



AGENDA

Regular City Commission Meeting

6:00 PM - Thursday, January 20, 2022 - City Hall

INVOCATION

PLEDGE OF ALLEGIANCE: COMMISSIONER LEHEUP-SMITH

CALL TO ORDER

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

1. AGENDA UPDATE
2. APPROVAL OF MINUTES
 - 2.1 April 14, 2021 City Commission Workshop
January 6, 2022 Regular City Commission Meeting
[Staff Report #22-0007 - Html](#)
[04-14-2021 CC Workshop MIN - For Approval](#)
[01-06-2022 CC MIN - For Approval](#)
3. PRESENTATIONS
 - 3.1 Presentation by Lake Cares - Kelsey Gonzalez
[Staff Report #22-0010 - Html](#)
 - 3.2 Update on use of See-Click-Fix application
[Staff Report #22-0011 - Html](#)
4. AUDIENCE TO BE HEARD
5. CONSENT AGENDA
 - 5.1 Resolution Number 22-08: Abandonment and Termination of a portion of a Blanket Utility Easement on Property Outside the City Limits at the NE Corner of SR 44 and Meadenhall Boulevard
[Staff Report #22-0003 - Html](#)
[Resolution Number 22-08](#)
[Mid-Florida at Eustis Inc Developers Agreement](#)
[Map of Utility Locations](#)
6. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS
 - 6.1 Explanation of Ordinances for property on Suanee Avenue on First Reading:
Ordinance Number 22-01 - Voluntary Annexation
Ordinance Number 22-02 - Comprehensive Plan Amendment
Ordinance Number 22-03 - Design District Assignment
[Staff Report #22-0005 - Html](#)
[Staff Report Ordinance 22-01, 22-02, 22-03 Annex FLU DD](#)
[Ordinance Number 22-01 Annexation](#)
[Ordinance Number 22-02 FLUMA](#)
[Ordinance Number 22-03 Design Dist](#)

7. OTHER BUSINESS

7.1 Review of Conditional Use Permit Process and Fees

[Staff Report #22-0002 - Html](#)

[Conditional Uses 102-30](#)

[109-4 Use Regulation Table with Header Rows](#)

[109-4 Use Regulations Table from Municode](#)

[Conditional Use and Fee Discussion](#)

7.2 Direction on City Presence and Involvement at the Florida Communities Trust Meeting Scheduled for February 16, 2022

[Staff Report #22-0006 - Html](#)

7.3 Discussion on scoreboard for Corey Rolle Memorial Field

[Staff Report #22-0008 - Html](#)

[Staff Report - Scoreboard Discussion](#)

7.4 Direction on the former Florida Hospital Waterman site

[Staff Report #22-0009 - Html](#)

[Staff Report - Direction on Former Waterman Site](#)

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: January 20, 2022
RE: APRIL 14, 2021 CITY COMMISSION WORKSHOP
JANUARY 6, 2022 REGULAR CITY COMMISSION MEETING

Introduction:

This item is for consideration of the minutes of the April 14, 2021, City Commission workshop and the January 6, 2022, regular City Commission meeting.

Attachments:

[04-14-2021 CC Workshop MIN - For Approval](#)

[01-06-2022 CC MIN - For Approval](#)

Reviewed by:



MINUTES

City Commission Workshop

5:00 PM - Wednesday, April 14, 2021 - City Hall

CALL TO ORDER: 5:03 P.M.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

1. WORKSHOP ITEM WITH COMMISSION DISCUSSION, PUBLIC INPUT AND COMMISSION DIRECTION

1.1 Review of City Strategic Plan

Ron Neibert, City Manager, explained that the Strategic Plan is a big picture plan to help the Commission achieve the goals and objectives for the City. He stated it is standard practice to review the plan every five years or so. He then provided an overview of the current plan including the vision, mission statement and three main goals: 1) To be a beautiful, livable city with a vibrant lakefront identity; 2) Expand the local economy; and 3) Provide quality, cost effective, public services. He encouraged the Commission to consider whether those main goals are still relevant to the City. He then reviewed the strategies for each goal as set in FY2013-2014. He indicated that the Enterprise Zone would be eliminated as that is a program that no longer exists in Florida. He asked if there are any additional specific strategies the Commission would like to add. He then provided a status report on each of the goals and strategies. He noted the addition of the disc golf course at Palmetto Point Park and its high ranking nationally. He noted that a Parks and Recreation master plan has not been done and that not a lot has been done toward ecotourism.

The Commission asked what the plan for ecotourism was with Mr. Neibert citing conversations he had with Trout Lake Nature Center regarding some ideas for programs to entice people to the area. He added working with the trails development was part of ecotourism. He noted that some of the department heads have implemented some programs that are directed toward ecotourism.

Discussion was held regarding what was suggested in the past with Commissioner LeHeup-Smith noting that Trout Lake Nature Center had been interested in adding camping facilities. It was also noted that previous discussion had included boat rentals along the lakefront.

Mr. Neibert continued the update on the various actions and strategies noting one of the goals was to expand the streetscape in the downtown area as funds allow. He commented on the FDOT plan for the downtown area and stated it would be presented at a workshop in the near future. He then reported on the City's efforts to market the City.

The Commission questioned if staff informs interested entities about the available commercial properties in town with Mr. Neibert explaining that Tom Carrino attends various events and provides lists of available properties.

Commissioner Hawkins reported on a discussion he had with a business owner in Mount Dora who he asked why he chose Mount Dora over Eustis. The person said he found out about the building and thought it would be good for his business. He questioned whether or not Mount Dora is doing something different in marketing than Eustis.

Mr. Neibert assured the Commission that staff is reaching out and will be going to businesses in other communities regarding expanding into Eustis. He then commented on issues regarding attracting businesses that may utilize the railway. It was noted there is only one business actively using the railway. He then cited how City staff evaluates the various events and programs to determine their value to the City. He reported that the City has two upcoming major fishing events. Regarding the development of a kayak launch, he reported that Public Works will be constructing a new launch that will be more accessible to the public.

The Commission asked about development of a seaplane landing with Mr. Neibert indicating that has not been implemented but it could be reconsidered. It was noted that seaplanes can already land on Lake Eustis and a number of done that and tied up at the floating docks.

Discussion was then held regarding relocation of the boat from Mount Dora to Eustis with Mr. Neibert indicating it wasn't possible to relocate the boat to Eustis without disassembling it. He then reported that the transit-oriented development was determined to not be feasible and would need to be removed from the plan.

Mr. Neibert then commented on the various CRA incentive programs, their benefits and how they are administered. He continued the update on goals and implementations.

The Commission asked about the update of parks and recreation user fees and recommended renting the larger front pavilion for public use rather than on a first come, first serve basis.

Mr. Neibert continued the update on the public services action items. He noted that the City is selling all of the reclaimed water so there is no need to develop alternate uses for it. He explained the fleet replacement policy.

The Commission questioned whether or not the City could get assistance for paying for the tower truck as part of the auto-aid agreement.

Chief Swanson explained that the City currently receives more auto-aid than it is giving.

The Commission questioned what would be the cost of adding a third station with Mr. Neibert stating that the annual cost for another station would be \$1 million not counting the actual cost of property and building the station. He then explained the funding for various infrastructure improvements. He indicated staff continually evaluates how to maintain and improve the City buildings and facilities. He

reported on the benefits to the Library from joining the Lake County Library System.

Discussion was held regarding the growth of the Library and issues that were occurring within the County system. Ann Ivey, Library Director, explained how the County is looking to change the funding formula from being circulation based to being either based on population or budget but the City's Library would still be in the top three.

Mr. Neibert reported on the completion of the second fire station. He then commented on the previous goal to have the City's employee compensation and benefits be in the top quartile in the County but that was not feasible. He stated the goal now is to be in the top half of nearby local governments. He then reviewed additional completed actions in the last six years that applied to the various goals and reviewed the various incentive programs that had been implemented and the benefits to the City from those programs. He provided an overview of the completed and under construction residential, commercial and infrastructure projects.

The Commission questioned the status of Eleven Oaks with Mr. Neibert explaining they are having an issue with Lake County in getting a traffic signal installed. He stated that City staff is satisfied with the completed infrastructure. He then reviewed the planned upcoming residential projects and completed industrial/commercial development. He provided a list of new commercial/industrial businesses in the City and commented on discussions with Lake Tech and Lake-Sumter State College regarding educational opportunities.

Mr. Neibert then reviewed the financial benefits citing there has been no millage rate increase since 2013, the low rate of water and sewer increases and stated the City has the lowest per capita General Fund cost in the Golden Triangle and Leesburg. He added that the City also has the lowest per capita number of employees as well. He explained that the City has spent half as much money with half as many people per person as the other communities.

Future Strategies

Mr. Neibert then reviewed proposed future goals for 2021 and beyond beginning with the Police Department's goal to reduce, solve and prevent crime. He listed a variety of programs implemented by the Police Chief including programs to address various quality of life issues including homelessness.

Capt. Ken Birkhofer reported that cameras had been installed in Palmetto Park and will feature real time monitoring. Mr. Neibert indicated they are not yet being monitored from the Police Department due to waiting for computers to be delivered.

The Commission questioned the cost and what would be needed for the Police Chief to do what they want to do with Chief Capri responding it is too soon to tell. He explained his intent to work to do more with what they already have. He commented on his intent to install tag readers at each end of the City.

Commissioner Cobb asked about having a Citizen On Patrol program with Chief

Capri indicating he has a contact who has volunteered to help implement a program. He noted that the department does have a Citizen Academy but it has been on hold due to the pandemic.

Mr. Neibert then reported on the City's intent to collaborate with the Community Traffic Safety Team at Lake County. He cited planned projects for the Library and Recreation departments.

The Commission questioned the City's ability to take children to locations outside the City with Craig Dolan, Parks and Recreation Director, responding that, as long as they are part of the camp and have signed waivers, they can take them to different locations. He expressed concern regarding taking them farther than one hour away due to the age of the City's bus.

Commissioner Hawkins suggested doing something like college tours with younger students. He expressed support for obtaining a newer bus.

Mayor Holland suggested cooperating with Alee Academy as they have four brand new air-conditioned buses with Mr. Dolan indicating they have let the City use their bus before.

Commissioner Cobb also suggested contacting the School Board regarding getting a bus from them.

Vice Mayor Lee asked about the status of the youth leagues with Mr. Dolan explaining they are trying to reactivate the Junior Panthers but stated he was not comfortable with supporting a private individual that is not a not-for-profit.

Mr. Neibert stated that their corporation documents have been reactivated but, to his knowledge, they have no liability insurance at this time. He acknowledged that Chief Capri has indicated he could assist with coordinating with the group.

Further discussion was held regarding cooperative programs between Parks and Recreation and the Library.

The Commission questioned whether or not the soccer field is regulation so they could bring in teams with Mr. Neibert confirming that it is regulation and citing work done on the field. He noted there is also a soccer field for practices out at Pineapple Point.

Commissioner Cobb indicated she has a contact who can assist with bringing in teams.

Mr. Dolan explained Tree Toppers is an aerial course which could possibly be another revenue source if they located out at Pineapple Point.

Vice Mayor Lee asked about starting some programs to assist senior citizens with diet and other programs with Mr. Dolan indicating he could reach out to some local physicians and stating they have started a walking club.

Vice Mayor Lee asked whether there would be the opportunity for adults to garden at the Community Garden. Mr. Dolan responded they are going to start with

children but they want to incorporate the parents into the program.

Commissioner Cobb commented on her efforts to work with the Sheriff to clean up the garden in May. She then asked about archery with Mr. Dolan responding that staff has to get certified first then they can obtain equipment.

Commissioner Hawkins asked about any plans to bring in children to the center from outside the immediate area with Mr. Dolan indicating that is difficult to achieve. He cited the possibility of holding some programs at the Service Center to attract different participants. He also commented on the possibility of holding popup events throughout the City.

Commissioner Hawkins asked about implementing another garden with Rick Gierok, Public Works Director, indicating there is sufficient space for another garden.

Vice Mayor Lee expressed concern about having adults and children in the same area with Mr. Dolan indicating that children would only be present with the camp counselors.

Discussion was held regarding how to have separate adult and children garden plots and how to incorporate the four current gardeners that have plots.

Mr. Neibert suggested having Mr. Dolan develop a master plan for a multi-use garden.

Further discussion was held regarding expanding the existing recreation facility.

Mr. Neibert then reviewed planned projects for the Police Department including transitioning to hybrid police vehicles with higher fuel efficiency and developing either a new police department or public safety complex.

The Commission discussed adding solar-power to City buildings. Mr. Neibert indicated they would be discussing the use of the \$9 million rescue plan funds at the April 15th workshop.

Mr. Neibert then reviewed planned projects for the Public Works/Public Utilities, Fire and Finance Departments. He explained how roadways are prioritized for replacement or repair. He noted the various master plans the City has and offered to provide copies to the individual Commissioners. He noted that staff would be presenting the water rate study at the April 15th Commission meeting. He indicated that what would be proposed is a 2.5% increase for each of the next five years. He added that includes incurring \$7 million in debt for the new Bates Avenue plant.

The Commission asked the Fire Chief how often do other departments come into the City to respond with Chief Swanson stating every day. He explained there are two stations on the City limits and the auto-aid agreement provides for closest unit response so they respond to Haselton Village and Grand Island. He indicated the City covers the south end as well as part of Tavares. He indicated that Mount Dora Station #35 responds to 44 Gables for the City.

Mr. Neibert confirmed that the City is receiving more assistance from the auto-aid agreements that they are giving with Chief Swanson noting that at some point the County will relocate their station farther out so the City will have to fill in.

The Commission questioned how quickly the City would be fully operational if the County abandoned Station #27 with Chief Swanson responding the City does not currently have the personnel available so it would require six to nine months to hire the personnel, with 18 to 24 months to build a new station and hire staff.

The Commission questioned where he would want to place a third station with Chief Swanson responding he would want to put a third station somewhere near the fairgrounds. He stated if the county abandoned Station #27, he would recommend moving Station #23 to the Station #27 site. He commented on how the changes could affect the City's ISO rating negatively.

Further discussion was held regarding the placement of stations and need for additional personnel with Chief Swanson indicating that Station #23 is not in a good location when you look at the City's heat map. He expressed concern regarding coverage for the north end. Discussion was held regarding the reduction in calls due to the auto-aid agreements, the removal of the rescue truck from service due to lack of staff and the need for additional staff. Chief Swanson explained they would need at least six additional staff to put the rescue truck back on the road. He further explained the issue with concurrency.

Mr. Neibert explained that was part of the negotiations with the County regarding the east side annexations as they wanted to be allowed to continue to collect their fire assessment fee and taxes due to them possibly running most of the calls in that area. Chief Swanson stating that currently the City responds to half of the fire and rescue calls in the Thrill Hill area.

Commissioner Cobb cited a Umatilla program that allows organizations or individuals to adopt a roadway island and suggested the City implement a similar program. She asked when the City's contract is up with the landscaping maintenance company and expressed concern regarding their quality of work.

Mr. Gierok explained the contract would be up October 1st and they have a set schedule they are supposed to follow. He expressed concern regarding the ornamental plants that were put in with the DOT grant and expressed support for installing trees instead.

City Clerk Mary Montez noted that Eustis had a program prior to Umatilla's; however, people did not continue to maintain the islands so the program died.

Mr. Neibert asked for the Commission to review the strategic plan as presented, then schedule a second meeting to further discuss the plan and then adopt the plan by resolution.

Mayor Holland cited the need to consider expansion or replacement of the community building, use of the fairgrounds and improvements to the recreation building. He then cited issues he had observed including the need to resurface the parking lot behind Bay Pharmacy and the parking lot by the Chamber of Commerce and weeds growing up along the storm drains on Orange Avenue. He

acknowledged those are state and county roads but they are in the City and need to be maintained. He expressed concern regarding maintenance of Trout Run and stated that, if the City is going to ask people to invest in the City, then they need to make it look good.

Vice Mayor Lee asked for better maintenance in the Bates Avenue area. She commented on the need for programming in that area. She cited clean up needed around the retention areas.

Commissioner Cobb asked if the City owns the parking lot near the Woman's Club with Mr. Neibert indicating the two on Dewey are owned by Tom Zahn, not the City, and indicated he would address the maintenance with Mr. Zahn.

Commissioner Cobb expressed concern regarding various maintenance issues and stated the need for the City to be more proactive than reactive. She expressed support for more cleanliness and beautification.

Commissioner LeHeup-Smith stated a lot of what they are talking about are the lowest paid employees. She asked Mr. Gierok how many employees he is short and he responded a handful. She stated it is going to take more employees and resources.

Mayor Holland noted that in 2008 the City had approximately 400 employees with Mr. Neibert indicating that the City currently has 220.

Mr. Neibert noted that City staff is doing the paving on the east side of the City in order to save money due to lack of funds in the Street Fund. He indicated that self-performing construction projects reduces available staff to do the maintenance.

The Commission questioned staff availability for development of grant applications and cited the need to have a designated staff member to seek out and write grants.

Mr. Neibert indicated that each department has staff members that have written grants and noted that the City has hired a grantwriter when there are specific grants it wants to pursue. He stated it is cheaper to hire a grantwriter for certain grants rather than having a designated staff member. He indicated there are not a lot of grants available for the issues being discussed. He cited a grant the City received from St. John's in the amount of \$2.5 million for the wastewater treatment plant expansion.

Mr. Gierok indicated the time isn't in writing the grant, it's in administering the grants.

Mr. Neibert noted that a lot of the grant programs have fizzled away. He cited recent grants the City has received. He explained staff is aware of the grant programs available so when the city has a project that would be eligible, then they hire an appropriate grantwriter to complete the grant.

Vice Mayor Lee commented on the need for all staff to look at the City with different eyes.

Discussion was held regarding offering summer jobs for students with Bill Howe indicating the City has obtained summer youth but they aren't interested in mowing weeds, they are interested in obtaining job skills.

Mr. Neibert asked the Commission to send their suggestions in over the next week and he would update the plan and then schedule another discussion.

Tammy Roundtree, Chamber Executive Director, stated that City staff have been very supportive and responsive to any problems the Chamber has.

Mayor Holland encouraged the department heads to feel free to talk to the Commissioners regarding issues they need to address.

