



AGENDA

Special City Commission Meeting

6:00 PM - Thursday, September 2, 2021 – Community Building
601 Northshore Drive, Eustis

CALL TO ORDER

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

1. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

SECOND READING

- 1.1 Ordinance Number 20-32: Voluntary Annexation of property located on north side of CR 44A, east of East Eldorado Lake Drive
Ordinance Number 20-33: Comprehensive Plan amendment assigning future land use designation to above property
Ordinance Number 20-34: Assigning a design district designation to the above property
[Staff Report #21-0229 - Html](#)
[Staff Report 2nd Reading Ord. Nos. 20-32 20-33 20-34](#)
[Ordinance No. 20-32 Annexation](#)
[Ordinance No. 20-33](#)
[Ordinance No. 20-34](#)
- 1.2 Ordinance Number 20-35: Voluntary annexation of property located on the south side of CR 44A and west of Thrill Hill Road
Ordinance Number 20-36: Comprehensive Plan amendment assigning a future land use designation to the above property
Ordinance Number 20-37: Assigning a design district designation to the above property
[Staff Report #21-0230 - Html](#)
[Staff Report 2nd Reading Ord. Nos. 20-35 20-36 20-37](#)
[Ordinance No. 20-35 Annexation](#)
[Ordinance No. 20-36](#)
[Ordinance No. 20-37](#)
- 1.3 Ordinance Number 20-38: Voluntary annexation of property located on the east side of Thrill Hill Road and north of Reedy Road
Ordinance Number 20-39: Comprehensive Plan amendment assigning a future land use designation to the above property
Ordinance Number 20-40: Assigning a design district designation to the above property
[Staff Report #21-0141 - Html](#)
[Staff Report 2nd Reading Ord. Nos. 20-38 20-39 20-40](#)
[Ordinance No. 20-38 Annexation](#)
[Ordinance No. 20-39](#)
[Ordinance No. 20-40](#)

2. OTHER BUSINESS

2.1 Discussion: Long Term Storage Containers and Possible Land Development Regulation Amendments

[Staff Report #21-0228 - Html](#)

[Long Term Storage Container Review and Possible LDR Amendments Discussion](#)

3. 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.



City of Eustis

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

Staff Report

TO: Eustis City Commission
FROM: Ronald Neibert, City Manager
DATE: September 2, 2021
RE: ORDINANCE NUMBER 20-32: VOLUNTARY ANNEXATION OF PROPERTY
LOCATED ON NORTH SIDE OF CR 44A, EAST OF EAST ELDORADO
LAKE DRIVE
ORDINANCE NUMBER 20-33: COMPREHENSIVE PLAN AMENDMENT
ASSIGNING FUTURE LAND USE DESIGNATION TO ABOVE PROPERTY
ORDINANCE NUMBER 20-34: ASSIGNING A DESIGN DISTRICT
DESIGNATION TO THE ABOVE PROPERTY

Introduction:

This item was continued from the June 3, 2021, regular Commission meeting. Ordinance Number 20-32 provides for the voluntary annexation of approximately 20.691 acres located north of CR 44A and east of East Eldorado Lake Drive. Provided the annexation of the subject property is approved, Ordinance Number 20-33 would change the future land use designation from Rural Transition in Lake County to Suburban Residential (SR) in the City of Eustis, and Ordinance Number 20-34 would assign the subject property a design district designation of Rural Neighborhood. If Ordinance Number 20-32 is denied, there can be no consideration of Ordinance Numbers 20-33 and 20-34.

Background:

See attached staff report.

Recommended Action:

Administration recommends approval of Ordinance Numbers 20-32, 30-33 and 20-34.

Alternatives:

1. Approve Ordinance Numbers 20-32, 20-33 and 20-34.
2. Deny Ordinance Number 20-32 (If Ordinance 20-32 is denied, there can be no consideration of Ordinance Numbers 20-33 and 20-34).

Attachments:

[Staff Report 2nd Reading Ord. Nos. 20-32 20-33 20-34](#)
[Ordinance No. 20-32 Annexation](#)

[Ordinance No. 20-33](#)

[Ordinance No. 20-34](#)

Reviewed by:

Ronald Neibert, City Manager

Mary Montez, City Clerk

Approved - 27 Aug 2021

Approved - 27 Aug 2021



City of Eustis

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

TO: EUSTIS CITY COMMISSION
FROM: RONALD R. NEIBERT, CITY MANAGER
DATE: DECEMBER 3, 2020
RE: **EXPLANATION OF ORDINANCES FOR PROPERTY LOCATED NORTH
OF COUNTY ROAD 44A AND EAST OF EAST ELDORADO LAKE DRIVE**
Ordinance Number 20-32: Voluntary Annexation
Ordinance Number 20-33: Comprehensive Plan Amendment
Ordinance Number 20-34: Design District Assignment

Introduction

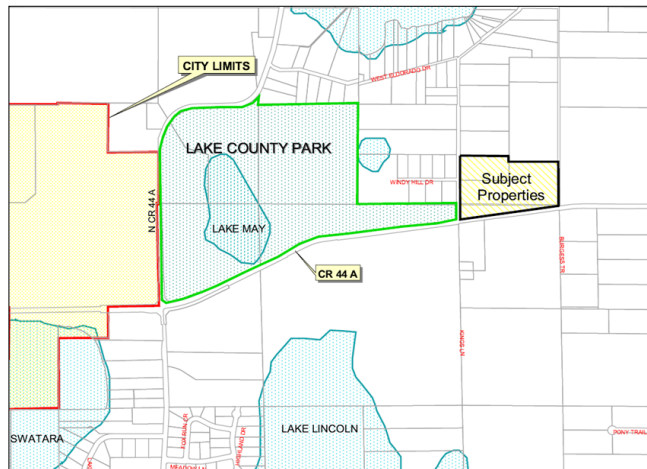
Ordinance Number 20-32 provides for the voluntary annexation of approximately 20.691 acres located north of CR 44A and east of East Eldorado Lake Drive. Provided the annexation of the subject property is approved, Ordinance Number 20-33 would change the future land use designation from Rural Transition in Lake County to Suburban Residential (SR) in the City of Eustis, and Ordinance Number 20-34 would assign the subject property a design district designation of Rural Neighborhood. If Ordinance Number 20-32 is denied, then there can be no consideration of Ordinance Numbers 20-33 and 20-34.

Recommended Action

The administration recommends approval of Ordinance Numbers 20-32, 20-33, and 20-34.

Background/Pertinent Site Information

1. The site contains approximately 20.691 acres and is within the Eustis Joint Planning Area and the Eustis 180 Utility District.
2. The site is contiguous to the City on its western boundary by virtue of adjacency to a Lake County owned park. [F.S. 171.031(11)]



3. The site is vacant and the Lake County Property Appraiser has classified the current property use as Timber. There are no structures on the site.
4. The site and surrounding properties have the following land use designations:

Location	Existing (Current) Use	Future Land Use	Design District
Site	Timber	Rural Transition (Lake County)	N/A
North	Single-Family & Timber	Rural Transition (Lake County)	N/A
South	Single-Family & Timber	Rural Transition (Lake County)	N/A
East	Timber	Rural Transition (Lake County)	N/A
West	County Park & Single-Family / Improved Pasture	Conservation & Rural Transition (Lake County) Suburban Residential (Eustis)	N/A Rural Corridor & Rural Neighborhood

Applicant's Request

The applicant, Carole L. Harper, Trustee, applied for voluntary annexation, and assignment of Eustis future land use (Suburban Residential) and design district (Rural Neighborhood) designations.

Analysis of Annexation Request (Ord. Number 20-32)

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 Joint Planning Area boundaries established in 1987 define the reasonably compact area where the City could provide services effectively and efficiently. The subject property lies within that planning area which area has been envisioned to be part of the City limits for over 30 years. Water and wastewater service are not directly available to the site at this time, but services are available approximately a mile and a half away, and the City has adequate plant capacity to provide these services. (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 property is contiguous to the City limits on its western boundary by virtue of adjacency to a Lake County owned park pursuant to F.S. 171.031 (11). The property is reasonably compact 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 on September 17 and September 24, 2020.

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.

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 September 3, 2020.

Analysis of Comprehensive Plan/Future Land Use Request (Ord. Number 20-33)

In Accordance with Florida Statutes Chapter 163.3177:

Note: The proposed comprehensive plan amendment was transmitted to the State for review following the first reading of Ordinance Number 20-33 on October 1, 2020. Staff received notices that the following agencies had no comments on the proposed amendment: Bureau of Community Planning and Growth of the Department of Economic Opportunity, St. Johns River Water Management

District, the Florida Department of Environmental Protection and the Florida Department of Transportation.

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 Suburban Residential (SR) future land use designation will provide for a suburban medium-intensity development. Within the city limits in nearby areas, a mix of uses already exists.

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 requested designation in this geographic area will provide for development of a suburban nature within approximately 4-miles of the City's urban core (central business district). Available and suitable undeveloped lands of comparable acreage and access do not exist within the City's urban 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 property subject to this annexation request and Eustis future land use assignment is less than a mile away from suburban residential property in the city limits. The property has sufficient size and depth to avoid strip development.

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 Comprehensive Plan and the Land Development Regulations include standards for protection of environmentally sensitive lands that would apply at time of development review.

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 is currently planted with pines; a common practice to maintain an agricultural property tax exemption until such time as development is desired. While some of the soils on the property (Candler sand w/slopes less than 12 percent) are suitable for tree planting and/or rangeland/pasture. The soils are identified as unique farmlands, however, the property is within an area designated for urban development (JPA/180 Utility District). By restricting annexation to areas where public services may be provided, true rural agricultural areas are protected.

6. *Public Facilities:*

Fails to maximize use of existing public facilities and services.

This indicator does not apply. Although City water and wastewater services are not available to the site, the site is in the city's 180 district and adequate capacity is available to serve future development consistent with the requested Suburban Residential (SR) future land use designation. Water and sewer are available approximately 1.5-miles to the west and could be extended to serve the site. Upon annexation, the City will also provide other services such as fire and police protection, library services, parks, and recreation.

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 future development consistent with the requested SR future land use designation. The land use pattern allowing suburban development decreases costs and inefficiency in delivering services. As the city's service area becomes more compact, per capita costs will be reduced.

8. *Separation of Urban and Rural:*

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

This indicator does not apply. The Land Development Regulations include standards to protect adjacent properties having alternate land use designations at time of development. The suburban character of the SR land use designation coupled with a Rural Neighborhood design district forms an appropriate transition from the urban core to the rural areas on the edges of the Eustis urbanized area.

9. *Infill and Redevelopment:*

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

This indicator does not apply. Infill development and redevelopment of existing neighborhoods would most appropriately apply to properties within

or near the City's urban core. Undeveloped lands suitable for suburban development types do not exist within the City's urban core.

10. Functional Mix of Uses:

Fails to encourage a functional mix of uses.

This indicator does not apply. Within the city limits, approximately 1.5-miles to the west, property designated General Commercial and Mixed Commercial/Residential exists to provide commercial support services in the future. Current retail and support services exist within 1.5 to 4-miles from the property subject to this request. Furthermore, while SR allows single-family attached and single-family detached, the Planned Unit Development (PUD) process would allow development to provide neighborhood commercial. The form-based code and PUD were designed to allow large vacant areas to be planned to meet the functional mix of uses.

11. Accessibility among Uses:

Results in poor accessibility among linked or related land uses.

This indicator does not apply. The property has access to existing transportation corridors. 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 any future development review.

12. Open Space:

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

This indicator does not apply. The property in its existing condition does not provide functional open space. Future development under the Suburban Residential (SR) land use will be required to include functional dedicated open space and park space consistent with the Land Development Regulations and Comprehensive Plan requirements.

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 located approximately 4-miles from the City's downtown core (central business district); and is located in a geographic area where nearby properties already have been approved for Suburban Residential (SR) development. The property does not appear to have wetlands or other natural resource/ecosystems. However, if a development review is proposed, the City regulations require submittal of surveys and studies to identify karst features, flora and fauna. 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.

b. Efficient and Cost-Effective Services:

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

Adequate capacity is available to serve future development consistent with the requested SR future land use designation. Upon annexation, the City will also provide other services such as fire and police protection, library services, parks, and recreation. The land use pattern allowing suburban development decreases costs and inefficiency in delivering 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.

The SR future land use designation provides for housing choices including single-family detached and single-family attached, residential, duplex and townhome dwelling up to a maximum density of 5 dwelling units per acre (subject to compatibility requirements based on adjacent densities). A Planned Unit Development can allow neighborhood commercial uses. The Land Development Regulations include pedestrian and roadway network standards, block structure and park space requirements to ensure compact development that supports walkability and connection. A Lake Express bus stop currently exists approximately 2-miles away; as growth occurs, the transit provider could add stops or routes.

d. Water and Energy Conservation:

Promotes conservation of water and energy.

Future design of the project may include water and energy conservation measures; however, those details are not available at this time.

e. Agricultural Preservation:

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

This site is currently planted with pines; a common practice to maintain an agricultural property tax exemption until such time as development is desired. While some of the soils on the property (Candler sand w/slopes less than 12 percent) are suitable for tree planting and/or rangeland/pasture and tree planting. The soils are identified as unique farmland, however, the property is within an area designated for urban development (JPA/180 Utility District). By restricting annexation to areas where public services may be provided, true rural agricultural areas are protected.

f. Open Space:

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

The Land Development Regulations (LDRs) require that all new residential developments incorporate land for parks for the residents of the development

and that all development include dedicated open space consistent with the LDR and Comprehensive Plan requirements.

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.

Within the city limits, approximately 1.5-miles to the west, property designated General Commercial and Mixed Commercial/Residential exists to provide commercial support services in the future. Current retail and support services exist within 1.5 to 4-miles from the property subject to this request. Furthermore, SR allows single-family attached and single-family detached. The Planned Unit Development (PUD) process would allow development to provide neighborhood commercial. The form-based code and PUD were designed to allow large vacant areas to be planned to meet the functional mix of uses.

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.

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 4-miles from the downtown core and the police station. Fire/emergency service is approximately 3-miles away from the subject property.

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.

