the previously disturbed areas. Since closure of the golf course the property has remained vacant and the natural areas and wetland on the property have been undisturbed. Policy FLU 1.3.1 encourages voluntary clustering of development and compact growth to allow for preservation of large contiguous open space and natural areas.

Consistent with Policy FLU 1.3.1 the intention of the design is to cluster development on previously disturbed area allowing large tracts of open space to be preserved along with contiguous wetlands. The master plan demonstrates the proposed clustering of lots along with the open space and wetland areas being preserved. The design allows for the efficient utilization of land which protects the existing view shed and community character.

While the future land use on the subject property is suburban residential, the area is transitioning, with many elements of rural character remaining in the area. The PUD design is sensitive to the surrounding context and is designed using the Rural Design District standards of Sec. 115-4.2. The



Pine Meadows property is unique in the City of Eustis. It is a large parcel, which has suffered from past uses of a golf course and sod farm. Past use of the property has left large portions of the land with a low conservation value. Native vegetation was historically removed from the site and large areas of turf or sod established. Turf and sod have a high water demand, require a lot of added fertilizer and provide a low environmental quality habitat. By clustering housing internal to the site on previously disturbed area, native habitat and indigenous plant communities were preserved within the upland preservation areas buffering the wetlands.

Clustering allows large areas of open spaces along the east and west fringe of the PUD to be preserved, while providing a transition and physical separation from the surrounding rural lands. The physical space between the development pods and surrounding rural development protects the view shed and furthers the intention of the rural design district to provide connected contiguous open spaces while protecting natural areas and native habitat.

Policy FLU 4.1.1 promotes greater flexibility in the design of residential developments within the Rural Design District by encouraging clustering as a means to preserve significant on-site environmental resources and open spaces. By clustering the development, a passive park and natural trail of approximately 23.86 acres is preserved abutting 35.17 ± acres of wetlands. The passive park and wetland areas are adjacent to the future Lake County trail. The preserved wetlands and park protect the rural viewshed and natural resources on site. Offsite connection to wetlands and natural areas is achieved as a majority of the preserved open space and wetlands are located along the project fringe adjacent to offsite wetlands and natural areas. Preserving the existing onsite and offsite connections of wetlands and natural areas ensures that existing native habitat and wetland function are maintained consistent with Policy FLU 4.1.1.

Policy FLU 5.2.1 encourages the use of conservation design for new developments in the rural areas. The PUD design is a conservation design, where development areas are clustered on previously disturbed areas which generally have a low level of priority for preservation. Consistent with Policy FLU 5.2.9 clustering development on previously distributed areas limits the need to remove existing vegetation and concentrates impervious surfaces on a smaller development footprint allowing for more open space and protecting the rural view shed. By concentrating the development internal to the subdivision, contiguous uplands and wetlands are preserved along the periphery of the PUD allowing for connection of onsite and offsite natural areas which support habitat management and wildlife use of a portion of the property.

By providing more open areas, water runoff can be reduced allowing an increased opportunity for infiltration. Open space and preservation areas are set aside in areas where off site function and existing native habitat can be maintained with proper instruments in place to protect natural resources both onsite and offsite.

Consistent with Policy FLU 5.2.1, Policy CIE 2.1.4 and Policy CIE 1.1.8 require new subdivisions to connect to central water and sewer when available. The PUD is designed for connection to central water and sewer, which is available along CR-44.



Density is limited for those areas of the PUD in the 100-year floodplain consistent with Policy CON 1.1.4. The net density of the PUD is calculated based on the SR future land use except for the areas in the 100-year floodplain. Policy CON 1.1.4 limits development in the 100-year floodplain to a gross density of 2 units per acre, with central water and sewer required, wetland and environmentally sensitive lands protected, an impervious surface ratio of 25% maintained and no net loss of flood storage capacity. Approximately 134.1 acres of the subject property are within the 100-year floodplain. A total of 133 units are proposed on the approximately 134.1 acres in the 100-year floodplain. Gross density for the development in the 100-year floodplain is 1 unit per acre which is calculated by dividing the proposed 133 units by 134.1 acres. Approximately 8.40 acres of impervious surfaces are demonstrated on the PUD master plan representing an ISR of 3.49 percent. A PUD standard is provided on the master plan limiting ISR to a maximum of 25%. The PUD will be connected to central water and sewer which is available in the area. Wetlands and environmentally sensitive lands are preserved to the greatest extent possible. The flood storage capacity is preserved on the project site.

Public Facilities Analysis

Transportation

The PUD will generate, 4,991 daily trips with 362 AM peak hour trips and 465 PM peak hour trips. Access to the site is from SR-19 via Pine Meadows Golf Course Road and CR-44 via North Street extension. There are existing backlogs on CR-44 from CR 452 to SR 19 with volumes exceeding capacity by 3%. There is a projected backlog on CR-44 from SR-19 to Hick Ditch Road with volumes exceeding capacity by 1% with the addition of the development traffic. The intersection analysis demonstrates an acceptable LOS with development traffic. Recommendations include construction of North Street with two (2) egress lanes; add a 350-foot westbound right turn deceleration lane on CR-44 at North Street and add a 450-foot eastbound left turn deceleration lane on Cr-44 at North Street.

Water & Sewer

The PUD will be served by central provided by the City of Eustis. City water is available at CR 44 and Pine Meadows Golf Course Road. The projected water need for the PUD is 464,700 GPD.

The PUD will be served by central sewer provided by the City of Eustis. City sewer is available at CR 44 just east of the driveway for Cobb's Tractor. The projected sewer need for the PUD is 137,250 GPD.

Schools

Attached to the application is an Adequate Public Facilities Determination from Lake County Schools. The Lake County School District based the determination on a density of 5 units per acre and a project acreage of +/- 216. The PUD has limited the density to 3.7 units per acre or 548 units on +/- 240 acres. As such the projected impacts on student generation are recalculated below. The reduction in lot count has decreased the number



of project students by 2. The public school LOS is maintained with the addition of the projected student population from the Pine Meadow PUD. The PUD will not degrade the public school LOS.

School Level	SF-DU	SF Impacts
Elementary	0.157	87
Middle	0.079	44
High	0.114	62
Total	0.350	193

Table 4. Projected Student Generation

Assigned Schools	Enrollment 2024-2025	Concurrency Capacity	Projected 5 Yr. Capacity	Student Enrollment w/Impact	% of Perm. Capacity w/impact	Planned Capacity Project
Eustis Heights Elementary	671	1,010	66%	757	75%	No
Eustis Middle	963	1,327	73%	1,006	76%	No
Eustis High	1,378	1,615	85%	1,440	89%	No

Table 5. CSA #4 Projected Capacity with Pine Meadows PUD

Stormwater

Stormwater is accommodated on site. Stormwater is designed consistent with St John's River Water Management District standards, and all require permits shall be obtained prior to commencement of any development. The PUD will not degrade the LOS of stormwater.

Solid waste

The City of Eustis provides solid waste collection service to all its residents and businesses within the city limits. The City's adopted level of service (LOS) for residential solid waste disposal is once weekly collection of all residential garbage, yard grass and recyclables. The standard rate for solid waste is 7.0 pounds per capita per day. Based on a projected population of 1,021 (1.86 pph x 548 units) the PUD will generate 7,147 pounds per day. The proposed PUD will not cause a deficiency in the LOS.

Natural Resources

The PUD is comprised of 38 percent wetlands. Wetlands were identified and will be preserved via required instrument prior to site development. A listed species survey was conducted on the subject property by Ecological Consulting Solutions, Inc. in December 2020. Two listed species were observed: gopher tortoises and Florida Sandhill Cranes.



Two gopher tortoise burrows were observed during the survey, both located in the southern portion of the site. A 100% survey is required prior to site development. A permit must be obtained prior to relocation of gopher tortoises. Florida Sandhill Cranes were observed on site. Only one wetland is present that could support crane nesting and it is small. No nests were verified in the wetland. The USFWS must be notified at least 30 days prior to land clearing with a protection/education plan concerning eastern indigo snakes.

Pursuant to Sec.102.29 a Planned Unit Development must demonstrate consistency with the following findings of fact.

a. There are special physical or geographical conditions or objectives of development which warrant a departure from the standard land use and design district regulations.

The unique shape, location, and quantity of onsite wetlands warrants departure from the design district standards. A PUD is proposed to memorialize the unique qualities of the property and allow design flexibility to support a clustered development pattern with a variety of housing type in a master planned community. Onsite recreational amenities are provided to support the future residents. Wetlands are preserved and contiguous upland open space is provided, with 57% of the site protected from future development. Housing is clustered internal to the site on previously disturbed areas with wetlands and contiguous open space on the periphery of the PUD allowing for the rural view shed to be protected and for connection between onsite and offsite adjacent wetlands and open lands. Density is limited to 3.7 units per acre with a total of 548 units.

b. The resulting development is consistent with the character of the surrounding area and the overall planning objectives of the city.

Clustered development is encouraged in the rural design district. The preservation of large open space is required to promote protection of rural character elements and preservation of existing view sheds. The open space set aside in Pine Meadows with a total of 57% of the site protected from future development. Housing is clustered internal to the site allowing for a physical separation between the new housing and existing adjacent development. A landscaping buffer with fencing is proposed to screen existing residences on Fairway Drive. Wetlands and contiguous uplands are preserved along the periphery of the site, buffering adjacent uses, protecting habitat, providing protection for the rural view shed and providing a physical separation between the housing and the adjacent uses.

c. The existing or planned infrastructure is adequate to support the anticipated development.

The PUD will be connected to central water and sewer and capacity is available to serve the site.



d. The development incorporates best management practices for stormwater management, "green" building, and water and energy efficiency.

The PUD has incorporated best management practices into the project design. The preservation of 57% of the site from future development will ensure hydrological function remains even after building out. The development is proposed on previously disturbed areas of the site, protecting natural areas from disturbance. Clustering of the housing and the unique lot typology will reduce the impact of the development on the site and allows for stormwater to easily managed. Open space is integrated throughout the development pods to encourage infiltration.

Buildings within the PUD will incorporate water efficiency technology by using Water Sense or Water Star fixtures and system including low flow toilets, showhead regulators, and faucet aerators. Water conservation will be further promoted by the home owner's association through use of Florida friendly landscaping.

Appliances provided in new home will be Energy Star compliant. HVAC systems will further promote energy efficiency in new housing units.

e. The development protects, preserves, and/or manages areas of significant natural resources.

Of the 240 acres, 57% of the site is preserved as native habitat which includes wetlands and contiguous uplands or open space. All preserved areas shall be protected from future development through appropriate instruments. The preservation of wetlands and contiguous uplands will promote continued hydrological function after building out and provide connection between onsite and offsite natural areas.

f. The arrangement of proposed uses better integrates future development into the surrounding neighborhood.

Since the existing development pattern is transitioning from rural to suburban. Care was taken in the design to protect the rural view shed, through clustering the housing internal to the project. The proposed density is 3.7 units per acres is a solid suburban density. Proposed housing types and lot sizes are consistent with suburban residential design district typology. By requesting a unique building and lot typology through the PUD process, the design ensures that the PUD will be consistent with the existing and planned uses as the area continues to transition. The PUD design represents a blend between rural design elements and a suburban development pattern. As the area transitions the PUD will blend with the surrounding suburban development pattern, However the wetlands and contiguous uplands with remain preserved on the periphery of the PUD in perpetuity. As a result, the open spaces and wetlands will provide a clear demarcation where the PUD ends as the adjacent lands continue to transition. The demarcation will provide a sense of place for the future Pine Meadows community.



- g. Each development phase can, together with any phases that preceded it, exist as an independent unit that meets all approval criteria and other applicable regulations even if no subsequent phase should ever be completed.***

Each phase will function independent from all other phases, with the exception that in Phase 1B, Pine Meadows Golf Course Road will be temporarily diverted through Phase 1A while utilities are installed, and the right of way is reconstructed. A sketch of the temporary detour will be provided prior to commencement of Phase 1B.



**LPG Urban &
Regional Planners, Inc.**

Pine Meadows PUD

PUD Standards

Revised January 26, 2022

Site Characteristics

Total Acreage	240.43 AC
Floodplain Acreage	134.10 AC
Wetland Acreage	92.20 AC
Net Acreage	148.23 AC
Developable Acreage	148.23 AC
Open Space Percentage	25%
Open Space Acreage	60.11 AC
Recreation/Amenities Acreage	25.35 AC
Total Unit Count	548
Net Density	3.7 units/acre
Gross Density within the Floodplain	1 unit/acre
Impervious Area	57.87 AC
Impervious Surface Ratio	39%
Impervious Area within the Floodplain	8.40 AC
Impervious Surface Ratio within the Floodplain	16%*

*Impervious Surface Ratio may not exceed 25% pursuant to Policy CON 1.1.4

Lot Typology & Standards

Lot Type	Lot Minimum	Lot Width	Lot Depth	Front	Side	Rear	Height
R1	4,600	40'	115'	25'	5'/5'	10'	35'
R1-Corner Lot	6,900	60'	115'	25'	25'/5'	10'	35'
R2	5,750	50'	115'	25'	5'/5'	10'	35'
R2-Corner Lot	8,050	70'	115'	25'	25'/5'	10'	35'
TH-Internal Lot	2,200	20'	110'	20'	0'	15'	35'
TH-End Lot	3,850	35'	110'	20'	15'/0'	15'	35'

Roadway Standards

Road Type	Road Width	Travel Lane Width	Curbg Width	Grass Strip Width	Sidewalk Width
Internal	50'	12'	2'	6'	5'*

*Sidewalk on both side of internal streets

Buffers & Landscaping

- A buffer is provided adjacent to Fairway Drive which varies in width between 10' and 131'. A fence is included in the buffer.

1162 Camp Ave., Mount Dora, FL 32757. Phone (352) 385-1940 Fax (352) 383-4824

- Enhanced landscape is provided adjacent to the existing tennis courts and parking area immediately south of Pine Meadows Golf Course Road. The landscaping area provides an attractive entry to the subdivision from the west along Pine Meadows Golf Course Road.
- Buffers are not proposed adjacent to pasturelands, instead project design prioritized adjacent lands by conservating wetlands and preserving uplands adjacent to the project boundary to provide connectivity between the preserve areas and adjacent conservation areas. The preserved areas within the site provide a physical separation between the on site development and adjacent pasturelands and function as a buffer. It should be noted that the onsite preservation and conservation areas provided a greater width of separation than the required 50-foot buffer to pasture lands.