Commissioner LeHeup-Smith asked about hiring a new planner for Development Services with Lori Barnes, Development Services Director, responding that they have received one qualified applicant who just applied the day before.

2. ADJOURNMENT: 7:06 P.M.



MINUTES

Regular City Commission Meeting

6:00 PM - Thursday, January 6, 2022 - City Hall

INVOCATION: MOMENT OF SILENCE WAS OBSERVED

PLEDGE OF ALLEGIANCE: VICE MAYOR LEE

CALL TO ORDER: 6:01 P.M.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

PRESENT: Vice Mayor Emily Lee, Commissioner Nan Cobb, Commissioner Willie Hawkins and Mayor Michael L. Holland

ABSENT: Commissioner Karen LeHeup-Smith

1. AGENDA UPDATE

2. APPROVAL OF MINUTES

2.1 December 16, 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: Vice Mayor Lee, Commissioner Cobb, Commissioner Hawkins, and Mayor Holland

3. ELECTION OF MAYOR AND VICE MAYOR

3.1 Appointment of City Clerk as Temporary Chairman and Election of Mayor and Vice Mayor

Mayor Holland turned the meeting over to City Clerk Mary Montez for the election of Mayor.

Ms. Montez explained the process for election of Mayor for the audience and then opened the floor to nominations for Mayor.

Commissioner Cobb nominated Commissioner Holland for Mayor for 2022.

There being no further nominations forthcoming, Ms. Montez asked for a motion that the nominations for Mayor be closed.

Motion to Close Nominations for Mayor

Commissioner Cobb moved to close the nominations. Commissioner Lee seconded the motion.

On a voice vote, the motion to close nominations passed unanimously.

Roll Call Vote for Election of Mayor

On a roll call vote in alphabetical order, the nomination of Michael Holland as Mayor for 2022 passed unanimously.

Ms. Montez turned the meeting back over to Mayor Holland for the election of Vice Mayor.

Mayor Holland opened the floor to nominations for Vice Mayor.

Commissioner Cobb nominated Commissioner Lee as Vice Mayor for 2022.

There being no further nominations forthcoming, Mayor Holland asked for a motion to close the nominations for Vice Mayor.

Motion to Close Nominations for Vice Mayor

Commissioner Cobb moved to close the nominations for Vice Mayor. Commissioner Hawkins seconded the motion.

On a voice vote, the motion to close the nominations passed unanimously.

Roll Call Vote for Election of Vice Mayor

On a roll call vote in alphabetical order, the nomination of Emily Lee as Vice Mayor for 2022 passed unanimously.

4. APPOINTMENTS

4.1 Reappointment to Code Enforcement Board - Karen Sartele

Moved by Commissioner Cobb, seconded by Vice Mayor Lee, to approve the reappointment of Karen Sartele to the Code Enforcement Board for a term to expire October 31, 2024. Motion carried by the following votes:

Ayes: Vice Mayor Lee, Commissioner Cobb, Commissioner Hawkins, and Mayor Holland

4.2 Reappointment to the Code Enforcement Board - George Asbate

Moved by Vice Mayor Lee, seconded by Commissioner Cobb, to approve the appointment of George Asbate to the Code Enforcement Board for a term to expire December 31, 2024. Motion carried by the following votes:

Ayes: Vice Mayor Lee, Commissioner Cobb, Commissioner Hawkins, and Mayor Holland

4.3 Reappointment to Historic Preservation Board - Ronald K. Musselman

Moved by Vice Mayor Lee, seconded by Commissioner Cobb, to approve the reappointment of Kirk (Ronald) Musselman to a full three-year term to the Historic Preservation Board to expire December 31, 2024. Motion carried by the following votes:

Ayes: Vice Mayor Lee, Commissioner Cobb, Commissioner Hawkins, and Mayor Holland

5. AUDIENCE TO BE HEARD

- 5.1** Gail Isaac-Thomas addressed the Commission regarding the City's Facebook page. She expressed disappointment regarding the lack of a photo from the presentation to Thomas McClary of a key to the City. She also expressed concern that there was no information provided regarding Johnny Saunders starting up the Little League.

Monica Buggs read a prepared statement from Yolanda Taylor regarding the East Town Community Redevelopment Inc., their meeting held on January 4, 2022 and the purpose of the organization. She expressed hope that the organization and the City can work together to accomplish their goals.

Tanya Wilder asked about how to get "bear crossing" signs in her community of Vildale Park. She commented on the number of children, elderly and delivery people in the area after dark and the need to let them know there are bears in the area. She also asked about installing a warning sign on the curve on Getford Road noting the number of accidents.

Mayor Holland asked Rick Gierok to contact Ms. Wilder.

Lee Conger thanked the Commission for their efforts to continue working with the residents outside east Eustis.

6. CONSENT AGENDA

- 6.1** 2022 Commission Meeting Schedule
- 6.2** Resolution Number 22-02: Lake Lincoln Final Plat and Acceptance of Infrastructure
- 6.3** Resolution Number 22-03: Approving and ratifying an interlocal agreement for use of Lake County regional opioid settlement funds
- 6.4** Resolution Number 22-04: Awarding Ten-8 Fire & Safety, LLC the intent to purchase a Pierce Aerial Platform Truck
- 6.5** Resolution Number 22-05: Approval of purchase in excess of \$50,000 for K-9 Police Vehicle with budget amendment
- 6.6** Resolution Number 22-06: Approval of purchase in excess of \$50,000 for police vehicles
- 6.7** Resolution Number 22-07: Annexation Agreement and Developers Agreement to Provide Water Service Outside the City Limits (3210 County Road 44)

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

Ayes: Vice Mayor Lee, Commissioner Cobb, Commissioner Hawkins, and Mayor Holland

7. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

7.1 Resolution Number 22-01: Appointing Commissioners to various boards and committees

Derek Schroth, City Attorney, announced Resolution Number 22-01: A Resolution by the City Commission of the City of Eustis, Lake County, Florida; to appoint liaisons, directors or members and alternate directors or members to various committees and boards of directors to ensure that the City's interests, as expressed through the City Commission, are represented on these various committees and boards.

Mayor Holland asked if there were any Commissioners who wished to come off their current appointment with Vice Mayor Lee asking to be removed from the MPO stating she would like to be on an education committee.

Tom Carrino, City Manager, confirmed that the City's liaison to the MPO has to be an elected official.

After discussion, Vice Mayor Lee agreed to serve on the Upper Ocklawaha River Basin Working Group and the Wekiva River Basin Working Group with Rick Gierok, Public Works Director, to contact her regarding meeting dates and times. He noted that Daniel Millan has been attending as the staff member. He added they have primarily been meeting via Zoom and that could be set up in the Commission Room to view.

Commissioner Cobb recommended Pam Rivas be appointed as the alternate to the Arts and Cultural Alliance. It was noted that would need to go through the process and then presented to the Commission at a future meeting.

Moved by Nan Cobb, seconded by Willie Hawkins, to approve Resolution Number 22-01 with the Commission appointees as follows: Upper Ocklawaha River Basin Working Group and Wekiva River Basin Working Group - Emily Lee; Lake County League of Cities - Michael Holland with Ms. Lee as Alternate; Lake-Sumter MPO Governing Board - Nan Cobb with Willie Hawkins as alternate; LCAA Board of Directors - Willie Hawkins with Karen LeHeup-Smith as Alternate; City Audit Committee - Michael Holland; Lake County Educational Concurrency Review Committee - Willie Hawkins; and Lake County Arts and Cultural Alliance - Nan Cobb.

Motion carried by the following votes:

Ayes: Vice Mayor Lee, Commissioner Cobb, Commissioner Hawkins, and Mayor Holland

8. FUTURE AGENDA ITEMS

- 8.1** Vice Mayor Lee commented on truck parking at CR44 and Orange Avenue. She noted that Lowe's parking lot is also a problem and asked for the proliferation of truck parking to be addressed.

Mr. Carrino indicated he would discuss that under his report.

Commissioner Hawkins noted that Tallahassee will be discussing the Thrill Hill item and asked that discussion be held before then about sending someone to present the City's position.

Mayor Holland asked that it be placed on the Jan. 20th agenda.

Commissioner Cobb reported that the Junior Panthers have gotten their 501(c)(3) and that Coach Saunders is committed to continuing the program. She asked that the City move forward with installing a scoreboard at the field.

Mayor Holland asked to have that on the next agenda for a formal vote to move forward with the installation of the scoreboard.

Commissioner Cobb asked to have a community cleanup in preparation for the upcoming African American Heritage Festival. She asked about the work on Bates with Mr. Gierok indicating it is not the City, it is the gas company. He stated he would reach out to them the next day and make sure they are aware of what is coming up.

Commissioner Cobb then asked to schedule the community cleanup for February 12th. She cited Bates Avenue and Palmetto as locations for the cleanup.

Mr. Gierok reported that his crews always do a lot of cleanup on Bates Avenue prior to the festival.

9. COMMENTS

9.1 City Commission

Commissioner Hawkins noted he previously met with people regarding the state of Virginia Avenue and the last thing they heard from the County was they did not take it in so the City decided to accept it for maintenance. He announced for the public that it is on the schedule to be paved in the FY2022-23 fiscal year. He commented that just because a project is not started immediately does not mean it is not being worked on. He then announced the Tyler Williams football game would start at 2 p.m. on Sunday, January 9, 2022, at the Corey Rolle Memorial Field. He stated that the proceeds from the game will go to Runway to Hope which assists with pediatric cancer. He announced that Mark NeJame, the founder, will be in town on Saturday so he can meet Tyler.

Vice Mayor Lee announced that on January 22nd there would be a community block party and health fair. She stated it is being sponsored by the Eustis Community Alliance, Tri-City NAACP Health Committee, One Blood and Advent Health.

Mr. Carrino confirmed they would be doing Covid vaccinations, but not testing, as

well as flu vaccinations.

Chief Swanson explained they would not do testing as it would encourage people with symptoms to attend. He also indicated they would not be able to do vaccinations at First Friday due to lack of staff.

Commissioner Cobb provided a prepared statement citing a number of accomplishments of the City in 2021. She thanked all the City employees for their hard work and dedication. She provided a list of the events attended by the Commissioners.

Vice Mayor Lee recognized the Eustis Community Alliance and their efforts to revitalize the former Resource Center on Clifford Street and provide new programming. She indicated they would be providing a presentation at a future meeting.

9.2 City Manager

Mr. Carrino indicated that the majority of the Commission agreed to hold a meeting with Randall Arendt to be paid for by Lake County. He explained the Commission needs to find a date and stated that Commissioner LeHeup-Smith is available on Wednesday, January 19th; Monday, January 24th and Thursday, January 27th. He suggested that the time would most likely be in the evening.

Following discussion, it was a consensus to tentatively schedule the meeting for Monday, January 24th in the evening with Mr. Carrino to check with Lake County to see if Mr. Arendt would be available that day. He indicated that the joint Commission meeting would be scheduled for some time after that.

Mr. Carrino then reported that they are working on a job description for an internal grantwriter position. He indicated it would be for someone that can seek a variety of grants as well as help administer the grants and keep the City in compliance.

Mr. Carrino announced that the City is working with Tavares, Umatilla and the County regarding an interlocal agreement for trails development which will enable them to seek grants. He explained the process for trails development. He then reported on a phone call he and Derek Schroth had with Derek Bruce regarding a possible agreement with Atrium. He stated they also discussed the possibility of utilizing his services regarding Map #19, the JPA agreement and other land use issues. Mr. Bruce will be providing a proposal and an estimated cost for his services.

Mr. Carrino stated that staff looked at the Abrams road site regarding truck parking and they are working to determine if there are code violations that can be enforced. He then reminded the Commission that the next CRA Review Committee meeting will be held on January 13th and staff will be getting out additional information ahead of that. He stated the CRA Review Committee Community Meeting will be on Tuesday, Jan. 25th, at 6 p.m. at the Curtright Center.

Mayor Holland asked to have Derek Bruce attend a Commission meeting and introduce himself with Mr. Carrino confirming that he has asked him to attend the

January 20th meeting.

9.3 City Attorney - None

9.4 Mayor

Mayor Holland thanked Commissioner Cobb for her review of the 2021 activities. He commented on how hard the Commission works for the community. He cited various organizations that they are involved with. He expressed pride in what they do for the City and how dedicated they are to improving the City. He thanked everyone for their attendance and the Commission for again selecting him as Mayor.

10. ADJOURNMENT: 6:55 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: January 20, 2022
RE: PRESENTATION BY LAKE CARES - KELSEY GONZALEZ

Introduction:

At the request of Commissioner Hawkins, Kelsey Gonzalez will be in attendance to provide a presentation regarding Lake Cares and their programs.

Reviewed by:

Tom Carrino, Interim City
Manager
Mary Montez, City Clerk

Approved - 14 Jan 2022
Approved - 14 Jan 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: January 20, 2022
RE: UPDATE ON USE OF SEE-CLICK-FIX APPLICATION

Introduction:

Kristina Rosenberg, Community Relations Coordinator, has been the primary staff member in charge of the implementation of the See-Click-Fix application. She will provide an update to the Commission on the use of the new application and provide a practical demonstration of the program.

Reviewed by:

Tom Carrino, Interim City
Manager
Mary Montez, City Clerk

Approved - 14 Jan 2022

Approved - 14 Jan 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: January 20, 2022
RE: RESOLUTION NUMBER 22-08: ABANDONMENT AND TERMINATION OF A PORTION OF A BLANKET UTILITY EASEMENT ON PROPERTY OUTSIDE THE CITY LIMITS AT THE NE CORNER OF SR 44 AND MEADENHALL BOULEVARD

Introduction:

Resolution Number 22-08 provides for abandonment and termination of a portion of a blanket utility easement established pursuant to a Development Agreement with Mid-Florida at Eustis, LLC.

Background:

On September 23, 1999, the City of Eustis entered into a Development Agreement with Mid-Florida at Eustis, Inc. to provide for extension of water and sewer utility lines to property located on State Road 44 and Eustis Airport Road. In Section 4 of the Development Agreement recorded in Official Records Book 1768, Pages 1471 through 1474, Mid-Florida at Eustis, Inc. granted and conveyed to the City, a blanket easement over and across the property for the installation, maintenance and repair of water and sewer utilities.

RGC Ventures, LLC, the current owner of a portion of the property subject to the blanket utility easement, has requested the City of Eustis abandon the portion of the easement over and across their property, which easement needs to be removed to clear title and facilitate sale of the property.

Water and sewer utilities were installed pursuant to the Mid-Florida at Eustis, Inc. Development Agreement, but the Public Works Department has verified that no Eustis utilities exist on the portion of the property owned by RCG Ventures, LLC, and confirmed there is no further public need for a blanket utility easement over and across the RGC Ventures, LLC property.

Recommended Action:

The administration recommends approval of Resolution Number 22-08.

Attachments:

[Resolution Number 22-08](#)

[Mid-Florida at Eustis Inc Developers Agreement](#)

[Map of Utility Locations](#)

Reviewed by:

Tom Carrino, Interim City
Manager

Approved - 12 Jan 2022

Mary Montez, City Clerk

Approved - 14 Jan 2022

RESOLUTION NUMBER 22-08

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; ABANDONING AND TERMINATING A PORTION OF A BLANKET UTILITY EASEMENT ESTABLISHED PURSUANT TO A DEVELOPMENT AGREEMENT WITH MID-FLORIDA AT EUSTIS, INC. FOR PROPERTY LOCATED ON STATE ROAD 44 AND EUSTIS AIRPORT ROAD, AS RECORDED IN THE PUBLIC RECORDS OF LAKE COUNTY OFFICIAL RECORDS BOOK 1768, PAGES 1471 THROUGH 1474.

WHEREAS, on September 23, 1999, the City of Eustis entered into a Development Agreement with Mid-Florida at Eustis, Inc. to provide for extension of water and sewer utility lines to the property described in Exhibit A and shown on Exhibit B, attached hereto; and

WHEREAS, in Section 4 of the Development Agreement recorded in Official Records Book 1768, Pages 1471 through 1474, Mid-Florida at Eustis, Inc. granted and conveyed to the City, a blanket easement over and across the property for the installation, maintenance and repair of water and sewer utilities; and

WHEREAS, RGC Ventures, LLC, owner of a portion of the property subject to the blanket utility easement, has requested the City of Eustis abandon the portion of the easement over and across the property identified by Alternate Key Number 3245831, which property is more particularly described in Exhibit C and shown on Exhibit D, attached hereto; and

WHEREAS, water and sewer utilities have been installed pursuant to the Mid-Florida at Eustis, Inc. Development Agreement, and the Eustis Public Works Department has verified the locations of said utilities; and

WHEREAS, the Eustis Public Works Department has verified that no Eustis utilities exist on the portion of the property described in Exhibit C, attached hereto; and

WHEREAS, the Eustis Public Works Department has confirmed there is no further public need for a blanket utility easement over and across the property described in Exhibit C; and

WHEREAS, the City Commission deems it appropriate to abandon and terminate any portion of the blanket utility easement over and across the property described in Exhibit C; and

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

Section 1. That any portion of the blanket utility easement pursuant to the Development Agreement recorded in OR Book 1768, Pages 1471 through

1474 that exists over and across the property described in Exhibit C is hereby abandoned and terminated.

Section 2. That the Eustis City Commission, does hereby renounce and disclaim any right, title, or interest, not herein reserved, in and to said portion of the blanket utility easement.

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

DONE AND RESOLVED this 20th day of January, 2022, in regular session of the City Commission of the City of Eustis, Florida.

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

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 20th day of January, 2022, by the City of Eustis 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 22-08 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
Legal Description

Property Subject to Blanket Utility Easement Pursuant to OR 1768 Pg 1471-1474

Parcel A: From the Southeast corner of Section 8, Township 19 South, Range 27 East, Lake County, Florida, run South 89 ° 24'00" West along the South line of the said Section 8 to a distance of 1305.12 feet for a Point of Beginning; From said Point of Beginning, run thence North 0 ° 36'00" West 1306.90 feet, more or less, to the North line of the South ½ of the Southeast ¼ of the said Section 8, thence run West along the North line of the South ½ of the Southeast ¼ of the said Section 8 a distance of 466.67 feet; thence run South 0°36'00" East to the South line of the said Section 8, thence run North 89 ° 24' East a distance of 466.67 feet to the Point of Beginning.