Furthermore, the Land Development Regulations require that all new residential developments incorporate parks for the residents of the development to ensure that the City maintains this level of service.

c. *Potable Water & Sanitary Sewer:*

Water and sewer lines exist approximately 1.5 miles away from the subject property. The following outlines the water and wastewater demand based on a maximum development potential scenario. Actual build-out conditions will be determined by residential compatibility, minimum open space requirements and maximum impervious surface area requirements.

Potential Residential Demand

5 du/ac x 20.691 ac. = 103 Dwelling Units x 2.52 p/hh = 260 persons

Water – 260 x 140 GPCD = 36,400 GPD

Wastewater – 260 x 120 GPCD = 31,200 GPD

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

d. *Schools:*

The proposed change will not negatively impact schools. The Lake County Public Schools Adequate Public Facilities Determination has concluded there are adequate school facilities to accommodate the anticipated demand. If a development is proposed in the future, a school concurrency review will be required.

e. *Solid Waste:*

The City contracts with Waste Management for hauling of solid waste. The company already services properties nearby 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:**

(Institute of Traffic Engineers Trip Generation Manual, 10th Edition). The following estimates are based on possible maximum development scenarios. Actual build-out conditions will be determined by residential compatibility, minimum open space requirements and maximum impervious surface area requirements.

1) Trip Generation for SR

As any future development housing type is yet to be determined, staff utilized Land Use 210, Single family detached housing for purposes of estimating the general trips of the proposed Suburban Residential (SR) parcel. Land use 210 represents single family detached housing which includes all single family detached homes on individual lots and represents a typical suburban subdivision.

Estimated Additional Dwelling Units (theoretical maximum): 83

PM Peak Hour of generator on a weekday

Ave. Rate @ $1.0 \times 83 = 83$ trips

36% exiting: 29.8

64% entering: 53.1

The adopted LOS for CR 44 between Hicks Ditch Road and CR 44 A is D with a capacity of 13,860 trips. The 2019 average daily traffic trips west of the 44 Bypass were 10,974 and trips were 4,957 just west of Estes Road. The LOS for CR 44A between Estes Road and CR 439 is a C at with a capacity of 14,200 trips. The 2019 average daily trips just west of CR 439 were 4,746. At this time, it appears the adjacent transportation network has the capacity to serve the proposed SR property without negatively affecting the adopted level of service. However, at time of proposed development, a complete traffic analysis will be required and road improvements identified if necessary.

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 subject property is located in a highly effective recharge area; more than 20 inches per year. To protect ground water recharge areas, connection to central wastewater versus permitting development with septic systems is addressed in the Eustis Comprehensive Plan. The property is in the Eustis 180 Utility District where the city has agreed to provide services.

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. Should any historical sites or archaeological sites be uncovered during future development, work in the vicinity shall cease until the property authorities can be contacted and an evaluation is conducted.

c. **Flood zones:**

The subject property is not within a floodplain.

Source - Lake County GIS - 2012 Flood Zones

d. **Soil and topography:**

Onsite soils (Candler sand) are excessively drained with slopes ranging from zero to 12 percent (a small portion of the site has potentially steeper slopes from 12 to forty percent). Future development type and foundations will be dependent on/determined by soil borings conducted as part of the project design process.

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.

The current Lake County land use designation is Rural Transition. The property owner has requested the Suburban Residential land use designation within the City of Eustis. The evaluation below supports the requested designation.

a. **Review of Land Use, Form Based Code and Surrounding Properties**

Existing Land Use According to the Lake County Comprehensive Plan:

“The Rural Transition Future Land Use Category is intended to address “edge” conditions where Rural Future Land Use Categories abut Urban Future Land Use Categories. These “edges” represent areas where lower rural densities may be increased for Rural Conservation Subdivisions that utilize clustering techniques.

This Future Land Use Category provides for residential development at densities equal to or less than one (1) dwelling unit per five (5) net buildable acres, agricultural operations, civic uses compatible with a rural community, and Rural Support functions where appropriate.

Alternatively, residential development not to exceed a maximum density of one (1) dwelling unit per three (3) net buildable acres may be permitted provided that any subdivision shall be developed as a clustered Rural Conservation Subdivision utilizing a PUD, and provided that at least 35% of the net buildable area of the entire PUD site shall be dedicated in perpetuity for preservation as common open space through the use of a conservation easement or similar recorded and legally binding instrument, as allowed by law. A proposed Rural Conservation Subdivision shall consist of at least fifteen (15) net buildable acres in order to be considered for this alternate density.

As a third alternative, residential development not to exceed a maximum density of one (1) dwelling unit per one (1) net buildable acre may be permitted provided that any subdivision shall be developed as a clustered Rural Conservation Subdivision utilizing a PUD, and provided that at least 50% of the net buildable area of the entire PUD site shall be dedicated in perpetuity for preservation as common open space through the use of a conservation easement or similar recorded and legally binding instrument, as allowed by law.

Rural Support uses are intended to address the need for narrowly defined commercial and office uses that support the resident population of areas within the Rural Future Land Use Series. Rural Support land uses include professional offices, personal services, convenience retail, agricultural-related retail sales of goods and services, banks, bars or taverns, automotive service stations, medical services, general restaurants, recreation commercial, churches, community residential homes, family day care or family residential homes, utilities, and communication towers. Such uses shall be limited in scale and scope to serve the basic and special needs of rural areas and ensure compatibility with the character of rural areas."

Proposed Land Use According to the Eustis Comprehensive Plan:

"The Future Land Use Classifications set forth the potential uses of property in the context of the lawful planning horizon and provide for a wide array of density or intensity of use within each land use classification. A property owner is not necessarily entitled to the most potentially dense or intense uses permitted within a land use classification. In some cases, the compatibility standards in the Land Development Regulations may result in an actual project density less than the maximum permitted by the Comprehensive Plan. The Future Land Use Map does not guarantee that maximum densities will be achieved in all cases and does not serve as a substitute density limit in place of any other regulations that would place further restrictions and/or limitations on the development density of a parcel."

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 City uses a form-based code instead of traditional Euclidian zoning. The Future Land Use determines density/intensity and allowable uses. Design Districts determine allowable lot typologies that determine lot sizes, setbacks and other development criteria. (Actual build-out conditions are determined by residential compatibility, minimum open space requirements and maximum impervious surface area requirements).

The pairing of the proposed SR land use and Rural Neighborhood design district in this case would limit development as follows:

Allowable lot types: Estate, House, Duplex

Landscape buffer: 50-feet along public right-of-way

Open space: 25% or 35% depending on presence of Wekiva related vegetative species

Site design criteria: Create interconnected open space; protect listed species; provide and restore native habitat; preserve the function and integrity of the natural features of the land to the extent practicable; provide external and internal connectivity while minimizing impacts on designed open space.

Karst features: Setbacks ranging from 100 to 300 feet if karst features are located onsite.

Rural residential compatibility: For lands within the rural design district, the maximum residential density permitted shall be consistent with the maximum density of the applicable land use district assigned to each individual property and shall further be limited by a compatibility assessment of the proposed development with the existing development patterns of nearby properties and the character of the surrounding area as determined by the following: Applicants must demonstrate that the proposed development respects the context of the adjacent uses through:

(1) Ensuring that the overall density of the development is not greater than 25 percent more than adjacent/surrounding developments. If an adjacent development has a planned unit development overlay, the overall density of the entire master plan shall be used for this compatibility assessment. Any density variation greater than 25 percent requires specific review and approval by the city commission.

(2) Providing compatible building lot types, where compatible lot types within the area require that the new residential building lot typologies that are proposed adjacent to existing or platted residential lots may not

be smaller than 85 percent of the lot width or intensity of the existing adjacent residential lot(s).

The Eustis land use designation to the west and southwest are Suburban Residential (SR) with a maximum density of 5 dwelling units per acre (du/ac). The surrounding unincorporated areas to the north, south, east, and west were designated Rural Transition on the Lake County Future Land Use Map.

Source: Lake County GIS Zoning & FLU Codes – 5/15/14

b. Comparison of Lake County Development Conditions

The existing Lake County future land use designation of the parcel is Rural Transition. Allowable density is a maximum of 1 dwelling units per acre if clustered in a Rural Conservation Subdivision. The current zoning is R-1. The county land use designation would allow a theoretical maximum of 20 dwelling units.

The proposed City of Eustis future land use designation of the parcel is Suburban Residential (SR), which allows residential densities up to 5 dwelling units per acre (subject to compatibility requirements, open space, etc.). At 5 units per acre, the site could support a theoretical maximum of 103 dwelling units. The difference in development potential is 83 du.

Lake County's future land use map appears to classify much of the of undeveloped, unincorporated land in the JPA as Rural Transition which allows 1 unit/acre via a PUD with 50% open space (or Urban Low) with R-1 zoning. The purpose of R-1 is defined as providing a transition between agricultural and conservation areas and the more urban residential communities. The county's comprehensive plan describes Rural Transitional as an edge condition, yet, the Eustis urbanized area may be defined to include property as far east as CR 437, where the city already provides water and wastewater to developments with suburban densities. Finally, existing suburban development lies less than one mile away (Lakes of Mount Dora) and other areas in the same proximity have been approved for suburban development. The current Lake County designation on this property is inconsistent with the overall suburbanizing character of the general area and does not provide for a reasonable transition (rational transect) between urban and suburban uses within the Eustis urbanized area and the true rural areas of the county.

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

c. **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. There are no commercial or industrial uses to be mitigated at this time.

d. **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.

The proposed land use designation is consistent with the Transportation Element. As described above, the LOS on adjacent roadways could accommodate the maximum development scenario on this parcel.

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.

Public utilities and services capacities are available for each utility or service. Refer to 5.A. above for more information. The property is in the City's 180 Utility District. City's adopted Water Supply Plan anticipated additional growth consistent with this development, so both supply and capacity are available. Mains will need to be run the property.

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 assignment is consistent with the Comprehensive Plan. See analysis above under item 5, 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 assignment is not in conflict with the Land Development Regulations. At the time of future 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 assignment of a Suburban Residential future land use designation coupled with a Rural Neighborhood design district is intended to provide for residential development that has a character and scale that promotes compatibility with adjacent or nearby residential uses. (See Page 13 for rural design district development limitations).

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 the opportunity to extend and connect to central water and wastewater. 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 and wastewater services are located in close proximity (approximately 1.5-miles away). Adequate capacity is available to serve future development consistent with the requested SR future land use designation. 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. The Lake County Public Schools Adequate Public Facilities Report indicates the change will not negatively impact schools.

f. *Impact on Environment:*

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

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.

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 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. Assigning land uses (and design districts) consistent with those in the city limits nearby will provide a consistent development pattern, efficient use of land, and cost-effective provision of infrastructure.

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.”

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.

None.

Analysis of Design District Request (Ord. Number 20-34):

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. Standard 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 109-5.7 Rural 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 of a Rural Neighborhood. The Rural development pattern and intent, definition, structure and form description are stated below. The assignment of a Rural Neighborhood design district designation is appropriate due to the established development patterns in the area. The City of Eustis Design District Map shows the nearby properties within the city limits

as Rural Neighborhood or Rural Corridor. The Rural Neighborhood designation would act to assist with compatibility with the surrounding unincorporated property.

Sec. 109-5.7. Rural development pattern intent statements:

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

Design districts

(1) Rural neighborhood.

- a. Definition. Predominately residential uses where a portion of the land is designated as undivided, permanent open space of a site in an effort to preserve the existing natural resource areas while providing a significant amount of open space.
- b. Structure. Developable land is subdivided into buildable lots. This development option provides an opportunity for communities to meet both their development and conservation goals by concentrating homes in a small portion of a site in an effort to preserve the existing natural resource areas on a larger scale.
- c. Form. Preservation of natural landscape organizes development to make a place.

The rural development pattern is consistent with the Lake County Rural Transition and R-1 zoning goals to protect the environment, providing open space and concentrating or clustering homes.

b. 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.

c. ***Consistent with Comprehensive Plan:***

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

The requested design district assignment for this annexation parcel is consistent with the Future Land Use element (including Policy FLU 1.1.1, Planning Principals, 1.2.4, Development Patterns and FLU 1.3.2. Maintain Residential Compatibility), as well as all other elements of the Comprehensive Plan.

d. Consistent with Surrounding Uses:

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

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

e. 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 which is eligible for full municipal services.

f. 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. 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.

g. Impact to Environment:

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

Redistricting is not being proposed; a Eustis design district designation must be assigned to annexed property. Design Districts control the form and function of any development that may 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. Site plan/preliminary subdivision plat review for any future development will include environmental review to assess impacts to flora, fauna and wetlands, and provide for protection of sensitive areas.

h. 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.

i. 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 rural development pattern identified in Section 109-5.7 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.

j. 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.

k. 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 Rural 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."

3. Florida Statutes Chapter 171.031(11) & (12):

“Contiguous” means that a substantial part of a boundary of the territory sought to be annexed by a municipality is coterminous with a part of the boundary of the municipality. The separation of the territory sought to be annexed from the annexing municipality by a publicly owned county park; a right-of-way for a highway, road, railroad, canal, or utility; or a body of water, watercourse, or other minor geographical division of a similar nature, running parallel with and between the territory sought to be annexed and the annexing municipality, shall not prevent annexation under this act, provided the presence of such a division does not, as a practical matter, prevent the territory sought to be annexed and the annexing municipality from becoming a unified whole with respect to municipal services or prevent their inhabitants from fully associating and trading with each other, socially and economically. However, nothing herein shall be construed to allow local rights-of-way, utility easements, railroad rights-of-way, or like entities to be annexed in a corridor fashion to gain contiguity; and when any provision or provisions of special law or laws prohibit the annexation of territory that is separated from the annexing municipality by a body of water or watercourse, then that law shall prevent annexation under this act.

“Compactness” means concentration of a piece of property in a single area and precludes any action which would create enclaves, pockets, or finger areas in serpentine patterns. Any annexation proceeding in any county in the state shall be designed in such a manner as to ensure that the area will be reasonably compact.

4. Land Development Regulations Section 109.2.3(b) Suburban Residential Land Use District (SR)

Suburban residential district (SR). Areas designated suburban residential (SR) have 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.