Recreational Amenities

- Existing Tennis Courts will remain with enhanced landscaping planned to improve the appearance of the courts and provide additional open space.
- Dog Park -.46-acre Special Use Facility
- Amenity Area-1.03-acres Special Use Facility
- Upland Passive Park-23.86 acres Natural Resources Area (includes trail system)

Schedule of Uses

ACCESSORY BUILDINGS
CLUBHOUSE/ CABANA
CONSTRUCTION TRAILERS
DOG PARK
GAZEBO
HOME OCCUPATIONS
MAINTENANCE BUILDINGS
MODEL HOMES
PARKS
POOL
PUBLIC SERVICE/ FACILITIES
REAL ESTATE OFFICE
RETENTION PONDS
SALE CENTER
SINGLE FAMILY DETACHED
SINGLE FAMILY ATTACHED
TENNIS COURTS
TOWNHOMES
TRAILS



COMMUNITY MEETING SUMMARY
May 18, 2021

Proposed Residential Subdivision (Pine Meadows)

The Department of Development Services facilitated a Community Meeting held in the Eustis City Commission Chambers at 6:00 PM on May 18, 2021, to review a proposed development on approximately 239.8 acres of property located on the north and south sides of Pine Meadows Golf Course Rd, with frontage on CR 44.

Highlights of the meeting include the following:

- 1. Number of citizens present:**
22, including the 4 persons representing the applicant
- 2. Eustis staff present:**
Lori Barnes, AICP, Development Services Director and Ashley Bunnell Sr. Staff Assistant
- 3. Noticing:**
 - a. The City advertised the Community Meeting and sent notices to property owners within 500 feet. The applicant posted the site.
- 4. Nature of the proposal/meeting discussion:**
 - a. At approximately 6:00 pm, Lori Barnes welcomed the attendees and explained the meeting is informal, with no decisions being made. Ms. Barnes explained the following:
 - This community meeting is an opportunity for the developer's representative to review the proposed project prior to bringing a formal request to the City Commission.
 - The property proposed development on approximately 239.8 acres of property located on the north and south sides of Pine Meadows Golf Course Rd, with frontage on CR 44.
 - The land use designation of the property is Suburban Residential which allows residential development up to 5 dwelling units per acre. The design district of the property is Rural Neighborhood which allows homestead, estate, house and duplex lot types.
 - The project proposes 3.3 dwelling units.
 - Ms. Barnes then introduced the applicant's representatives Ben Snyder and Tony Iorio, Hanover Land Company; Major Stacy, Appian Engineering and Greg Beliveau, LPG Urban-Regional Planners.
 - b. Mr. Snyder briefly went over the history of Handover Land Company. The company has been in the building industry since early 80's. Stating that the company makes good neighborhoods and has a good product.

- c. Mr. Iorio went over the evolution of the project. Stating that he met with staff to gather the regulations for this location. Then he consulted Greg Beliveau about cluster grouping or having the community spread out, to which he advised cluster. Then they decided that no frontage would take place on Fairway Dr to prevent disturbance of that road. On the east side of Fairway there will be enhancement with passive open space, trails and benches.
There will be a community pool, cabana, dog park, park and open spaces and trails. Nature trails in the conservation area to connect wildlife posting. Master planned community mixture of different home types and price points. Hero homes (Townhouses) Fire, Police and Teachers. Larger homes on the outside perimeter and smaller lots inside.
- d. Mr. Snyder discussed the types of homes and prices. There will be three different housing units. Townhouses 1300sq. ft to 1900sq. ft low-\$200's to mid-\$200's. The next would be 40ft lots with 1400sq. ft to 2500sq. ft ranging mid-\$200's to high-\$200. The last is 50ft lots with 1700 sq. ft to 3300 sq. ft ranging in the high-\$200's.
- e. Mr. Snyder advised that there is an entry/exit out onto CR44. Majority of traffic will likely flow that direction, but there will also be entry/exit onto Pine Meadows Golf Course Rd out to SR19. Traffic studies will take place for those areas. Studies for the schools will be handled through Lake County.
- f. A member of the public stated that the townhomes always end up being rentals. Mr. Snyder states that typically the townhomes are primarily owned and not rented. Mr. Iorio answered that there is not a way to prevent the rental, but if they do have rentals there will be screenings to make sure of who it's rented to is checked. The resident also would like to know if the exit to CR44 would be single or two lanes. If it's two lanes then more people would likely use that exit. The concern is the wear and tear of the road, and the time frame it takes to exit on SR19 already. Mr. Stacy advised that traffic studies will be conducted later in the planning process. Even look into turning lanes if needed. The resident also brought the concern of the medical facility (home) off of Pine Meadows Golf Course Rd. There are times that the residents in that home wander around that road without watching their surroundings.
- g. A member stated that water currently will sit on that property due to no drainage. The resident backfilled when they made the sod farm. Mr. Stacy advised there are calculations for Hicks ditch 22/29 square mile basin. Ran analysis using all flood studies, set pins and reflagged wetlands. Rerunning calc based on actual site conditions. Mr. Iorio states a portion has been undergoing remediation and that will not stop. The goal is to insure monitoring is kept up. Resident mentioned the well on site. Mr. Iorio informed that the well will be deleted. The properties would be connected to city water. Mr. Snyder let everyone know if there are wells, that would be irrigation only. They would be monitored.
- h. A member asked if there are any other plans for this property. Mr. Snyder stated it's only residential homes and there will be nature trails. The resident asked if the city will maintain or HOA. Mr. Snyder said the city will maintain up to the HOA and then the HOA will be responsible for the roads in their development. Ms. Barnes stated if the HOA came into an agreement with the city, the city would maintain the roads, but not the drainage. The drainage would be the HOA responsibility. The resident is concerned with the lack of maintenance the city does on Pine Meadows Golf Course Rd currently. Mr. Iorio let us know this will all

be included in part with the traffic study and Ms. Barnes will get with the City Public Utility Director with the traffic study and the concerns.

- i. A member is concerned with what roads the construction trucks will be utilizing. Mr. Ioria said that they can look into the restrictions of where the trucks will be allowed. The resident is concerned that the trucks will end up using PMGCR to get to SR19 at least 25% of the time. The road is going to fail with those trucks using it "in my mind the developer should pay for the road".
- j. A member asked if Hicks ditch will be expanded. If that is the case and the entry onto CR44 is larger, it would make the traffic flow to that exit. Mr. Stacy spoke with someone in the district and it was mentioned that Hicks ditch would need cleaned. Mr. Snyder stated about the entry to CR44, he would get with Lake County about the options, possibly a boulevard. Mr. Stacy said that they would have traffic studies for this as well.
- k. A member asked how much frontage on CR44. Mr. Snyder answered 300 feet.
- l. A member asked where the staging area will be located for the construction crew, and not near the country club. Any guarantee that the big trucks won't use PMGCR? Mr. Snyder stated that the builder crew working on the houses will typically park on that lot or within one to two houses down. They would be parking inside the development and not spread out. As for the larger construction trucks, they can look into restricting the traffic for the trucks. Mr. Ioria said the staging is typically near the entrance of the development. The resident is concerned about the noise of the construction. Mr. Snyder states that the development will be in stages, it's not all happening at once. Mr. Ioria said it would be 8-10 years for full development. The time line from permits, approvals and the first house could take up to 2 years. The resident asked what were the incentives to the existing residents. Mr. Snyder and Mr. Ioria answered with the trails, open spaces and more amenities. The resident is also concerned with the view from Fairway Dr. States they are worried about seeing into the backyards of those lots. Mr. Snyder let them know of the landscape buffer and Mr. Ioria said that trees are more effective for that reason. The resident advised they should plant the landscape buffer first to give time for the trees to grow, since the development is starting in the middle and building out. Greg Beliveau, answered that the buffer on Fairway Dr variable 90 to 130 ft wide and park space instead of the back of the lot lines going up to the road. Those areas would be maintained by the HOA. The berm that is there is not guaranteed to stay, that is the reason for the landscape buffer. The berm is very important to this resident. Mr. Beliveau stated the development is going to be approved in some fashion and how can we coexist? Out of the property we are impacting the property 41%. The developable area is 112 acres and of that, only 41% for the lots, roads and water retention.
- m. A member asked if the tree's in the cul de sac that are in the ditch, would they be removed? Mr. Snyder stated that the engineer drawings will take that into advisement. Ms. Barnes advised that any invasive growth would have to be removed.
- n. A member wanted to know who will be responsible to maintain the trails from CR44 to Pine Meadows. Mr. Snyder stated that Lake County will have the easement, so the county will maintain.
- o. A member asked if Hanover is responsible for the wear and tear on PMGCR. Mr. Snyder explained that Hanover is responsible for the road inside their development. The resident stated the construction crew going up and down

PMGCR will destroy that road. The street is paved on muck and that is the issue. Will Eustis redo the road if/when the construction trucks tear it up? Ms. Barnes will make sure the public utilities director is aware of the concerns for PMGCR.

- p. A member voiced the concern that if you know there is a two-acre park for hunting, fishing and horses, why didn't you design a community on that. How would a horse trailer get through to the 77 acres? Mr. Snyder stated that they could have built up more and decided not to, but only wanted to enhance the area.
- q. A member inquired if the green spaces could be more connected for wild life to move through more easily. Mr. Ioria mentioned Water Star Cert. Mr. Snyder said they will look into the Water Star Cert, also the green space is connected but not too much to prevent a lot of pedestrian flow. The resident is more concerned for the wildlife. Also, the resident wanted to know how many cars will go in and out of CR 44 on the preliminary study. Mr. Snyder would have to reference the report.
- r. A member asked about the water drainage and why is Hicks ditch being redone. How are you going to continue to allow access for residents to the parks and who will maintain those roads? Mr. Snyder states it's very hard to change the CCNR's. The resident asked if the animal/wildlife can be added to the CCNR's. Mr. Ioria states that will be the landscape engineer.
- s. A member asked if sewer will be made available. Ms. Barnes explained in order to get sewer, it would need to be available in front of the lot and as of right now, it is not.
- t. A member asked about the open space off of Fairway Dr., if there would be equipment. Mr. Beliveau advised it would be passive open space. The resident asked if the berm is being removed. Mr. Snyder stated that they can't say yet. The typology analysis needs completed. There is a concern from the resident about the water off set. Mr. Stacy informed that the water flow will not go offsite.
- u. A member asked if the two ponds on the northside, if they will be filled in. Mr. Snyder stated yes, they will be. The resident states that fill dirt and a lot of it will be needed. Also, the water that would drain to those ponds, once filled where will that go. Mr. Stacy explained he is waiting on the flags and study results. It is possible we may lose lots depending on those results.
- v. A member is concerned that with the park opening there have been a lot of rough people going in and out with questionable behavior. Mr. Beliveau informed that the motive is for the neighborhood, not the whole town. Mr. Snyder is hoping by more houses there it will deter that type of traffic flow and deter those situations in the park from happening. The resident also stated that the pricing is optimistic. Mr. Snyder states that the building is still two years down the road and price of materials may change back.
- w. A member asked if the contract has closed on the property yet. Mr. Snyder stated its under contract and not closed as of today. The resident asked who the owner is. Ms. Barnes informed them it is PMCC.
- x. A member asked if east of Hicks' ditch, will there be houses. Mr. Snyder stated no.

Ms. Barnes inquired if there were additional questions or comments, and seeing none, adjourned the meeting at approximately 7:28 pm.

Attachments: Notice of Community Meeting, Community Meeting Sign-In Sheet



MINUTES

Regular City Commission Meeting

6:00 PM - Thursday, August 19, 2021 – Community Building
601 Northshore Drive, Eustis

APPROVED: 9/23/2021

INVOCATION: MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE: COMMISSIONER HAWKINS

CALL TO ORDER: 6:41 P.M.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

PRESENT: Commissioner Willie Hawkins, Vice Mayor Emily Lee, Commissioner Karen LeHeup-Smith, Commissioner Nan Cobb and Mayor Michael Holland

1. AGENDA UPDATE: NONE

2. APPROVAL OF MINUTES

- 2.1** June 28, 2021 - City Commission Workshop
August 5, 2021 - Regular City Commission Meeting

Moved by Vice Mayor Lee, seconded by Commissioner Hawkins, to approve the Minutes as submitted. Motion carried by the following votes:

Ayes: Commissioner Hawkins, Vice Mayor Lee, Commissioner LeHeup-Smith, Commissioner Cobb and Mayor Holland

3. APPOINTMENTS

- 3.1** Appointment to Deferred Compensation Plans Committee - Laurie Huebsch

Ron Neibert, City Manager, explained the purpose of the Deferred Compensation Plans Committee.

Bill Howe, Human Resources Director, further explained the committee is made up of three employees - the Finance Director, the Human Resources Director and one regular employee. He introduced Laurie Huebsch as the proposed appointee.

Moved by Commissioner Cobb, seconded by Commissioner LeHeup-Smith, to approve the appointment of Laurie Huebsch as a member of the Deferred Compensation Plans Committee. Motion carried by the following votes:

Ayes: Commissioner Hawkins, Vice Mayor Lee, Commissioner LeHeup-Smith, Commissioner Cobb and Mayor Holland

4. AUDIENCE TO BE HEARD

- 4.1** Craig Capri, Police Chief, announced they are honoring Ann Nelson who just retired from the City after 35 years. He commented on the difficulty of being a police dispatcher and emphasized their value to the department and the amount of stress they experience. He read a plaque which was presented to Ms. Nelson.

Ms. Nelson thanked everyone for their support and expressed appreciation for her service with the City.

Pandora Jackson addressed the Commission regarding her organization, "Hope with a Purpose Inc.". She provided a history of the organization and explained their purpose noting they provide their services free of charge. She cited their intent to re-open their youth program - Youth 3D - which was closed down due to the pandemic. She expressed support for partnering with the City on some of their programs.

Mayor Holland asked Commissioner Hawkins to continue working with Ms. Jackson and for them to bring back a proposal to the Commission.