Parcel B: From the Northeast corner of Section 17, Township 19 South, Range 27 East, Lake County, Florida, run South 89 ° 24'00" West along the North line of the said Section 17 a distance of 1306.12 feet for a Point of Beginning. From said Point of Beginning run thence South 0 ° 36'00" East 1959.79 feet, thence run South 89 ° 24'00" West 466.67 feet, thence run North 0 ° 36'00" West 1959.79 feet to the North line of the said Section 17, thence run North 89 ° 24'00" East along the Northline of the said Section 17 a distance of 466.67 feet to the Point of Beginning.

Parcel C: That part of the South 269.51 feet of the North 911.51 feet of Section 17, Township 19 South, Range 27 East, lying East of the Easterly right of way line of State Road S-44B, Less that part lying East of the following described line: From the Northeast Corner of said Section 17, run West along the North line of said Northeast ¼ a distance of 2176.36 feet for a point of beginning; run thence South 0 ° 36'00" East 1959.79 feet to the point of terminus.

Parcel D: That part of the South 269.51 feet of the North 911.51 feet of Section 17, Township 19 South, Range 27 East, lying East of the following described line: From the Northeast corner of said Section 17, run West along the North line of said Northeast ¼ a distance of 2176.86 feet for a point of beginning; run thence South 0 ° 36'00" East 1959.79 feet to the point of terminus, and lying West of the following described line: From the Northeast corner of said Section 17, run West along the North line of said Northeast ¼ a distance of 1772.79 feet for a point of beginning; run thence South 0 ° 36'00" East 1959.79 feet to the point of terminus.

Parcel E: That part of the South 322 feet of the North 642 feet of the Northeast ¼ of Section 17, Township 19 South, Range 27 East, in Lake County, Florida, lying East of the Easterly line of the right of way of State Road S44-B, Less that part thereof lying East of the following described line: From the Northeast corner of said Section 17, run West along the North line thereof 1772.79 feet to the point of beginning of said line; run thence South 0 ° 36'00" East 1959.79 feet to the end of said line.

Exhibit B
Map of Legal Description in Exhibit A

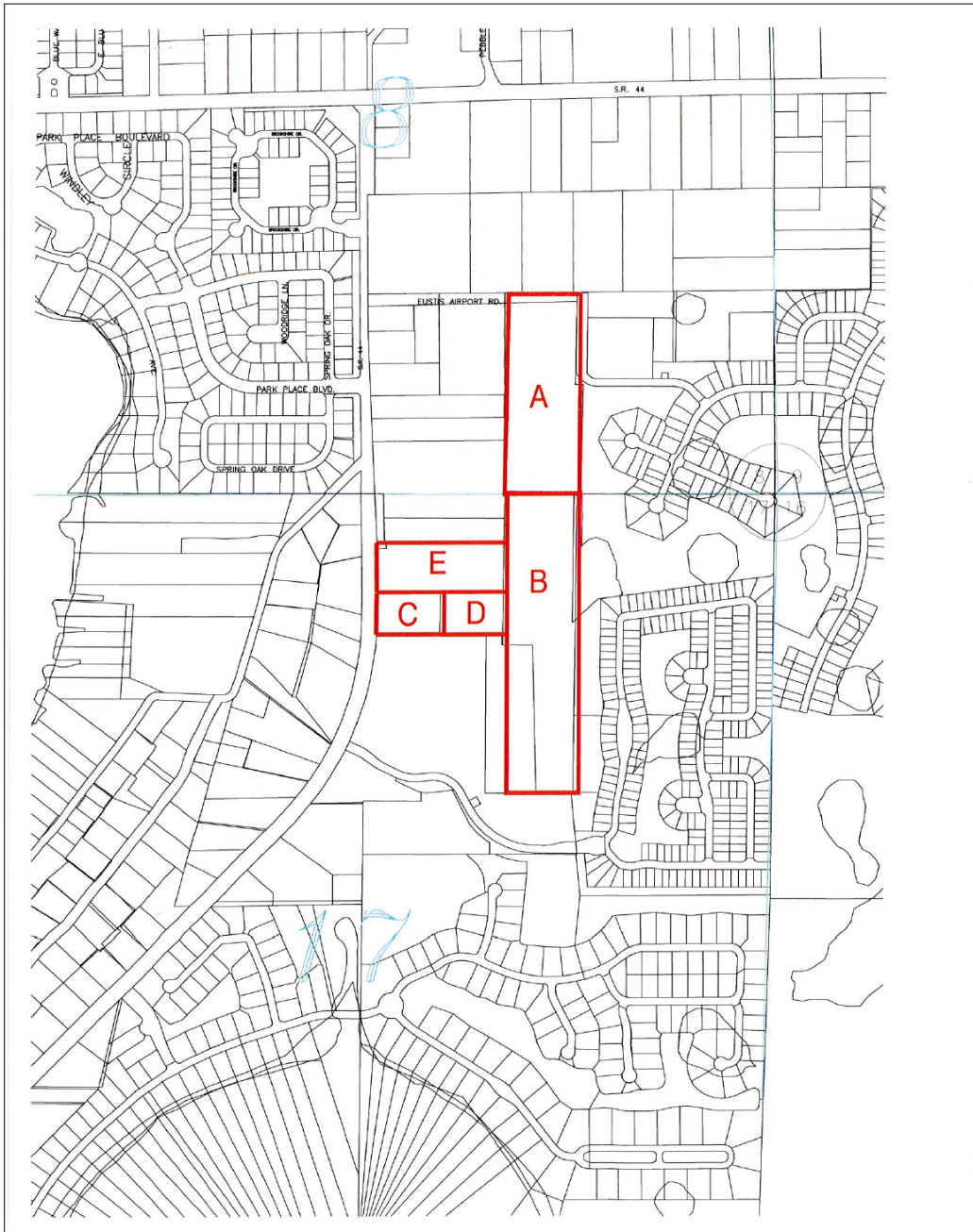


Exhibit C

Resolution Number 22-08
Abandonment and Termination of a Portion of a Blanket Utility Easement
Page 5 of 8

Legal Description
RGC Ventures, LLC Property

Alternate Key Number: 3245831

Parcel Identification Number: 17-19-27-0001-000-06700

FROM E ¼ COR RUN N 0-36-32 W 18.34 FT, S 88-58-41 W 1250.60 FT TO A POINT ON E LINE OF TRACT G OF LOCH LEVEN PHASE FOUR, N 06-18-38 W 348.08 FT FOR POB, CONT N 06-18-38 W 69.71 FT, N 90-0-0 E 114.36 FT, N 04-50-51 E 103.70 FT, N 10-24-45 E 135.40 FT TO A POINT OF CURVATURE, THENCE N'LY ALONG THE ARC OF A CURVE CONCAVE TO THE E, HAVING A RADIUS OF 885 FT, A CENTRAL ANGLE OF 01-15-04, AN ARC DIST OF 19.32 FT, S 89-24-0 W 406.23 FT, N 02-14-29 W 971.04 FT, S 89-21-27 W 199.64 FT, N 0-36-0 W 77.78 FT TO A POINT ON A LINE 911.51 FT S OF & PARALLEL WITH THE N LINE OF E ½ OF SEC, S 89-24-29 W 811.77 FT TO A POINT OF INTERSECTION WITH E R/W LINE OF CR 44-B, THENCE S'LY ALONG SAID E R/W LINE ALONG THE ARC OF A CURVE CONCAVE TO THE NW, HAVING A RADIUS OF 1960.08 FT, A CENTRAL ANGLE OF 21-53-04, A CHORD BEARING S 13-09-14 W, AN ARC DIST OF 748.66 FT, THENCE RUN S 65-42-22 E 74.10 FT TO A POINT OF CURVATURE, THENCE E'LY ALONG THE ARC OF A CURVE CONCAVE TO THE SW, HAVING A RADIUS OF 387 FT, A CENTRAL ANGLE OF 17-56-08, AN ARC DIST OF 121.14 FT TO A POINT OF REVERSE CURVATURE, THENCE CONT E'LY ALONG THE ARC OF SAID CURVE CONCAVE TO THE NE, HAVING A RADIUS OF 325 FT, A CENTRAL ANGLE OF 17-56-08, AN ARC DIST OF 101.74 FT TO A POINT OF TANGENCY, THENCE S 65-42-22 E 91.23 FT TO A POINT OF CURVATURE, THENCE E'LY ALONG THE ARC OF A CURVE CONCAVE TO THE N, HAVING A RADIUS OF 225 FT, A CENTRAL ANGLE OF 30-56-46, AN ARC DIST OF 121.53 FT TO A POINT OF TANGENCY, THENCE N 83-20-52 E 74.87 FT TO A POINT OF CURVATURE, THENCE E'LY ALONG THE ARC OF A CURVE TO THE SW, HAVING A RADIUS OF 225 FT, A CENTRAL ANGLE OF 66-41-55, AN ARC DIST OF 261.92 FT TO A POINT OF TANGENCY, THENCE S 29-57-14 E 76.92 FT, THENCE N 60-02-46 E 55 FT, THENCE S 29-57-14 E 55 FT, THENCE S 60-02-46 W 55 FT TO A POINT ON A CURVE, THENCE SE'LY ALONG THE ARC OF A CURVE CONCAVE TO THE NE, HAVING A RADIUS OF 475 FT, A CENTRAL ANGLE OF 60-38-46, A CHORD BEARING S 60-16-37 E, AN ARC DIST OF 502.78 FT TO A POINT OF TANGENCY, THENCE N 89-24-0 E 50 FT TO A POINT OF CURVATURE, THENCE E'LY ALONG THE ARC OF A CURVE CONCAVE TO THE N HAVING A RADIUS OF 225 FT, A CENTRAL ANGLE OF 18-11-42, AN ARC DIST OF 71.45 FT TO A POINT OF REVERSE CURVATURE, THENCE CONT E'LY ALONG THE ARC OF A CURVE CONCAVE TO THE S, HAVING A RADIUS OF 275 FT, A CENTRAL ANGLE OF 18-11-42, AN ARC DIST OF 87.33 FT TO A POINT OF TANGENCY, THENCE N 89-24-0 E 26.06 FT TO A POINT OF CURVATURE, THENCE E'LY ALONG THE ARC OF CURVE CONCAVE TO THE N, HAVING A RADIUS OF 87 FT, A CENTRAL ANGLE OF 11-34-53, AN ARC DIST OF 17.59 FT TO POB—LESS FROM NE COR OF GOV LOT 1 RUN S 0-35-33 E 786.03 FT

TO THE POINT OF CURVATURE OF A CURVE CONCAVE W'LY & HAVING A RADIUS
OF 1910.08 FT, A CHORD DIST OF 846.40 FT, A CHORD BEARING OF S 12-12-29 W
& A CENTRAL ANGLE OF 25-36-05, THENCE RUN S'LY ALONG THE ARC OF SAID
CURVE A DIST OF 853.48 FT TO A POINT, SAID POINT BEING THE NW'LY EXTENSION OF NE'LY
R/W LINE OF MEADENHALL BLVD PLAT OF LANCASTER AT LOCH LEVEN PHASE
ONE PB 59 PG 1, THENCE DEPARTING SAID SR 44 & FROM A TANGENT BEARING
N 25-0-32 E, RUN S 64-47-06 E ALONG SAID NW'LY EXTENSION A DIST OF 50 FT
TO THE INTERSECTION OF E'LY R/W LINE OF SAID SR 44 WITH SAID
NE'LY R/W OF MEADENHALL BLVD & POB & A TANGENT BEARING OF N 25-0-51 E,
CONT S 64-47-06 E ALONG SAID NE'LY R/W LINE OF MEADENHALL BLVD A DIST
OF 2 FT, N 32-26-21 W 26.16 FT TO E'LY R/W LINE OF SR 44, SAID POINT BEING
ON A CURVE CONCAVE NW'LY, HAVING A RADIUS OF 1960.08 FT, A CHORD DIST
OF 14 FT, A CHORD BEARING OF S 24-48-34 W & A CENTRAL ANGLE OF 0-24-33,
THENCE FROM TANGENT BEARING OF S 24-36-18 W, RUN SE'LY ALONG THE ARC
OF SAID CURVE A DIST OF 14 FT TO POB FOR ADDITIONAL RD R/W--
ORB 4398 PG 930

Exhibit D
Map of Legal Description in Exhibit C



Gail Holston
City of Eustis
PO Drawer 68
Eustis, FL 32727

(P)

Doc# 99092570
Book: 1768
Pages: 1471 - 1474
Filed & Recorded
11/15/99 09:59:52 AM
JAMES C. WATKINS
CLERK OF CIRCUIT COURT
LAKE COUNTY
RECORDING
TRUST FUND
\$ 23^{17.00}_{2.50}

DEVELOPMENT AGREEMENT

This Agreement is made and entered into effective this 23rd day of September, 1999, by and between the **CITY OF EUSTIS, FLORIDA**, a Florida municipal corporation (hereinafter "CITY") and **MID-FLORIDA AT EUSTIS, INC.**, a Florida corporation (hereinafter "MID-FLORIDA").

WHEREAS, **MID-FLORIDA** owns property located along County Road 44B legally described as set forth on attached Exhibit "A" ("the Property"); and

WHEREAS, **MID-FLORIDA** has requested that **CITY** extend water and sewerage utility lines to the Property; and

Book 1768 Page 1471

WHEREAS, **CITY** is willing to extend such utilities to the Property provided **MID-FLORIDA** deed property to **CITY** for a lift station site as required by **CITY** and provided further that **MID-FLORIDA** agree that the Property when developed shall receive water and sewer utilities exclusively from **CITY**.

NOW, THEREFORE, in consideration of the mutual promises and covenants set forth herein and other valuable consideration, the parties agree as follows:

1. **RECITALS.** The above stated recitals are true and correct and shall be part of this agreement.
2. **EXTENSION OF SERVICES.** **CITY** agrees to extend water and wastewater/sewerage utility lines to the Property. **CITY** will bear the costs of installation of such lines.
3. **EXCLUSIVE UTILITY PROVIDER.** **MID-FLORIDA** agrees that **CITY** shall be the exclusive water and wastewater/sewerage utility provider for the Property. The provision of utility services by **CITY** shall be in accordance

with the existing adopted service area of CITY'S comprehensive plan. CITY may enforce this provision by any and all legal means available, including, but not limited to, injunctive relief.

4. **EASEMENT.** MID-FLORIDA hereby grants and conveys to CITY a blanket easement over and across the Property for the installation, maintenance, and repair of the utilities discussed herein. At the request of CITY, MID-FLORIDA will convey to CITY, free from encumbrances, any further easement or easements across the property as CITY may require. Such easements shall be a general utility easement which would allow for both water and wastewater/sewerage lines and related utility items. The width and location of the easements are to be mutually determined between CITY and MID-FLORIDA if restriction of the blanket easement set forth above is necessary. Until such time as CITY has approved and recorded any easement or easements deemed necessary by CITY, CITY shall have no further obligations under this agreement.

5. **ATTORNEY'S FEES AND COSTS.** In connection with any enforcement action to enforce the provisions and the rights granted by this agreement, or should litigation arise out of this agreement, the prevailing party shall be entitled to recover all expenditures including a reasonable attorney's fee and legal assistant fee for services rendered in connection therewith, including appellate proceedings and post-judgment proceedings.

6. **ENTIRE AGREEMENT AND BINDING EFFECT.** This agreement and a letter agreement between the parties dated June 28, 1999 and any attached exhibits constitute the entire agreement between the parties. No prior written or contemporaneous or subsequent oral promises or representations shall be

binding. This agreement shall not be amended or changed except by written instrument signed by both parties hereto. The provisions of this agreement shall be binding upon and inure to the benefit of the heirs, executors, administrators, successors and assigns of the parties and shall run perpetually with the property herein described.

IN WITNESS WHEREOF, the parties have executed this agreement at Eustis, Lake County, Florida on this 23 day of September, 1999.



Jim R. Myers, Jr.
City Clerk

CITY OF EUSTIS, FLORIDA

Michael G. Stearman
Michael G. Stearman, City Manager
City of Eustis

MID-FLORIDA AT EUSTIS, INC.,

Billy G. Spikes
By: Billy G. Spikes
As its: President

ATTEST:

By: _____

As its: _____

COE/Developers Agrmt Mid Florida/cak

STATE OF FLORIDA
COUNTY OF LAKE

Sworn & Subscribed before me this
29th day of October, 1999.

Gail Holston
GAIL HOLSTON, Notary Public
(Personally known)



Book 1768 Page 1474
EXHIBIT "A"

Parcel A: From the Southeast corner of Section 8, Township 19 South, Range 27 East, Lake County, Florida, run South 89°24'00" West along the South line of the said Section 8 to a distance of 1305.12 feet for a Point of Beginning; From said Point of Beginning, run thence North 0°36'00" West 1306.90 feet, more or less, to the North line of the South 1/2 of the Southeast 1/4 of the said Section 8, thence run West along the North line of the South 1/2 of the Southeast 1/4 of the said Section 8 a distance of 466.67 feet; thence run South 0°36'00" East to the South line of the said Section 8, thence run North 89°24' East a distance of 466.67 feet to the Point of Beginning.

Parcel B: From the Northeast corner of Section 17, Township 19 South, Range 27 East, Lake County, Florida, run South 89°24'00" West along the North line of the said Section 17 a distance of 1306.12 feet for a Point of Beginning. From said Point of Beginning run thence South 0°36'00" East 1959.79 feet, thence run South 89°24'00" West 466.67 feet, thence run North 0°36'00" West 1959.79 feet to the North line of the said Section 17, thence run North 89°24'00" East along the North line of the said Section 17 a distance of 466.67 feet to the Point of Beginning.

Parcel C: That part of the South 269.51 feet of the North 911.51 feet of Section 17, Township 19 South, Range 27 East, lying East of the Easterly right of way line of State Road S-44B, Less that part lying East of the following described line: From the Northeast Corner of said Section 17, run West along the North line of said Northeast 1/4 a distance of 2176.36 feet for a point of beginning; run thence South 0°36'00" East 1959.79 feet to the point of terminus.