5. Land Development Regulations Section 109-5.7(b):

The Rural Neighborhood Design District has predominately-residential uses where a portion of the land is designated as undivided, permanent open space of a site in an effort to preserve the existing natural resource where developable land is subdivided into buildable lots.

6. Land Development Regulations Sec 115-3.3:

Rural residential compatibility. For lands within the rural design district, the maximum residential density permitted shall be consistent with the maximum density of the applicable land use district assigned to each individual property and shall further be limited by a compatibility assessment of the proposed development with the existing development patterns of nearby properties and the character of the surrounding area as determined by the following: Applicants must demonstrate that the proposed development respects the context of the adjacent uses through:

(1)Ensuring that the overall density of the development is not greater than 25 percent more than adjacent/surrounding developments. If an adjacent

development has a planned unit development overlay, the overall density of the entire master plan shall be used for this compatibility assessment. Any density variation greater than 25 percent requires specific review and approval by the city commission.

(2) Providing compatible building lot types, where compatible lot types within the area require that the new residential building lot typologies that are proposed adjacent to existing or platted residential lots may not be smaller than 85 percent of the lot width or intensity of the existing adjacent residential lot(s).

Fiscal Impact:

The current market value of the subject property is \$209,044 but the agricultural exemption lowers the taxable value to \$10,138.

Based on the current millage rate of 7.581, annexation of the property could increase annual pre-development operating revenues by as much as \$155.42.

Alternatives:

1. Approve Ordinance Numbers 20-32 (Annexation), 20-33 (Comp. Plan Amendment), and/or 20-34 (Design District Designation)
2. Deny Ordinance Numbers 20-32, 20-33 and 20-34.

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 city's strategic plan, planning documents and utility districts.
- Annexation would increase the tax base of the City and increase the annual operating revenues.
- 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.
- The applicant can move forward with planning a future development, if desired.
- The proposed land use and design district assignment are consistent with Comprehensive Plan.
- The action could encourage additional annexations in that area.

Disadvantages:

- There is no disadvantage to annexing property and assigning Eustis land use and design district designations.

Alternative 2 denies the Ordinances.

(If Ordinance Number 20-32 is denied, the Commission cannot approve Ordinance Numbers 20-33 and 20-34.)

Advantages:

- The Commission could consider a different Land Use or Design District designation for the property.

Disadvantages:

- Denying annexation would delay expansion plans for the City in accordance with the city's strategic plan, planning documents and utility districts.
- The action would eliminate the potential for increased operating revenue and the subject property may 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 property could remain underutilized.
- The City could lose a future 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. Between September 17 and September 24, 2020 the department been contacted by six different individuals regarding the property subject to this request. Additional opportunities for public input will be available at the public hearings.

Budget / Staff Impact:

Based on the current assessment and millage rate, the City can anticipate approximately \$155 annually in additional operating revenue. 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:

Lori Barnes, AICP, Development Services Director

Attachments:

Ordinance Number 20-32
Ordinance Number 20-33
Ordinance Number 20-34

To be provided on request:

Legal Advertisements
Notice to Surrounding Property Owners
Lake County Schools Adequate Public Facilities Report
Notice to Lake County Board of County Commissioners
Application Documents

ORDINANCE NUMBER 20-32

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, VOLUNTARILY ANNEXING APPROXIMATELY 20.691 ACRES OF REAL PROPERTY LOCATED ON THE NORTH SIDE OF COUNTY ROAD 44A, EAST OF EAST ELDORADO LAKE DRIVE.

WHEREAS, Carol L. Harper, Trustee, the legal owner of record, has made application for voluntary annexation of approximately 20.691 acres of real property located on the north side of County Road 44A, east of East Eldorado Lake Drive more particularly described as:

Alt Key Nos. 1039568; 1048591; 3028368

Parcel Nos. 04-19-27-0002-000-00600; 32-18-27-0200-000-00800; 32-18-27-0200-000-01100

A PARCEL OF LAND BEING A PORTION OF LOT 8 AND ALL OF LOTS 9, 10, 11, ELDORADO HEIGHTS ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 4, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, LYING IN SECTION 33, TOWNSHIP 18 SOUTH, RANGE 27 EAST BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 11 FOR THE POINT OF BEGINNING; THENCE RUN SOUTH 89°44'30" EAST, ALONG THE NORTH LINE OF SAID LOT 11, A DISTANCE OF 645.00 FEET TO THE EAST LINE OF SAID LOT 11; THENCE RUN SOUTH 00°01'32" WEST, ALONG SAID EAST LINE, 75.00 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 255.00 FEET OF AFORESAID LOT 8; THENCE RUN SOUTH 89°44'30" EAST, ALONG SAID NORTH LINE, 645.00 FEET TO THE EAST LINE OF SAID LOT 8; THENCE RUN SOUTH 00°01'32" WEST, ALONG SAID EAST LINE AND THE EAST LINE OF AFORESAID LOT 9, A DISTANCE OF 555.00 FEET TO THE SOUTH LINE OF SAID LOT 9; THENCE RUN NORTH 89°44'30" WEST, ALONG THE SOUTH LINE OF SAID LOT 9 AND THE SOUTH LINE OF AFORESAID LOT 10, A DISTANCE OF 1290.00 FEET TO THE WEST LINE OF SAID LOT 10; THENCE RUN NORTH 00°01'32" EAST, ALONG SAID WEST AND THE WEST LINE OF AFORESAID LOT 11, A DISTANCE 630.01 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 19 SOUTH, RANGE 27 EAST BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 4, TOWNSHIP 19 SOUTH, RANGE 27 EAST FOR A POINT OF COMMENCEMENT; THENCE RUN SOUTH 00°14'35" WEST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4, A DISTANCE OF 30.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF A UNNAMED ROAD AS SHOWN ON THE PLAT OF ELDORADO HEIGHTS, RECORDED IN PLAT BOOK 4, PAGE 4, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE RUN SOUTH 89°44'30" EAST, ALONG SAID SOUTH RIGHT-OF-WAY, 1320.27 FEET

TO THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 4; THENCE DEPARTING SAID SOUTH RIGHT OF WAY, RUN SOUTH 00°16'35" EAST, 25.59 FEET TO NORTH RIGHT-OF-WAY LINE OF COUNTY ROAD 44A, THENCE RUN SOUTH 83°30'25" WEST, ALONG SAID NORTH RIGHT-OF-WAY, 1329.68 FEET TO THE AFORESAID WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4; THENCE RUN NORTH 00°14'35" EAST, ALONG SAID WEST LINE. 181.91 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND LIES IN LAKE COUNTY, FLORIDA AND CONTAINS 20.691 ACRES MORE OR LESS; and

WHEREAS, the subject property is reasonably compact and contiguous to the City of Eustis boundary pursuant to F.S. 171.031(11) where separation of territory by a publicly owned county park shall not prevent annexation; 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, in an area where City services are in close proximity with available capacity; and

WHEREAS, on October 1, 2020 the City Commission held the 1st Public Hearing to consider the voluntary annexation of the property contained herein; and

WHEREAS, on December 3, 2020, 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 20.691 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 _____ day of December 2020.

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

Michael L. Holland
Mayor/Commissioner

ATTEST:

Mary C. Montez, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by physical presence, this ____ day of December, 2020, by Michael L. Holland, Mayor, and Mary C. Montez, City Clerk, who are personally known to me.

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

CITY ATTORNEY'S OFFICE

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

City Attorney's Office

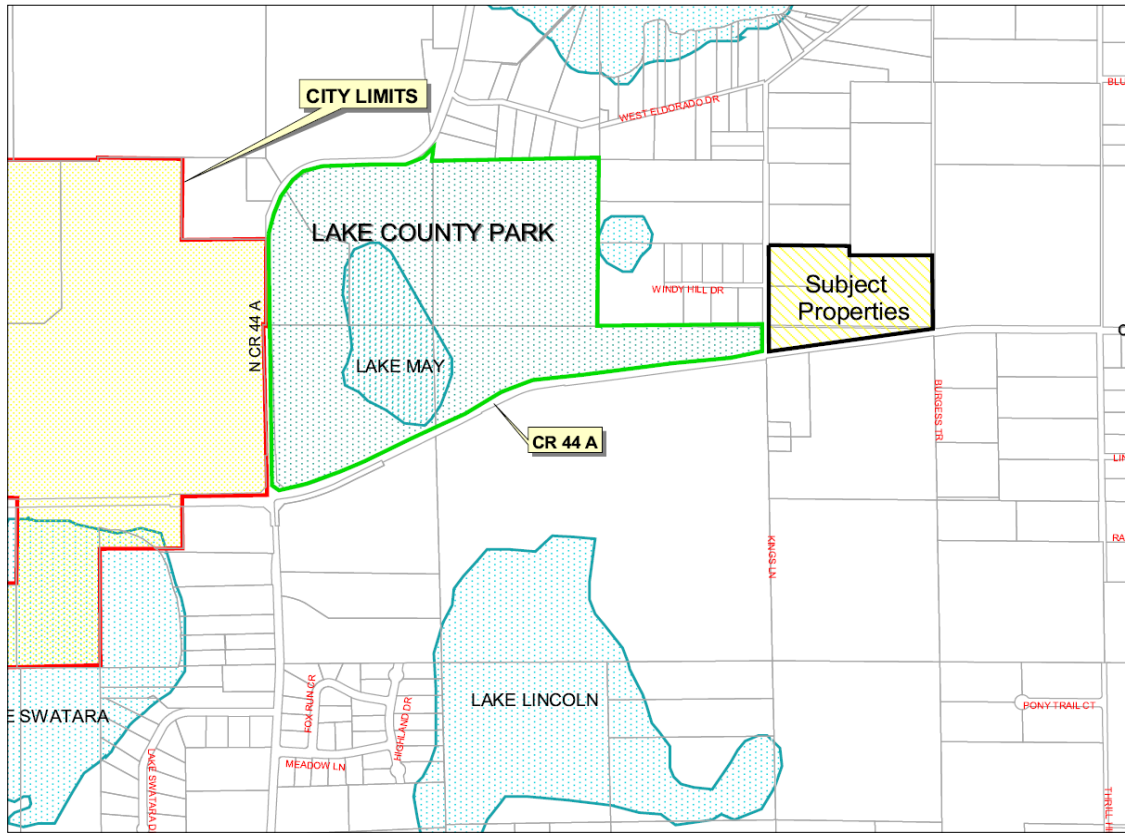
Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 20-32 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 20-33

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 20.691 ACRES OF RECENTLY ANNEXED REAL PROPERTY LOCATED ON THE NORTH SIDE OF COUNTY ROAD 44A, EAST OF EAST ELDORADO LAKE DRIVE FROM RURAL TRANSITION IN LAKE COUNTY TO SUBURBAN RESIDENTIAL (SR) IN THE CITY OF EUSTIS.

WHEREAS, Ordinance 20-32 annexed certain real property into the corporate limits of the City of Eustis; and

WHEREAS, Carol L. Harper, Trustee, the owner of said property as more particularly described herein has submitted an application (2020-CPLU-04) requesting a future land use designation of Suburban Residential (SR) be assigned to the 20.691 acres of annexed property; and

WHEREAS, on October 1, 2020, the Land Planning Agency held a Public Hearing to consider the adoption of a Large Scale Future Land Use Amendment for this change in designation; and

WHEREAS, on October 1, 2020, the City Commission held the first of two required Public Hearings to accept the Land Planning Agency's recommendation to adopt the Large Scale Future Land Use Amendment contained herein, and approved Transmittal to the Florida Department of Economic Opportunity; and

WHEREAS, the Florida Department of Economic Opportunity has reviewed the proposed change to the Comprehensive Plan and Future Land Use Map without objection; and

WHEREAS, on December 3, 2020, the City Commission held the second Public Hearing to consider the adoption of the Large 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 properties as described below shall be changed from Lake County Rural Transition to Suburban Residential (SR) within the City of Eustis:

Alt Key Nos. 1039568; 1048591; 3028368

Parcel Nos. 04-19-27-0002-000-00600; 32-18-27-0200-000-00800; 32-18-27-0200-000-01100

A PARCEL OF LAND BEING A PORTION OF LOT 8 AND ALL OF LOTS 9, 10, 11, ELDORADO HEIGHTS ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 4, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, LYING IN SECTION 33, TOWNSHIP 18 SOUTH, RANGE 27 EAST BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 11 FOR THE POINT OF

BEGINNING; THENCE RUN SOUTH 89°44'30" EAST, ALONG THE NORTH LINE OF SAID LOT 11, A DISTANCE OF 645.00 FEET TO THE EAST LINE OF SAID LOT 11; THENCE RUN SOUTH 00°01'32" WEST, ALONG SAID EAST LINE, 75.00 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 255.00 FEET OF AFORESAID LOT 8; THENCE RUN SOUTH 89°44'30" EAST, ALONG SAID NORTH LINE, 645.00 FEET TO THE EAST LINE OF SAID LOT 8; THENCE RUN SOUTH 00°01'32" WEST, ALONG SAID EAST LINE AND THE EAST LINE OF AFORESAID LOT 9, A DISTANCE OF 555.00 FEET TO THE SOUTH LINE OF SAID LOT 9; THENCE RUN NORTH 89°44'30" WEST, ALONG THE SOUTH LINE OF SAID LOT 9 AND THE SOUTH LINE OF AFORESAID LOT 10, A DISTANCE OF 1290.00 FEET TO THE WEST LINE OF SAID LOT 10; THENCE RUN NORTH 00°01'32" EAST, ALONG SAID WEST AND THE WEST LINE OF AFORESAID LOT 11, A DISTANCE 630.01 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 19 SOUTH, RANGE 27 EAST BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 4, TOWNSHIP 19 SOUTH, RANGE 27 EAST FOR A POINT OF COMMENCEMENT; THENCE RUN SOUTH 00°14'35" WEST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4, A DISTANCE OF 30.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF A UNNAMED ROAD AS SHOWN ON THE PLAT OF ELDORADO HEIGHTS, RECORDED IN PLAT BOOK 4, PAGE 4, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE RUN SOUTH 89°44'30" EAST, ALONG SAID SOUTH RIGHT-OF-WAY, 1320.27 FEET TO THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 4; THENCE DEPARTING SAID SOUTH RIGHT OF WAY, RUN SOUTH 00°16'35" EAST, 25.59 FEET TO NORTH RIGHT-OF-WAY LINE OF COUNTY ROAD 44A, THENCE RUN SOUTH 83°30'25" WEST, ALONG SAID NORTH RIGHT-OF-WAY, 1329.68 FEET TO THE AFORESAID WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4; THENCE RUN NORTH 00°14'35" EAST, ALONG SAID WEST LINE. 181.91 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND LIES IN LAKE COUNTY, FLORIDA AND CONTAINS 20.691 ACRES MORE OR LES

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

That this Ordinance shall not become effective unless and until the annexation of the subject property becomes effective through approval of Ordinance Number 20-32. Further, 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 ____ day of December 2020.