Gail Isaac-Thomas asked about the progress on the scoreboard with Mayor Holland responding that there were stipulations set on the Junior Panther program and there are funds in the budget for a scoreboard; however, there needs to be a viable program before they spend the money on the scoreboard. He stated they have not brought back anything to the City. He further explained that the organization was not incorporated properly and they had no insurance which would leave the City open to liability.

Tom Carrino, Economic Development Director, confirmed that the Corey Rolle Field is outside the CRA so CRA funds could not be used for the scoreboard.

Gessner Harris thanked the Parks and Recreation Director Craig Dolan for getting the Woman's Club for the Golden Seniors summer meetings. She also thanked the Commissioners who have assisted with their meetings. She asked about the budget for the Golden Seniors and expressed concern about the high sugar level of the snacks provided.

Mayor Holland asked Chief Swanson to provide a Covid update.

Mike Swanson, Fire Chief, reported that the fifth variant is now out there but it is not as contagious. He commented on the high level of the delta variant and noted that other cities' EMS have been covering the City due to numerous personnel being out sick. He cited locations for testing and encouraged everyone to stay home if they are sick. He commented that the flu virus is also going around. He stated that the latest date for the booster shot is September 20th. He stated the Health Dept. is not currently giving those; they have to be received from your primary care physician.

5. CONSENT AGENDA

- 5.1** Resolution Number 21-59: Approval of Memorandum of Understanding with Lake County Sheriff for hosting of Spillman C.A.D. software

Moved by Vice Mayor Lee, seconded by Commissioner LeHeup-Smith, to approve the Consent Agenda as submitted. Motion carried by the following votes:

Ayes: Commissioner Hawkins, Vice Mayor Lee, Commissioner LeHeup-Smith, Commissioner Cobb and Mayor Holland

6. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

6.1 Resolution Number 21-61: Pine Meadows Concept Plan

Derek Schroth, City Attorney, announced Resolution Number 21-61: A Resolution of the City Commission of the City of Eustis, Florida; approving a concept plan for Pine Meadows, a proposed residential subdivision (single family detached and attached townhouse lots) on approximately 239.8 acres of property located on the north and south sides of Pine Meadows Golf Course Rd., with frontage on CR 44.

Lori Barnes, Development Services Director, reviewed the proposed concept plan for Pine Meadows as follows: 1) Appian Engineering on behalf of PMCCC LLC, applicant/property owner; 2) Concept plan for a proposed mixed-product single-family residential subdivision with approximately 578 units. She explained Section 102-18 of the Land Development Regulations provides for an optional review of a conceptual plan by either the DRC or both the DRC and Commission. She stated approval of the concept plan does not provide any entitlements. She explained the site location for the development. She stated it currently has a Suburban Residential future land use designation within a Rural Neighborhood design district. She provided a map showing the location of the Wekiva Study Area and confirmed that the site is not within the study area; however, portions of the site are wetlands.

Ms. Barnes then reviewed the rural neighborhood design district, site design standards and explained the site design process for rural design districts. She stated the concept plan includes 43.43 acres of open space which includes 29.3 acres of park space including a bike trail, nature trails, and amenity center. She stated that 46% of the project area will not be developed due to being either open space or wetlands totaling 109.53 acres. She presented a rendering of the proposed landscape plan and the landscape buffer for Fairway Drive. She then stated the primary connection will be from CR 44. She noted that Pine Meadows Golf Course Road bisects the property. She added that a bike trail will run from CR 44 north through the development to just south of the Pine Meadows Conservation Area. She stated the plan includes 578 single family attached and detached lots with a net density of 3.32 dwelling units per acre. She presented a map of the passive park to the northeast of the trail and a map showing the locations of the wetlands and open space areas.

Ms. Barnes provided an overview of the proposed building lot types and cited the proposed price points for the different products. She then reported on the community meeting held by the developer with 18 residents in attendance. She stated the primary concerns were traffic, Pine Meadows Golf Course Road condition and drainage. She then stated the concept plan as shown is consistent with the City's rural site design standards, the open space is consistent with the City's requirements as well as the general location and layout of the stormwater areas and park space exceeds the requirements in the City's regulations. She

reviewed the internal and external connectivity noting they have two points of connection and the future plan may have an additional emergency access point on the north.

Ms. Barnes indicated that the proposed density is less than the maximum that would be allowed under the comprehensive plan. She then explained the use of a planned unit overlay which provides for a diversity of land uses to create a planned, sustainable community and provides an opportunity for flexibility and innovation. She further explained that for a planned unit development master plan the standards developed for the specific project are unique to the project and are designed to provide for a unique community with a higher level of amenity than would be seen under the standard regulations. She stated that, if they proceed with development, they would go through the regular development review process with more in-depth review to include a transportation master plan and impact study. She indicated that three comments were received that afternoon which primarily expressed concern regarding the effect on water quality.

Ms. Barnes then explained how the drainage issues and water quality issues would be addressed. She stated that clustering the lots toward the center will reduce the amount of runoff due to reduced impervious area. She indicated the engineer for the project will insure that the development complies with all state and local regulations. She stated staff's recommendation for approval and reiterated that approval of the concept plan would not grant any entitlements to the project. She introduced the following individuals representing the applicant: Tony Iorio and Ben Schneider with Hanover Land Company, Heather Irweiler with LPG Urban and Regional Planning and Major Stacey with Appian Engineering. She stated they reserved the right to respond to any public input received.

The Commission discussed the concept plan with the following concerns: 1) The large number of homes proposed; 2) runoff; and 3) the density.

Ms. Barnes stated that the City has a fertilizer ordinance and the use of fertilizer is restricted to help reduce the possibility of contamination from runoff. She emphasized that the development will be designed to insure that no additional runoff can occur beyond what is already occurring. She confirmed that the proposed density is 3.3 units per acre; however, the land use designation allows up to five units per acre. She added that the project has been designed specifically to meet the City's rural design standards and provides 46% of the site as combined open space and wetland which meets the intent of the City's regulations.

The Commission questioned the phrase "generally consistent with City regulations" with Ms. Barnes responding that means that the project is almost entirely consistent with the land development regulations. She further explained that through the PUD master plan, they can propose their own development standards. She stated that where the plan has some departures is in the lot sizes. She stated that some of the lot widths are lesser than the City's regulations while some of the lot widths are larger. She added that as they move further into full engineering their street type may have to differ from what is allowed in the code and there may be some departures in the landscape buffering.

The Commission asked about the density bonus with Ms. Barnes explaining that is primarily used by low income tax credit developments and is not proposed for use by this developer. She stated that with the 46% open space there would not be a way for them to get the 5 units per acre much less a density bonus for more.

The Commission then asked what are the higher level of amenities with Ms. Barnes responding that most City developments will only provide the minimum required open space and the minimum required park space. She stated this design does provide the higher level including the 29 plus acres of park space, the passive park and trails, the pool and cabana, and the bike trail that connects to Pine Meadows Golf Course Road. She indicated at the community meeting they also spoke about Water Star programs.

The Commission asked if the topography, soil and environmental studies had been completed yet with Ms. Barnes indicating she does not have them yet but has been in contact with their professionals conducting the studies. The Commission expressed concern about approving the concept plan without the studies being completed.

Ms. Barnes indicated the studies are not required at this stage. She explained that the purpose of the concept plan is strictly to say whether or not the proposed project is conceptually acceptable. She explained how things might change between the concept plan and development of the master plan. She reiterated that the concept plan does not grant entitlements.

The Commission questioned the situation with the existing wells onsite with Ms. Barnes responding that she was unsure if the wells could be used. She indicated it was possible that wells might be used for irrigation until such time as re-use water is available.

The Commission expressed concern regarding some vagueness in the resolution and staff report with Mr. Schroth responding that, if they like the concept, they can add some language to the resolution indicating that says the approval is nonbinding or is approved conceptually.

The Commission questioned how the City addresses the area in the floodplain with Ms. Barnes explaining that the Comprehensive Plan limits density in a floodplain to less than two dwelling units per acre. She noted that the developer has paid special attention to the floodplain areas to insure any development in the floodplain does not exceed the maximum. She added that the Comprehensive Plan also requires no more than 25% impervious surface area for those lots within a flood zone. She stated that the developer has acknowledged in the submittal documents that regulation and confirmed that, as long as that regulation applies when they moved forward, those lots will not exceed the percentage provided for in the Comprehensive Plan. She further stated that the City's model floodplain ordinance will require minimum finished floor elevations and a minimum elevation above the crown of the road. She explained that the floodplain requirements will be reviewed whenever a building permit is pulled for one of those lots.

The Commission asked if it would be better to have the resolution brought back.

Mr. Schroth indicated they need to open the public hearing first. He stated they could then, if the majority directs, postpone and revise the resolution.

Ms. Barnes stated that the Land Development Regulations clearly state that the concept plan approval does not grant any entitlements. She suggested they could change the wording in the resolution for future concept plans.

Mr. Schroth opened the public hearing at 7:45 p.m.

Egor Emory asked the Commission to find the plan not in compliance. He expressed concern regarding nutrients in runoff going into lakes.

Cindy Newton questioned whether or not City sewer will be available and, if not, what would be the onsite septic.

Mr. Neibert responded that there is sewer available on CR 44 and the plan is to run it to the development from 44.

Jeremy Brown asked how the fertilizer ordinance is enforced and whether or not the "nutrients" includes chemicals such as Round up.

There being no further public comment, the hearing was closed at 7:53 p.m.

Ben Schneider, Hanover, introduced Major Stacey to respond to the stormwater questions.

Mr. Stacey commented on the field studies. He indicated that whatever runoff occurs will result in lower pollutants than what is currently occurring. He noted the property was previously a golf course and had agricultural uses. He stated that the discharge rate will be less than what is occurring now. He added that any impacts on the flood plain will be addressed by the City's building official. He confirmed there will be no homes in the flood plain.

The Commission asked if they would create the HOA documents with Mr. Schneider responding affirmatively and stating they would run the HOA.

The Commission confirmed with Mr. Schroth that they can add "nonbinding" in the motion rather than bringing it back.

The Commission further discussed the following: 1) The vague wording of the staff report; 2) whether they were approving the specific number of houses or just the concept; and 3) when the master plan is brought back, could the number of houses have changed.

Ron Neibert, City Manager, explained that all of the specifics will be in the final plan. He indicated they may have to adjust the number of lots based on what is actually found in the studies.

Further discussion was held regarding what other items may not be in compliance including lot widths, landscape buffers and street profiles.

Mr. Schroth explained that the Commission would have full discretion to deny if the master plan deviates from either the LDR's or the comprehensive plan.

Moved by Commissioner LeHeup-Smith, seconded by Mayor Holland, to approve Resolution Number 21-61 with the addition of "nonbinding approval". Motion carried by the following votes:

Ayes: Commissioner Hawkins, Vice Mayor Lee, Commissioner LeHeup-Smith, Commissioner Cobb and Mayor Holland

6.2 Resolution Number 21-62: Approving a development and acquisition agreement by and between Waterman Square LLC, the Downtown and East Town Redevelopment Agency and the City of Eustis for the redevelopment of the former Florida Hospital Waterman site

Mr. Schroth announced Resolution Number 21-62. He noted the CRA action which would indicate the need to postpone the resolution to September 9th.

Moved by Commissioner LeHeup-Smith, seconded by Vice Mayor Lee, to continue Resolution Number 21-62 to the September 9, 2021, Commission meeting. Motion carried by the following votes:

Ayes: Commissioner Hawkins, Vice Mayor Lee, Commissioner LeHeup-Smith, Commissioner Cobb and Mayor Holland

6.3 Resolution Number 21-63: Approving a parking facility easement agreement with Waterman Square LLC to support the redevelopment of the former Florida Hospital Waterman site

Mr. Schroth indicated the need to also continue Resolution Number 21-63.

Moved by Commissioner LeHeup-Smith, seconded by Vice Mayor Lee, to continue Resolution Number 21-63 to September 9th. Motion carried by the following votes:

Ayes: Commissioner Hawkins, Vice Mayor Lee, Commissioner LeHeup-Smith, Commissioner Cobb and Mayor Holland

6.4 Ordinance Number 21-23: Amendment to Chapter 118, Construction Standards, of the Land Development Regulations

Mr. Schroth read Ordinance Number 21-23 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Florida, amending the Land Development Regulations, Section 118 Construction Standards; providing for codification, severability and an effective date.

Ms. Barnes explained the purpose of the ordinance was to update the code to the current editions of the Florida and National building codes to be enforced. She stated they also are amending the demolition portion of the code so it is more easily applied. She explained that the current code separates the responsibilities between the contractor and the property owner which created conflicts when trying to close out a demolition permit. The amendment changes the code to match the

Florida Building Code requirements and to allow a six-month stay for removal of all improvements on a site if redevelopment was proposed. She stated staff's recommendation for approval.

Mr. Schroth opened the public hearing at 8:10 p.m. There being no public comment, the hearing was closed at 8:10 p.m.

Moved by Commissioner Cobb, seconded by Commissioner Hawkins, to approve Ordinance Number 21-23 on first reading. Motion carried by the following votes:

Ayes: Commissioner Hawkins, Vice Mayor Lee, Commissioner LeHeup-Smith, Commissioner Cobb and Mayor Holland

7. OTHER BUSINESS

7.1 Discussion regarding Post Office property

Commissioner Cobb explained that it was brought to her attention that the Post Office property was up for sale. She added that the owner is Linda Owens, who is present, and that she is the sister of her husband's late wife. She noted information was distributed to the Commission several weeks prior regarding the property.

The Commission discussed the existing lease on the property, amount of monthly rent, repairs that may be needed on the property and who would be responsible for those repairs.

Ms. Owens stated that the original lease from 1960 requires the landlord to only be responsible for the exterior loadbearing walls, the flashing and the roof and the Post Office is responsible for any further repairs.

Discussion was held regarding whether or not they have any plans for expansion with Ms. Owens indicating her reluctance to do any expansions and her reasons for wanting to sell the property.

Ms. Owens commented on her experience with the post office as her tenant.

The Commission asked how firm the price is with Ms. Owens responding that the price was just "off the top of her head" during the last lease negotiation. The Commission confirmed that the property consisted of a full City block.