Parcel D: That part of the South 269.51 feet of the North 911.51 feet of Section 17, Township 19 South, Range 27 East, lying East of the following described line: From the Northeast corner of said Section 17, run West along the North line of said Northeast 1/4 a distance of 2176.86 feet for a point of beginning; run thence South 0°36'00" East 1959.79 feet to the point of terminus, and lying West of the following described line: From the Northeast corner of said Section 17, run West along the North line of said Northeast 1/4 a distance of 1772.79 feet for a point of beginning; run thence South 0°36'00" East 1959.79 feet to the point of terminus.

Parcel E: That part of the South 322 feet of the North 642 feet of the Northeast 1/4 of Section 17, Township 19 South, Range 27 East, in Lake County, Florida, lying East of the Easterly line of the right of way of State Road S44-B, Less that part thereof lying East of the following described line: From the Northeast corner of said Section 17, run West along the North line thereof 1772.79 feet to the point of beginning of said line; run thence South 0°36'00" East 1959.79 feet to the end of said line.





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: January 20, 2022
RE: EXPLANATION OF ORDINANCES FOR PROPERTY ON SUANEE AVENUE:
ORDINANCE NUMBER 22-01 - VOLUNTARY ANNEXATION
ORDINANCE NUMBER 22-02 - COMPREHENSIVE PLAN AMENDMENT
ORDINANCE NUMBER 22-03 - DESIGN DISTRICT ASSIGNMENT

Introduction:

Ordinance Number 22-01 provides for the voluntary annexation of approximately 0.494 acres located on the north side of Suanee Avenue, east of Wall Street (Alternate Key Numbers 1064309 and 1427118). Provided the annexation of the subject property is approved, Ordinance Number 22-02 would change the future land use designation from Urban Low in Lake County to Suburban Residential (SR) in the City of Eustis, and Ordinance Number 22-03 would assign the subject property a design district designation of Suburban Neighborhood. If Ordinance Number 22-01 is denied, then there can be no consideration of Ordinance Numbers 22-02 and 22-03.

Background:

See attached Staff Report.

Recommended Action:

The administration recommends approval of Ordinance Numbers 22-01, 22-02, and 22-03.

Alternatives:

1. Approve Ordinance Numbers 22-01 (Annexation), 22-02 (Comp. Plan Amendment), and 22-03 (Design District Designation).
2. Deny Ordinance Number 22-01. If Ordinance Number 22-01 is denied, then there can be no consideration of Ordinance Numbers 22-02 and 22-03.

Budget Impact:

Based on the current assessment and millage rate, the City can anticipate approximately \$95 annually in ad-valorem revenue (predevelopment). There would be no direct costs to the City

beyond the normal City services. There would be no additional staff time beyond the normal review process.

Attachments:

[Staff Report Ordinance 22-01, 22-02, 22-03 Annex FLU DD](#)

[Ordinance Number 22-01 Annexation](#)

[Ordinance Number 22-02 FLUMA](#)

[Ordinance Number 22-03 Design Dist](#)

Reviewed by:

Mary Montez, City Clerk

Approved - 14 Jan 2022

Lori Barnes, Director

Approved - 13 Jan 2022

Tom Carrino, Interim City
Manager

Approved - 14 Jan 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: JANUARY 20, 2022
RE: **EXPLANATION OF ORDINANCES FOR PROPERTY ON SUANEE AVENUE**
Ordinance Number 22-01 – Voluntary Annexation
Ordinance Number 22-02 – Comprehensive Plan Amendment
Ordinance Number 22-03 – Design District Assignment

Introduction

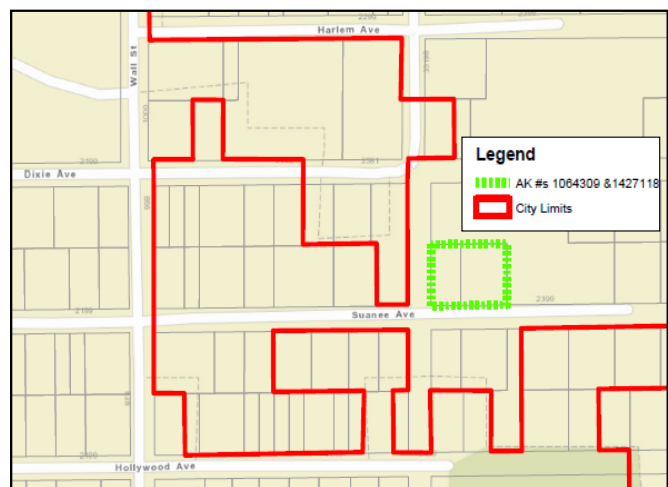
Ordinance Number 22-01 provides for the voluntary annexation of approximately 0.494 acres located on the north side of Suanee Avenue, east of Wall Street (Alternate Key Numbers 1064309 and 1427118). Provided the annexation of the subject property is approved, Ordinance Number 22-02 would change the future land use designation from Urban Low in Lake County to Suburban Residential (SR) in the City of Eustis, and Ordinance Number 22-03 would assign the subject property a design district designation of Suburban Neighborhood. If Ordinance Number 22-01 is denied, then there can be no consideration of Ordinance Numbers 22-02 and 22-03.

Recommended Action

The administration recommends approval of Ordinance Numbers 22-01, 22-02, and 22-03.

Background/Pertinent Site Information

1. The site contains approximately 0.494 acres, and is located within the Eustis Joint Planning Area. The site is currently vacant with vegetation in existence. *Source: Lake County Property Appraisers' Office Property Record Card Data.*
2. The site is contiguous to the City on its western boundary.
3. The site has a Lake County land use designation of Urban Low, but approval of Ordinance Number 22-02 would change the land use designation to Suburban Residential (SR) in the City of Eustis.



Surrounding properties have the following land use designations:

Location	Existing Use	Future Land Use	Design District
Site	Vacant	Urban Low (Lake County)	N/A
North	Vacant	Urban Low (Lake County)	N/A
South	Single Family Residence	Urban Low (Lake County)	N/A
East	Vacant	Urban Low (Lake County)	N/A
West	Single Family Residence	Suburban Residential	Suburban Neighborhood

Applicant's Request

The applicant and property owner, Nestor Diaz as manager for Envisage Homes, LLC, wishes to annex the property, change the future land use to Suburban Residential (SR), and assign a design district of Suburban Neighborhood.

The current Lake County land use designation for the subject property is Urban Low. The Lake County land use designation allows for residential uses up to four dwelling units per one net buildable acre in addition to civic, institutional, commercial, and office uses at an appropriate scale and intensity to serve this category. Limited light industrial uses may only be allowed as a conditional use.

The property owner has requested the SR land use designation within the City of Eustis. The SR land use provides for residential uses up to 5 dwelling units per acre. The requested SR designation permits the proposed residential use and is consistent with the land use designation of properties to the west, northwest, southwest, and southeast in the City of Eustis. The SR designation allows for similar uses as those that are in existence immediately adjacent to the property which are single family residential, located to the west with Eustis SR land use and to the south with Lake County land use designation of Urban Low.

Five theoretical maximum dwelling units are possible on this property as Land Development Regulations (LDR) Section 110-2(h)(6) permits development on each of the previously platted lots (five (5) lots 19 through 23 of Rosenwald Gardens, BLK 11 PB 5 PG 61 ORB 1031 PG 1353 ORB 4917 PG 1342).

Analysis of Annexation Request (Ordinance Number 21-37)

1. Resolution Number 87-34 – Joint Planning Area Agreement with Lake County:

“The City and the County agree that the unincorporated areas adjacent to the City might be appropriately served by urban services provided by the City, and might therefore be annexed into the City in accordance with State law.....The City agrees to annex property in accordance with State law and provide adequate urban services and facilities to serve those areas within the Joint Planning Area.”

The subject property is located within the Joint Planning Area. Urban services of adequate capacity are available to serve future development, consistent with the

requested SR future land use designation. (See public facilities and services analysis under item 5 below).

2. Florida Statutes Voluntary Annexation - Chapter 171.044(1):

“The owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality and reasonably compact may petition the governing body of said municipality that said property be annexed to the municipality.”

The Joint Planning Area boundaries define the reasonably compact area where the City could provide services effectively and efficiently. The subject property lies within that planning area; it is contiguous to the City limits on the western boundary; and the owner petitioned for annexation.

3. Florida Statutes Voluntary Annexation - Chapter 171.044(2):

“...Said ordinance shall be passed after notice of the annexation has been published at least once each week for 2 consecutive weeks in some newspaper in such city or town...”

The department published notice of this annexation in the Daily Commercial in accordance with the requirements on January 6, 2022 and January 13, 2022.

4. Florida Statutes Voluntary Annexation - Chapter 171.044(5):

“Land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves.”

Annexation of the subject property does not create an enclave; it reduces the size of an existing enclave.

5. Florida Statutes Voluntary Annexation - Chapter 171.044(6):

“Not fewer than 10 days prior to publishing or posting the ordinance notice required under subsection (2), the governing body of the municipality must provide a copy of the notice, via certified mail, to the board of the county commissioners of the county wherein the municipality is located...”

The department provided notice to the Lake County Board of County Commissioners on December 27, 2021.

Analysis of Comprehensive Plan/Future Land Use Request (Ordinance Number 22-02)

In Accordance with Florida Statutes Chapter 163.3177.9.:

Discourage Urban Sprawl:

Primary Indicators of Sprawl:

The future land use element and any amendment to the future land use element shall discourage the proliferation of urban sprawl. The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment:

Review of Indicators

1. Low Intensity Development:

Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.

This indicator does not apply. The requested future land use will provide for a higher density (5 du/acre) than the county FLU (4 du/acre) allows.

2. Urban Development in Rural Areas:

Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.

This indicator does not apply. The site is adjacent to existing urban and suburban style residential development to the north and northwest along with Eustis High School Curtright Campus to the northwest and west. The subject property is located less than 1.5 miles from the downtown Eustis core.

3. Strip or Isolated Development:

Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.

This indicator does not apply. The site is adjacent to existing/approved residential development. The proposed designation is consistent with the character of the surrounding area.

4. Natural Resources Protection:

Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.

This indicator does not apply. The subject property is not in a floodplain nor does it contain wetlands. Building permit approval is required before development may begin. The Comprehensive Plan and the Land Development Regulations include standards for protection of environmentally sensitive lands that would apply should conditions at time of development warrant such protection.

5. Agricultural Area Protection:

Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.

This indicator does not apply. This site and adjacent areas do not support active agricultural or silvicultural activities. The site is not prime farmland, and per the United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS), contains Myakka, wet, sands, 0 to 2 percent slopes.

6. Public Facilities:

Fails to maximize use of existing public facilities and services.

This indicator does not apply. City water is available to the property. Development of this parcel will maximize the use and efficiency of City water service. Unless the developer extends sewer lines to serve the site, septic systems must be utilized.

7. Cost Effectiveness and Efficiency of Public Facilities:

Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.

This indicator does not apply. Adequate capacity is available to serve the existing and future development consistent with the requested SR future land use designation. The City provides these services to other properties in the area, so efficiency will improve. The property will utilize existing water service already provided to other properties in the area increasing efficiency and cost effectiveness.

8. Separation of Urban and Rural:

Fails to provide a clear separation between rural and urban uses.

This indicator does not apply. No nearby properties contain active agricultural activities or uses. The surrounding area is developed or has development entitlements attached to the land. These developments have densities and intensities that are clearly suburban uses. The single-family character of the SR land use designation and the Suburban Neighborhood design district are compatible with the existing development pattern.

9. Infill and Redevelopment:

Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.

This indicator does not apply. This property is a logical extension of development for the city. Infill development is occurring in the city, mostly on existing platted lots. The SR future land use and Suburban Neighborhood design district are compatible and consistent with the existing development pattern.

10. Functional Mix of Uses:

Fails to encourage a functional mix of uses.

This indicator does not apply. The site is surrounded by single-family development on the adjacent properties, which is consistent with permitted uses in the area. Within 1.5 to 2 miles of the subject property, a variety of other uses are evident, including various commercial uses.

11. Accessibility among Uses:

Results in poor accessibility among linked or related land uses.

This indicator does not apply. The Land Development Regulations include provisions to provide adequate accessibility and linkages between related uses. Development Services will ensure compliance with these standards at time of development review.

12. Open Space:

Results in the loss of significant amounts of functional open space.

This indicator does not apply. The site does not contain functional open space and is not connected to regionally important open space.

13. Urban Sprawl:

The future land use element or plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of the following:

a. Direction of Growth:

Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.

The site is adjacent to existing urban/suburban development patterns and is a logical extension of the urban development boundary. The Comprehensive Plan and Land Development Regulations have provisions to protect natural resources and ecosystems at time of site plan approval.

b. Efficient and Cost-Effective Services:

Promotes the efficient and cost-effective provision or extension of public infrastructure and services.

Water service is already available. This property using existing water service will increase the efficiency and cost effectiveness of these services.

c. Walkable and Connected Communities:

Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.

At time of development, the site must meet the City's Land Development Regulations. The site is within close proximity to local parks, such as 0.5 miles from Carver Park. Eustis Middle School and Eustis High School Curtright Campus are about a mile from the subject property.

d. Water and Energy Conservation:

Promotes conservation of water and energy.

Modifications or redevelopment of the site must meet City development and Florida Building Code standards that will require energy and water efficient appliances.

e. Agricultural Preservation:

Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.

Not applicable; this site and adjacent areas do not support active agricultural or silvicultural activities. The site is not prime farmland, and per the United States

Department of Agriculture Natural Resources Conservation Service (USDA NRCS), contains Myakka, wet, sands, 0 to 2 percent slopes.

f. Open Space:

Preserves open space and natural lands and provides for public open space and recreation needs.

This is not applicable. The site does not provide functional open space or natural areas.

g. Balance of Land Uses:

Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.

This does not apply. The proposed use for residential development is similar with surrounding uses. Existing commercial development exists in close proximity to serve the residential population.

h. Urban Form Densities and Intensities:

Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in s. 163.3164.

Not applicable. This is infill development consistent and compatible with existing surrounding development.

In Accordance with Comprehensive Plan Future Land Use Element Appendix:

All applications for a Plan amendment relating to the development patterns described and supported within the Plan including, but not limited to, site specific applications for changes in land use designations, are presumed to involve a legislative function of local government which, if approved, would be by legislative act of the City and shall, therefore, be evaluated based upon the numerous generally acceptable planning, timing, compatibility, and public facility considerations detailed or inferred in the policies of the Plan. Each application for an amendment to the Map #1: 2035 Future Land Use Map by changing the land use designation assigned to a parcel of property shall also be reviewed to determine and assess any significant impacts to the policy structure on the Comprehensive Plan of the proposed amendment including, but not limited to, the effect of the land use change on either the internal consistency or fiscal structure of the Plan.

Major Categories of Plan Policies:

This Plan amendment application review and evaluation process will be prepared and presented in a format consistent with the major categories of Plan policies as follows:

1. General Public Facilities/Services:

Since the Plan policies address the continuance, expansion and initiation of new government service and facility programs, including, but not limited to, capital facility construction, each application for a land use designation amendment shall include a description and evaluation of any Plan programs (such as the effect on the

timing/financing of these programs) that will be affected by the amendment if approved. This analysis shall include the availability of, and actual and anticipated demand on, facilities and services serving or proposed to serve the subject property. The facilities and services required for analysis include emergency services, parks and recreation, potable water, public transportation if and when available, sanitary sewer, schools, solid waste, stormwater, and the transportation network.

a. *Emergency Services Analysis:*

The subject property is located approximately 1.5 miles from the downtown core. Eustis emergency services already provide emergency response to other properties in the area. Additionally, fire service (Eustis Fire Station 22) is located within approximately 2.6 miles of the subject property. Any development consistent with the SR future land use designation would not have a significant negative impact on the operations of Eustis emergency services.

b. *Parks & Recreation:*

In 2010, the City prepared a Park Inventory and Level of Service Demand and Capacity analysis as part of the Comprehensive Plan Evaluation and Appraisal Report. The results show that a surplus of park area exists up to and beyond the City's population reaching 20,015. The current population is just over the study amount (21,689). However, as the subject lots are pre-platted, the development will not be required to provide onsite dedicated park space.

Parks Level of Service Demand and Capacity

c.

Year	Population	LOS Required acreage	Existing Acreage	Surplus/ (Deficiency)
2009/10	18,538	55.61	453.76	398.15
2010/11	18,760	56.28	453.76	397.48
2011/12	18,985	56.96	453.76	396.81
2012/13	19,213	57.64	453.76	396.12
2013/14	19,443	58.33	453.76	395.43
2014/15	20,015	60.05	453.76	393.72

ter & Sanitary Sewer:

Water is available to the subject property. The following outlines the water and wastewater demand based on a maximum development potential scenario.

Potential Residential Demand

5 Dwelling Units

Water – 5 x 351 GPD = 1,755 GPD

According to the City of Eustis Public Works Department, water capacity is available to serve up to and including the maximum development potential.

Unless the developer extends sewer to serve the properties, wastewater will be by septic tank and will follow the Lake County Health Department rules.

d. *Schools:*

The proposed change will not negatively impact schools. The addition of up to five dwelling units is considered a de-minimis development and does not require a school impact report.

e. *Solid Waste:*

The City contracts with Waste Management for hauling of solid waste. The company already services properties in the general area of the subject property. Serving this property will increase efficiency in delivery of services.

f. *Stormwater:*

The Comprehensive Plan and Land Development Regulations include level of service standards to which new development must adhere. Projects designed to meet these standards will not negatively affect the existing facilities and services.

g. *Transportation Network Analysis:*

This potential added residential development is considered de-minimis development for transportation and is considered to have no negative impacts on the existing transportation system. At this time, the adjacent transportation network has the capacity to serve the proposed SR property, even at a maximum development standard, without negatively affecting the adopted level of service.