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

Michael L. Holland
Mayor/Commissioner

ATTEST:

Mary C. Montez, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by physical presence, this ____ day of December, 2020, by Michael L. Holland, Mayor, and Mary C. Montez, City Clerk, who are personally known to me.

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

CITY ATTORNEY'S OFFICE

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

City Attorney's Office

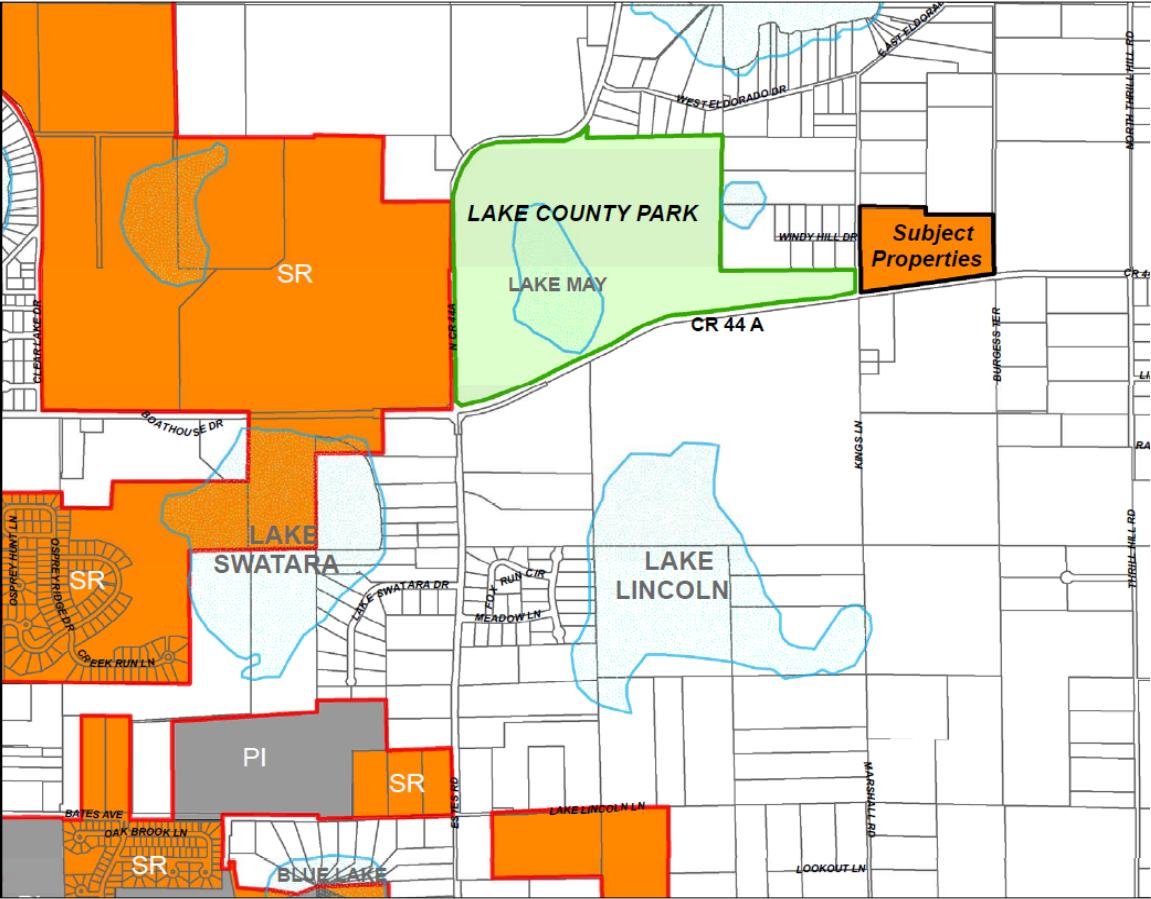
Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 20-33 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: FUTURE LAND USE MAP



ORDINANCE NUMBER 20-34

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA; ASSIGNING THE RURAL NEIGHBORHOOD DESIGN DISTRICT DESIGNATION TO APPROXIMATELY 20.691 ACRES OF RECENTLY ANNEXED REAL PROPERTY LOCATED ON THE NORTH SIDE OF COUNTY ROAD 44A, EAST OF EAST ELDORADO LAKE DRIVE.

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 Rural Neighborhood to approximately 20.691 acres of recently annexed real property further described below, and

WHEREAS, on October 1, 2020, the City Commission held the 1st Public Hearing to consider the Design District Amendment contained herein; and

WHEREAS, on December 3, 2020, 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 properties described below shall be Rural Neighborhood:

Alt Key Nos. 1039568; 1048591; 3028368

Parcel Nos. 04-19-27-0002-000-00600; 32-18-27-0200-000-00800; 32-18-27-0200-000-01100

A PARCEL OF LAND BEING A PORTION OF LOT 8 AND ALL OF LOTS 9, 10, 11, ELDORADO HEIGHTS ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 4, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, LYING IN SECTION 33, TOWNSHIP 18 SOUTH, RANGE 27 EAST BEING DESCRIBED AS FOLLOWS:

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THE ABOVE DESCRIBED PARCEL OF LAND LIES IN LAKE COUNTY, FLORIDA AND CONTAINS 20.691 ACRES MORE OR LESS.

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 20-32.

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this ____ day of December 2020.

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

Michael L. Holland
Mayor/Commissioner

ATTEST:

Mary C. Montez, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by physical presence, this ____ day of December, 2020, by Michael L. Holland, Mayor, and Mary C. Montez, City Clerk, who are personally known to me.

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

CITY ATTORNEY'S OFFICE

This document is approved as to form and legal content for the use and reliance of the City Commission of the City of Eustis, Florida, however, 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 20-34 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Mary C. Montez, City Clerk



City of Eustis

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

Staff Report

TO: Eustis City Commission
FROM: Ronald Neibert, City Manager
DATE: September 2, 2021
RE: ORDINANCE NUMBER 20-35: VOLUNTARY ANNEXATION OF PROPERTY LOCATED ON THE SOUTH SIDE OF CR 44A AND WEST OF THRILL HILL ROAD
ORDINANCE NUMBER 20-36: COMPREHENSIVE PLAN AMENDMENT ASSIGNING A FUTURE LAND USE DESIGNATION TO THE ABOVE PROPERTY
ORDINANCE NUMBER 20-37: ASSIGNING A DESIGN DISTRICT DESIGNATION TO THE ABOVE PROPERTY

Introduction:

This item was continued from the June 3, 2021, regular City Commission meeting. Ordinance Number 20-35 provides for the voluntary annexation of approximately 104.066 acres located on the south of CR 44A and west of Thrill Hill Road. Provided the annexation is approved, Ordinance Number 20-36 will change the future land use designation from Rural Transition in Lake County to Suburban Residential (SR) in the City of Eustis, and Ordinance Number 20-37 will assign the subject property a design district designation of Rural Neighborhood. If Ordinance Number 20-35 is denied, there can be no consideration of Ordinance Numbers 20-36 and 20-37.

Background:

See attached staff report.

Recommended Action:

Administration recommends approval of Ordinance Numbers 20-35, 20-36 and 20-37.

Alternatives:

1. Approve Ordinance numbers 20-35, 20-36 and 20-37.
2. Deny Ordinance Number 20-35 (if Ordinance Number 20-35 is denied, there can be no consideration of Ordinance Numbers 20-36 and 20-37).

Attachments:

[Staff Report 2nd Reading Ord. Nos. 20-35 20-36 20-37](#)

[Ordinance No. 20-35 Annexation](#)

[Ordinance No. 20-36](#)

[Ordinance No. 20-37](#)

Reviewed by:

Ronald Neibert, City Manager

Mary Montez, City Clerk

Approved - 27 Aug 2021

Approved - 27 Aug 2021



City of Eustis

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

TO: EUSTIS CITY COMMISSION
FROM: RONALD R. NEIBERT, CITY MANAGER
DATE: DECEMBER 3, 2020
RE: **EXPLANATION OF ORDINANCES FOR PROPERTY LOCATED SOUTH
OF COUNTY ROAD 44 AND WEST OF THRILL HILL ROAD**

Ordinance Number 20-35: Voluntary Annexation

Ordinance Number 20-36: Comprehensive Plan Amendment

Ordinance Number 20-37: Design District Assignment

Introduction

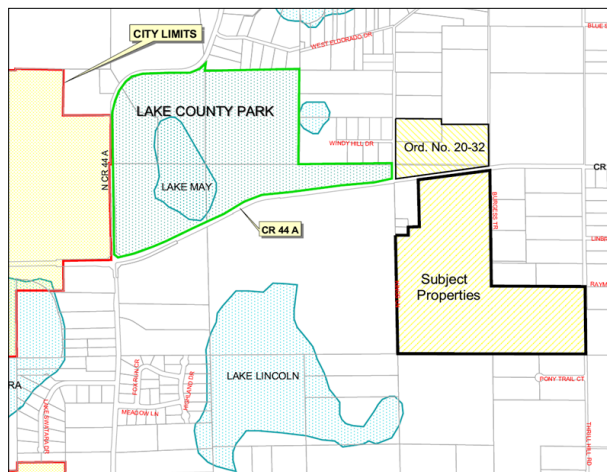
Ordinance Number 20-35 provides for the voluntary annexation of approximately 104.066 acres located south of CR 44 and west of Thrill Hill Road. Provided the annexation of the subject property is approved, Ordinance Number 20-36 would change the future land use designation from Rural Transition in Lake County to Suburban Residential (SR) in the City of Eustis, and Ordinance Number 20-37 would assign the subject property a design district designation of Rural Neighborhood. If Ordinance Number 20-35 is denied, then there can be no consideration of Ordinance Numbers 20-36 and 20-37.

Recommended Action

The administration recommends approval of Ordinance Numbers 20-35, 20-36, and 20-37.

Background/Pertinent Site Information

1. The site contains approximately 104.066 acres and is within the Eustis Joint Planning Area and the Eustis 180 Utility District.
2. The site is contiguous to the Harper Property to the north which is also proposed to be annexed (Ordinance Number 20-32).



3. The site is vacant and the Lake County Property Appraiser has classified the current property use as Timber, Wetland, Pasture Improved Hay Acreage and Agricultural Homesite. There is one single-family home on the central portion of the property.
4. The site and surrounding properties have the following land use designations:

Location	Existing (Current) Use	Future Land Use	Design District
Site	Single-Family, Pasture, Timber, Wetland	Rural Transition (Lake County)	N/A
North	Timber	Rural Transition (Lake County)	N/A
South	Vacant Residential, Timber	Rural Transition (Lake County)	N/A
East	Single-Family, Vacant Residential, Timber, Orange Grove	Rural Transition Rural (Lake County)	N/A
West	Single-Family, Pasture, Timber, Non-Agricultural Acreage, Cropland, Orange Grove, Wetland	Rural Transition (Lake County)	N/A

Applicant's Request

The applicants, Jerry P. Brown, as manager of Five Cranes, LLC, JTB Thrill Hill, LLC and Jerry P. Brown & Thomas H. Brown as Co-Trustees of the Thrill Hill Land Trust applied for voluntary annexation, and assignment of Eustis future land use (Suburban Residential) and design district (Rural Neighborhood) designations.

Analysis of Annexation Request (Ord. Number 20-35)

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 Joint Planning Area boundaries established in 1987 define the reasonably compact area where the City could provide services effectively and efficiently. The subject property lies within that planning area which area has been envisioned to be part of the City limits for over 30 years. Water and wastewater service are not directly available to the site at this time, but services are available approximately a mile and a half away, and the City has adequate plant capacity to provide these services. (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 property is contiguous to the City limits on its northern boundary on adoption of Ordinance Number 20-32. The property is reasonably compact 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 on September 17 and September 24, 2020.

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.

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 September 3, 2020.

Analysis of Comprehensive Plan/Future Land Use Request (Ord. Number 20-36)

In Accordance with Florida Statutes Chapter 163.3177: ‘

Note: The proposed comprehensive plan amendment was transmitted to the State for review following the first reading of Ordinance Number 20-36 on October 1, 2020. Staff received notices that the following agencies had no comments on the proposed amendment: Bureau of Community Planning and Growth of the Department of Economic Opportunity, St. Johns River Water Management District, the Florida Department of Environmental Protection and the Florida Department of Transportation.

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 Suburban Residential (SR) future land use designation will provide for a suburban medium-intensity development. Within the city limits in nearby areas, a mix of uses already exists.

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 requested designation in this geographic area will provide for development of a suburban nature within approximately 4-miles of the City's urban core (central business district). Available and suitable undeveloped lands of comparable acreage and access do not exist within the City's urban 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 property subject to this annexation request and Eustis future land use assignment is less than a mile away from suburban residential property in the city limits. The property has sufficient size and depth to avoid strip development.

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 Comprehensive Plan and the Land Development Regulations include standards for protection of environmentally sensitive lands that would apply at time of development review.

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.

A large portion of the site is currently planted with pines; a common practice to maintain an agricultural property tax exemption until such time as development is desired. The soils on the property (Candler sand w/slopes less than 12 percent) are suitable for rangeland/pasture and tree planting, and are identified as unique farmlands. While a portion of the site (the central 35 acres) appears to be utilized for cattle grazing, the property is within an area designated for urban development (JPA/180 Utility District). By restricting annexation to areas where public services may be provided, true rural agricultural areas are protected.