The Commission asked about the proposed combination of the Eustis and Mount Dora post office with Ms. Owens stating she was told that would never happen. They then asked about the possibility of the post office being relocated with Ms. Owens responding that has never been discussed but she was under the impression there was an agreement with the City that it could not be moved.

The Commission further commented on the need to see how that property would coordinate with plans for the downtown.

Mayor Holland confirmed what direction staff is looking for with Mr. Neibert indicating he would need to look for the referred to agreement between the City and the Post Office.

The Commission discussed whether or not to proceed with negotiations for the property with four Commissioners indicating interest in researching with Ms. Owens indicating she wants to sell the property by the end of the year.

Ms. Owens indicated she has two private investors interested; however, she indicated she told them she would not negotiate with them until she determined the City's interest.

CONSENSUS: It was a consensus of the Commission for staff to proceed with exploration of the possible purchase of the property.

7.2 Discussion: Potential Amendment to Established Policy regarding Annexation and Outside Utility Agreements

Mr. Neibert explained that the City sent to Lake County a draft development agreement along with the standard annexation agreement back in February. He stated that the Commission has the discretion to waive the annexation agreement. He stated staff has received an approved development agreement for utilities but the County is requesting that the City waive the annexation requirement. He noted that the City previously approved an interlocal agreement for the elementary school for provision of utilities. He stated the Commission has previously indicated its desire to continue to require an annexation agreement. He commented on the possibility of unannexed properties blocking the ability of other properties from being able to annex when they want to.

Commissioner Hawkins expressed concern regarding the County's request to waive the annexation requirement.

Commissioner LeHeup-Smith asked if the City could add language that would allow the City to still use the property to provide contiguity.

Mr. Neibert explained only park property can be used for contiguity. He noted they have had the agreement since February and have proceeded with building the fire station but waited until they were ready to connect to ask for the waiver. He expressed concern about granting to a government entity something they would not grant to a private entity.

Discussion was held regarding what the County will do if the Commission says "no".

Discussion was held regarding whether or not the fire station would answer City calls with Chief Swanson stating they do not regularly run calls for the City but might if the City expands to the east. He indicated they respond more to Mount Dora calls.

Discussion was further held regarding whether or not to grant the waiver.

Mr. Neibert offered to put the agreement on the September 9th agenda to allow the Commission more time to think about it. If the Commission decides to not grant the waiver, the City will send back the agreement in the same form it was originally sent to the County.

CONSENSUS: It was a consensus of the Commission for the agreement to be placed on the September 9th agenda for consideration.

8. FUTURE AGENDA ITEMS

- 8.1** Vice Mayor Lee commented on items from the budget minutes that she indicated have not been done. She cited a request by the Mayor for the Commissioners to be sent the cemetery fees with City Clerk Mary Montez indicating they were e-mailed to the Commissioners the next day. She added she would provide hard copies to everyone.

Vice Mayor Lee then commented on the intent to talk about the grants with Mr. Neibert indicating he will place it on the next agenda as a discussion item. She also asked about the See-Click-Fix software with Mr. Neibert indicating that is in the next fiscal year's budget.

Vice Mayor Lee then asked about funding for the airport billboard with Mr. Neibert indicating that will be cancelled as soon as the contract expires. She then cited discussion regarding all bids being placed on the website.

Vice Mayor Lee asked about the \$460,000 difference in the budget noted by Commissioner Hawkins with Commissioner Hawkins stating the question was answered and with Mr. Neibert indicating questions from the first meeting were answered at the second budget workshop.

Vice Mayor Lee asked about Eleven Oaks stating that Public Works was supposed to video their stormwater infrastructure to make sure it was repaired properly with Mr. Neibert responding the lines were reviewed and were repaired to the City's satisfaction. He added that he was going to report on that under his comments.

Commissioner Hawkins noted he saw an orange water fountain at the League of Cities Conference stating he would like to see one like it in Ferran Park, not necessarily orange. He explained that it had a spigot for filling water bottles and one for providing water for pets.

Mr. Neibert responded that if the Commission wants to spend \$3800 to add that type of fountain to the park, they can make it happen.

Commissioner Hawkins asked about the Colonial Inn with Mr. Schroth indicating that due to Covid 19 the courts are concentrating on criminal trials so it will probably be 18 months before the foreclosure is finalized. He stated another option is to file for an injunction but it is expensive.

Commissioner Hawkins stated he would like to see a presentation on how Tom Carrino sells the City with Mr. Neibert confirming he wants to see the City's marketing and branding materials.

Commissioner Hawkins asked the Commission and staff if they want to help him in the high school concession stand.

Vice Mayor Lee asked the City to consider adding some senior citizen exercise equipment.

9. COMMENTS

9.1 City Commission

Commissioner LeHeup-Smith reported on her experience at the League of Cities conference and noted the in-the-ground dumpster.

Commissioner Cobb reported on a Northshore Neighborhood Watch meeting she attended. She commented on a suggestion for them to do a community clean-up. She stated they will be holding a clean-up on September 18th and Kristina Rosenburg will be posting information on the City's Facebook page.

Mr. Neibert indicated he would get that coordinated so the residents can put large items out for pickup.

Vice Mayor Lee also commented her attendance at the conference.

9.2 City Manager

Mr. Neibert announced that the agreement for the rescue act funds will be on the next agenda and the amount the City is receiving has increased. He stated that they have reached a three-year agreement with the Police union and the union will be voting on it. The hope is to have the agreement on the September 9th agenda. He stated staff has also reached a tentative agreement with Bay State South which should be on the September 23rd agenda for consideration.

9.3 City Attorney - None

9.4 Mayor

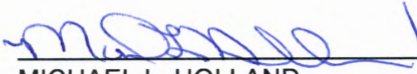
Mayor Holland commented on the League of Cities conference and expressed concern regarding the State legislature's efforts to infringe on Home Rule. He indicated the City also needs to make sure the County knows they will protect their rights as well. He encouraged residents to write their legislators and County commissioners. He reminded everyone about the workshop on August 26th.

Rick Gierok, Public Works Director, reported they should be back in the Commission Room for the September 23rd meeting.

10. ADJOURNMENT: 8:56 P.M.

**These minutes reflect the actions taken and portions of the discussion during the meeting. To review the entire discussion concerning any agenda item, go to www.eustis.org and click on the video for the meeting in question. A DVD of the entire meeting or CD of the entire audio recording or verbatim transcript of the meeting can be obtained from the office of the City Clerk for a fee.*


MARY C. MONTEZ
City Clerk


MICHAEL L. HOLLAND
Mayor/Commissioner



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

Staff Report

TO: Eustis City Commission
FROM: Tom Carrino, Interim City Manager
DATE: March 3, 2022
RE: ORDINANCE NUMBER 22-06: CONDITIONAL USE PERMIT FOR THE OPERATION OF A BAKERY RETAIL/RESTAURANT USE IN THE RESIDENTIAL/OFFICE TRANSITIONAL (RT) LAND USE DISTRICT AT 320 SOUTH GROVE STREET.

Introduction:

Ordinance Number 22-06 approves a Conditional Use Permit for allowance of a bakery, retail and restaurant business use in the Residential/Office Transitional (RT) Future Land Use District located at 320 South Grove Street.

Background:

1. The subject property is approximately 0.2 acres located on the northwest corner of East Ward Avenue and South Grove Street.
2. The property contains a two-story 2,267 square foot building originally constructed in 1950.
3. Under current land development regulations, the City Commission can approve a bakery, retail and restaurant business use in the Residential/Office Transitional (RT) Future Land Use District via Conditional Use Permit.
4. The site and adjacent properties on all sides have a future land use designation of Residential/Office Transitional (RT), and the design district designation is Urban Corridor. Surrounding uses include a residence to the north and west, residence and car wash to the south, and a church and multifamily residence to the east.

Recommended Action:

The administration recommends approval of Ordinance Number 22-06.

Alternatives:

1. Alternative 1 approves the request for a Conditional Use Permit.

Advantages:

- a. A new business will be operating near the Eustis downtown area.
- b. New building use may provide a more vibrant business thus a more attractive economic atmosphere for future business in the downtown area.

Disadvantages:

- a. The proposed use is of higher intensity than previously established on the property.
 - b. Overflow parking may occur on adjacent Ward Street and need to be addressed depending on demand.
2. Alternative 2 denies the Conditional Use Permit.

Advantages:

- a. There are no advantages to denying the ordinance.

Disadvantages:

The City could lose the opportunity of having this business open in the city limits.

Budget Impact:

There would be no direct costs to the City. There will be no additional staff time beyond the normal review process.

Attachments:

[Staff Report Ordinance 22-06](#)
[Ordinance 22-06](#)

Reviewed by:

Jeff Richardson, Deputy Development Services Director	Approved - 25 Feb 2022
Tom Carrino, Interim City Manager	Approved - 25 Feb 2022
Mary Montez, City Clerk	Approved - 25 Feb 2022



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

TO: EUSTIS CITY COMMISSION
FROM: TOM CARRINO, INTERIM CITY MANAGER
DATE: FEBRUARY 25, 2022
RE: ORDINANCE NUMBER 22-06
CONDITIONAL USE PERMIT FOR THE OPERATION OF A BAKERY
RETAIL/RESTAURANT USE IN A RESIDENTIAL OFFICE/TRANSITIONAL
LAND USE DISTRICT AT 320 SOUTH GROVE STREET

Introduction:

Ordinance Number 22-06 approves a Conditional Use Permit for allowance of a bakery retail and restaurant business use in the Residential/Office Transitional (RT) Future Land Use District located at 320 South Grove Street.

Recommendation:

The administration recommends approval of Ordinance Number 22-06.

Background:

1. The subject property is approximately 0.2 acres located on the northwest corner of East Ward Avenue and South Grove Street.
2. The property contains a two-story 2,267 square foot building originally constructed in 1950.
3. Under current land development regulations, the City Commission can approve a bakery retail and restaurant business use in the Residential/Office Transitional (RT) Future Land Use District via Conditional Use Permit.
4. The site and adjacent properties on all sides have a future land use designation of Residential/Office Transitional (RT), and the design district designation is Urban Corridor. Surrounding uses include a residence to the north and west, residence and car wash to the south, and a church and multifamily residence to the east.

Applicant's Request

The applicant requests a Conditional Use Permit to allow a bakery retail and restaurant business use in the Residential/Office Transitional (RT) Future Land Use District located at 320 South Grove Street.

Analysis:

The standards of review must show the conditional use is consistent with the City's Comprehensive Plan, Land Development Regulations and City Code. Accordingly, staff has reviewed this conditional use request with consideration of the following:

Section 109-4 (Use Regulations Table) allows commercial, food and beverage, restaurant, and retail uses with a conditional use permit approval in the Residential/Office Transitional (RT) District land use district.

Section 102-30 (Conditional Uses) of the Land Development Regulations (LDRs) provides for uses that are generally compatible with the use characteristics of a future land use district, but which require individual review of:

“Location, design, intensity, configuration, and public facility impact in order to determine the appropriateness of the use of any particular site in the district and their compatibility with adjacent uses.”

The Conditional Use review affords the City Commission the opportunity to attach conditions, limitations and requirements to a conditional use permit in order to prevent or minimize adverse effects upon other property in the neighborhood. These conditions can include limitations on size, intensity of use, bulk and location, landscaping, lighting, provision of adequate ingress and egress, duration of the permit, and hours of operation.

Location: The subject property is located at a visible intersection in downtown Eustis. The existing building was developed seventy-two years ago, and has been occupied over the years with a custom stained-glass business that also sells antiques and various items.

Design: The concept plan submitted with this application provides for a design that is utilizing the existing site’s structures and development.

Intensity: The proposed use and its intensity are relatively greater than the existing use of the property.

Configuration: The proposed use will utilize the existing structure and development that is on the property. The proposed site plan works with the existing conditions to provide for an active business venue.

Public Facility Impact: This use should have a negligible effect on public facilities.

Staff Recommendation:

In order to ensure consistency with the City’s policies and regulations, Staff recommends approval of this Conditional Use Permit with the following conditions (included in draft ordinance):

1. A perpetual access easement must be recorded to allow site access and parking utilization from the adjacent, connecting residential property.
2. Off-site parking will only occur where such parking is allowed in accordance with the City of Eustis Laws and Ordinances.
3. Site plan approval must be obtained from Development Services within six months of this approval.
4. Building permits must be obtained before any additions or modifications to the site structures.

5. A Change of Use building permit may be required based on structure modifications or Increases in Occupant Load.
6. Sign permit approval must be obtained prior to addition or modification of signage.
7. Business Tax Receipt must be obtained prior to business operation.
8. The above must be completed within one year of this Conditional Use approval.
9. Modifications to the business use as approved herein will require City Commission approval via a CUP modification.
10. It is recommended that the business address any deficiencies to accessible parking, the accessible route and accessible entrance to the business.

Applicable Policies and Regulations:

- FLU 1: Development Framework
 - Promote diversified economic development;
 - Protect and enhance residential neighborhoods;
 - Ensure services and facilities available;
 - Discourage urban sprawl;
 - Value natural resources;
 - Respect private property rights.
- FLU 1.1.1 Planning Principals
 - Create a range of housing choices;
 - Create walkable neighborhoods;
 - Making development decisions predictable, fair and cost effective;
 - Allow a mix of land uses;
 - Encourage compact design.
- FLU 1.2.4 Development Patterns:
 - To discourage sprawl, the City shall implement regulations to encourage a mix of uses in specific areas.
- FLU 1.3.2 Maintain Residential Compatibility:
 - Provide standards and predictable measures by creating compatibility through landscapes, buffer, natural areas or transitional development practices to lessen impacts and integrate development along edges where different land use/densities exist, screen undesirable views, preserve tree canopy, facilitate safe traffic/pedestrian movement.
- Sec. 109-5.3: Urban Development Pattern:
 - The urban development pattern relies primarily on a system of interconnected street grids that prioritizes pedestrians and transit features. A mix of building typologies with a defined center characterizes this pattern.