2. Natural Resources/Natural Features:

The policies of the Plan also contain general regulatory guidelines and requirements for managing growth and protecting the environment. These guidelines will be used to evaluate the overall consistency of the land use amendment with the Comprehensive Plan. Specifically, each amendment will be evaluated to 1) determine the existence of groundwater recharge areas; 2) the existence of any historical or archaeological sites; 3) the location of flood zones and the demonstration that the land uses proposed in flood-prone areas are suitable to the continued natural functioning of flood plains; and 4) the suitability of the soil and topography to the development proposed.

a. *Ground water recharge areas:*

The site is not within a high recharge area, nor a wellhead protection area. Source: Lake County Comprehensive Plan 2030 Floridian Aquifer Recharge Map.

b. *Historical or archaeological sites:*

The City does not have any record of Florida Master Site Files related to this property and no known historical or cultural resources exist.

c. *Flood zones:*

The subject property is not located within a flood zone. Source - Lake County GIS - 2012 Flood Zones.

d. *Soil and topography:*

The site soils are Myakka-Myakka, wet, sands, 0 to 2 percent slopes. Myakka soils are very deep, very poorly or poorly drained, moderately rapid or moderately permeable soils.

The depth to a restriction feature or the water table is at 80 inches or more below the surface. Permeability is rapid. This 0.494-acre site is surrounded by existing/approved residential and commercial development and not suited to agriculture.

As building permit approval must be obtained before redevelopment can begin, the Comprehensive Plan and the Land Development Regulations include standards for protection of environmentally sensitive lands that would apply should conditions at time of development warrant such protection.

3. **Comprehensive Plan Review:**

Additional criteria and standards are also included in the Plan that describe when, where and how development is to occur. Plan development policies will be used to evaluate the appropriateness of the compatibility of the use, intensity, location, and timing of the proposed amendment.

Existing Land Use According to the Lake County Comprehensive Plan:

“The Urban Low Density Future Land Use Category provides for a range of residential development at a maximum density of four (4) dwelling units per net buildable acre in addition to civic, institutional, commercial, and office uses at an appropriate scale and intensity to serve this category. Limited light industrial uses may only be allowed as a conditional use.

This category shall be located on or in proximity to collector or arterial roadways to minimize traffic on local streets and provide convenient access to transit facilities. Within this category any residential development in excess of 10 dwelling units shall be required to provide a minimum 25% of the net buildable area of the entire site as common open space.

The maximum intensity in this category shall be 0.25, except for civic institutional uses which shall be 0.35. The maximum Impervious Surface Ratio shall be 0.60.”

Proposed Land Use According to the Eustis Comprehensive Plan:

The Suburban Residential (SR) land use designation is provided to accommodate the majority of residential development within the City. The general range of uses include: 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. Suburban Residential lands may be developed up to a maximum density of 5 dwelling units per net buildable acre.

The land use designations of residential properties within the City of Eustis in the surrounding area are generally Suburban Residential (SR) with a maximum density of 5 dwelling units per acre (du/ac). North of the subject property, some properties are designated with the Urban Residential (UR) future land use with a maximum of 12 dwelling units per acre (du/ac).

The surrounding properties, immediately adjacent to the north, east and south, unincorporated areas are designated Urban low with a maximum density of 4 dwelling units per net buildable acre.

Comparison of Lake County Development Conditions

The existing Lake County future land use designation of the property is Urban Low, which provides for a range of residential development in addition to civic, commercial and office uses at an appropriate scale and intensity to serve this category. Allowable density and intensity in Urban Low is a maximum of 4 dwelling units per acre and intensity of 0.25 to 0.35 floor area ratio, with the sum of residential density and non-residential intensity not exceeding 100%.

Residential: Lake County limits residential development to 4 du/acre or a total of 3 dwelling units. The SR allows 5 du/acre or 5 theoretical maximum units as Land Development Regulations (LDR) Section 110-2(h)(6) permits development on each of the previously platted lots (five (5)).

Proposed Residential Land Uses.

The City shall limit these uses adjacent to incompatible commercial or industrial lands unless sufficient mitigation, such as buffering and setbacks is provided and available, which lessens the impact to the proposed residences.

Not applicable. The area already includes a mix of uses including single-family residential attached and detached as well as multifamily (apartments to the north/northwest) in close proximity to commercial.

Proposed Non-Residential Land Uses.

The City shall generally not permit new industrial uses to be located adjacent to existing or planned residentially designated areas.

Not applicable.

4. Transportation:

Each application for a land use designation amendment will be required to demonstrate consistency with the Transportation Element of the adopted Comprehensive Plan.

This potential added residential development is considered de-minimis development for transportation and is considered to have no negative impacts on the existing transportation system. At this time, the adjacent transportation network has the capacity to serve the proposed SR property, even at a maximum development standard, without negatively affecting the adopted level of service.

5. Water Supply:

Each application for a land use designation amendment will be required to demonstrate that adequate water supplies and associated public facilities are (or will be) available to meet the projected growth demands.

City water service and other services are available. Refer to 1.c above for more information. The City's adopted Water Supply Plan anticipated additional growth consistent with this development, so both supply and capacity are available.

In Accordance with Chapter 102-16(f), Land Development Regulations

Standards for Review:

In reviewing the application of a proposed amendment to the comprehensive plan, the local planning agency and the city commission shall consider:

a. ***Consistent with Comprehensive Plan:***

Whether the proposed amendment is consistent with all expressed policies the comprehensive plan.

The proposed amendment is consistent with the Comprehensive Plan. See analysis above under item 1.A through D.

b. ***In Conflict with Land Development Regulations:***

Whether the proposed amendment is in conflict with any applicable provisions of these land development regulations.

The proposed amendment is not in conflict with the Land Development Regulations. At the time of development there will be further review for compliance.

c. ***Inconsistent with Surrounding Uses:***

Whether, and the extent to which, the proposed amendment is inconsistent with existing and proposed land uses.

The SR future land use designation is designed for single-family residential areas. The surrounding existing uses are also single-family residential. The SR designation is intended to provide for residential uses in a suburban atmosphere.

d. ***Changed Conditions:***

Whether there have been changed conditions that justify an amendment.

The applicant wishes to annex the property into the City limits of Eustis. Assignment of a City of Eustis future land use designation is required. Upon

annexation, the subject property will have a full array of municipal services, including central water. These changed conditions warrant a change in the land use designation.

e. *Demand on Public Facilities:*

Whether, and the extent to which, the proposed amendment would result in demands on public facilities, and whether, or to the extent to which, the proposed amendment would exceed the capacity of such public facilities, infrastructure and services, including, but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools, and fire and emergency medical facilities.

City water service is available and in close proximity to the site. Adequate capacity is available to serve future development consistent with the requested Suburban Residential future land use designation. This single-family residential development is considered de-minimis for all infrastructure and services. Sewer service is not currently available to this property. Unless the developer extends sewer to serve the property, septic will need to be utilized. Upon annexation, the City will also provide other services such as fire and police protection, library services, parks, and recreation. The City provides these services to other properties in the area, so efficiency will improve.

f. *Impact on Environment:*

Whether, and the extent to which, the proposed amendment would result in significant impacts on the natural environment.

The site contains no apparent natural resources and is not connected to significant open space.

g. *Orderly Development Pattern:*

Whether, and the extent to which, the proposed amendment would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern.

The site is within an existing enclave contiguous to the City limits. The annexation would create a logical development pattern as it makes the City limits more compact, to reach the eventual goal of a Eustis area under one local government jurisdiction.

The requested SR future land use designation, coupled with a Suburban Neighborhood design district designation, provides for a consistent development transect.

h. *Public Interest and Intent of Regulations:*

Whether the proposed amendment would be consistent with or advance the public interest, and in harmony with the purpose and intent of these land development regulations.

The purpose and intent of the Land Development Regulations is as follows:

“The general purpose of this Code is to establish procedures and standards for the development of land within the corporate boundaries and the planning area of the city, such procedures and standards being formulated in an effort to promote the public health, safety and welfare and enforce and implement the city's comprehensive plan, while permitting the orderly growth and development with the city and Eustis planning area consistent with its small-town community character and life style”

The requested designation of SR land use will provide for orderly growth and development. This designation would advance the public interest by providing housing options and services, and application of the LDRs to the future development will ensure consistency with the community character and lifestyle.

i. Other Matters:

Any other matters that may be deemed appropriate by the local planning agency or the city commissioners, in review and consideration of the proposed amendment.

No other matters.

Analysis of Design District Request (Ordinance Number 21-39):

Form-Based Code:

The City's Land Development Regulations are a form-based code. Design districts are unique to form-based codes. Lake County still uses traditional Euclidean zoning, so there are no design districts for parcels in unincorporated Lake County. When a parcel annexes into the City of Eustis, the City must assign a consistent design district that follows the urban, suburban and rural transect

1. Standards for Review:

The Land Development Regulations includes the following standards for review of an amendment to the Design District Map. In approving a change in the designation, the City Commission shall consider: Whether the amendment is in conflict with any applicable provisions of the Code.

a. Section 102-17(a) “...Section 109-3 Design Districts:

identifies the definition, structure and form of each design district. The assignment of design district must follow the district pattern and intent.”

The requested amendment assigns a newly annexed parcel a designation that meets the district pattern and intent (Suburban Neighborhood). The Suburban development pattern and intent, and the Suburban neighborhood definition, structure and form description are stated below. The assignment of a Suburban Neighborhood design district designation is appropriate due to the established and proposed development patterns in the area.

b. *Sec. 109-3.4. Suburban development pattern intent statements:*

Intent. Suburban development pattern...relies primarily on a pattern of residential development that provides the majority of property owners with substantial yards on their own property. The street layout, comprised of streets with fewer vehicular connections, helps to reduce cut-through traffic and establishes distinct boundaries for residential communities/subdivisions. Each land use provides for pedestrian and bicycle connections.

Design districts – Suburban Neighborhood

a. Definition. Predominately residential uses with some neighborhood scale commercial services.

b. Structure. Interconnected trails, bikeways and walkways with a street framework comprised of a range of blocks permitted throughout the neighborhoods.

c. Form. Mix of detached residential uses with some neighborhood supporting retail, parks and civic spaces as focal points in the neighborhoods.

The Suburban development patterns statement above indicates that residential uses are primarily located on streets with fewer vehicle connections. A Suburban Neighborhood designation follows the district pattern and intent outlined in the Land Development Regulations, and is consistent with the existing transect in the area.

c. *Section 102-17(a)*

The following guidelines must be followed when proposing the reassignment of design district:

Compatible intensities should face across streets. Changes in design districts should occur along rear alleys or lanes or along conservation edges.

Reassignment is not being proposed; a Eustis design district designation must be assigned to annexed property; the proposed design district is compatible with the surrounding design districts.

d. *Consistent with Comprehensive Plan:*

Whether the proposed amendment is consistent with all elements of the comprehensive plan.

The requested amendment is consistent with the Future Land Use element (including Policy FLU 1.2.4, Development Patterns and FLU 1.3.2. Maintain Residential Compatibility), as well as all other elements of the Comprehensive Plan.

e. *Consistent with Surrounding Uses:*

Whether, and the extent to which, the proposed design district is consistent with existing and proposed land uses.

The Suburban Neighborhood definition, structure and form are compatible with the existing uses and any proposed uses permitted under the Suburban Residential future land use designation.

f. *Changed Conditions:*

Whether there have been changed conditions that justify amending the design district.

The subject property is proposed for annexation and a design district assignment is necessary. The conditions have changed from land located in unincorporated Lake County without central services to a site within the City of Eustis with municipal services.

g. *Public Facilities.*

Whether, and the extent to which, the proposed redistricting would result in demands on public facilities, and whether, or to the extent to which, the proposed change would exceed the capacity of such public facilities, including, but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools, and fire and emergency medical facilities.

A redistricting is not proposed. This amendment will not change the demand on public facilities. Assigning a design district to an annexation property will not change the demand on public facilities. The Future Land Use designation controls the density and intensity permitted on the site, so the Design District map amendment would not result in impacts beyond that already anticipated. Also see analysis of public facilities in above sections of this report.

h. *Impact to Environment:*

Whether, and the extent to which, the redistricting would result in significant impacts on the natural environment.

The proposed Design District designation for this property does not change the development potential of the parcel. Design Districts control the form and function of any development that does occur. The Future Land Use designation controls the density, intensity and minimum open space permitted on the site, so the Design District amendment would not result in additional impacts on the natural environment. As building permit approval must be obtained before development can begin, the Comprehensive Plan and the Land Development Regulations include standards for protection of environmentally sensitive lands that would apply should conditions at time of development warrant such protection.

i. *Property Values:*

Whether, and the extent to which, the proposed redistricting would affect the property values in the area.

Redistricting is not being proposed; a Eustis design district designation must be assigned to annexed property. This request should not affect property values, because the proposed Design District designation is consistent with the surrounding development patterns and design districts.

j. *Orderly Development Pattern:*

Whether, and the extent to which, the proposed redistricting would result in an orderly and logical development pattern.

The request is assignment of a design district to an annexation parcel, not redistricting. However, the proposed Design District designation is consistent with the suburban development pattern identified in Section 109-5.5 of the Land Development Regulations. Assignment of the requested designation will result in a more orderly and logical development pattern; making the designation consistent with the surrounding area designations and established development patterns.

k. *Public Interest and Intent of Regulations:*

Whether the proposed redistricting would be in conflict with the public interest, and in harmony with the purpose and intent of these regulations.

The request is assignment of a design district to an annexation parcel, not redistricting. The proposed Design District is not in conflict with the public interest and reflects the purpose and intent of the regulations.

l. *Other Matters:*

Any other matters that may be deemed appropriate by the city commission, in review and consideration of the proposed redistricting.

The request is assignment of a design district to an annexation parcel, not redistricting. The City's Land Development Regulations are a form-based code. The Design District designations define the development form, but not the types of land uses, densities, intensities or required open space. The districts, therefore, must be consistent and follow the urban, suburban and rural transect. This request assigns a Suburban Neighborhood design district designation to an annexation parcel, which is consistent with the existing transect.

Applicable Policies and Codes

1. Resolution Number 87-34

Joint Planning Area Agreement with Lake County: "The City and the County agree that the unincorporated areas adjacent to the City might be appropriately served by urban services provided by the City, and might therefore be annexed into the City in accordance with State law..... The City agrees to annex property in accordance with State law and provide adequate urban services and facilities to serve those areas within the Joint Planning Area."

2. Florida Statutes Chapter 171.044: Voluntary Annexation:

- a. "The owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality and reasonably compact may petition the governing body of said municipality that said property be annexed to the municipality."
- b. "Land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves."

3. Comprehensive Plan - 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 below.
4. Land Development Regulations Section 109-5.5(b)(1): The Suburban Neighborhood Design District has predominately residential uses with some neighborhood scale commercial services with interconnected trails, bikeways and walkways with a street framework comprised of a range of blocks permitted throughout the neighborhoods.
5. Land Development Regulations Section 109-2.3: The SR land use has a maximum density of five units to one acre. The SR designation is intended to provide for a mix of single-family detached, patio homes and townhouse-type dwellings in a suburban atmosphere.

Fiscal Impact:

The current just value of the subject property is \$12,547. Based on the current millage rate of 7.581, annexation of the property could increase annual operating revenues by as much as \$95 before development.

Alternatives:

1. Approve Ordinance Numbers 22-01 (Annexation), 22-02 (Comp. Plan Amendment), and/or 22-03 (Design District Designation).
2. Deny Ordinance Numbers 22-01, 22-02 and 22-03.

Discussion of Alternatives:

Alternative 1 approves the Ordinances.

Advantages:

- The action would be consistent with the expansion plans for the City in accordance with the adopted Eustis Planning Area.
- Annexation would reduce the size of an existing enclave.
- The City would have a more compact service area for utilities, police, and fire to increase efficiency and level of service. A more compact service area can reduce the overall per capita cost of providing urban services.
- Annexation would increase the tax base of the City and increase the annual operating revenues.
- The land use change and design district assignment are consistent with the proposed use of the property and the nature of the surrounding area.
- The action could encourage additional development and/or annexations in that area.

Disadvantages:

- There are no disadvantages.

Alternative 2 denies the Ordinances.

(If Ordinance Number 22-01 is denied, the Commission cannot approve Ordinance Numbers 22-02 and 22-03.)

Advantages:

- The City would not have to provide services to the subject property.
- The Commission could consider a different Land Use or Design District designation for the property.

Disadvantages:

- Denying annexation would create a gap in the City's natural growth boundary as defined by the Eustis Planning Area.
- The action would eliminate the potential for increased operating revenue and the subject property would continue to receive the indirect benefits of City services that are provided to adjacent properties without paying City taxes.
- The City would continue to experience gaps in its service area causing service inefficiency and confusion regarding City boundaries.
- The City could lose an economic development opportunity.

Community Input

The department has notified surrounding property owners within 500 feet of the site; placed the proper legal advertisements in the newspaper; and the applicant posted the site. As of January 13, the department received one inquiry from a member of the public regarding this request, and they requested information but had no objection to the request. Additional opportunity for public input will be provided at the January 18 and February 3, 2022 City Commission meetings.

Budget / Staff Impact:

Based on the current assessment and millage rate, the City can anticipate approximately \$95 annually in ad-valorem revenue (predevelopment). There would be no direct costs to the City beyond the normal City services. There would be no additional staff time beyond the normal review process.

Prepared By:

Heather Croney, Senior Planner

Reviewed By:

Lori Barnes, AICP, CPM, Development Services Director

Attachments:

Ordinance Number 22-01, Exhibit A: Location
Ordinance Number 22-02, Exhibit A: Land Use Map
Ordinance Number 22-03, Exhibit A: Design District Map

ORDINANCE NUMBER 22-01

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA,
VOLUNTARILY ANNEXING APPROXIMATELY 0.494 ACRES OF REAL PROPERTY
ON SUANEE AVENUE (ALTERNATE KEY NUMBERS 1064309 AND 1427118).**

WHEREAS, Nestor Diaz, the legal owner of record, has made application for voluntary annexation of approximately 0.494 acres of real property located on Suanee Avenue, more particularly described as:

Parcel Alternate Key: 1064309

Parcel Identification Number: 01-19-26-0600-011-02100

ROSENWALD GARDENS LOTS 21, 22, 23 BLK 11 PB 5 PG 61

ORB 1031 PG 1353 ORB 4917 PG 1342

AND

Parcel Alternate Key: 1427118

Parcel Identification Number: 01-19-26-0600-011-01900

ROSENWALD GARDENS LOTS 19, 20 BLK 11 PB 5 PG 61

ORB 1763 PG 1283 ORB 4917 PG 1334

WHEREAS, the subject property is reasonably compact and contiguous; and

WHEREAS, the annexation of this property will not result in the creation of enclaves;
and

WHEREAS, the subject property is located within the City of Eustis Planning Area,
and water service is available to the property; and

WHEREAS, on January 20, 2022 the City Commission held the 1st Public Hearing
to consider the voluntary annexation of the property contained herein; and

WHEREAS, on February 3, 2022, the City Commission held the 2nd Public Hearing to
consider the voluntary annexation of the property contained herein

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

SECTION 1.