6. Public Facilities:

Fails to maximize use of existing public facilities and services.

This indicator does not apply. Although City water and wastewater services are not available to the site, the site is in the city's 180 district and adequate capacity is available to serve future development consistent with the requested Suburban Residential (SR) future land use designation. Water and sewer are available approximately 1.5-miles away and could be extended to serve the site. Upon annexation, the City will also provide other services such as fire and police protection, library services, parks, and recreation.

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 future development consistent with the requested SR future land use designation. The land use pattern allowing suburban development decreases costs and inefficiency in delivering services. As the city's service area becomes more compact, per capita costs will be reduced.

8. Separation of Urban and Rural:

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

This indicator does not apply. The Land Development Regulations include standards to protect adjacent properties having alternate land use designations at time of development. The suburban character of the SR land use designation coupled with a Rural Neighborhood design district forms an appropriate transition from the urban core to the rural areas on the edges of the Eustis urbanized area.

9. Infill and Redevelopment:

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

This indicator does not apply. Infill development and redevelopment of existing neighborhoods would most appropriately apply to properties within or near the City's urban core. Undeveloped lands suitable for suburban development types do not exist within the City's urban core.

10. Functional Mix of Uses:

Fails to encourage a functional mix of uses.

This indicator does not apply. Within the city limits, approximately 1.5-miles to the west, property designated General Commercial and Mixed Commercial/Residential exists to provide commercial support services in the future. Current retail and support services exist within 1.5 to 4-miles from the property subject to this request. Furthermore, while SR allows single-family attached and single-family detached, the Planned Unit Development (PUD) process would allow development to provide neighborhood commercial. The

form-based code and PUD were designed to allow large vacant areas to be planned to meet the functional mix of uses.

11. Accessibility among Uses:

Results in poor accessibility among linked or related land uses.

This indicator does not apply. The property has access to existing transportation corridors. 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 any future development review.

12. Open Space:

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

This indicator does not apply. The site as it exists does not provide functional open space. Future development under the Suburban Residential (SR) land use will be required to include functional dedicated open space and park space consistent with the Land Development Regulations and Comprehensive Plan requirements.

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 located approximately 4-miles from the City's downtown core (central business district); and is located in a geographic area where nearby properties already have been approved for SR development. The property does not appear to have wetlands or other natural resource/ecosystems. However, if a development review is proposed, the City regulations require submittal of surveys and studies to identify karst features, flora and fauna. 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.

b. Efficient and Cost-Effective Services:

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

Adequate capacity is available to serve future development consistent with the requested SR future land use designation. Upon annexation, the City will also provide other services such as fire and police protection, library services, parks, and recreation. The land use pattern allowing suburban development decreases costs and inefficiency in delivering 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.

The SR future land use designation provides for housing choices including single-family detached and single-family attached. residential, duplex and townhome dwelling up to a maximum density of 5 dwelling units per acre (subject to compatibility requirements based on adjacent densities). A Planned Unit Development can allow neighborhood commercial uses. The Land Development Regulations include pedestrian and roadway network standards, block structure and park space requirements to ensure compact development that supports walkability and connection. A Lake Express bus stop currently exists approximately 2-miles away; as growth occurs, the transit provider could add stops or routes.

d. Water and Energy Conservation:

Promotes conservation of water and energy.

Future design of the project may include water and energy conservation measures; however, those details are not available at this time.

e. Agricultural Preservation:

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

A large portion of the site is currently planted with pines; a common practice to maintain an agricultural property tax exemption until such time as development is desired. The soils on the property, Candler sand w/slopes less than 12 percent, are suitable for rangeland/pasture and tree planting. These soils are identified as unique farmland. While a portion of the site (the central 35 acres) appears to be utilized for cattle grazing, the property is within an area designated for urban development (JPA/180 Utility District). By restricting annexation to areas where public services may be provided, true rural agricultural areas are protected.

f. Open Space:

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

The Land Development Regulations (LDRs) require that all new residential developments incorporate land for parks for the residents of the development and that all development include dedicated open space consistent with the LDR and Comprehensive Plan requirements.

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.

Within the city limits, approximately 1.5-miles to the west, property designated General Commercial and Mixed Commercial/Residential exists to provide commercial support services in the future. Current retail and support services exist within 1.5 to 4-miles from the property subject to this request. Furthermore, SR allows single-family attached and single-family detached. The Planned Unit Development (PUD) process would allow development to provide neighborhood commercial. The form-based code and PUD were

designed to allow large vacant areas to be planned to meet the functional mix of uses.

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.

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 4-miles from the downtown core and the police station. Fire/emergency service is approximately 3-miles away from the subject property.

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.

Furthermore, the Land Development Regulations require that all new residential developments incorporate parks for the residents of the development to ensure that the City maintains this level of service.

c. Potable Water & Sanitary Sewer:

Water and sewer lines exist approximately 1.5 miles away from the subject property. The following outlines the water and wastewater demand based on a maximum development potential scenario. Actual build-out conditions will be determined by residential compatibility, minimum open space requirements and maximum impervious surface area requirements.

Potential Residential Demand

$5 \text{ du/ac} \times 104.066 \text{ ac.} = 520 \text{ Dwelling Units} \times 2.52 \text{ p/hh} = 1310 \text{ persons}$

Water – $1310 \times 140 \text{ GPCD} = 183,400 \text{ GPD}$

Wastewater – $1310 \times 120 \text{ GPCD} = 157,200 \text{ GPD}$

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

d. Schools:

The proposed change will not negatively impact schools. The Lake County Public Schools Adequate Public Facilities Determination has concluded there are adequate school facilities to accommodate the anticipated demand. If a development is proposed in the future, a school concurrency review will be required.

e. Solid Waste:

The City contracts with Waste Management for hauling of solid waste. The company already services properties nearby 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:

(Institute of Traffic Engineers Trip Generation Manual, 10th Edition). The following estimates are based on possible maximum development scenarios. Actual build-out conditions will be determined by residential compatibility, minimum open space requirements and maximum impervious surface area requirements.

1) Trip Generation for SR

As any future development housing type is yet to be determined, staff utilized Land Use 210, Single family detached housing for purposes of estimating the general trips of the proposed Suburban Residential (SR) parcel. Land use 210 represents single family detached housing which includes all single family detached homes on individual lots and represents a typical suburban subdivision.

Estimated Additional Dwelling Units (theoretical maximum): 416

PM Peak Hour of generator on a weekday

Ave. Rate @ 1.0 x 380 = 416 trips

36% exiting: 150

64% entering: 266

The adopted LOS for CR 44 between Hicks Ditch Road and CR 44 A is D with a capacity of 13,860 trips. The 2019 average daily traffic trips west of the 44 Bypass were 10,974 and trips were 4,957 just west of Estes Road. For CR 44A between Estes Road and CR 439 it is at an LOS C with a capacity of 14,200 trips. The 2019 average daily trips just west of CR 439 were 4,746. At this time, it appears the adjacent transportation network has the capacity to serve the proposed SR property without negatively affecting the adopted level of service. However, at time of proposed development, a complete traffic analysis will be required and road improvements identified if necessary.

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 subject property is located in a highly effective recharge area; more than 20 inches per year. To protect ground water recharge areas, connection to central wastewater versus permitting development with septic systems is addressed in the Eustis Comprehensive Plan. The property is in the Eustis 180 Utility District where the city has agreed to provide services.

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. Should any historical sites or archaeological sites be uncovered

during future development, work in the vicinity shall cease until the property authorities can be contacted and an evaluation is conducted.

c. Flood zones:

The subject property is not within a floodplain.

Source - Lake County GIS - 2012 Flood Zones

d. Soil and topography:

Onsite soils (Candler sand) are excessively drained with slopes ranging from zero to 12 percent (a small portion of the site has potentially steeper slopes from 12 to forty percent). Future development type and foundations will be dependent on/determined by soil borings conducted as part of the project design process.

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.

The current Lake County land use designation is Rural Transition. The property owner has requested the Suburban Residential land use designation within the City of Eustis. The evaluation below supports the requested designation.

a. Review of Land Use, Form Based Code and Surrounding Properties

According to the Lake County Comprehensive Plan:

"The Rural Transition Future Land Use Category is intended to address "edge" conditions where Rural Future Land Use Categories abut Urban Future Land Use Categories. These "edges" represent areas where lower rural densities may be increased for Rural Conservation Subdivisions that utilize clustering techniques.

This Future Land Use Category provides for residential development at densities equal to or less than one (1) dwelling unit per five (5) net buildable acres, agricultural operations, civic uses compatible with a rural community, and Rural Support functions where appropriate.

Alternatively, residential development not to exceed a maximum density of one (1) dwelling unit per three (3) net buildable acres may be permitted provided that any subdivision shall be developed as a clustered Rural Conservation Subdivision utilizing a Planned Unit Development (PUD) and provided that at least 35% of the net buildable area of the entire PUD site shall be dedicated in perpetuity for preservation as common open space through the use of a conservation easement or similar recorded and legally binding instrument, as allowed by law. A proposed Rural Conservation Subdivision shall consist of at least fifteen (15) net buildable acres in order to be considered for this alternate density.

As a third alternative, residential development not to exceed a maximum density of one (1) dwelling unit per one (1) net buildable acre may be permitted provided that any subdivision shall be developed as a clustered Rural Conservation Subdivision utilizing a PUD, and provided that at least 50% of the net buildable area of the entire PUD site shall be dedicated in

perpetuity for preservation as common open space through the use of a conservation easement or similar recorded and legally binding instrument, as allowed by law.

Rural Support uses are intended to address the need for narrowly defined commercial and office uses that support the resident population of areas within the Rural Future Land Use Series. Rural Support land uses include professional offices, personal services, convenience retail, agricultural-related retail sales of goods and services, banks, bars or taverns, automotive service stations, medical services, general restaurants, recreation commercial, churches, community residential homes, family day care or family residential homes, utilities, and communication towers. Such uses shall be limited in scale and scope to serve the basic and special needs of rural areas and ensure compatibility with the character of rural areas."

According to the Eustis Comprehensive Plan:

"The Future Land Use Classifications set forth the potential uses of property in the context of the lawful planning horizon and provide for a wide array of density or intensity of use within each land use classification. A property owner is not necessarily entitled to the most potentially dense or intense uses permitted within a land use classification. In some cases, the compatibility standards in the Land Development Regulations may result in an actual project density less than the maximum permitted by the Comprehensive Plan. The Future Land Use Map does not guarantee that maximum densities will be achieved in all cases and does not serve as a substitute density limit in place of any other regulations that would place further restrictions and/or limitations on the development density of a parcel."

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 Planned Unit Development 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 City uses a form-based code instead of traditional Euclidian zoning. The Future Land Use determines density/intensity and allowable uses. Design Districts determine allowable lot typologies that determine lot sizes, setbacks and other development criteria. (Actual build-out conditions are determined by residential compatibility, minimum open space requirements and maximum impervious surface area requirements).

The pairing of the proposed SR land use and Rural Neighborhood design district in this case would limit development as follows:

Allowable lot types: Estate, House, Duplex

Landscape buffer: 50-feet along public right-of-way

Open space: 25% or 35% depending on presence of Wekiva related vegetative species

Site design criteria: Create interconnected open space; protect listed species; provide and restore native habitat; preserve the function and integrity of the natural features of the land to the extent practicable; provide external and internal connectivity while minimizing impacts on designed open space.

Karst features: Setbacks ranging from 100 to 300 feet if karst features are located onsite.

Rural residential compatibility: For lands within the rural design district, the maximum residential density permitted shall be consistent with the maximum density of the applicable land use district assigned to each individual property and shall further be limited by a compatibility assessment of the proposed development with the existing development patterns of nearby properties and the character of the surrounding area as determined by the following: Applicants must demonstrate that the proposed development respects the context of the adjacent uses through:

(1) Ensuring that the overall density of the development is not greater than 25 percent more than adjacent/surrounding developments. If an adjacent development has a planned unit development overlay, the overall density of the entire master plan shall be used for this compatibility assessment. Any density variation greater than 25 percent requires specific review and approval by the city commission.

(2) Providing compatible building lot types, where compatible lot types within the area require that the new residential building lot typologies that are proposed adjacent to existing or platted residential lots may not be smaller than 85 percent of the lot width or intensity of the existing adjacent residential lot(s).

The Eustis land use designation to the west and southwest are Suburban Residential (SR) with a maximum density of 5 dwelling units per acre (du/ac). The surrounding Lake County areas to the north, south, and west are designated Rural Transition, and to the east, Rural on the Lake County Future Land Use Map.

Source: Lake County GIS Zoning & FLU Codes – 5/15/14

b. Comparison of Lake County Development Conditions

The existing Lake County future land use designation of the parcel is Rural Transition. Allowable density is a maximum of 1 dwelling units per acre if clustered in a Rural Conservation Subdivision. While the current Agricultural zoning allows a maximum density of 1 du/5 acres, R-1 or PUD zoning would be permitted in the Rural Transitional land

use to allow 1 du/ac as reference above. Thus, a theoretical maximum of 104 dwelling units could be permitted.

The proposed City of Eustis future land use designation of the parcel is Suburban Residential (SR), which allows residential densities up to 5 dwelling units per acre (subject to compatibility requirements, open space, etc.). At 5 units per acre, the site could support a theoretical maximum of 520 dwelling units. The difference in development potential is 416 du.

Lake County's future land use map appears to classify much of the of undeveloped, unincorporated land in the JPA as Rural Transition which allows 1 unit/acre via a PUD with 50% open space (or Urban Low) with R-1 zoning. The purpose of R-1 is defined as providing a transition between agricultural and conservation areas and the more urban residential communities. The county's comprehensive plan describes Rural Transitional as an edge condition, yet, the Eustis urbanized area may be defined to include property as far east as CR 437, where the city already provides water and wastewater to developments with suburban densities. Finally, existing suburban development lies less than one mile away (Lakes of Mount Dora) and other areas in the same proximity have been approved for suburban development. The current Lake County designation on this property is inconsistent with the overall suburbanizing character of the general area and does not provide for a reasonable transition (rational transect) between urban and suburban uses within the Eustis urbanized area and the true rural areas of the county.