- The Urban Corridor Design District is predominately single-use areas that may include a mix of uses, retail, and residential. This design district is typically Linear concentrations of typically commercial uses, predominately auto-oriented uses. The parcel size is primarily shallow in nature, compatible with the adjacent neighborhoods.
- FLU Appendix: Residential/Office Transitional (RT):
 - This land use designation applies to older residential areas having residential character, which are located adjacent to non-residential development. The purpose is to provide for establishment of business and professional offices and limited retail and service businesses while maintaining residential character or compatibility. The concept is that many older residences are impacted by traffic or adjacent non-residential uses and are no longer economically viable as dwellings. Allowance of limited commercial use is a means of making these areas more productive while maintaining a residential-type character.
 - This category accommodates residential uses; professional and business offices in certain predominantly residential areas near major traffic arteries and adjacent to commercial areas; outdoor recreation; and schools. Public and utility services and facilities that are 2 acres or less in size are also permitted.
 - Residential densities may not exceed 12 dwelling units per net buildable acre.
 - up to 2.5 FAR subject to restrictions in Section 109-3 of the Land Development Regulations.

Alternatives:

1. Approve Ordinance Number 22-06.
2. Deny Ordinance Number 22-06.

Discussion of Alternatives:

1. Alternative 1 approves the request for a Conditional Use Permit.

Advantages:

- a. A new business will be operating near the Eustis downtown area.
- b. New building use may provide a more vibrant business thus a more attractive economic atmosphere for future business in the downtown area.

Disadvantages:

- a. The proposed use is of higher intensity than previously established on the property.
- b. Overflow parking may occur on adjacent Ward Street and need to be addressed depending on demand.

2. Alternative 2 denies the Conditional Use Permit.

Advantages:

- a. There are no advantages to denying the ordinance.

Disadvantages:

- a. The City could lose the opportunity of having this business open in the city limits.

Budget / Staff Impact:

There would be no direct costs to the City. There will be no additional staff time beyond the normal review process.

Community Input:

The proper legal advertisements have been placed in the newspaper; surrounding properties within 500 feet have been notified; and the property has been posted. To date, one inquiry has been received from a member of the public, which asked questions and stated no indication of support or opposition.

Prepared by: Heather Croney, Senior Planner

Reviewed by: Jeff Richardson, AICP, Deputy Development Services Director

Attachments

- Legal Advertisement
- Surrounding Property Owner Notice
- Ordinance Number 22-06 w/Exhibit A: Site Plan

Legal Advertisement

**NOTICE OF PUBLIC HEARING
ORDINANCE NUMBER 22-06**

Notice is hereby given that the Eustis City Commission will conduct a Public Hearing for the first reading of Ordinance 22-06 on **Thursday, March 3, 2022, at 6:00 p.m.** and the second reading on **Thursday, March 17, 2022 at 6:00 p.m.**, or as may be continued at their discretion, in the Commission Room, City Hall, 10 N. Grove St., Eustis, FL, to consider:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE OPERATION OF A BAKERY RETAIL/RESTAURANT USE IN A RESIDENTIAL OFFICE/TRANSITIONAL LAND USE DISTRICT AT 320 SOUTH GROVE STREET.

The case file, complete legal description of the property, and proposed ordinance will be available beginning approximately five working days before the hearing from 8:00 a.m. to 5:00 p.m. at Development Services, 4 N. Grove St., the Office of the City Clerk, 10 N. Grove St., or at www.eustis.org. Please contact our office at 352- 483-5460 if you have any questions.

If a person decides to appeal any decision made by the commission with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings and that, for such purposes, he/she 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 these proceedings should contact the City Clerk at 352-483-5430 at least 48 hours before the hearing date.

Heather Croney, Senior Planner,
City of Eustis, FL
2/17/2022

Surrounding Property Owner Notice

Notice of Public Hearing

You are receiving this notice because you own property within 500 feet of a land development request (see below). This is part of the City's notification process to inform the public of this request. If you have questions regarding this request, please contact us at 352-483-5460. If you have no questions or do not wish to attend the meeting, you may disregard this notice. No action is required of you.

To: Surrounding Property Owners
From: Heather Croney, Senior Planner, City of Eustis
Date: February 3, 2022
Re: Notice of Quasi-Judicial Public Hearing: Ordinance Number 22-06

Notice is hereby given for the following public hearings to be held in the City Commission Room, City Hall, 10 North Grove Street, Eustis, Florida, regarding:

ORDINANCE NUMBER 22-06: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE OPERATION OF A BAKERY RETAIL/RESTAURANT USE IN A RESIDENTIAL OFFICE/TRANSITIONAL LAND USE DISTRICT AT 320 SOUTH GROVE STREET.

The Eustis City Commission will conduct a Quasi-Judicial Public Hearing on **March 3, 2022 at 6:00 pm**, or as may be continued at their discretion, regarding the first reading **Ordinance Number 22-06**.

The second reading of **Ordinance Number 22-06** will be held on **March 17, 2022 at 6:00 pm**, or as may be continued at the discretion of the City Commission.

A Location Map is provided on the reverse side.

The case file, complete legal description of the property and proposed ordinance will be available for examination beginning approximately five working days before the hearing from 8:00 a.m. to 5:00 p.m. at Development Services, 4 N. Grove St., the Office of the City Clerk, 10 N. Grove St., or at www.eustis.org. Please contact our office at (352) 483-5460 or planner@eustis.org if you have any questions.

If a person decides to appeal any decision made by the commission with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings and that, for such purposes, he/she 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 THESE PROCEEDINGS SHOULD CONTACT THE CITY CLERK AT 352-483-5430 AT LEAST 48 HOURS BEFORE THE HEARING DATE.

File Number: 2022-CU-01

Notice of Public Hearing

LOCATION MAP



File Number: 2022-CU-01

ORDINANCE NUMBER 22-06

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE OPERATION OF A BAKERY RETAIL/RESTAURANT USE IN A RESIDENTIAL OFFICE/TRANSITIONAL LAND USE DISTRICT AT 320 SOUTH GROVE STREET.

WHEREAS, The Lilliput Company DBA A Wish Or Two Ago has applied for a Conditional Use Permit to allow a bakery retail and restaurant business use in the Residential/Office Transitional (RT) Future Land Use District located at 320 South Grove Street; and

WHEREAS, the subject property has a Land Use Designation of Residential/Office Transitional (RT) and a Design District Designation of Urban Corridor; and

WHEREAS, the request for a Conditional Use Permit was properly Noticed for a Quasi- Judicial Public Hearing before the City Commission; and

WHEREAS, on March 3, 2022, the City Commission held the 1st Public Hearing to consider the Conditional Use Permit; and

WHEREAS, on March 17, 2022, the City Commission held the 2nd Public Hearing to consider the Conditional Use Permit; and

WHEREAS, the proposed conditional use is consistent with City's Land Development Regulations, Comprehensive Plan and Code of Ordinances; and

WHEREAS, the applicant has presented evidence to establish the following:

1. That the proposed use is desirable at the particular location.
2. That the proposed conditional use will not have an undue adverse effect upon nearby property.
3. That such use will not be detrimental to the health, safety, or general welfare of the citizens residing in the area.
4. That the proposed use will comply with all Regulations and Conditions specified in the City Code for such use.
5. That the proposed conditional use is compatible with the existing or planned character of the neighborhood in which it would be located.

WHEREAS, the following conditions must be met following this Conditional Use Permit Approval and before the business may open and commence operations:

1. A perpetual access easement must be recorded to allow site access and parking utilization from the adjacent, connecting residential property.
2. Off-site parking will only occur where such parking is allowed in accordance with the City of Eustis Laws and Ordinances.
3. Site plan approval must be obtained from Development Services within six months of this approval.
4. Building permits must be obtained before any additions or modifications to the site structures.
5. A Change of Use building permit may be required based on structure modifications or Increases in Occupant Load.
6. Sign permit approval must be obtained prior to addition or modification of signage.
7. Business Tax Receipt must be obtained prior to business operation.
8. The above must be completed within one year of this Conditional Use approval.
9. Modifications to the business use as approved herein will require City Commission approval via a CUP modification.

WHEREAS, it is recommended that the business address any deficiencies to accessible parking, the accessible route and accessible entrance to the business.

NOW, THEREFORE, THE COMMISSION OF THE CITY OF EUSTIS HEREBY ORDAINS:

SECTION 1.

That a Conditional Use Permit is granted to allow a bakery retail and restaurant business use in the Residential/Office Transitional (RT) Future Land Use District located at 320 South Grove Street, as shown on Exhibit A attached hereto and more particularly described as:

Alternate Key Number: 1189535

Parcel Number: 11-19-26-0100-085-00700

EUSTIS, LOTS 7, 8 BLK 85, E 1/2 OF VACATED ALLEY LYING W'LY OF LOTS
PB 1 PG 79 ORB 1034 PG 1905

SECTION 2.

That the conditions of approval, enumerated above, must be met following approval of the Conditional Use Permit and require that the development meet all other applicable provisions of the Land Development Regulations and the City Code of Ordinances.

SECTION 3.

That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 4.

That should any section, phrase, sentence, provision or portion of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION 5.

That this Ordinance shall become effective upon passing.

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this 17th day of March, 2022.

**CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA**

Michael L. Holland
Mayor/Commissioner

ATTEST:

Mary C. Montez, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by means of physical presence, this 17th day of March, 2022, by the Michael L. Holland, Mayor, and Mary C. Montez, City Clerk, who are personally known to me.

Notary Public - State of Florida
My Commission Expires:
Notary Serial No:

CITY ATTORNEY'S OFFICE

This document is approved as to form and legal content for use and reliance of the City Commission of the City of Eustis, Florida, but I have not performed an independent title examination as to the accuracy of the legal description.

City Attorney's Office

Date

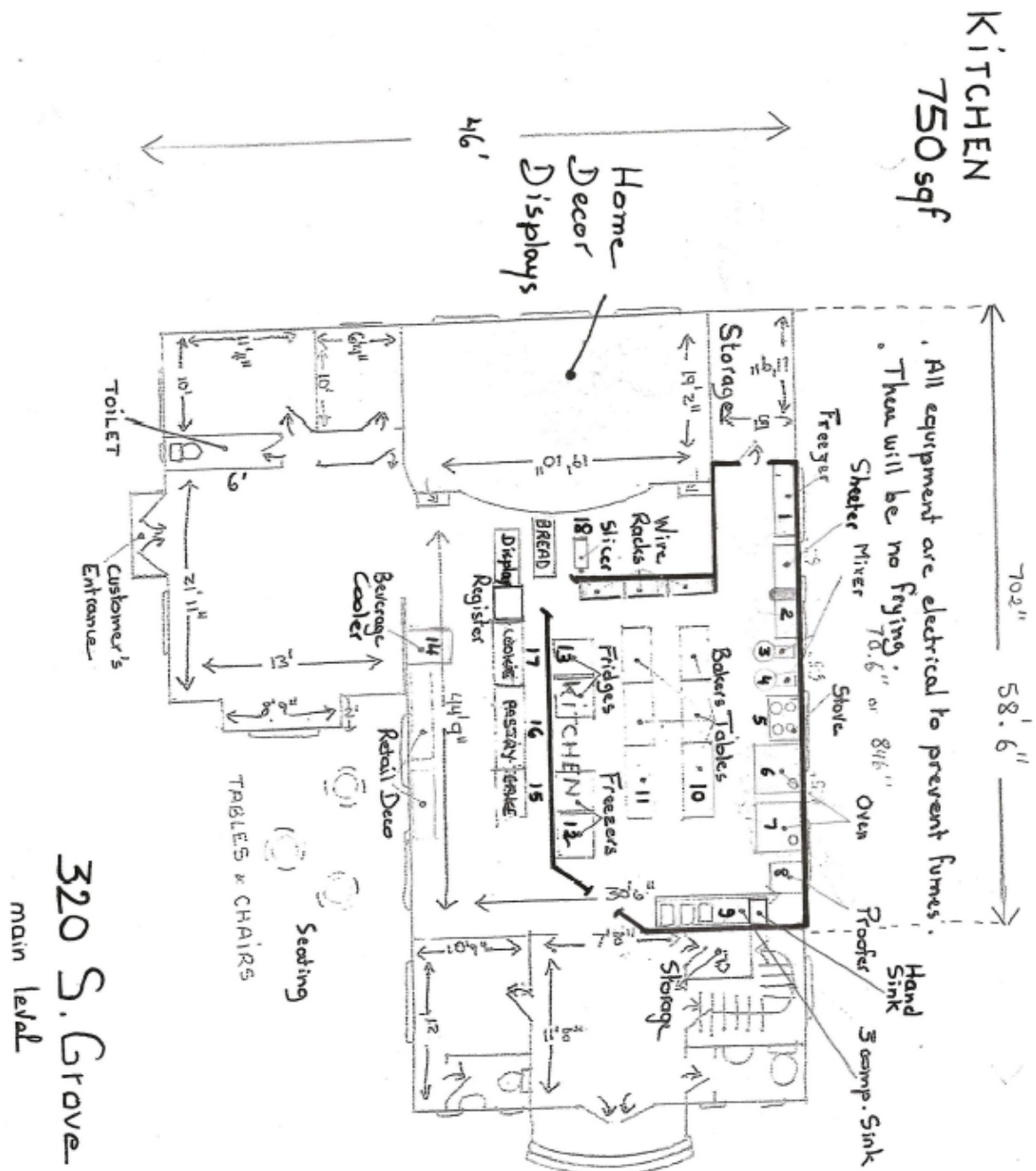
CERTIFICATE OF POSTING

The foregoing Ordinance Number 22-06 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