That pursuant to, and under the authority of, Florida Statute 171.044, the City of Eustis,
Lake County, Florida, does hereby annex and amend the municipal boundaries to include
approximately 0.494 acres of real property, as described above.

A map depicting the location of the annexed property described above is attached hereto as Exhibit "A".

SECTION 2.

That the Director of Development Services shall be authorized to amend the City of Eustis Boundary Map to incorporate the change described in Section 1.

SECTION 3.

That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 4.

That upon final passage and adoption, the City Clerk is hereby directed to file a copy hereof with the Clerk of the Circuit Court, the County Manager for Lake County, Florida, and the Department of State for the State of Florida within 7 days after the adoption of such ordinances.

SECTION 5.

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 6.

That this Ordinance shall become effective upon passing.

SECTION 7.

That the property annexed in this Ordinance is subject to the Future Land Use Element of the Lake County Comprehensive Plan until the City adopts the Comprehensive Plan Amendment to include the annexed parcel in the City Comprehensive Plan.

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

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

Michael L. Holland
Mayor/Commissioner

ATTEST:

Ordinance Number 22-01
Annexation 2021-A-10
Page 2 of 4

Mary C. Montez, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 3rd day of February, 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 Eustis City Commission but I have not performed an independent title examination as to the accuracy of the legal description.

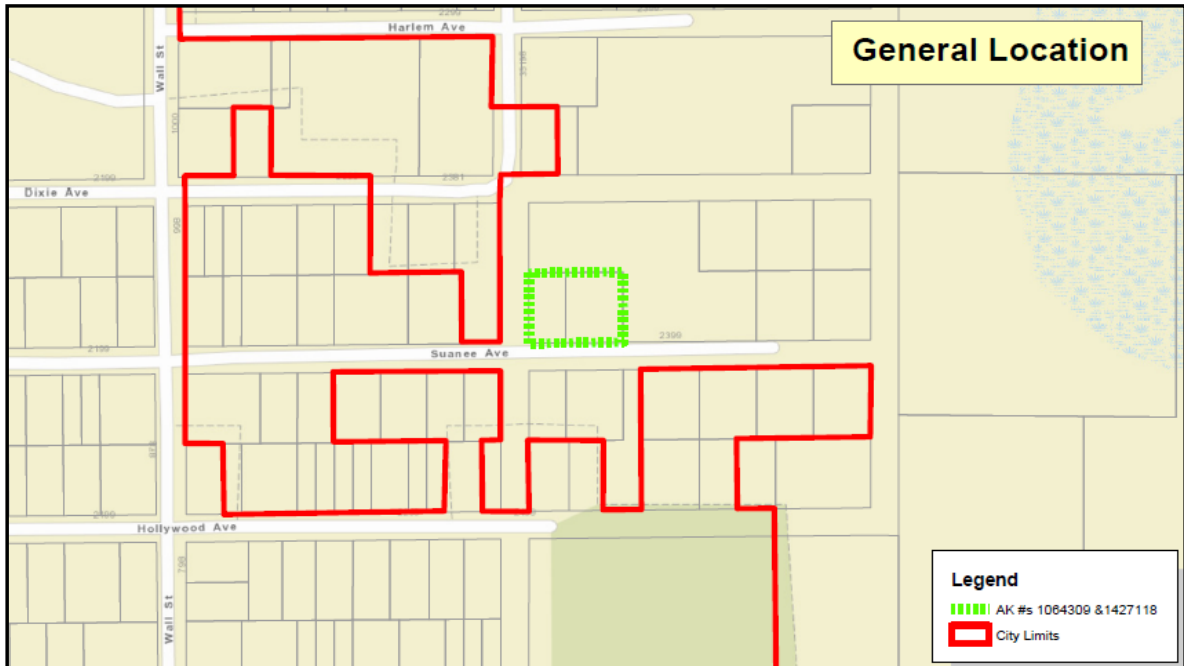
City Attorney's Office Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 22-01 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



ORDINANCE NUMBER 22-02

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, AMENDING THE CITY OF EUSTIS COMPREHENSIVE PLAN PURSUANT TO 163.3187 F.S.; CHANGING THE FUTURE LAND USE DESIGNATION OF APPROXIMATELY 0.494 ACRES OF RECENTLY ANNEXED REAL PROPERTY ON SUANEE AVENUE (ALTERNATE KEY NUMBERS 1064309 AND 1427118) FROM URBAN LOW IN LAKE COUNTY TO SUBURBAN RESIDENTIAL (SR) IN THE CITY OF EUSTIS.

WHEREAS, on November 4, 2010, the Eustis City Commission adopted the City of Eustis Comprehensive Plan 2010-2035 through Ordinance Number 10-11; and

WHEREAS, State of Florida Department of Community Affairs found the City of Eustis Comprehensive Plan 2010-2035 in compliance pursuant to Sections 163.3184, 163.3187, and 163.3189 Florida Statutes; and

WHEREAS, the City of Eustis periodically amends its Comprehensive Plan in accordance with Chapter 163.3187 and 163.3191, Florida Statutes; and

WHEREAS, the City of Eustis desires to amend the Future Land Use Map Series to change the Future Land Use designation on approximately 0.494 acres of real property located on Suanee Avenue (Alternate Key Numbers 1064309 and 1427118), and more particularly described herein; and

WHEREAS, on January 20, 2022, the Local Planning Agency held a Public Hearing to consider the adoption of a Small-Scale Future Land Use Amendment for this change in designation; and

WHEREAS, on January 20, 2022, the City Commission held the 1st Adoption Public Hearing to accept the Local Planning Agency's recommendation to adopt the Small-Scale Future Land Use Amendment contained herein; and

WHEREAS, on February 3, 2022, the City Commission held the 2nd Adoption Public Hearing to consider the adoption of the Small-Scale Future Land Use Amendment contained herein;

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

SECTION 1.

Land Use Designation: That the Future Land Use Designation of the real property as described below shall be changed from Urban Low in Lake County to Suburban Residential (SR) within the City of Eustis:

Parcel Alternate Key: 1064309

Parcel Identification Number: 01-19-26-0600-011-02100

ROSENWALD GARDENS LOTS 21, 22, 23 BLK 11 PB 5 PG 61

ORB 1031 PG 1353 ORB 4917 PG 1342

AND

Parcel Alternate Key: 1427118

Parcel Identification Number: 01-19-26-0600-011-01900

ROSENWALD GARDENS LOTS 19, 20 BLK 11 PB 5 PG 61

ORB 1763 PG 1283 ORB 4917 PG 1334.

SECTION 2.

Map Amendment and Notification: That the Director of Development Services shall be authorized to amend the Future Land Use Map of the Comprehensive Plan to incorporate the change described in Section 1 and provide appropriate notification in accordance with Florida Statutes.

SECTION 3.

Conflict: That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 4.

Severability: 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.

Effective Date: The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the Department of Economic Opportunity notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the Department of Economic Opportunity or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity.

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

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

Michael L. Holland
Mayor/Commissioner

ATTEST:

Mary C. Montez, City Clerk

Ordinance Number 22-02
Future Land Use - Suwannee Avenue (Alternate Key #s 1064309 and 1427118)
Page 2 of 4

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 3rd day of February, 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 Eustis City Commission but I have not performed an independent title examination as to the accuracy of the legal description.

City Attorney's Office

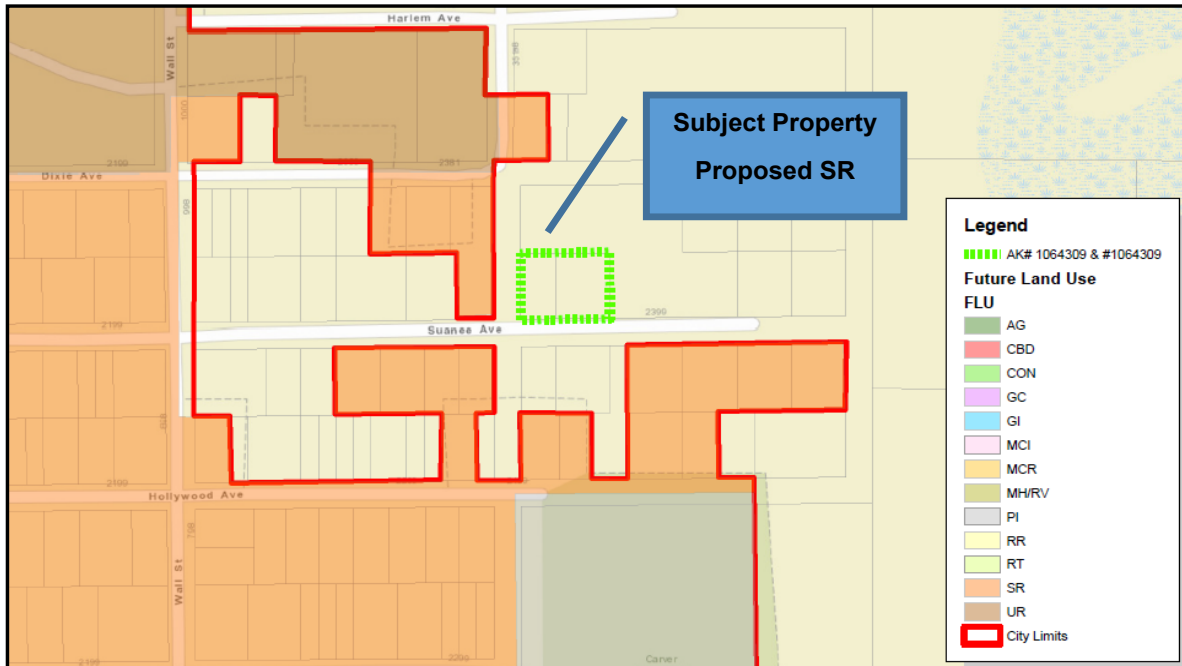
Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 22-02 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



ORDINANCE NUMBER 22-03

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).

WHEREAS, the City of Eustis desires to amend the Design District Map of the Land Development Regulations adopted under Ordinance Number 09-33 to assign a Design District designation of Suburban Neighborhood to approximately 0.494 acres of recently annexed real property further described below, and

WHEREAS, on January 20, 2022, the City Commission held the 1st Public Hearing to consider the Design District Amendment contained herein; and

WHEREAS, on February 3, 2022, the City Commission held the 2nd Public Hearing to consider the adoption of the Design District Amendment contained herein;

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

Section 1. Design District Designation

That the Design District Designation of the real property described below and shown on Exhibit A shall be Suburban Neighborhood:

Parcel Alternate Key: 1064309

Parcel Identification Number: 01-19-26-0600-011-02100

ROSENWALD GARDENS LOTS 21, 22, 23 BLK 11 PB 5 PG 61

ORB 1031 PG 1353 ORB 4917 PG 1342

AND

Parcel Alternate Key: 1427118

Parcel Identification Number: 01-19-26-0600-011-01900

ROSENWALD GARDENS LOTS 19, 20 BLK 11 PB 5 PG 61

ORB 1763 PG 1283 ORB 4917 PG 1334.

Section 2. Map Amendment

That the Director of Development Services shall be authorized to amend the Design District Map to incorporate the change described in Section 1.

Section 3. Conflict

That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 4. Severability

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. Effective Date

That this Ordinance shall become effective upon annexation of the subject property through approval of Ordinance Number 22-01.

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this 3rd day of February, 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 this 3rd day of February, 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 Eustis City Commission but I have not performed an independent title examination as to the accuracy of the legal description.

City Attorney's Office

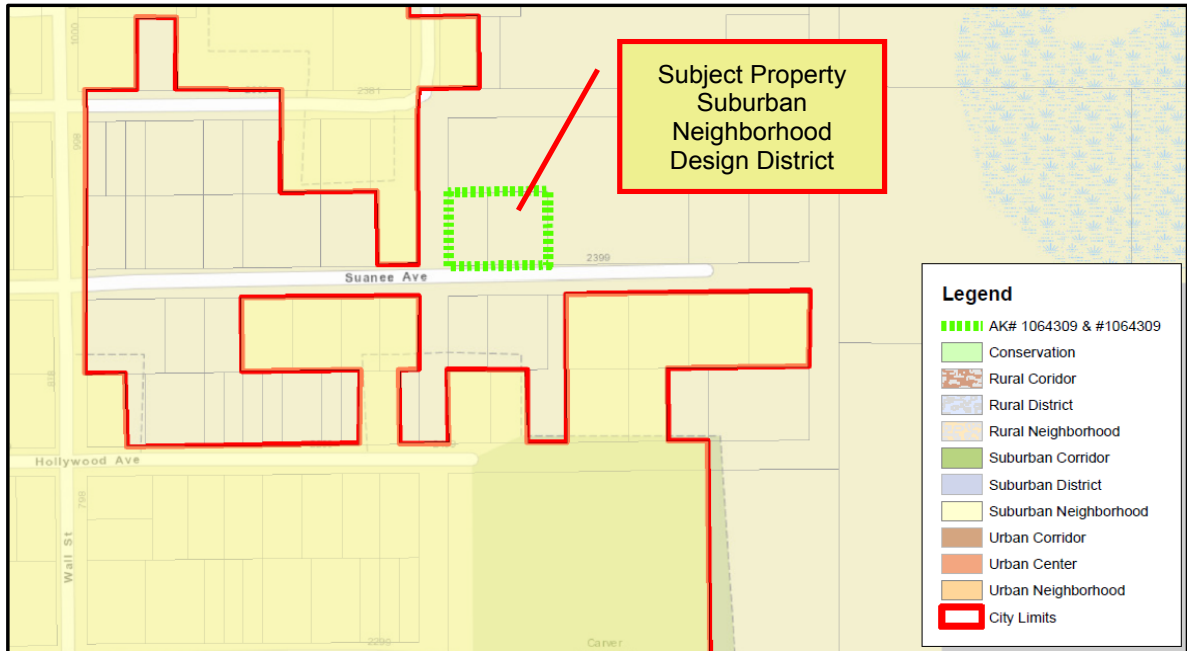
Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 22-03 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





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: January 20, 2022
RE: REVIEW OF CONDITIONAL USE PERMIT PROCESS AND FEES

Introduction:

As requested by the City Commission, staff will give a presentation regarding the conditional use permit approval process and associated fees.

Background:

See attached Land Development Regulation excerpts and presentation.

Attachments:

[Conditional Uses 102-30](#)
[109-4 Use Regulation Table with Header Rows](#)
[109-4 Use Regulations Table from Municode](#)
[Conditional Use and Fee Discussion](#)

Reviewed by:

Tom Carrino, Interim City
Manager
Mary Montez, City Clerk

Approved - 12 Jan 2022
Approved - 14 Jan 2022

Sec. 102-30. - Conditional uses and modifications.

- (a) *Purpose.* The purpose of this section is to provide for uses that are generally compatible with the use characteristics of a land use district, but which require individual review of their 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. Conditional uses may require the imposition of additional conditions to make them compatible in their specific contexts.
- (b) *Authority.* The city commission may, in accordance with the procedures, standards, and limitations of these land development regulations, grant conditional use permits or conditional use modifications for only those conditional uses set forth in sections 109-3 and 109-4.
- (c) *Standard of review for conditional use permits.* The proposed conditional use must be consistent with the general purpose, goals, objectives, and standard of these land development regulations, the city comprehensive plan, the Code of Ordinances of the city, and in compliance with all additional standards imposed on it by the particular provisions of these land development regulations authorizing such use.
- (d) *Application procedures for conditional uses.* The application for a conditional use permit shall include a survey or map showing the following:
 - (1) All structures on the property
 - (2) Abutting rights-of-way
 - (3) Parking
 - (4) Landscape buffers
 - (5) Setbacks from each boundary line
 - (6) Adjacent land uses within 500 feet of the subject property
 - (7) Property legal description
- (e) *Conditions on conditional use permits.* The city commission, by ordinance, shall attach such conditions, limitations and requirements to a conditional use permit as are necessary to carry out the spirit and purpose of these land development regulations and the city comprehensive plan; and to prevent or minimize adverse effects upon other property in the neighborhood, including but not limited to limitations on size, intensity of use, bulk and location, landscaping, lighting, the provision of adequate ingress and egress, duration of the permit, and hours of operation. Such conditions shall be set forth expressly in the ordinance granting the conditional use permit.

(Ord. No. 16-13, § 1(Exh. A), 5-19-2016; Ord. No. 17-17, § 1, 11-2-2017)

Sec. 109-4. Use Regulations Table

- a. No building, structure, land, or water shall hereafter be used or occupied, except in conformity with the regulations herein specified for the district in which it is located.
- b. Use Table Key.
 - (1) *Uses Permitted By Right (P)*. A "P" indicates that a use is allowed by right in the respective district. Such uses are subject to all other applicable requirements of these regulations, including the compatibility determination and design regulation.
 - (2) *Uses Permitted With Limitations--Limited Uses (L)*. An "L" indicates a use that will be permitted subject to the use limitations in the "Standards" column.
 - (3) *Conditional Use (C)*. A "C" indicates a use that is allowed only where approved as a Conditional Use by the City Commission in accordance with the procedures of Section 102-13. Conditional uses are subject to all other applicable requirements of these regulations.
 - (4) *Uses Not Allowed*. A blank cell in the use table indicates that a use is not allowed in the respective district.