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

c. *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. There are no commercial or industrial uses to be mitigated at this time.

d. *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.

The proposed land use designation is consistent with the Transportation Element. As described above, the LOS on adjacent roadways could accommodate the maximum development scenario on this parcel.

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.

Public utilities and services capacities are available for each utility or service. Refer to 5.A. above for more information. The property is in the City's 180 Utility District. City's adopted Water Supply Plan anticipated additional growth consistent with this development, so both supply and capacity are available. Mains will need to be run the property.

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 assignment is consistent with the Comprehensive Plan. See analysis above under item 5, 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 assignment is not in conflict with the Land Development Regulations. At the time of future 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 assignment of a Suburban Residential future land use designation coupled with a Rural Neighborhood design district is intended to provide for residential development that has a character and scale that promotes compatibility with adjacent or nearby residential uses.

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 the opportunity to extend and connect to central water and wastewater. 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 and wastewater services are located in close proximity (approximately 1.5-miles away). Adequate capacity is available to serve future development consistent with the requested SR future land use designation. 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. The Lake County Public Schools Adequate Public Facilities Report indicates the change will not negatively impact schools.

f. Impact on Environment:

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

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.

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 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. Assigning land uses (and design districts) consistent with those in the city limits nearby will provide a consistent development pattern, efficient use of land, and cost-effective provision of infrastructure.

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."

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.

None.

Analysis of Design District Request (Ord. Number 20-37):

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. Standard 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 109-5.7 Rural 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 of a Rural Neighborhood. The Rural development pattern and intent, definition, structure and form description are stated below. The assignment of a Rural Neighborhood design district designation is appropriate due to the established development patterns in the area. The City of Eustis Design District Map shows the nearby properties within the city limits as Rural Neighborhood or Rural Corridor. The Rural Neighborhood designation would act to assist with compatibility with the surrounding unincorporated property.

Sec. 109-5.7. Rural development pattern intent statements:

Intent. The rural development pattern relies primarily on a pattern of clustered residential development that provides substantive open space that serves to preserve and enhance the rural view shed and character of the

community. Nonresidential uses are primarily located in centers and may contain a mix of uses.

Design districts

(1) Rural neighborhood.

- a. Definition. Predominately residential uses where a portion of the land is designated as undivided, permanent open space of a site in an effort to preserve the existing natural resource areas while providing a significant amount of open space.
- b. Structure. Developable land is subdivided into buildable lots. This development option provides an opportunity for communities to meet both their development and conservation goals by concentrating homes in a small portion of a site in an effort to preserve the existing natural resource areas on a larger scale.
- c. Form. Preservation of natural landscape organizes development to make a place.

The rural development pattern is consistent with the Lake County Rural Transition goals to protect the environment, providing open space and concentrating or clustering homes.

b. 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.

c. ***Consistent with Comprehensive Plan:***

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

The requested design district assignment for this annexation parcel is consistent with the Future Land Use element (including Policy FLU 1.1.1, Planning Principals, 1.2.4, Development Patterns and FLU 1.3.2. Maintain Residential Compatibility), as well as all other elements of the Comprehensive Plan.

d. ***Consistent with Surrounding Uses:***

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

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

e. ***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 which is eligible for full municipal services.

f. 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. 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.

g. Impact to Environment:

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

Redistricting is not being proposed; a Eustis design district designation must be assigned to annexed property. Design Districts control the form and function of any development that may 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. Site plan/preliminary subdivision plat review for any future development will include environmental review to assess impacts to flora, fauna and wetlands, and provide for protection of sensitive areas.

h. 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.

i. 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 109-3.1, Figure 1.0- Development Patterns. 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.

j. 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.

k. 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 Rural 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:

"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."

3. Florida Statutes Chapter 171.031(11) & (12):

“Contiguous” means that a substantial part of a boundary of the territory sought to be annexed by a municipality is coterminous with a part of the boundary of the municipality. The separation of the territory sought to be annexed from the annexing municipality by a publicly owned county park; a right-of-way for a highway, road, railroad, canal, or utility; or a body of water, watercourse, or other minor geographical division of a similar nature, running parallel with and between the territory sought to be annexed and the annexing municipality, shall not prevent annexation under this act, provided the presence of such a division does not, as a practical matter, prevent the territory sought to be annexed and the annexing municipality from becoming a unified whole with respect to municipal services or prevent their inhabitants from fully associating and trading with each other, socially and economically. However, nothing herein shall be construed to allow local rights-of-way, utility easements, railroad rights-of-way, or like entities to be annexed in a corridor fashion to gain contiguity; and when any provision or provisions of special law or laws prohibit the annexation of territory that is separated from the annexing municipality by a body of water or watercourse, then that law shall prevent annexation under this act.

“Compactness” means concentration of a piece of property in a single area and precludes any action which would create enclaves, pockets, or finger areas in serpentine patterns. Any annexation proceeding in any county in the state shall be designed in such a manner as to ensure that the area will be reasonably compact.

4. Land Development Regulations Section 109.2.3(b) Suburban Residential Land Use District (SR)

Suburban residential district (SR). Areas designated suburban residential (SR) have 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.

5. Land Development Regulations Section 109-5.7(b):

The Rural Neighborhood Design District has predominately-residential uses where a portion of the land is designated as undivided, permanent open space of a site in an effort to preserve the existing natural resource where developable land is subdivided into buildable lots.

6. Land Development Regulations Sec 115-3.3:

Rural residential compatibility. For lands within the rural design district, the maximum residential density permitted shall be consistent with the maximum density of the applicable land use district assigned to each individual property and shall further be limited by a compatibility assessment of the proposed development with the existing development patterns of nearby properties and the character of the surrounding area as determined by the following: Applicants must demonstrate that the proposed development respects the context of the adjacent uses through:

(1) Ensuring that the overall density of the development is not greater than 25 percent more than adjacent/surrounding developments. If an adjacent

development has a planned unit development overlay, the overall density of the entire master plan shall be used for this compatibility assessment. Any density variation greater than 25 percent requires specific review and approval by the city commission.

(2) Providing compatible building lot types, where compatible lot types within the area require that the new residential building lot typologies that are proposed adjacent to existing or platted residential lots may not be smaller than 85 percent of the lot width or intensity of the existing adjacent residential lot(s).

Fiscal Impact:

The current market value of the subject property is \$1,153,385 but the agricultural exemption lowers the taxable value to \$327,483.

Based on the current millage rate of 7.581, annexation of the property could increase annual pre-development operating revenues by as much as \$2,482.65.

Alternatives:

1. Approve Ordinance Numbers 20-35 (Annexation), 20-36 (Comp. Plan Amendment), and/or 20-37 (Design District Designation)
2. Deny Ordinance Numbers 20-35, 20-36 and 20-37.

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 city's strategic plan, planning documents and utility districts.
- Annexation would increase the tax base of the City and increase the annual operating revenues.
- 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.
- The applicant can move forward with planning a future development, if desired.
- The proposed land use and design district assignment are consistent with Comprehensive Plan.
- The action could encourage additional annexations in that area.

Disadvantages:

- There is no disadvantage to annexing property and assigning Eustis land use and design district designations.

Alternative 2 denies the Ordinances.

(If Ordinance Number 20-35 is denied, the Commission cannot approve Ordinance Numbers 20-36 and 20-37.)

Advantages:

- The Commission could consider a different Land Use or Design District designation for the property.

Disadvantages:

- Denying annexation would delay expansion plans for the City in accordance with the city's strategic plan, planning documents and utility districts.
- The action would eliminate the potential for increased operating revenue and the subject property may 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 property could remain underutilized.
- The City could lose a future 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. Between September 17 and September 24, 2020 the department been contacted by six different individuals regarding the property subject to this request. Additional opportunities for public input will be available at the public hearings.

Budget / Staff Impact:

Based on the current assessment and millage rate, the City can anticipate approximately \$2,483.65 annually in additional operating revenue. 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:

Lori Barnes, AICP, Development Services Director

Attachments:

Ordinance Number 20-35
Ordinance Number 20-36
Ordinance Number 20-37

To be provided on request:

Legal Advertisements
Notice to Surrounding Property Owners
Lake County Schools Adequate Public Facilities Report
Notice to Lake County Board of County Commissioners
Application Documents

ORDINANCE NUMBER 20-35

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF
EUSTIS, FLORIDA, VOLUNTARILY ANNEXING APPROXIMATELY
104.066 ACRES OF REAL PROPERTY LOCATED ON THE SOUTH
SIDE OF COUNTY ROAD 44A, AND WEST OF THRILL HILL ROAD.**

WHEREAS, Jerry P. Brown, as manager of Five Cranes, LLC, JTB Thrill Hill, LLC and Jerry P. Brown & Thomas H. Brown as Co-Trustees of the Thrill Hill Land Trust, the legal owners of record, has made application for voluntary annexation of approximately 104.066 acres of real property located on the south side of County Road 44A, and west of Thrill Hill Road, more particularly described as:

Alt Key #1039584; 1061512; 1040175

Parcel Nos. 04-19-27-0002-000-00500; 04-19-27-0002-000-00700; 04-19-27-0100-000-02100

A PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 19 SOUTH, RANGE 27 EAST BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE WEST QUARTER CORNER OF SAID SECTION 4 FOR A POINT OF BEGINNING; THENCE NORTH 00°14'35" EAST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4, A DISTANCE OF 1735.46 FEET; THENCE DEPARTING SAID WEST LINE RUN SOUTH 88°20'00" EAST, 181.00 FEET; THENCE RUN NORTH 00°14'35" EAST, 119.04 FEET; THENCE RUN SOUTH 88°20'00" EAST, 156.93 FEET; THENCE RUN NORTH 00°00'00" EAST, 670.21 FEET TO THE SOUTH RIGHT-OF-WAY OF COUNTY ROAD 44A; THENCE RUN NORTH 83°30'25" EAST, ALONG SAID SOUTH RIGHT-OF-WAY, 992.83 FEET TO THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER AND EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 4; THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY, RUN SOUTH 00°16'35" EAST, ALONG SAID EAST LINES, 1601.30 FEET TO THE NORTH LINE OF THE SOUTH HALF OF LOT 24, CROSSON AND JEWET'S ADDITION TO SENECA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 5 OF SAID PUBLIC RECORDS; THENCE RUN SOUTH 89°56'45" EAST, ALONG THE NORTH LINES OF THE SOUTH HALF OF LOTS 24, 23, 22, 21, OF SAID CROSSON AND JEWET'S ADDITION TO SENECA 1335.48 FEET TO THE EAST LINE OF SAID LOT 21; THENCE RUN SOUTH 00°47'55" EAST, ALONG SAID EAST LINE AND THE EAST LINE OF LOT 28, A DISTANCE OF 1021.59 FEET TO THE SOUTH LINE OF LOT 28, OF SAID CROSSON AND JEWET'S ADDITION TO SENECA; THENCE RUN SOUTH 89°56'02" WEST, ALONG SAID SOUTH LINES OF LOTS 28, 27, 26, 25, OF SAID CROSSON AND JEWET'S ADDITION TO SENECA, 2689.56 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND LIES IN LAKE COUNTY, FLORIDA AND CONTAINS 104.066 ACRES MORE OR LESS.

WHEREAS, the subject property is reasonably compact and contiguous to the City of Eustis boundary; 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 in an area where City services are in close proximity with available capacity; and

WHEREAS, on October 1, 2020 the City Commission held the 1st Public Hearing to consider the voluntary annexation of the property contained herein; and

WHEREAS, on December 3, 2020, 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 104.066 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 ____ day of December 2020.

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

Michael L. Holland
Mayor/Commissioner

ATTEST:

Mary C. Montez, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by physical presence, this ____ day of December, 2020, by Michael L. Holland, Mayor, and Mary C. Montez, City Clerk, who are personally known to me.

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

CITY ATTORNEY'S OFFICE

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

City Attorney's Office

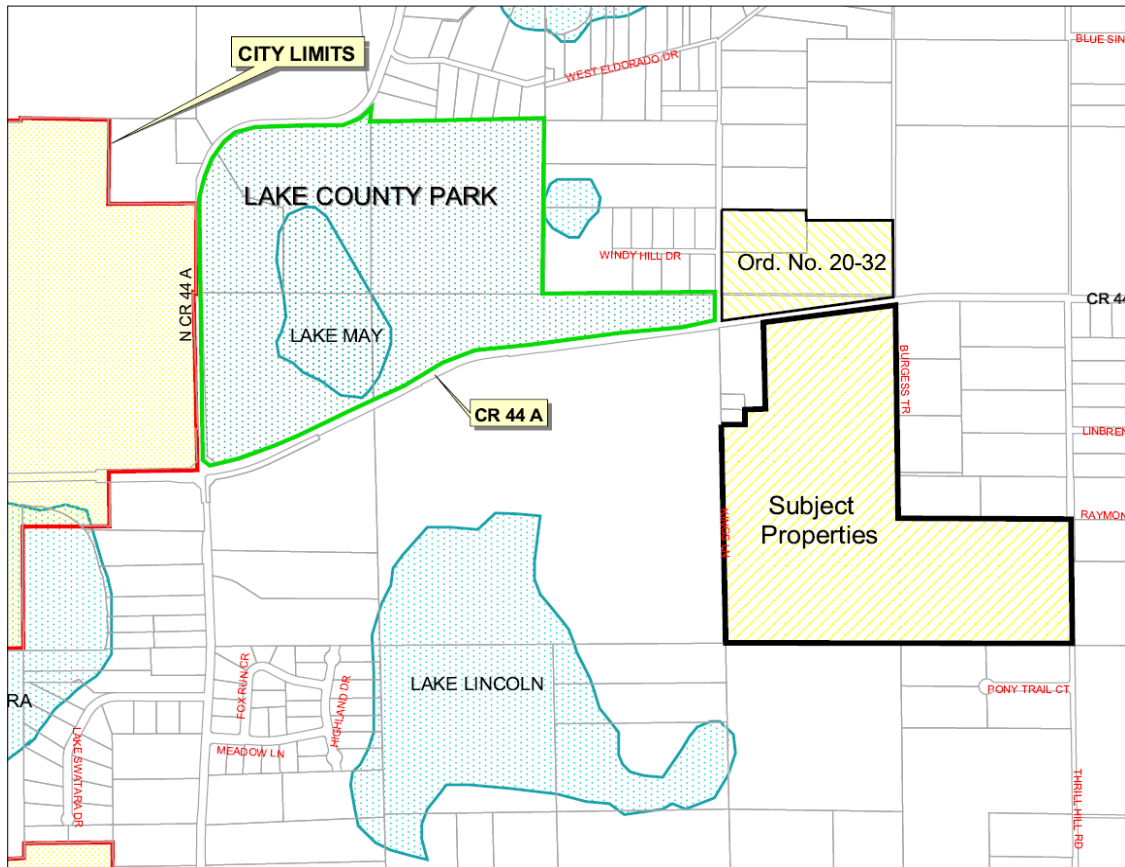
Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 20-35 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 20-36

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 104.066 ACRES OF RECENTLY ANNEXED REAL PROPERTY LOCATED ON THE SOUTH SIDE OF COUNTY ROAD 44A, AND WEST OF THRILL HILL ROAD FROM RURAL TRANSITION IN LAKE COUNTY TO SUBURBAN RESIDENTIAL (SR) IN THE CITY OF EUSTIS.