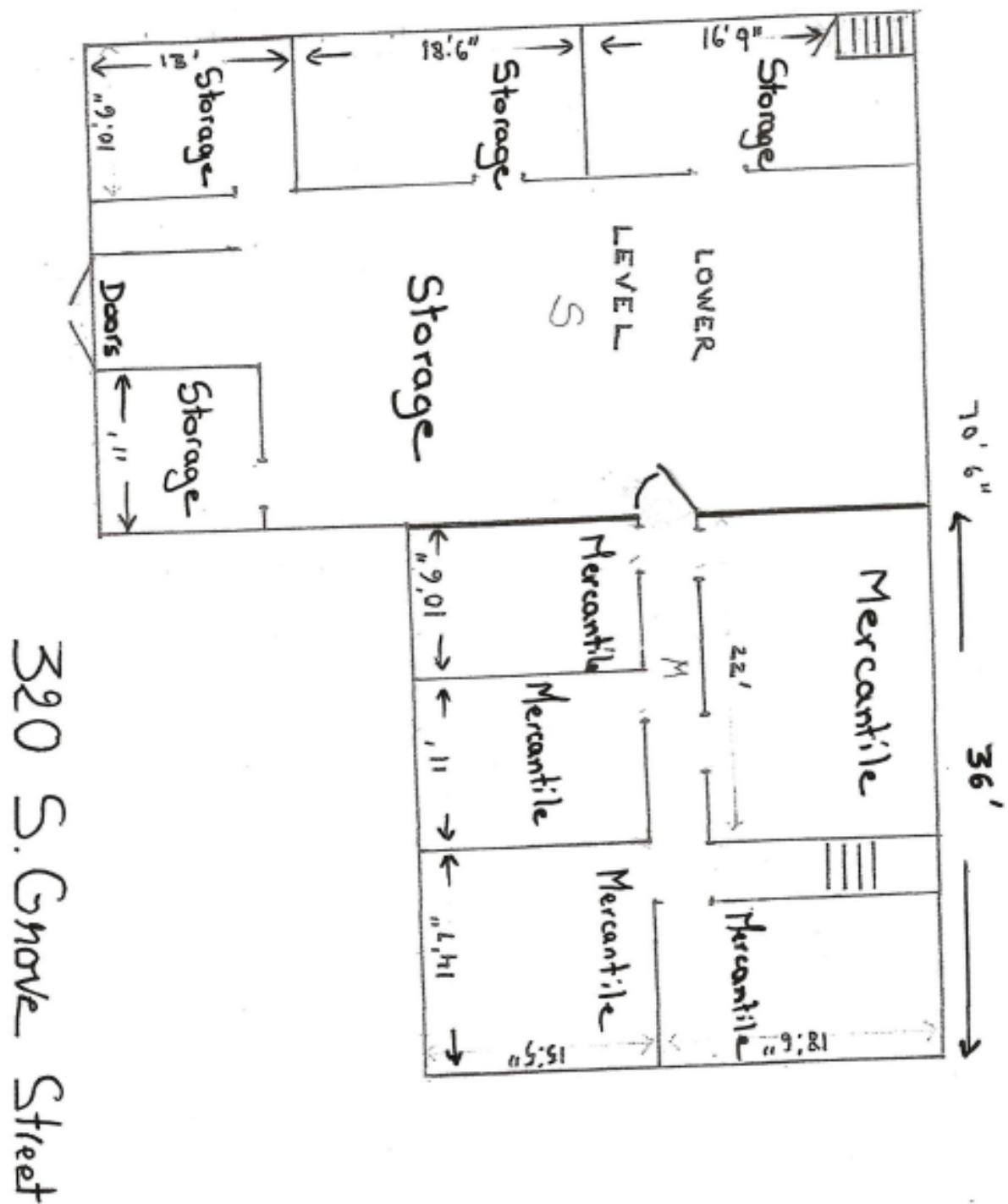
Mary C. Montez, City Clerk

320 S. Grove St.
Eustis





Ordinance Number 22-06
CUP Use Allowance in RT
320 South Grove Street
A Wish Or Two Ago French Bakery and Market
Page 6 of 7



Ordinance number 22-00
 CUP Use Allowance in RT
 320 South Grove Street
 A Wish Or Two Ago French Bakery and Market
 Page 7 of 7



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

Staff Report

TO: Eustis City Commission
FROM: Tom Carrino, Interim City Manager
DATE: March 3, 2022
RE: PRESENTATION REGARDING BATES AVENUE WASTEWATER
TREATMENT PLANT EXPANSION AND ARPA FUNDING

Introduction:

Pursuant to the request by Commission, two presentations will be made by staff to update the status of the Bates Avenue Wastewater Treatment Plant and the proposed use of the American Rescue Plan Act (ARPA) funding. Public Works Director Rick Gierok will present on the Bates Avenue WWTP and Finance Director Mike Sheppard will present on the ARPA funds and potential uses.

Background:

Prepared by:
Rick Gierok, Director of Public Works/City Engineer
Mike Sheppard, Director of Finance

Reviewed by:



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

Staff Report

TO: Eustis City Commission
FROM: Tom Carrino, Interim City Manager
DATE: March 3, 2022
RE: REQUEST FOR DIRECTION ON FORMER WATERMAN SITE

Introduction:

Staff is seeking direction from the Eustis City Commission on issuing a solicitation for the redevelopment of the former Florida Hospital Waterman site.

Attachments:

[Staff Report Waterman Options](#)

Reviewed by:

Tom Carrino, Interim City
Manager
Mary Montez, City Clerk

Approved - 25 Feb 2022
Approved - 25 Feb 2022



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

TO: EUSTIS CITY COMMISSION

FROM: TOM CARRINO, INTERIM CITY MANAGER

DATE: MARCH 3, 2022

RE: DIRECTION ON FORMER WATERMAN SITE

Introduction:

Staff is seeking direction from the Eustis City Commission on issuing a solicitation for the redevelopment of the former Florida Hospital Waterman site.

Recommended Action:

Staff recommends issuing a Request for Qualifications for the former Waterman site.

Background:

In September 2020, the Community Redevelopment Agency purchased the three blocks that were formerly occupied by Florida Hospital Waterman. On September 21, 2020, the City/CRA issued Request for Proposals (RFP) No. 009-20 – 4.8 Acre Redevelopment Opportunity in Downtown Eustis. There was one respondent to the RFP, but the CRA and City did not move forward with that proposal.

RFP:

A Request for Proposal is one method of soliciting interest for the redevelopment of City or CRA owned property. The agency issues the RFP, and that RFP generally requires both information about the potential development team and a preliminary design for the project. A selection is generally made based on a combination of development team qualifications and project information. An RFP requires the potential developer to dedicate resources to the design of the project. This can be a benefit to the issuing agency, but it also means the preliminary design of the project is done without input from elected officials or the public.

RFQ:

A Request for Qualification is another method of soliciting interest for a site. This process generally requires that interested parties submit information on their experience, past projects, key team members, etc. A selection is made based on the general qualifications of the development team. While this process means the issuing agency gets less project specific information, it allows for the selection of the most qualified team, who can then work with stakeholders, elected officials, and the public on project design.

Staff is recommending issuing an RFQ for several reasons. An RFQ process allows the City/CRA to select a development team based solely on the qualifications of the team. The development team can then engage stakeholders, elected officials, and the community in a master planning and project design process. This process is more likely to yield a project that is both market feasible and meets the community's needs.

Budget / Staff Impact:

There will be staff time involved in the issuance of any RFP or RFQ. It is difficult to estimate the staff time involved at this point.

There is no budget impact at this point, though there will be budget impacts related to the site in the future.

Prepared By:

Tom Carrino, Interim City Manager



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

Staff Report

TO: Eustis City Commission
FROM: Tom Carrino, Interim City Manager
DATE: March 3, 2022
RE: EUSTIS CODES PERTAINING TO SIGNAGE AND LITTERING

Introduction:

Commissioner Cobb requested a review of City codes related to signage and littering. Attached are those sections of City code for informational and discussion purposes.

Background:

This item was postponed from the February 17, 2022, Commission meeting due to time constraints at that meeting.

Attachments:

[Section 115-11 Signage - Land Development Regulations](#)

[Section 115-6.2 Central business district-urban center building design standards LDRs](#)

[Chapter 34 Article III Littering - Code of Ordinances](#)

Reviewed by:

Tom Carrino, Interim City
Manager

Approved - 09 Feb 2022

Mary Montez, City Clerk

Approved - 11 Feb 2022

Sec. 115-11. - Signage.

- (a) *Purpose and intent.* This section creates the legal framework for signage regulation that is intended to:
- (1) Properly protect the right of the public to engage in free speech;
 - (2) Provide for adequate business identification, advertising, and communication;
 - (3) Provide for the safety and welfare of the public;
 - (4) Ensure an attractive and well-maintained community appearance;
 - (5) Maintain the residential character of neighborhoods in Residential land use districts.
- (b) *Severability.* If any section, sentence, clause, phrase or word of this section is for any reason held, or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this section; and it shall be construed to have been the city commission's intent to adopt these regulations without such unconstitutional, invalid or inoperative part therein. If this section or any provisions thereof shall be held inapplicable to any person, groups of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other person, property or circumstances.
- (c) *Substitution.* Signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs.
- (d) *General requirements.* All signage shall advertise only those products or services offered or carried on at the premises where the sign is located, except as specifically provided for herein. The use of signs visible from public rights-of-way shall be permitted, provided required permits are obtained and provided the signs are:
- (1) Compatible with their surroundings, of proper design and consistent with future land use and design district requirements;
 - (2) Meet the sign user's needs while at the same time promoting the quality environment desired by the general public;
 - (3) Designed, constructed, installed and maintained in such a manner that they do not endanger public safety or traffic safety;
 - (4) Legible, readable and visible in the circumstances in which they are used;
 - (5) Respectful of the reasonable rights of other advertisers whose messages are displayed.
 - (6) Not constructed so as to exhibit any of the following characteristics and/or functions:
 - a. Pose a danger or interfere with the peace, health, safety, or welfare of the public.
 - b. Cause an obstruction to free use of public streets or sidewalks.
 - c. Obstruct windows used for fire egress or fire escapes.
 - d. Be obscene, immoral or indecent in design, display, word, statement, character, or illustration.

- e. No private sign shall be so designed or located in any manner or any color combination so as to conflict with any authorized traffic signal, sign or device.
 - (e) *Structural requirements and construction standards.* All construction inspections and determinations shall be in accordance with chapter 118, construction standards, of this land development regulation.
 - (f) *Unsafe signs.* When a sign has been deemed unsafe or not properly constructed, the property owner shall be notified in writing of the deficiencies and required to take appropriate remedial action or remove the sign within 48 hours of notification.
- (Ord. No. 16-08, § 2(Exh. A), 4-7-2016; Ord. No. 16-31, 12-15-2016)

Sec. 115-6.2. - Central business district/urban center design district.

(a) *Building heights* .

- (1) Within the central business district and urban center design district area, buildings shall a minimum of two stories (or provide the visual appearance of a two story building), regardless of lot typology provisions for minimum building height.
- (2) Buildings are adjacent to Lake Eustis, may not exceed three stories. One additional story for every 100 feet from the lake shall be permitted.

- (b) *Mixed-use buildings required* . In the central business district area identified with the yellow highlight below, residential uses are limited to the upper floors of buildings above ground-level commercial and office uses.

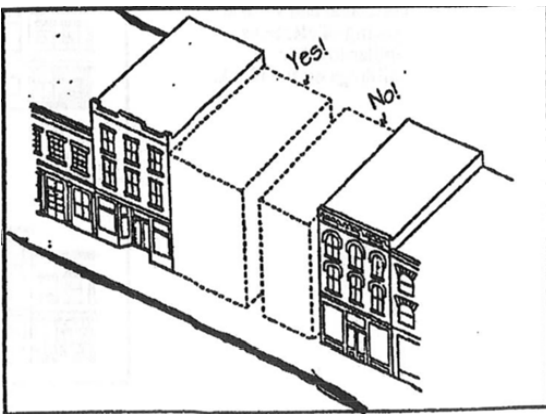
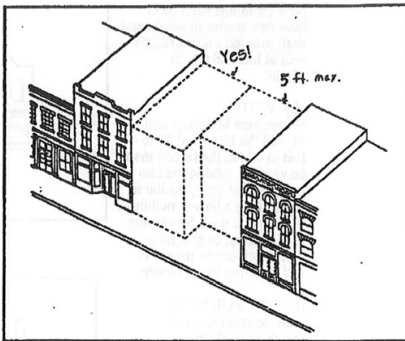


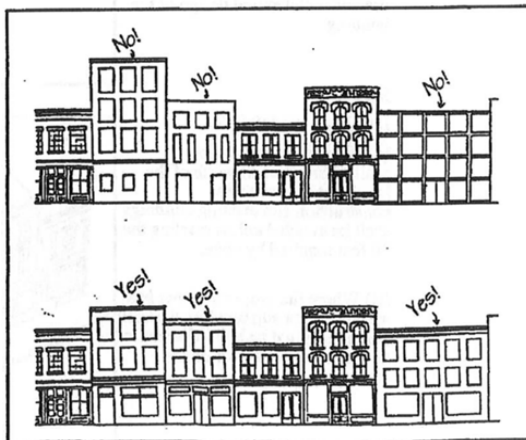
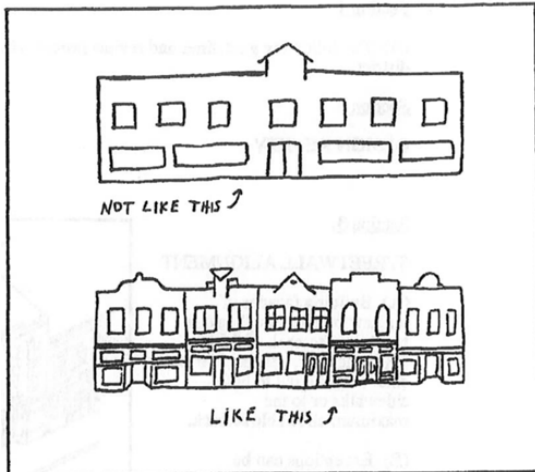
- (c) *Building design* . In the central business district, buildings shall be designed consistent with the following Buildign Design Standards:

The following standards and review process shall be applicable to the central business district.