	Residential				Commercial and Industrial		Mixed Use				Other			Standards
SPECIFIC USE	RR	SR	UR	MH	GC	GI	CBD	RT	MCR	MCI	PI	AG	CON	
KEY: P = Permitted Use; L = Permitted Subject to Limitations In Standards Column; C = Conditional Use; Blank = Not Permitted														
Agricultural														
Agricultural, general	C	C	C	C	C	C	C	C	C	C		P	L,C	4
Commercial poultry farm												C		
Commercial swine farm												C		
Residential														
Accessory Apt.	C	C	P				P	P	P			C		

	Residential				Commercial and Industrial		Mixed Use				Other			Standards
SPECIFIC USE	RR	SR	UR	MH	GC	GI	CBD	RT	MCR	MCI	PI	AG	CON	
KEY: P = Permitted Use; L = Permitted Subject to Limitations In Standards Column; C = Conditional Use; Blank = Not Permitted														
Bed & Breakfast	C	C	C	C	P		P	P	P			C		
Boarding and Rooming House			C		P		C	C	P					
Group Home; 6 or fewer residents	P	P	P		C		P	P	P		P	P		
Group Home; 7 or more residents	C	C	C		C		C	P	P		P	C		
Home occupation	L	L	L	L	P		P	P	P			L		6; additional standards in Sec. 110-5.9
Live Work			C				P	P	P					
Mobile Home				P								C		
Multi-family		L	P		L		P	P	P					2, 7, 8 (as part of PUD)
Recreational vehicle park				P										
Single family detached	P	P	P	P				P	P			P		
Single family attached (duplex, row house, townhouse)		P	P					P	P	P				
Recreation Facilities														
Golf Course	L	L										L		8
Marina		C	C		P		C		C	C	P			
Parks: tot lot, passive, and picnic	P	P	P	P	P		P	P	P	P	P	P	L	3
Regional park; amphitheater		C	C		P		C	P	P		P	C		

		Residential				Commercial and Industrial		Mixed Use				Other			Standards	
	SPECIFIC USE	RR	SR	UR	MH	GC	GI	CBD	RT	MCR	MCI	PI	AG	CON		
KEY: P = Permitted Use; L = Permitted Subject to Limitations In Standards Column; C = Conditional Use; Blank = Not Permitted																
	Nature, ecology facilities	C	P	P	P	P						P	L	L	3	
	Sports Complex		C			P	P			P	P	P	C			
	Shooting Range, indoor					P	P				P	P				
	Shooting Range, outdoor	C	C				C				C	C	C		11	
Commercial																
	All commercial and office except as specified below				L	P		P	C	P	P				1	
	Adult						L								12	
	Car sales, leasing and related services					P	P	C	C	C	C					
	Car Wash, Automated					P	P			P	P					
	Car Wash, full or self-service					P	P		C	C	C					
	Convenience store w/ gas station				L	P	P	P	C	P	P				1	
	Convenience store w/o gas				L	P	P	P	C	P	P				1	
	Commercial, neighborhood		L	L	L	P	P	P	C	P	P				1,5	
	Drive-thru sales or service					P	P	C	C	P	P					
	Dry cleaning/laundry				L	P		P	C	P	P				1	
	Fast Lube/Oil Change					P	P			P	P					

		Residential				Commercial and Industrial		Mixed Use				Other			Standards	
	SPECIFIC USE	RR	SR	UR	MH	GC	GI	CBD	RT	MCR	MCI	PI	AG	CON		
KEY: P = Permitted Use; L = Permitted Subject to Limitations In Standards Column; C = Conditional Use; Blank = Not Permitted																
	Food and beverage store/ incl. alcohol				L	P		P	C	P	P	L			1,9	
	Hotel					P		P	C	P	P					
	Mobile Vendor					P	P			P	P				14	
	Outdoor Kennel					C	P			C	C		P			
	Package store					P		P	C	P	P					
	Parking, commercial					P		P	C	P	P	L			9	
	Pharmacy					P	C	P	C	P	P					
	Restaurant, no drive-thru				L	P		P	C	P	P	L			1,9	
	Restaurant with drive-thru					P		C	C	P	P					
	Retail sales and service				L	P	C	P	C	P	P	L			1,9	
	Self-service storage					P	P			P	P					
	Vehicle parts and accessories (sales)					P	P	P	C	C	P					
	Vehicle service, general					P	P	P	C	C	P					
	Vehicle service, major						P				P					
Office																
	Professional services and general office			L		P		P	P	P	P				5,7	
Industrial																
	All light industrial/research except as listed below						P	P			P	C				

	Residential				Commercial and Industrial		Mixed Use				Other			Standards
SPECIFIC USE	RR	SR	UR	MH	GC	GI	CBD	RT	MCR	MCI	PI	AG	CON	
KEY: P = Permitted Use; L = Permitted Subject to Limitations In Standards Column; C = Conditional Use; Blank = Not Permitted														
Crematorium						C								
Heavy industrial						P								
Research lab w/o manufacturing					P	P	P	C	C	P				
Warehouse and freight movement						P				L				10
Wholesale trade						P				L				10
Community/Service Uses														
Child daycare centers; nursery schools	C	C	P	L	P		P	P	P	P	P			1
Churches and accessory uses, including schools	C	C	C	L	P		P	P	P	P	P			1
College or University	C	C	C		P		P	C	P	P	P			
Elementary school	P	P	P	P	P	C	C	P	P	C	P			
Middle school	C	C	C	C	P	C	C	P	P	P	P			
High school	C	C	C	C	P	C		P	P	P	P			
Vocational school					P	P	C	C	P	P	P			
Government buildings	C	C	C	L	P	P	P	P	P	P	P	P		1
Hospitals					P				P	P	P			
Nursing home					P		P	P	P	P	P			
Public services/utilities	L, C	L, C	L, C	L, C	L, C	L, C	L, C	L, C	L, C	L, C	P	C	C	13 – 2 ac in Res/5 Ac in Mixed & GI
Wireless Communication Antenna and/or Towers	C	C	C	C	C	P	C	C	C	C	P	C	C	

	Residential				Commercial and Industrial		Mixed Use				Other			Standards
SPECIFIC USE	RR	SR	UR	MH	GC	GI	CBD	RT	MCR	MCI	PI	AG	CON	
KEY: P = Permitted Use; L = Permitted Subject to Limitations In Standards Column; C = Conditional Use; Blank = Not Permitted														
Wireless Communication Antenna and/or Towers Camouflaged	C	C	C	C	C	P	P	P	P	P	P	P	C	

Standards.

- (1) The "Limited" uses are permitted as a use upon site plan approval and when they are integrated into the rental park specifically for the purpose of serving the residents of the park; and where the total site area for the facilities does not exceed two percent of the overall land area in the rental park.
- (2) In the *General Commercial* district, the "Limited" residential uses are limited to the upper floors of buildings above ground-level commercial and office uses.
- (3) In the *Conservation* land use district, outdoor recreation facilities are limited to interpretive and educational features and related facilities for nature study and enjoyment. All structures/facilities shall be of an unobtrusive nature to enable a compatible mixture of natural and manmade features, including but not limited to the following: boardwalks and nature/hiking trails; environmental/ecological education centers; and shelters/restrooms and other similar uses.
- (4) Agricultural uses are limited to silviculture and native range land only in the Conservation land use category unless specified otherwise as part of a conditional use permit.
- (5) Neighborhood scale commercial uses may be permitted within these districts when limited in scale consistent with a residential structure on a lot when a development of fifty homes or greater is approved or as part of a Planned Unit Development Master Plan on previously undeveloped property. These uses are not permitted in established and existing neighborhoods.
- (6) Home Occupation which: a) is clearly incidental and subordinate to the use of the dwelling unit as a residence; b) is conducted only by members of the family residing in the dwelling unit and entirely within the principal structure; c) does not offer products for sale from the premises; d) does not alter or change the residential character or exterior appearance of the dwelling unit and no evidence of the use is visible or audible from the exterior of the residential property; e) does not generate traffic in excess of that customary at residences; and f) where no commercial vehicles or equipment associated with the business are kept on premises unless stored in an enclosed structure or screened from view from the street or adjacent properties unless otherwise permitted by these regulations.
- (7) Limited to the building type design standards of the applicable Design District, Sec. 110.

- (8) Allowed when the facility is in conjunction with a Planned Unit Development.
- (9) Allow commercial as general accessory, complementary use with a marina and/or outdoor recreation facilities in PI.
- (10) The size and scale of the wholesale facility shall be compatible and consistent with the adjacent building typologies.
- (11) An outdoor shooting range is permitted as a conditional use only in Suburban Residential land use districts located within a Rural Design District.
- (12) Must be consistent with Section 10 of the Code of Ordinances
- (13) In SR, UR, MH: Public and utility services and facilities that are 2 acres or less in size are also permitted. In GC, CBD, RT, MCR, GI: Public and utility services and facilities that are 5 acres or less in size are also permitted.
- (14) Mobile vendors are required to apply for and obtain a business tax receipt. Application requirements include letter of permission from the property owner, site plan layout showing driveway connection, and location that does not impede access to the site or required parking.
- (15) *Permitted Accessory Uses/Structures.* Uses and/or structures that are customary and secondary to the primary use or structure permitted by the Land Use District and meet any additional requirements listed in Sec. 110-5. for Special Accessory Uses where applicable.

Sec. 109-4. - Use regulations table.

- (a) No building, structure, land, or water shall hereafter be used or occupied, except in conformity with the regulations herein specified for the district in which it is located.
- (b) *Use table key.*
- (1) *Uses permitted by right (P).* A "P" indicates that a use is allowed by right in the respective district. Such uses are subject to all other applicable requirements of these regulations, including the compatibility determination and design regulation.
- (2) *Uses permitted with limitations—Limited uses (L).* An "L" indicates a use that will be permitted subject to the use limitations in the "Standards" column.
- (3) *Conditional use (C).* A "C" indicates a use that is allowed only where approved as a conditional use by the city commission in accordance with the procedures of section 102-30. Conditional uses are subject to all other applicable requirements of these regulations.
- (4) *Uses not allowed.* A blank cell in the use table indicates that a use is not allowed in the respective district.

	Residential				Commercial and Industrial		Mixed Use				Other			
SPECIFIC USE	RR	SR	UR	MH	GC	GI	CBD	RT	MCR	MCI	PI	AG	CON	Standards
KEY: P = Permitted Use L = Permitted Subject to Limitations in Standards Column C = Conditional Use Blank = Not Permitted														
Agricultural														

Agricultural, general	C	C	C	C	C	C	C	C	C	C		P	L,C	4
Commercial poultry farm												C		
Commercial swine farm												C		
Residential														
Accessory Apt.	C	C	P				P	P	P			C		
Bed & Breakfast	C	C	C	C	P		P	P	P			C		
Boarding and Rooming House			C		P		C	C	P					
Group Home; 6 or fewer residents	P	P	P		C		P	P	P		P	P		
Group Home; 7 or more residents	C	C	C		C		C	P	P		P	C		

Home occupation	L	L	L	L	P		P	P	P			L		6; additional standards in <u>Sec. 110- 5.9</u>
Live Work			C				P	P	P					
Mobile Home				P								C		
Multi-family		L	P		L		P	P	P					2, 7, 8 (as part of PUD)
Recreational vehicle park				P										
Single family detached	P	P	P	P				P	P			P		
Single family attached (duplex, row house, townhouse)		P	P					P	P					
Recreation Facilities														

Golf Course	L	L										L		8
Marina		C	C		P		C		C	C	P			
Parks: tot lot, passive, and picnic	P	P	P	P	P		P	P	P	P	P	P	L	3
Regional park; amphitheater		C	C		P		C	P	P		P	C		
Nature, ecology facilities	C	P	P	P	P						P	L	L	3
Sports Complex		C			P	P			P	P	P	C		
Shooting Range, indoor					P	P				P	P			
Shooting Range, outdoor	C	C				C				C	C	C		11
Commercial														
All commercial and office except as specified below				L	P		P	C	P	P				1

Adult						L								12
Car sales, leasing and related services					P	P	C	C	C	C				
Car Wash, Automated					P	P			P	P				
Car Wash, full or self-service					P	P		C	C	C				
Convenience store w/gas station				L	P	P	P	C	P	P				1
Convenience store w/o gas				L	P	P	P	C	P	P				1
Commercial, neighborhood		L	L	L	P	P	P	C	P	P				1,5
Drive-thru sales or service					P	P	C	C	P	P				
Dry cleaning/laundry				L	P		P	C	P	P				1

Fast Lube/Oil Change					P	P			P	P				
Food and beverage store/incl. alcohol				L	P		P	C	P	P	L			1,9
Hotel					P		P	C	P	P				
Mobile Vendor					P	P	L, C		P	P				14
Outdoor Kennel					C	P			C	C		P		
Package store					P		P	C	P	P				
Parking, commercial					P		P	C	P	P	L			9
Pharmacy					P	C	P	C	P	P				
Restaurant, no drive-thru				L	P		P	C	P	P	L			1,9
Restaurant with drive-thru					P		C	C	P	P				
Retail sales and service				L	P	C	P	C	P	P	L			1,9

Self-service storage					P	P			P	P				
Vehicle parts and accessories (sales)					P	P	P	C	C	P				
Vehicle service, general					P	P	P	C	C	P				
Vehicle service, major						P				P				
Office														
Professional services and general office			L		P		P	P	P	P				5,7
Industrial														
All light industrial/research except as listed below						P	P			P	C			
Crematorium						C								

Heavy industrial						P								
Research lab w/o manufacturing					P	P	P	C	C	P				
Warehouse and freight movement						P				L				10
Wholesale trade						P				L				10
Community/Service Uses														
Child daycare centers; nursery schools	C	C	P	L	P		P	P	P	P	P			1
Churches and accessory uses, including schools	C	C	C	L	P		P	P	P	P	P			1
College or University	C	C	C		P		P	C	P	P	P			
Elementary school	P	P	P	P	P	C	C	P	P	C	P			
Middle school	C	C	C	C	P	C	C	P	P	P	P			

High school	C	C	C	C	P	C		P	P	P	P			
Vocational school					P	P	C	C	P	P	P			
Government buildings	C	C	C	L	P	P	P	P	P	P	P	P		1
Hospitals					P				P	P	P			
Nursing home					P		P	P	P	P	P			
Public services/utilities	L, C	L, C	L, C	L, C	L, C	L, C	L, C	L, C	L, C	L, C	P	C	C	13 - 2 ac in Res/5 Ac in Mixed & Gl
Wireless Communication Antenna and/or Towers	C	C	C	C	C	P	C	C	C	C	P	C	C	
Wireless Communication Antenna and/or Towers Camouflaged	C	C	C	C	C	P	P	P	P	P	P	P	C	

Standards .

- (1) The "Limited" uses in MH are permitted as a use upon site plan approval and when they are integrated into the rental park specifically for the purpose of serving the residents of the park; and where the total site area for the facilities does not exceed two percent of the overall land area in the rental park.
- (2) In the general commercial district, the "Limited" residential uses are limited to the upper floors of buildings above ground-level commercial and office uses.
- (3) In the conservation land use district, outdoor recreation facilities are limited to interpretive and educational features and related facilities for nature study and enjoyment. All structures/facilities shall be of an unobtrusive nature to enable a compatible mixture of natural and manmade features, including but not limited to the following: boardwalks and nature/hiking trails; environmental/ecological education centers; and shelters/restrooms and other similar uses.
- (4) Agricultural uses are limited to silviculture and native range land only in the conservation land use category unless specified otherwise as part of a conditional use permit.
- (5) Neighborhood scale commercial uses may be permitted within these districts when limited in scale consistent with a residential structure on a lot when a development of 50 homes or greater is approved or as part of a planned unit development master plan on previously undeveloped property. These uses are not permitted in established and existing neighborhoods.
- (6) Home occupation which: a) is clearly incidental and subordinate to the use of the dwelling unit as a residence; b) is conducted only by members of the family residing in the dwelling unit and entirely within the principal structure; c) does not offer products for sale from the premises; d) does not alter or change the residential character or exterior appearance of the dwelling unit and no evidence of the use is visible or audible from the exterior of the residential property; e) does not generate traffic in excess of that customary at residences; and f) where no commercial vehicles or equipment associated with the business are kept on premises unless stored in an enclosed structure or screened from view from the street or adjacent properties unless otherwise permitted by these regulations.
- (7) Limited to the building type design standards of the applicable design district, chapter 110.
- (8) Allowed when the facility is in conjunction with a planned unit development.
- (9) Allow commercial as general accessory, complementary use with a marina and/or outdoor recreation facilities in PI.

- (10) The size and scale of the wholesale facility shall be compatible and consistent with the adjacent building typologies.
- (11) An outdoor shooting range is permitted as a conditional use only in suburban residential land use districts located within a rural design district.
- (12) Must be consistent with chapter 10 of the Code of Ordinances.
- (13) In SR, UR, MH: Public and utility services and facilities that are two acres or less in size are also permitted. In GC, CBD, RT, MCR, GI: Public and utility services and facilities that are five acres or less in size are also permitted.
- (14) In the CBD, the "Limited" mobile vendor use applies to mobile vendors in conjunction with city sponsored or city sanctioned events as approved by the city manager. Mobile vendors offering food service only (food trucks) proposing regular operation in the CBD may apply for a conditional use permit approval by city commission; provided the proposed operation is located on a developed site where the food truck use is managed by and/or operated dependently in association with an eating and/or drinking establishment located in an onsite building with restroom facilities. All mobile vendors are required to apply for and obtain a business tax receipt. Application requirements include letter of permission from the property owner, site plan layout showing driveway connection, and location that does not impede access to the site or required parking.
- (15) *Permitted accessory uses/structures* . Uses and/or structures that are customary and secondary to the primary use or structure permitted by the land use district and meet any additional requirements listed in section 110-5, for special accessory uses where applicable.

(Ord. No. 16-31, § 1.d.(Exh. A), 12-15-2016; Ord. No. 19-12, § 1(Exh. A), 5-2-2019)



City of Eustis
Development Services Department

Land Development Regulations

Sec. 102-30 Conditional Uses & Modifications

City Commission – January 20, 2022

Sec. 102-30 Conditional Uses & Modifications

(a) *Purpose.* The purpose of this section is to provide for uses that are generally compatible with the use characteristics of a land use district, but which require individual review of their 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.

Conditional uses may require the imposition of additional conditions to make them compatible in their specific contexts.

Sec. 102-30 Conditional Uses & Modifications

(b) Authority. The city commission may, in accordance with the procedures, standards, and limitations of these land development regulations, grant conditional use permits or conditional use modifications for only those conditional uses set forth in sections 109-3 and 109-4.