WHEREAS, Ordinance 20-35 annexed certain real property into the corporate limits of the City of Eustis; and

WHEREAS, Jerry P. Brown, as manager of Five Cranes, LLC, JTB Thrill Hill, LLC and Jerry P. Brown & Thomas H. Brown as Co-Trustees of the Thrill Hill Land Trust,, the owners of said property as more particularly described herein has submitted an application (2020-CPLU-05) requesting a future land use designation of Suburban Residential (SR) be assigned to the 104.066 acres of annexed property; and

WHEREAS, on October 1, 2020, the Land Planning Agency held a Public Hearing to consider the adoption of a Large Scale Future Land Use Amendment for this change in designation; and

WHEREAS, on October 1, 2020, the City Commission held the first of two required Public Hearings to accept the Land Planning Agency's recommendation to adopt the Large Scale Future Land Use Amendment contained herein, and approved Transmittal to the Florida Department of Economic Opportunity; and

WHEREAS, the Florida Department of Economic Opportunity has reviewed the proposed change to the Comprehensive Plan and Future Land Use Map without objection; and

WHEREAS, on December 3, 2020, the City Commission held the second Public Hearing to consider the adoption of the Large 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 properties as described below shall be changed from Lake County Rural Transition to Suburban Residential (SR) within the City of Eustis:

Alt Key #1039584; 1061512; 1040175

Parcel Nos. 04-19-27-0002-000-00500; 04-19-27-0002-000-00700; 04-19-27-0100-000-02100

A PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 19 SOUTH, RANGE 27 EAST BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE WEST QUARTER CORNER OF SAID SECTION 4 FOR A POINT OF BEGINNING; THENCE NORTH 00°14'35" EAST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4, A DISTANCE OF 1735.46 FEET; THENCE DEPARTING SAID WEST LINE RUN SOUTH 88°20'00" EAST, 181.00 FEET; THENCE RUN NORTH 00°14'35" EAST, 119.04 FEET; THENCE RUN SOUTH 88°20'00" EAST, 156.93 FEET; THENCE RUN NORTH 00°00'00" EAST, 670.21 FEET TO THE SOUTH RIGHT-OF-WAY OF COUNTY ROAD 44A; THENCE RUN NORTH 83°30'25" EAST, ALONG SAID SOUTH RIGHT-OF-WAY, 992.83 FEET TO THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER AND EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 4; THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY, RUN SOUTH 00°16'35" EAST, ALONG SAID EAST LINES, 1601.30 FEET TO THE NORTH LINE OF THE SOUTH HALF OF LOT 24, CROSSON AND JEWET'S ADDITION TO SENECA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 5 OF SAID PUBLIC RECORDS; THENCE RUN SOUTH 89°56'45" EAST, ALONG THE NORTH LINES OF THE SOUTH HALF OF LOTS 24, 23, 22, 21, OF SAID CROSSON AND JEWET'S ADDITION TO SENECA 1335.48 FEET TO THE EAST LINE OF SAID LOT 21; THENCE RUN SOUTH 00°47'55" EAST, ALONG SAID EAST LINE AND THE EAST LINE OF LOT 28, A DISTANCE OF 1021.59 FEET TO THE SOUTH LINE OF LOT 28, OF SAID CROSSON AND JEWET'S ADDITION TO SENECA; THENCE RUN SOUTH 89°56'02" WEST, ALONG SAID SOUTH LINES OF LOTS 28, 27, 26, 25, OF SAID CROSSON AND JEWET'S ADDITION TO SENECA, 2689.56 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND LIES IN LAKE COUNTY, FLORIDA AND CONTAINS 104.066 ACRES MORE OR LESS.

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

That this Ordinance shall not become effective unless and until the annexation of the subject property becomes effective through approval of Ordinance Number 20-35. Further, 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 ____ day of December, 2020.

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

Michael L. Holland
Mayor/Commissioner

ATTEST:

Mary C. Montez, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by physical presence, this ____ day of December, 2020, by Michael L. Holland, Mayor, and Mary C. Montez, City Clerk, who are personally known to me.

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

CITY ATTORNEY'S OFFICE

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

City Attorney's Office

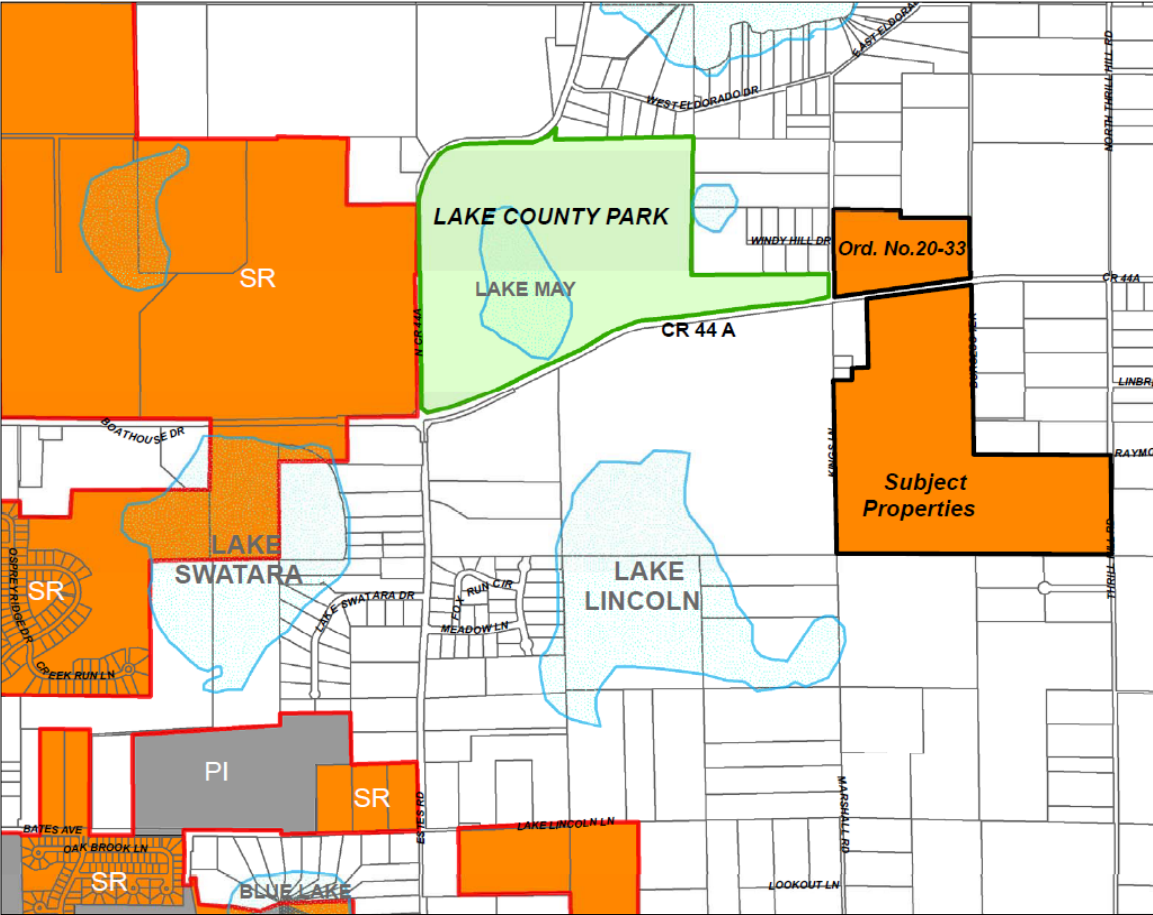
Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 20-36 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: FUTURE LAND USE MAP



ORDINANCE NUMBER 20-37

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA; ASSIGNING THE RURAL NEIGHBORHOOD DESIGN DISTRICT DESIGNATION TO APPROXIMATELY 104.066 ACRES OF RECENTLY ANNEXED REAL PROPERTY LOCATED ON THE SOUTH SIDE OF COUNTY ROAD 44A, AND WEST OF THRILL HILL ROAD.

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 Rural Neighborhood to approximately 104.066 acres of recently annexed real property further described below, and

WHEREAS, on October 1, 2020, the City Commission held the 1st Public Hearing to consider the Design District Amendment contained herein; and

WHEREAS, on December 3, 2020, 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 properties described below shall be Rural Neighborhood:

Alt Key #1039584; 1061512; 1040175

Parcel Nos. 04-19-27-0002-000-00500; 04-19-27-0002-000-00700; 04-19-27-0100-000-02100

A PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 19 SOUTH, RANGE 27 EAST BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE WEST QUARTER CORNER OF SAID SECTION 4 FOR A POINT OF BEGINNING; THENCE NORTH 00°14'35" EAST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4, A DISTANCE OF 1735.46 FEET; THENCE DEPARTING SAID WEST LINE RUN SOUTH 88°20'00" EAST, 181.00 FEET; THENCE RUN NORTH 00°14'35" EAST, 119.04 FEET; THENCE RUN SOUTH 88°20'00" EAST, 156.93 FEET; THENCE RUN NORTH 00°00'00" EAST, 670.21 FEET TO THE SOUTH RIGHT-OF-WAY OF COUNTY ROAD 44A; THENCE RUN NORTH 83°30'25" EAST, ALONG SAID SOUTH RIGHT-OF-WAY, 992.83 FEET TO THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER AND EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 4; THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY, RUN SOUTH 00°16'35" EAST, ALONG SAID EAST LINES, 1601.30 FEET TO THE NORTH LINE OF THE SOUTH HALF OF LOT 24, CROSSON AND JEWET'S ADDITION TO SENECA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 5 OF SAID PUBLIC RECORDS; THENCE RUN SOUTH

89°56'45" EAST, ALONG THE NORTH LINES OF THE SOUTH HALF OF LOTS 24, 23, 22, 21, OF SAID CROSSON AND JEWET'S ADDITION TO SENECA 1335.48 FEET TO THE EAST LINE OF SAID LOT 21; THENCE RUN SOUTH 00°47'55" EAST, ALONG SAID EAST LINE AND THE EAST LINE OF LOT 28, A DISTANCE OF 1021.59 FEET TO THE SOUTH LINE OF LOT 28, OF SAID CROSSON AND JEWET'S ADDITION TO SENECA; THENCE RUN SOUTH 89°56'02" WEST, ALONG SAID SOUTH LINES OF LOTS 28, 27, 26, 25, OF SAID CROSSON AND JEWET'S ADDITION TO SENECA, 2689.56 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND LIES IN LAKE COUNTY, FLORIDA AND CONTAINS 104.066 ACRES MORE OR LESS.

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 20-35.

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this ____ day of December 2020.

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

Michael L. Holland
Mayor/Commissioner

ATTEST:

Mary C. Montez, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by physical presence, this ____ day of December, 2020, by Michael L. Holland, Mayor, and Mary C. Montez, City Clerk, who are personally known to me.

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

CITY ATTORNEY'S OFFICE

This document is approved as to form and legal content for the use and reliance of the City Commission of the City of Eustis, Florida, however, 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 20-37 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Mary C. Montez, City Clerk



City of Eustis

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

Staff Report

TO: Eustis City Commission
FROM: Ronald Neibert, City Manager
DATE: September 2, 2021
RE: ORDINANCE NUMBER 20-38: VOLUNTARY ANNEXATION OF PROPERTY LOCATED ON THE EAST SIDE OF THRILL HILL ROAD AND NORTH OF REEDY ROAD
ORDINANCE NUMBER 20-39: COMPREHENSIVE PLAN AMENDMENT ASSIGNING A FUTURE LAND USE DESIGNATION TO THE ABOVE PROPERTY
ORDINANCE NUMBER 20-40: ASSIGNING A DESIGN DISTRICT DESIGNATION TO THE ABOVE PROPERTY

Introduction:

This item was continued from the June 3, 2021, regular City Commission meeting. Ordinance Number 20-38 provides for the voluntary annexation of approximately 39.1691 acres located on the east side of Thrill Hill Road, north of Reedy Road. Provided the annexation of the subject property is approved, Ordinance Number 20-39 will change the future land use designation from Rural in Lake County to Suburban Residential (SR) in the City of Eustis, and Ordinance Number 20-40 will assign the subject property a design district designation of Rural Neighborhood. If Ordinance Number 20-38 is denied, there can be no consideration of Ordinance Numbers 20-39 and 20-40.

Background:

See attached staff report.

Recommended Action:

Administration recommends approval of Ordinance Numbers 20-38, 20-39 and 20-40.

Alternatives:

1. Approve Ordinance Numbers 20-38, 20-39 and 20-40.
2. Deny Ordinance Number 20-38 (if Ordinance 20-38 is denied, there can be no consideration of Ordinances 20-39 and 20-40).