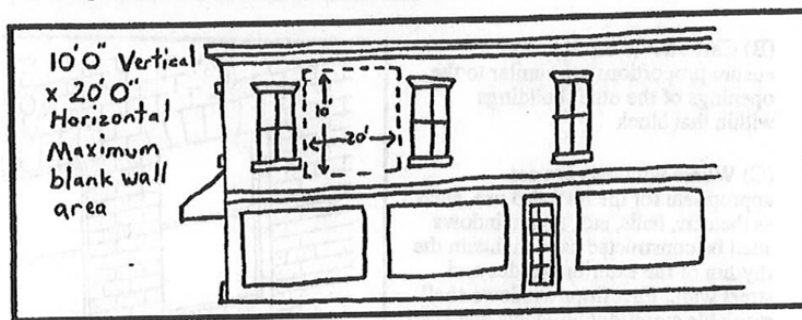
- (1) *Street-wall alignment* . Building facades of new buildings shall have a maximum setback of five feet. On corner lots, new construction shall be build out to both sidewalks or to the maximum allowable setback. Exceptions can be granted in the design review process, on a case-by-case basis depending on the intended use and architectural design of the building.
- (2) *Infill buildings* . Building construction shall extend the full width of the lot. Gaps between new construction and existing buildings shall be avoided unless meeting the ten feet required by code.

- (3) Where the property owner has several vacant adjacent lots, the infill building should be built adjacent to an existing structure or on the corner lot.
- (4) *Form and proportion* . New construction shall have massing and configuration similar to buildings in the traditional center of the district (Magnolia Avenue between Grove and Bay Streets.) Factors which effect a building's mass are height, width and roof lines.
- a. *Height* . New buildings shall be at least 2 stories in height and shall provide a street facade wall at least 28 feet in height.
- b. *Width* . Where new buildings will exceed the historical 30 to 40 feet in width, the facade shall be visually subdivided into proportional bays, similar in scale to the adjacent buildings. This can be done by varying roof heights, or applying vertical divisions, materials and detailing to the facade.
- c. *Proportion* . New construction and facade rehabilitation shall maintain horizontal and vertical spacing of elements similar to other buildings on the block.



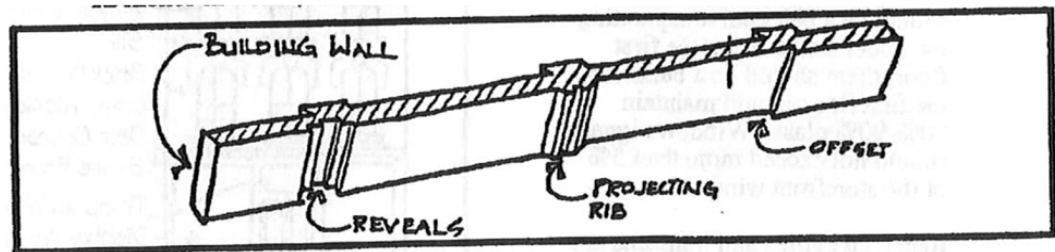


- (5) *Detail features*. The design elements in the following standards shall be integral parts of the building's exterior facade and shall be integrated into the buildings overall architectural style. These elements shall not consist solely of applied graphics or paint and shall apply to all facades visible from the public right-of-way. Blank wall areas shall not exceed 10 feet in vertical direction nor 20 feet in horizontal direction of any facade. Control and expansion joints within this area shall constitute blank wall area unless used as a decorative pattern and spaced at intervals of six feet or less. Relief and reveal work depth must be a minimum of one-half inch.



Building facades shall include a repeating pattern and shall include no less than three of the design elements listed below. At least one of these elements shall repeat horizontally. All design elements shall repeat at intervals of no more than 30 feet either horizontally or vertically.

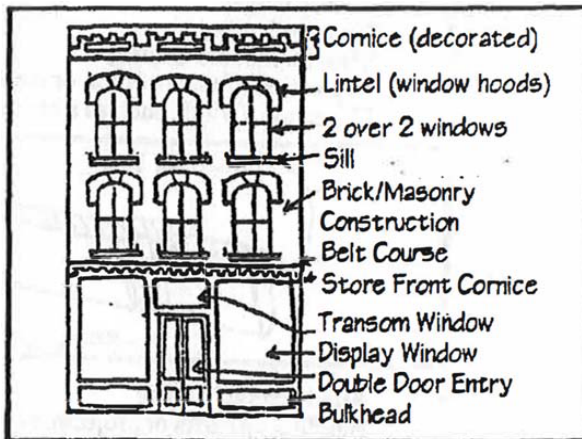
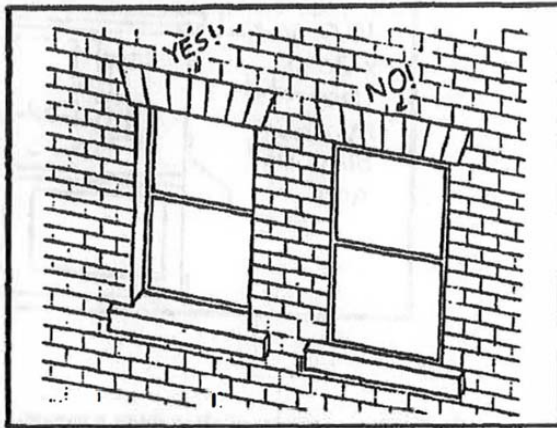
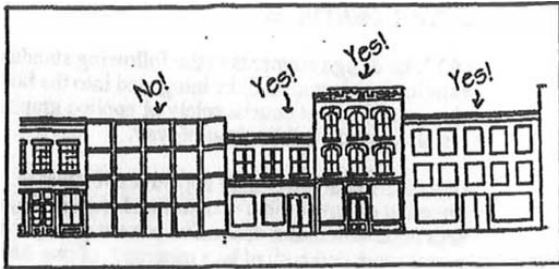
- a. Color change;
- b. Texture change;
- c. Material module change;
- d. Expression of architectural or structural bays, through a change in plane of no less than 12 inches in width, such as a reveal, an offset, or a projecting rib.
- e. Architectural banding.
- f. Building setbacks or projections, a minimum of three feet in width on upper level(s) or,
- g. Pattern change.



(6) *Windows.*

- a. *Upper story.* The openings above the first floor shall appear as "punched" openings within a solid wall, rather than as windows separated only by their frames or curtain wall as in the storefront. A solid wall must appear to be the structural element. For wood-frame construction, cornice and sill is an acceptable alternative; three inch minimum projection.
- b. Care should be taken to ensure proportions are similar to the openings of the other buildings within that block.
- c. Where windows are not appropriate for the intended use, such as theaters, halls, etc., faux windows shall be constructed as to maintain the rhythm of the exterior facades and street wall. First floor windows shall resemble storefront windows and shall retain the 80 percent coverage required. The interior backdrop shall be two to three feet back allowing for use as a display window for products, murals, etc. Second, third and fourth floor windows shall be made to resemble the existing window designs and rhythm in the surrounding historic building stock.
- d. *Storefront configurations.* New and existing storefronts shall include the basic features of a historic storefront. There should be a belt course separating the upper stories from the first floor; there should be a bulkhead; the first floor should maintain should not exceed more

than five percent of the storefront window area. Recessed entries and transoms are encouraged as historical elements.



Store Front Cornice Transom Window Display Window Double Door Entry

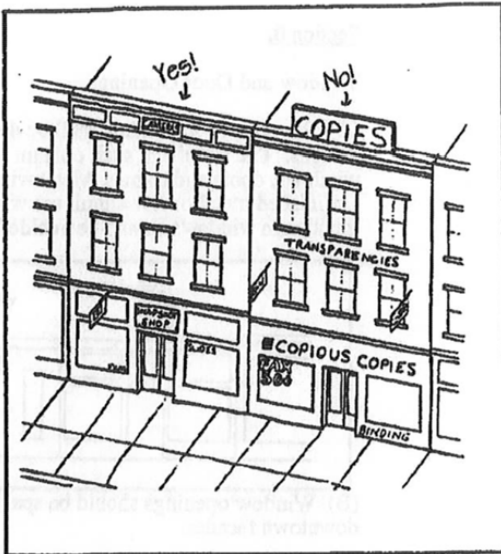
- (7) *Window and door openings*. Storefront components shall be designed to be consistent with existing historical storefront designs. The storefront shall contain a 80—90 percent glass area. Wood is strongly recommended for windows, doors and frames. Metal windows and doors finished in baked enamel are permitted. Unfinished metal or raw aluminum windows and doors should be avoided. Flush or snap-in muntins in windows should be avoided. Window openings should be spaced as to maintain the surrounding rhythm of the downtown facades.



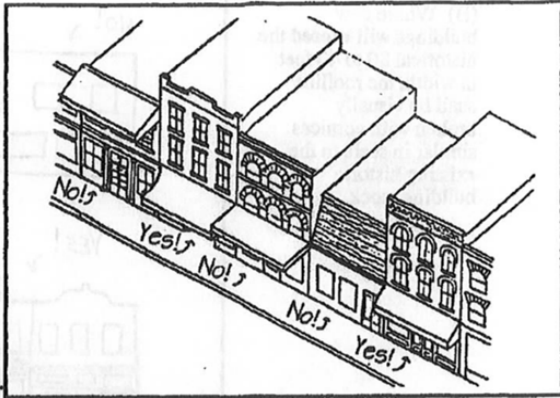
(8) *Signs.*

- a. Wall signs shall not exceed the height of the building cornice. On street facades signs and display ads shall not exceed ten percent of each main floor facade area. Wall signs should be flush-mounted or painted directly upon the flat surface of the building.
- b. Wall signs shall be placed in traditional locations in order to fit within architectural features, for example:
 - Above transoms
 - On cornice fascia boards
 - Below cornices
- c. Brackets for projecting signs shall be located under the second floor window sills or a maximum of 15 feet from the street level. Projecting signs shall be no larger than nine square feet.
- d. The use of sign symbols, logos, and cut-outs, particularly in projecting signs, is encouraged.
- e. Signage permanently painted on glass is encouraged when under five percent of glass area.
- f. Sign materials should be compatible with materials used in the building. Painted wood and metal are particularly encouraged because these materials convey durability. Individual letters, affixed directly to a sign frieze and back-lit or not, may be used.
- g. Signs shall be directly or indirectly illuminated, or shall have separately back-lit letters. Internally illuminated signs are prohibited. Neon may be used in building interiors. The use of neon on building exteriors is usually inappropriate.

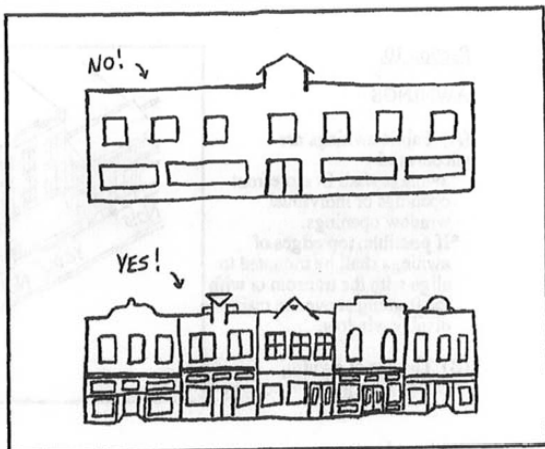
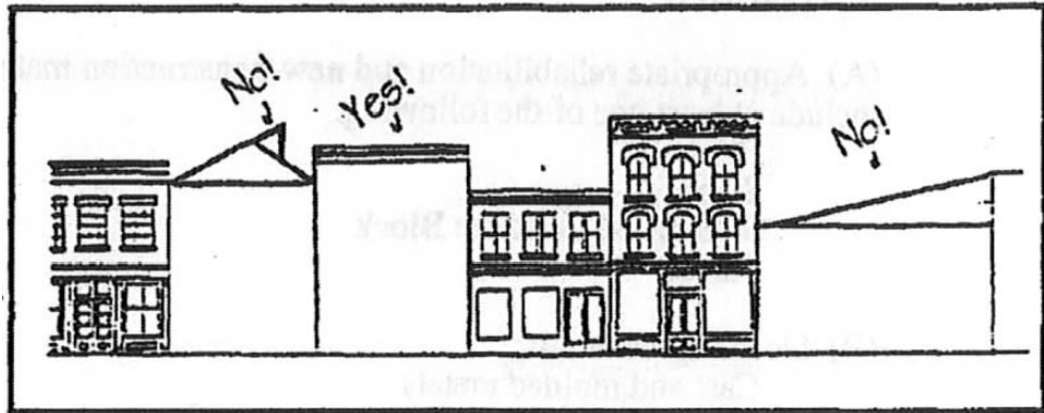
- h. Spot lighting to draw attention to signs and architectural details is encouraged. Light spillage on properties is prohibited.
- i. Sign designs based upon designs in use earlier than the architectural style of the building are discouraged. Signs should be in the same style as the building.
- j. The use of the following, are prohibited in the central business district:
 - Internally lit and/or plastic awnings, with or without signs
 - Internally lit signs
 - Flashing signs
 - Pedestal signs and pole mounted signs
 - Ground mounted signs
 - Mass-produced blow molded plastic signs
 - Portable trailer signs
 - Historically incompatible canopies, awnings, and imitation mansard roofs made of metal, rough-sawn wood, plastic, shakes, or asphalt roofing.



- (9) *Awnings* . Fabric awnings are encouraged. If possible, awnings shall fit storefront openings or individual window openings. Top edges of awnings shall be mounted to align with the transom or with the framing above the main display window. The use of awning valances for signs is encouraged.

(10) *Roof forms .*

- a. Roof lines of new construction shall be similar to those in adjacent buildings. Exotic roof shapes tend to disrupt the rhythm of the streetscape and must be avoided. Gable roof shapes are acceptable if parapet walls hide the end wall and water drainage is contained within the property. When original rooflines have been altered inappropriately, it is preferable to restore the original shape if feasible.



- b. Where new buildings will exceed the historical 30 to 40 feet in width, the roofline shall be

visually broken with cornices similar in scale to the existing historic building stock.

(11) *Materials*.