109-3.3. In the central business district, the maximum of 40 dwelling units per acre is permitted in the portion of the central business district bordered on the west by Bay Street, south by Orange Avenue, east by Center Street and north by Clifford Avenue. **The remainder of the central business district shall have a base maximum density of 12 du/ac and shall require a conditional use permit to develop up to 40 units per acre.**

Sec. 109-4 Use Table

		Residential				Commercial and Industrial		Mixed Use				Other			Standards
	SPECIFIC USE	RR	SR	UR	MH	GC	GI	CBD	RT	MCR	MCI	PI	AG	CON	
Agricultural															
	Agricultural, general	C	C	C	C	C	C	C	C	C	C		P	L,C	4
	Commercial poultry farm												C		
	Commercial swine farm												C		
Residential															
	Accessory Apt.	C	C	P				P	P	P			C		
	Bed & Breakfast	C	C	C	C	P		P	P	P			C		
	Boarding and Rooming House			C		P		C	C	P					
	Group Home; 6 or fewer residents	P	P	P		C		P	P	P		P	P		
	Group Home; 7 or more residents	C	C	C		C		C	P	P		P	C		
	Home occupation	L	L	L	L	P		P	P	P			L		6; additional standards in Sec. 110-5.9
	Live Work			C				P	P	P					
	Mobile Home				P								C		
	Multi-family		L	P		L		P	P	P					2, 7, 8 (as part of PUD)
	Recreational vehicle park				P										
	Single family detached	P	P	P	P				P	P			P		
	Single family attached (duplex, row house, townhouse)		P	P					P	P	P				

		Residential				Commercial and Industrial		Mixed Use				Other			Standards
	SPECIFIC USE	RR	SR	UR	MH	GC	GI	CBD	RT	MCR	MCI	PI	AG	CON	
Recreation Facilities															
	Golf Course	L	L										L		8
	Marina		C	C		P		C		C	C	P			
	Parks: tot lot, passive, and picnic	P	P	P	P	P		P	P	P	P	P	P	L	3
	Regional park; amphitheater		C	C		P		C	P	P		P	C		
	Nature, ecology facilities	C	P	P	P	P						P	L	L	3
	Sports Complex		C			P	P			P	P	P	C		
	Shooting Range, indoor					P	P				P	P			
	Shooting Range, outdoor	C	C				C				C	C	C		11
Commercial															
	All commercial and office except as specified below				L	P		P	C	P	P				1
	Adult						L								12
	Car sales, leasing and related services					P	P	C	C	C	C				
	Car Wash, Automated					P	P			P	P				
	Car Wash, full or self-service					P	P		C	C	C				
	Convenience store w/ gas station				L	P	P	P	C	P	P				1
	Convenience store w/o gas				L	P	P	P	C	P	P				1
	Commercial, neighborhood		L	L	L	P	P	P	C	P	P				1,5
	Drive-thru sales or service					P	P	C	C	P	P				
	Dry cleaning/laundry				L	P		P	C	P	P				1
	Fast Lube/Oil Change					P	P			P	P				

		Residential				Commercial and Industrial		Mixed Use				Other			Standards
	SPECIFIC USE	RR	SR	UR	MH	GC	GI	CBD	RT	MCR	MCI	PI	AG	CON	
	Food and beverage store/ incl. alcohol				L	P		P	C	P	P	L			1,9
	Hotel					P		P	C	P	P				
	Mobile Vendor					P	P			P	P				14
	Outdoor Kennel					C	P			C	C		P		
	Package store					P		P	C	P	P				
	Parking, commercial					P		P	C	P	P	L			9
	Pharmacy					P	C	P	C	P	P				
	Restaurant, no drive-thru				L	P		P	C	P	P	L			1,9
	Restaurant with drive-thru					P		C	C	P	P				
	Retail sales and service				L	P	C	P	C	P	P	L			1,9
	Self-service storage					P	P			P	P				
	Vehicle parts and accessories (sales)					P	P	P	C	C	P				
	Vehicle service, general					P	P	P	C	C	P				
	Vehicle service, major						P				P				
Office															
	Professional services and general office			L		P		P	P	P	P				5,7
Industrial															
	All light industrial/research except as listed below						P	P			P	C			
	Crematorium						C								
	Heavy industrial						P								
	Research lab w/o manufacturing					P	P	P	C	C	P				
	Warehouse and freight movement						P				L				10
	Wholesale trade						P				L				10

		Residential				Commercial and Industrial		Mixed Use				Other			Standards
	SPECIFIC USE	RR	SR	UR	MH	GC	GI	CBD	RT	MCR	MCI	PI	AG	CON	
Community/Service Uses															
	Child daycare centers; nursery schools	C	C	P	L	P		P	P	P	P	P			1
	Churches and accessory uses, including schools	C	C	C	L	P		P	P	P	P	P			1
	College or University	C	C	C		P		P	C	P	P	P			
	Elementary school	P	P	P	P	P	C	C	P	P	C	P			
	Middle school	C	C	C	C	P	C	C	P	P	P	P			
	High school	C	C	C	C	P	C		P	P	P	P			
	Vocational school					P	P	C	C	P	P	P			
	Government buildings	C	C	C	L	P	P	P	P	P	P	P	P		1
	Hospitals					P				P	P	P			
	Nursing home					P		P	P	P	P	P			
	Public services/utilities	L, C	L, C	L, C	L, C	L, C	L, C	L, C	L, C	L, C	L, C	P	C	C	13 – 2 ac in Res/5 Ac in Mixed & GI
	Wireless Communication Antenna and/or Towers	C	C	C	C	C	P	C	C	C	C	P	C	C	
	Wireless Communication Antenna and/or Towers Camouflaged	C	C	C	C	C	P	P	P	P	P	P	P	C	
Community/Service Uses															
	Child daycare centers; nursery schools	C	C	P	L	P		P	P	P	P	P			1
	Churches and accessory uses, including schools	C	C	C	L	P		P	P	P	P	P			1
	College or University	C	C	C		P		P	C	P	P	P			
	Elementary school	P	P	P	P	P	C	C	P	P	C	P			
	Middle school	C	C	C	C	P	C	C	P	P	P	P			
	High school	C	C	C	C	P	C		P	P	P	P			
	Vocational school					P	P	C	C	P	P	P			
	Government buildings	C	C	C	L	P	P	P	P	P	P	P	P		1

Sec. 102-30 Conditional Uses & Modifications

(c) *Standard of review for conditional use permits* . The proposed conditional use must be consistent with the **general purpose, goals, objectives, and standards of these land development regulations, the city comprehensive plan**, the Code of Ordinances of the city, and in compliance with all additional standards imposed on it by the particular provisions of these land development regulations authorizing such use.

The general purpose of this Code is to establish procedures and standards for the development of land within the corporate boundaries and the planning area of the city, such procedures and standards being formulated in an effort **to promote the public health, safety and welfare and enforce and implement the city's comprehensive plan, while permitting the orderly growth and development with the city and Eustis planning area consistent with its small town community character and life style.**

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.**

Sec. 102-30 Conditional Uses & Modifications

(d) *Application procedures for conditional uses.* The application for a conditional use permit shall include a survey or map showing the following:

- (1) All structures on the property
- (2) Abutting rights-of-way
- (3) Parking
- (4) Landscape buffers
- (5) Setbacks from each boundary line
- (6) Adjacent land uses within 500 feet of the subject property
- (7) Property legal description

Sec. 102-30 Conditional Uses & Modifications

(e) *Conditions on conditional use permits .*

The city commission, by ordinance, shall attach such conditions, limitations and requirements to a conditional use permit as are necessary to carry out the spirit and purpose of these land development regulations and the city comprehensive plan; and to prevent or minimize adverse effects upon other property in the neighborhood, including but not limited to limitations on size, intensity of use, bulk and location, landscaping, lighting, the provision of adequate ingress and egress, duration of the permit, and hours of operation.

Such conditions shall be set forth expressly in the ordinance granting the conditional use permit.

Sec. 102-11. - General procedures for development approval.

- Pre-Application Meeting (encouraged not required)
- Community Meeting (encouraged not required)
- Staff Review: Development Review Committee
- City Commission Consideration

Sec. 102-11. - General procedures for development approval.

Application Type	Approval Type	Staff and/or DRC Review	LPA	CC (Hearing 1)	CC (Hearing 2)
Conditional Use	Ordinance	X		X	X

Sec. 102-11. - Cont.

APPLICATION TYPE	NOTICE OF HEARING (1)	NEWSPAPER AD	SITE POSTED (2)	MAIL LETTERS (3)
Conditional Use	Yes	Yes	Yes	Yes

- (1) When a notice is required in accordance with this section, it shall be posted at least three days in advance in three city locations.
- (2) When a site is required to be posted in accordance with this section, the sign(s) shall face all rights-of-way or access points for the property and be placed on-site at least ten days before the hearing. The sign shall be at least 18 inches by 24 inches in size and note in letters no smaller than 4 inches, "Eustis Hearing".
- (3) Notices must be mailed to all property owners of record within 500 feet of the subject property.

Application Type	Eustis	Mt. Dora	Leesburg	Tavares	Lake County
Conditional Use Permit	\$800	\$1,000 plus ad costs/pass thru fees	\$700 (\$350 residential)	\$850 plus ad cost and recording costs	\$750.00 + \$7.50 per acre (max. \$1,000) plus ad costs
Conditional Use Permit Modification	\$600	n/a	n/a	n/a	\$400
Conditional Use Permit Annual Inspection	n/a	n/a	n/a	n/a	\$100
CUP Revocation/Termination					\$100
Future Land Use Amendment (Small Scale)	\$600	n/a	n/a	n/a	n/a
Rezoning	n/a	\$3,000	\$850	\$850	Up to \$1,250

Sec. 102-9(c) Development review committee.

The development review committee (DRC) shall be composed of the following personnel or their designee or designees: the director of public works, the director of utilities, the building official, the director of development services, the fire chief, the police chief, and such other personnel as may be designated or assigned by the city manager for the purpose of reviewing land development proposals and other related issues.

Application Type	Average Advertising Costs	Estimated Average Staff Time (DS Only)	Estimated Staff Time (Other Depts Combined)
Conditional Use Permit	\$100 to \$250	20 – 30 hours	1 – 20 hours

Questions?

Staff Direction if any...



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: January 20, 2022
RE: DIRECTION ON CITY PRESENCE AND INVOLVEMENT AT THE FLORIDA COMMUNITIES TRUST MEETING SCHEDULED FOR FEBRUARY 16, 2022

Background:

Staff is seeking direction from the City Commission on what level of City presence and involvement the City of Eustis should have at the upcoming Florida Communities Trust meeting scheduled for February 16, 2022.

Reviewed by:

Tom Carrino, Interim City
Manager
Mary Montez, City Clerk

Approved - 14 Jan 2022

Approved - 14 Jan 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: January 20, 2022
RE: DISCUSSION ON SCOREBOARD FOR COREY ROLLE MEMORIAL FIELD

Attachments:

[Staff Report - Scoreboard Discussion](#)

Reviewed by:

Tom Carrino, Interim City
Manager
Mary Montez, City Clerk

Approved - 14 Jan 2022

Approved - 14 Jan 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: JANUARY 20, 2022

RE: DISCUSSION ON SCOREBOARD FOR COREY ROLLE MEMORIAL FIELD

Introduction:

At the January 6, 2022 City Commission meeting, the Eustis City Commission requested discussion regarding the purchase and installation of a scoreboard at Corey Rolle Memorial Field.

Recommended Action

Direction from City Commission on inviting representatives of the Eustis Junior Panthers to coordinate with Eustis Recreation staff on the purchase and installation of a scoreboard at Corey Rolle Memorial Field.

Background:

In fiscal year 19-20, the City of Eustis budgeted \$18,000 for the purchase and installation of a scoreboard at Corey Rolle Memorial Field. The City Commission asked staff to hold off on the purchase of the scoreboard pending the re-organization of the Eustis Junior Panther football program. The funding rolled-over into fiscal year 20-21 and again into fiscal year 21-22.

At the January 6, 2022 City Commission meeting, the Eustis City Commission requested that discussion about the scoreboard be placed on the January 20 agenda.

Staff is seeking direction from the City Commission on inviting representatives of the Eustis Junior Panthers football program to coordinate with Eustis Recreation staff on the purchase and installation of the scoreboard.

Community Input:

There has been community input in the past supporting the installation of the scoreboard, and there will be an opportunity for additional public input when the City Commission discusses this item on January 20, 2022.

Budget and Staffing Impact:

\$18,000 is budgeted for the purchase and installation of the scoreboard. It is expected that there will be some level of staff involvement in coordinating with representatives of the Eustis Junior Panthers and in the process of exploring options, making the purchase, and arranging for installation.

Prepared by:

Tom Carrino, Interim City Manager and Economic Development 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: January 20, 2022
RE: DIRECTION ON THE FORMER FLORIDA HOSPITAL WATERMAN SITE

Introduction:

Pursuant to Commission direction at the December 16, 2021, meeting, staff has placed this item on the agenda to receive direction from the Commission regarding how to proceed with the former Florida Hospital Waterman site.

Background:

See attached Staff Report.

Attachments:

[Staff Report - Direction on Former Waterman Site](#)

Reviewed by:

Tom Carrino, Interim City
Manager
Mary Montez, City Clerk

Approved - 14 Jan 2022
Approved - 14 Jan 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: JANUARY 20, 2022

RE: DIRECTION ON THE FORMER FLORIDA HOSPITAL WATERMAN SITE

Introduction:

Staff is seeking direction from the City Commission on how to proceed with the former Florida Hospital Waterman site.

Background:

At the September 9, 2021 Community Redevelopment Agency meeting, staff presented a draft agreement with Atrium Management Company for the redevelopment of the former Florida Hospital Waterman site. While a motion was made for approval, the resolution died for lack of a second.

On September 23, 2021, the City Commission provided direction to continue negotiations with the Atrium team. While some specific direction was given at the October 7 City Commission meeting, staff subsequently met with City Commission members individually to formulate a list of items for discussion.

On November 3, Commissioner Willie Hawkins and the Interim City Manager met with the Atrium team to discuss feedback from the public and the City Commission on the proposed project. Another meeting was held on November 17, where the City and the Atrium team proposed modifications to the project and agreement terms.

Below is a summary of what was discussed:

Updated Proposed Purchase Price

The Commission and the public mentioned concerns about low and no-cost land as an incentive for the project. Below are proposed modified offers to address those concerns:

- \$500,000 for Parcel 1
- \$1,250,000 for Parcel 2
- \$1,250,000 for Parcel 3
- Total Purchase Price of \$3,000,000

Annual Rebate Agreement with CRA

The Atrium team has expressed the need for CRA assistance to close the market gap between projected revenues and project costs. The original proposal was for \$1,000,000 in incentives for Phase 1 in the form of land. With the offer of \$500,000 for Block 1, the developer is asking for an annual CRA rebate to close the remainder of the market gap. This CRA rebate is yet to be negotiated.

Developer's Financials

There have been questions regarding additional financial information from the developer to show the developer's capacity to fund the project. In lieu of providing additional financial information, the developer has agreed to secure loan commitments from financial institutions and lenders for the project to show capacity.

Expedited Timeline for Phases 2 and 3

Concerns were expressed about the timeline and deadlines for Phases 2, 3, and 4. The Atrium team has agreed to shorten the deadline by one year to December 31, 2026. That, coupled with the delayed start has compressed the timeline for the project.

Trigger for Hotel Development

There was an interest in moving up the timeline for the development of the hotel component of the project. The developer has agreed to a provision that allows the City to conduct a hotel market study at any time. If the market study shows metrics (through STR demographic info) that the market can support a hotel, the City can compel the Atrium team to move forward with the hotel or relinquish the land for another hotel developer.

Project Re-Design

There was feedback from the Commission and the public on the design of the project. The Atrium team has agreed to incorporate changes to the project consistent with that feedback.

Redesign of Block 1

The developer maintains that the residential component of Phase 1 needs to remain rental units, though there is a willingness to modify the unit mix. For example, there was discussion regarding the elimination of studio units in favor of larger units. Additionally, the Atrium team has discussed the possibility of shifting the hotel site and the "food hall" to Bay Street while the mixed-use apartment building would shift to the Eustis Street side of the block.

Combination and Redesign of Phases 2 and 3

In response to the interest for condos and for-sale units, Phases 2 and 3 would be combined and re-designed to potentially include a parking garage, "brownstone" style townhomes, apartments, and commercial space.

Parking

Concerns were raised about the arrangements for parking under the original agreement.

Parking for Phase 1

The City will commit to providing 64 temporary spaces within 150 feet of Phase 1. If the developer does not move forward with Phases 2 and 3, the City will be obligated to provide those 64 spaces in perpetuity.

Phase 2 Parking

If the developer moves forward with Phases 2 and 3, the garage component of the project will accommodate parking for all phases, eliminating the need for the City to provide the 64 spaces. The agreement will keep the obligation of the CRA to contribute \$6 million toward parking, but there will no longer be a credit for the 64 spaces as the developer will incorporate those into their garage.

Developer Commitment to Design and Materials

There were concerns about lack of controls for the quality of the project and construction materials. The Developer will commit that the project will be constructed substantially similar to the renderings, visuals, and the proposal.

Elimination of Periodic Earnest Money Deposits

In response to the \$500,000 being offered for Block 1, the developer has proposed the elimination of the periodic earnest money deposits to secure the option for Blocks 2 and 3. It has been explained that the City would likely insist on continued periodic earnest money deposits.

It should be noted that to-date, none of these provisions have been incorporated into any agreement, and all of these terms remain open to negotiation.

Following a presentation on these proposed terms at the December 16, 2021 City Commission meeting, the Commission engaged in discussion and directed staff to bring the discussion back on January 20. Staff is seeking direction from the City Commission on how to proceed on the former Florida Hospital Waterman site.

Community Input:

There have been numerous opportunities for public input on the former Florida Hospital Waterman site. It is anticipated that there will continue to be future opportunities for public input.

Budget and Staffing Impact:

While the proposed project has significant financial implications for the CRA and the City, this item is specifically related to staff time and legal costs for codifying new agreements. It is difficult to estimate the staff time and legal costs necessary for this project.

Prepared by:

Tom Carrino, Interim City Manager and Economic Development Director