- a. Appropriate rehabilitation and new construction materials for all exposed surfaces shall include at least one of the following:

Brick

Stone

Split-faced concrete block

Stucco

- b. Detailing materials:

Cast and molded metals

Wood (treated pine, mahogany, and Cyprus is best for exterior applications)

Fiberglass replications

Gypsum detailing

Structural glass when replicating a pre-1940 storefront design

Architecturally detailed exterior insulation finish system (commonly known as Dryvit)

- c. The following materials are prohibited for visible surfaces:

Wood, vinyl or aluminum siding

Wood, asphalt or fiberglass shingles

Structural ribbed metal panels Corrugated metal panels

Plywood sheathing

Plastic sheathing

Structural glass, unless used to replicate a pre-1940 storefront design

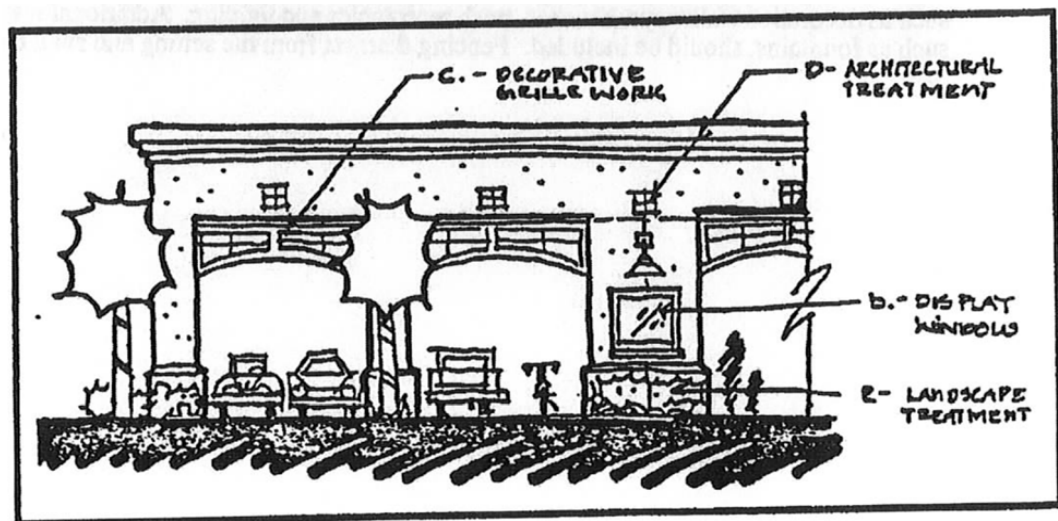
Reflective or moderate to high grade tinted glass

- d. Appropriate colors for exterior materials are colors found in natural materials such as browns, grays, deep reds and deep greens.

(12) *Parking structure standards*. Wherever practical, structured parking facilities shall be designed with retail, office or other permitted uses at the street level. Where this is not possible, the structure shall have an architecturally articulated facade designed to screen the parking areas of the structure, to encourage pedestrian scale activity, and to provide for urban open space.

Where automobile access is provided, two smaller openings are preferable to one large one. A minimum of 60 percent of any primary facade of a parking structure or covered parking facility shall incorporate two of the following:

- a. Transparent windows, with clear or lightly-tinted glass, where pedestrian oriented businesses located along the facade of the parking structure;
- b. Display windows:
- c. Decorative metal grille-work or similar detailing which provides texture and partially and/or fully covers the parking structure opening(s);
- d. Art or architectural treatment such as sculpture, mosaic, relief work or similar features; or,
- e. Vertical trellis or other landscaping or pedestrian plaza area.



(Ord. No. 16-31, 12-15-2016)

ARTICLE II. - LITTERING

Footnotes:

--- (2) ---

Cross reference— *Solid waste, ch. 78.*

DIVISION 1. - GENERALLY

Sec. 34-31. - Purpose.

- (a) It is hereby declared that the disposal of waste on public land in the City of Eustis and the failure to maintain clean and sanitary conditions on property in the city, threatens the health, safety and welfare of the citizens because of the potential for breeding disease, blight of the landscape and waterways, degradation of the city's natural resources, and increased taxpayer burdens.
- (b) It is the intent of this legislation to keep the City of Eustis a clean, safe and beautiful place to live and visit; to provide direction to the people in Eustis for the proper disposal of waste; and to provide city officials and law enforcement personnel with the means to enforce the purpose of this division.

(Ord. No. 19-30, § 1, 11-21-2019)

Sec. 34-32. - Definitions.

Dump means to dump, throw, discard, place, deposit or dispose of.

Litter means any garbage, waste, rubbish, trash, refuse, can, bottle, box, container, plastic, paper, tobacco product, tire, appliance, mechanical equipment or part, building or construction material, tool, machinery, wood, motor vehicle or motor vehicle part, electronics, televisions, tires, outboard motors, vessel, aircraft, farm machinery or equipment, sludge for a waste treatment facility, water supply treatment plant or air pollution control facility, or substance in any form resulting from domestic, industrial, commercial, mining, seafood, agricultural or governmental operations, or any similar substance.

Waterway means any water, lakes, canals, streams, lagoons or connecting waters, whether natural or man-made, partially or wholly within the boundaries of the city.

(Ord. No. 19-30, § 2, 11-21-2019)

Sec. 34-33. - Dumping of litter prohibited.

- (a) Dumping of litter is prohibited in or on any public highway, road, street, alley, or thoroughfare, including any portion of the right-of-way thereof, or any other public lands, except in containers

or areas lawfully provided.

(b) Dumping of litter is prohibited in or on any waterway.

(Ord. No. 19-30, § 3, 11-21-2019)

Sec. 34-34. - Penalty and enforcement.

- (a) Any person who violates any provision of this division for the first time is guilty of a noncriminal infraction, punishable by a fine up to \$500.00, plus court costs.
- (b) Any person who violates any provision of this division a second time is guilty of a misdemeanor of the second degree, punishable as provided in F.S. §§ 775.082 and 775.083, with a fine up to \$500.00.
- (c) Any person who violates any provision of this division for the third time is guilty of a misdemeanor of the first degree, punishable as provided in F.S. §§ 775.082 and 775.083, with a fine up to \$1,000.00.
- (d) Any person who violates any provision of this division for the fourth, or subsequent time, is guilty of a felony of the third degree, punishable as provided in F.S. §§ 775.082 and 775.083, with a fine up to \$5,000.00.
- (e) A court may enjoin a violation of this division.
- (f) The penalties provided by this division are cumulative.

(Ord. No. 19-30, § 4, 11-21-2019)

Sec. 34-35. - Posting of signs.

The City of Eustis is authorized to place signs within the city's limits, at such appropriate locations, indicating a fine will be imposed upon any person who violates this division. A sign within the immediate area is not required for the imposition of any fine under this division.

(Ord. No. 19-30, § 5, 11-21-2019)

Sec. 34-36. - Surveillance of waterways.

The City of Eustis is authorized to place cameras within the city, at such appropriate locations, including around waterways. The presence of cameras shall serve to prevent violations of this division and assist law enforcement in the event a violation of this division occurs. Video footage of a violation is not required to prove a violation.

(Ord. No. 19-30, § 6, 11-21-2019)

Sec. 34-37. - Enforcement of other regulations.

This section does not limit the authority of any state or local agency to enforce other laws, rules or ordinances relating to litter or solid waste management.

(Ord. No. 19-30, § 7, 11-21-2019)

Secs. 34-38—34-55. - Reserved.

DIVISION 2. - HANDBILLS

Footnotes:

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Cross reference— *Businesses, ch. 18; handbill distributor, § 18-86 et seq.*

Sec. 34-56. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial handbill means and includes any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter or literature which:

- (1) Advertises for sale any merchandise, product, commodity or thing;
- (2) Directs attention to any business, mercantile or commercial establishment or activity, for the purpose of either directly or indirectly promoting their interests by sales;
- (3) Directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind for which an admission fee is charged for the purpose of private gain or profits; or
- (4) Although containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

Handbill means any printed or written matter, any sample or device dodger, circular, leaflet, pamphlet, booklet, or any printed or otherwise reproduced original or copies, which includes commercial or noncommercial handbills as defined in this section.

Newspaper means and includes any publication printed and published periodically once a week or more often, wholly or in large part in the English language, entered or qualified to be admitted and entered as second-class matter at a post office in the county where published, for sale to the public generally, available to the public generally for the publication of official or other notices and customarily containing information of a public character or of interest or of value to the residents or owners of property in the county where

published, or of interest or of value to the general public. In addition, the term shall mean and include any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

Noncommercial handbill means and includes any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copy of any matter or literature not included in the definition of a commercial handbill or a newspaper.

Private premises means and includes any dwelling, house, building or other structure designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

Public place means and includes all streets, boulevards, avenues, lanes, alleys or other public ways, and all public parks, squares, spaces, plazas, grounds and buildings in the city.

(Code 1959, § 3-1; Ord. No. 92-18, § 1(LDR ch. 3), 8-27-1992)

Cross reference— Definitions generally, § 1-2.

Sec. 34-57. - Penalty; revocation of license upon conviction.

Any person violating the provisions of this article shall upon conviction be punished as provided in section 1-14. In addition the city clerk may revoke any license issued under the provisions of section 18-86 et seq. to such person, or to the employer of the agent or employee so convicted. Upon revocation of a license, the aggrieved party may appeal to the city manager for review of such revocation as provided in section 18-88(d).

(Code 1959, § 3-20)

Sec. 34-58. - Article inapplicable to mail and newspapers.

The provisions of this article shall not be deemed to apply to the distribution of mail by the United States, or to the distribution of newspapers.

(Code 1959, § 3-18)

Sec. 34-59. - Prohibited handbills.

It shall be unlawful for any person to post, hand out, distribute or transmit any sign or any handbill which violates state or federal law.

(Code 1959, § 3-17)

Sec. 34-60. - Information to be shown on commercial handbill.

It shall be unlawful for any person to distribute, hand out or circulate any commercial handbill in any place, under any circumstance, which does not have printed on its cover, front or back, the name and address of the following:

- (1) The person who printed, wrote, compiled or manufactured the handbill.
- (2) The person who caused the handbill to be distributed; however in the case of a fictitious person or club, in addition to the fictitious name, the true names and addresses of the owners, managers or agents of the person sponsoring such handbill.

(Code 1959, § 3-15; Ord. No. 92-18, § 1(LDR 8.16(C)), 8-27-1992)

Sec. 34-61. - Distributing or depositing in public place.

It shall be unlawful for any person to deposit, place, throw, scatter or cast any handbill in or upon any public place within this city. It shall be also unlawful for any person to hand out or distribute or sell any commercial handbill in any public place; however, it shall not be unlawful for any person to hand out or distribute, without charge to the receiver, any noncommercial handbill in any public place to any person willing to accept such noncommercial handbill.

(Code 1959, § 3-9; Ord. No. 92-18, § 1(LDR 8.16(B)(1)), 8-27-1992)

Sec. 34-62. - Distributing or depositing in automobiles.

It shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast any handbill in or upon any automobile or other vehicle. The provisions of this section shall not be deemed to prohibit the handing, transmitting or distributing of any noncommercial handbill to the owner or other occupant of any automobile or other vehicle who is willing to accept the handbill.

(Code 1959, § 3-10; Ord. No. 92-18, § 1(LDR 8.16(B)(2)), 8-27-1992)

Cross reference— Traffic and vehicles, ch. 90.

Sec. 34-63. - Distributing or depositing on vacant or uninhabited premises.

It shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast any handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

(Code 1959, § 3-11; Ord. No. 92-18, § 1(LDR 8.16(B)(3)), 8-27-1992)

Sec. 34-64. - Distributing or depositing on posted property.

It shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast any handbill upon any premises, if requested by anyone not to do so, or if there is placed on such premises in a conspicuous position near the entrance a sign bearing the words: "No Trespassing," "No Peddlers or Agents," "No Advertisement," or any similar notice, indicating in any manner that the owners or custodians of such premises do not desire to be molested or to have their right of privacy disturbed, or to have any handbills left upon the premises.

(Code 1959, § 3-12; Ord. No. 92-18, § 1(LDR 8.16(B)(4)), 8-27-1992)

Sec. 34-65. - Distributing or depositing on inhabited premises.

It shall be unlawful for any person, whether licensed under the provisions of section 18-86 et seq., or unlicensed, to distribute, deposit, place, throw, scatter or cast any handbill in or upon private premises which are inhabited, except by handing or transmitting such handbill directly to the owner, occupant or any other person then present in or upon such private premises; or, in case of inhabited private premises which are not posted as provided in section 34-64, unless permitted by someone lawfully upon the premises to place or deposit any handbill in or upon such inhabited private premises. The handbill so placed or deposited shall be secured to prevent the handbill from being blown or drifted about the premises or elsewhere. Mailboxes may not be so used when prohibited by federal postal laws or regulations.

(Code 1959, § 3-13; Ord. No. 92-18, § 1(LDR 8.16(B)(5)), 8-27-1992)

Sec. 34-66. - Posting on building or structure.

It shall be unlawful for any person to post any advertisement or handbill on a private house, building, wall or fence without the permission of the owner.

(Code 1959, § 3-14; Ord. No. 92-18, § 1(LDR 8.16(B)(5)), 8-27-1992)

Sec. 34-67. - Effect on provisions relative to canvassers, peddlers, etc.

This article shall not be deemed to repeal, amend or modify any provision of this Code either by prohibiting, regulating or licensing canvassers, hawkers, peddlers, transient merchants, or any person using the public streets or places for any private business or enterprises, or for commercial sales, not covered herein.

(Ord. No. 01-02, § 2-15-2001)

Editor's note— This section was moved from section 124-8(g) to this location during the 2006 republication of this Code.

2/9/22, 10:30 AM

Eustis, FL Code of Ordinances

Secs. 34-68—34-95. - Reserved.



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

Staff Report

TO: Eustis City Commission
FROM: Bill Howe, Human Resources Director
DATE: March 3, 2022
RE: DISCUSSION REGARDING CITY MANAGER VACANCY

Introduction:

At the City Commission meeting held on November 4, 2021 Commissioners agreed to put the City Manager selection process on hold and give Tom Carrino an opportunity to prove himself in the role of Interim City Manager. It was the consensus of the Commission to wait until after Georgefest to consider selecting Tom Carrino as the permanent City Manager or conducting a search process to fill the position.

Recommended Action:

It is recommended the City Commission discuss this issue and provide direction on how they would like to proceed with the selection of a City Manager. If a decision is made to appoint Tom Carrino as City Manager it is recommended a contract be drafted by City Attorney Derek Schroth for approval by a majority of the City Commission at a future Commission meeting.

Prepared by: Bill Howe, Human Resources Director

Reviewed by:

Tom Carrino, Interim City
Manager

Approved - 25 Feb 2022

Mary Montez, City Clerk

Approved - 25 Feb 2022