Attachments:

[Staff Report 2nd Reading Ord. Nos. 20-38 20-39 20-40](#)

[Ordinance No. 20-38 Annexation](#)

[Ordinance No. 20-39](#)

[Ordinance No. 20-40](#)

Reviewed by:

Ronald Neibert, City Manager

Mary Montez, City Clerk

Approved - 27 Aug 2021

Approved - 27 Aug 2021



City of Eustis

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

TO: EUSTIS CITY COMMISSION
FROM: RONALD R. NEIBERT, CITY MANAGER
DATE: DECEMBER 3, 2020
RE: **EXPLANATION OF ORDINANCES FOR PROPERTY LOCATED EAST
OF THRILL HILL ROAD, NORTH OF REEDY ROAD**

Ordinance Number 20-38: Voluntary Annexation
Ordinance Number 20-39: Comprehensive Plan Amendment
Ordinance Number 20-40: Design District Assignment

Introduction

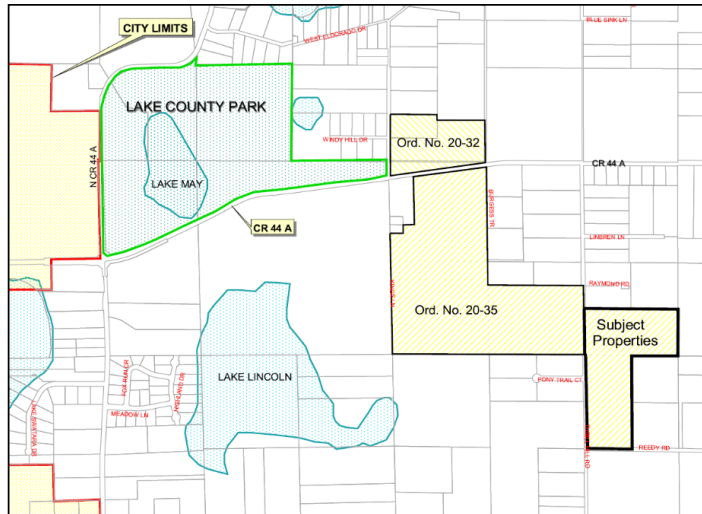
Ordinance Number 20-38 provides for the voluntary annexation of approximately 39.1691 acres located on the east side of Thrill Hill Road, north of Reedy Road. Provided the annexation of the subject property is approved, Ordinance Number 20-39 would change the future land use designation from Rural Transition in Lake County to Suburban Residential (SR) in the City of Eustis, and Ordinance Number 20-40 would assign the subject property a design district designation of Rural Neighborhood. If Ordinance Number 20-38 is denied, then there can be no consideration of Ordinance Numbers 20-39 and 20-40.

Recommended Action

The administration recommends approval of Ordinance Numbers 20-38, 20-39, and 20-40.

Background/Pertinent Site Information

1. The site contains approximately 39.1691 acres and lies just east of the Eustis Joint Planning Area and the Eustis 180 Utility District.
The site is contiguous to the Five Cranes/JTB Thrill Hill/Jerry & Thomas Brown Trustee property to the west which is also proposed to be annexed (Ordinance Number 20-35).



2. The site is vacant and the Lake County Property Appraiser has classified the current property use Orange Grove.
3. The site and surrounding properties have the following land use designations:

Location	Existing (Current) Use	Future Land Use	Design District
Site	Orange Grove	Rural (Lake County)	N/A
North	Single-Family, Manufactured Home	Rural (Lake County)	N/A
South	Vacant Residential, Timber	Rural (Lake County)	N/A
East	Single-Family, Non-Agricultural Acreage	Rural (Lake County)	N/A
West	Timber Single-Family, Pasture, Wetland	Rural Transition (Lake County)	N/A

Applicant's Request

The applicant, Mark R. Simpson, as president of Mount Dora Groves Company, Inc. applied for voluntary annexation, and assignment of Eustis future land use (Suburban Residential) and design district (Rural Neighborhood) designations.

Analysis of Annexation Request (Ord. Number 20-38)

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 lies just east of the joint planning area boundary, and the property meets the requirements for voluntary annexation per the Florida Statutes. Resolution Number 87-34 does not include any limitations on voluntary annexation outside the established JPA boundary. While water and wastewater service are not directly available to the site at this time, services are available approximately a mile and a half away, and the City has adequate plant capacity to provide these services and other urban services to the property. (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 property is contiguous to the City limits on its western boundary on adoption of Ordinance Number 20-35. The property is reasonably compact 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 on September 17 and September 24, 2020.

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.

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 September 3, 2020.

Analysis of Comprehensive Plan/Future Land Use Request (Ord. Number 20-39)

In Accordance with Florida Statutes Chapter 163.3177:

Note: The proposed comprehensive plan amendment was transmitted to the State for review following the first reading of Ordinance Number 20-39 on October 1, 2020.

Staff received notices that the following agencies had no comments on the proposed amendment: Bureau of Community Planning and Growth of the Department of Economic Opportunity, St. Johns River Water Management

District, the Florida Department of Environmental Protection and the Florida Department of Transportation.

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 Suburban Residential (SR) future land use designation will provide for a suburban medium-intensity development. Within the city limits in nearby areas, a mix of uses already exists.

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 requested designation in this geographic area will provide for development of a suburban nature within approximately 4-miles of the City's urban core (central business district) and US Highway 441. Available and suitable undeveloped lands of comparable acreage and access do not exist within the City's urban 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 property subject to this annexation request and Eustis future land use assignment is approximately 1.5 miles from Mixed Commercial/Residential property and Suburban Residential property in the city limits. The property has sufficient size and depth to avoid strip development.

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. Wetlands nor flood plains exist onsite. As the property is in a high recharge area connection to public wastewater provides protection. Further, the Comprehensive Plan and the Land Development Regulations include standards for protection of environmentally sensitive

lands that would apply at time of development review should environmental studies indicate natural resources in need of 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.

The property is just under 40-acres, is currently an orange grove. Soils include Candler sand with slopes less than 12 percent, which are suitable for rangeland/pasture and tree planting. The soils are identified as unique farmland. However, the surrounding uses include single-family, manufactured home and non-agricultural acreage which, with segregated ownership, prevents unification with other farmlands and agricultural uses. While property lies just east of the JPA/180 district, the city has capacity to serve, and already serves other properties with suburban densities to the east in the Eustis urbanized area. By restricting annexation to areas where public services may be provided, true, large-scale and connected agricultural areas are protected.

6. **Public Facilities:**

Fails to maximize use of existing public facilities and services.

This indicator does not apply. Although City water and wastewater services are not available to the site, the site is adjacent to city's 180 district and adequate capacity is available to serve future development consistent with the requested Suburban Residential (SR) future land use designation. Water and sewer are available approximately 1.5-miles away and could be extended to serve the site. Upon annexation, the City will also provide other services such as fire and police protection, library services, parks, and recreation.

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 future development consistent with the requested SR future land use designation. The land use pattern allowing suburban development decreases costs and inefficiency in delivering services. As the city's service area becomes more compact, per capita costs will be reduced.

8. **Separation of Urban and Rural:**

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

This indicator does not apply. The Land Development Regulations include standards to protect adjacent properties having alternate land use designations at time of development. The suburban character of the SR land use designation coupled with a Rural Neighborhood design district forms an appropriate transition from the urban core to the rural areas on the edges of the Eustis urbanized area.

9. Infill and Redevelopment:

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

This indicator does not apply. Infill development and redevelopment of existing neighborhoods would most appropriately apply to properties within or near the City's urban core. Undeveloped lands suitable for suburban development types do not exist within the City's urban core.

10. Functional Mix of Uses:

Fails to encourage a functional mix of uses.

This indicator does not apply. Within the city limits, approximately 2.5-miles to the northwest, property designated General Commercial and Mixed Commercial/Residential exists to provide commercial support services in the future. Current retail and support services exist within 1.5 to 4-miles from the property subject to this request. Furthermore, while SR allows single-family attached and single-family detached, the Planned Unit Development (PUD) process would allow development to provide neighborhood commercial. The form-based code and PUD were designed to allow large vacant areas to be planned to meet the functional mix of uses.

11. Accessibility among Uses:

Results in poor accessibility among linked or related land uses.

This indicator does not apply. The property has close access to existing transportation corridors (CR 44A/SR 44). 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 any future development review.

12. Open Space:

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

This indicator does not apply. The site as it exists does not provide functional open space. Future development under the Suburban Residential (SR) land use will be required to include functional dedicated open space and park space consistent with the Land Development Regulations and Comprehensive Plan requirements.

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 located approximately 4-miles from the City's downtown core (central business district) and US Highway 441; located in a geographic area where nearby properties already have been approved for residential development. The property does not appear to have wetlands or other natural

resource/ecosystems. However, if a development review is proposed, the City regulations require submittal of surveys and studies to identify karst features, flora and fauna. 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.

b. Efficient and Cost-Effective Services:

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

Adequate capacity is available to serve future development consistent with the requested SR future land use designation. Upon annexation, the City will also provide other services such as fire and police protection, library services, parks, and recreation. The land use pattern allowing suburban development decreases costs and inefficiency in delivering 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.

The SR future land use designation provides for housing choices including single-family detached and single-family attached residential, duplex and townhome dwellings up to a maximum density of 5 dwelling units per acre (subject to compatibility requirements based on adjacent densities). A Planned Unit Development can allow neighborhood commercial uses. The Land Development Regulations include pedestrian and roadway network standards, block structure and park space requirements to ensure compact development that supports walkability and connection. A Lake Express bus stop currently exists approximately 3-miles away; as growth occurs, the transit provider could add stops or routes.

d. Water and Energy Conservation:

Promotes conservation of water and energy.

Future design of the project may include water and energy conservation measures; however, those details are not available at this time.

e. Agricultural Preservation:

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

The property is just under 40-acres, is currently an orange grove. Soils include Candler sand with slopes less than 12 percent, which are suitable for rangeland/pasture and tree planting. The soils are identified as unique farmland. However, the surrounding uses include single-family, manufactured home and non-agricultural acreage which, with segregated ownership, prevents unification with other farmlands and agricultural uses. While property lies just east of the JPA/180 district, the city has capacity to serve; the Eustis urbanized area may be defined to include property as far east as CR 437, where the city already provides water and wastewater to developments with suburban densities. By restricting annexation to areas where public

services may be provided, true, large-scale and connected agricultural areas are protected.

f. Open Space:

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

The Land Development Regulations (LDRs) require that all new residential developments incorporate land for parks for the residents of the development and that all development include dedicated open space consistent with the LDR and Comprehensive Plan requirements.

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.

Within the city limits, approximately 1.5-miles to the west, property designated General Commercial and Mixed Commercial/Residential exists to provide commercial support services in the future. Current retail and support services exist within 1.5 to 4-miles from the property subject to this request. Furthermore, SR allows single-family attached and single-family detached. The Planned Unit Development (PUD) process would allow development to provide neighborhood commercial. The form-based code and PUD were designed to allow large vacant areas to be planned to meet the functional mix of uses.

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.

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 4-miles from the downtown core and the police station. Fire/emergency service is approximately 2-miles away from the subject property.

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.

Furthermore, the Land Development Regulations require that all new residential developments incorporate parks for the residents of the development to ensure that the City maintains this level of service.

c. Potable Water & Sanitary Sewer:

Water and sewer lines exist approximately 1.5 miles away from the subject property. The following outlines the water and wastewater demand based on a maximum development potential scenario. Actual build-out conditions will be determined by residential compatibility, minimum open space requirements and maximum impervious surface area requirements.

Potential Residential Demand

5 du/ac x 39.1691 ac = 196 Dwelling Units x 2.52 p/hh = 494 persons

Water – 494 x 140 GPCD = 69,160 GPD

Wastewater – 494 x 120 GPCD = 59,280 GPD

According to the City of Eustis Public Works Department, the city can provide for the needed water and wastewater capacity to serve up to and including the maximum development potential.

d. Schools:

The proposed change will not negatively impact schools. The Lake County Public Schools Adequate Public Facilities Determination has concluded there are adequate school facilities to accommodate the

anticipated demand. If a development is proposed in the future, a school concurrency review will be required.

e. Solid Waste:

The City contracts with Waste Management for hauling of solid waste. The company already services properties nearby 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:

(Institute of Traffic Engineers Trip Generation Manual, 10th Edition). The following estimates are based on possible maximum development scenarios. Actual build-out conditions will be determined by residential compatibility, minimum open space requirements and maximum impervious surface area requirements.

1) Trip Generation for SR

As any future development housing type is yet to be determined, staff utilized Land Use 210, Single family detached housing for purposes of estimating the general trips of the proposed Suburban Residential (SR) parcel. Land use 210 represents single family detached housing which includes all single family detached homes on individual lots and represents a typical suburban subdivision.

Estimated Additional Dwelling Units (theoretical maximum): 188

PM Peak Hour of generator on a weekday

Ave. Rate @ $1.0 \times 188 = 188$ trips

36% exiting: 68

64% entering: 120

The adopted Level of Service (LOS) for CR 44 between Hicks Ditch Road and CR 44 A is D with a capacity of 13,860 trips. The 2019 average daily traffic trips west of the 44 Bypass were 10,974 and trips were 4,957 just west of Estes Road. The LOS for CR 44A between Estes Road and CR 439 is at C with a capacity of 14,200 trips. The 2019 average daily trips just west of CR 439 were 4,746. Finally, the LOS for SR 44 from CR 44B to Thrill Hill and Thrill Hill to CR 439 are both at B with 22,243 and 22,133 average daily trips respectively. The 2019 average daily trips on Britt Road, just south of SR 44 (closest station) in this area was 4,041. At this time, it appears the adjacent transportation network has the capacity to serve the proposed SR property without negatively affecting the adopted level of service. However, at the time of proposed development, a

complete traffic analysis will be required and road improvements identified if necessary.

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 subject property is located in a highly effective recharge area; more than 20 inches per year. To protect ground water recharge areas, connection to central wastewater versus permitting development with septic systems is addressed in the Eustis Comprehensive Plan. The property is adjacent to the Eustis 180 Utility District where the city has agreed to provide services.

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. Should any historical sites or archaeological sites be uncovered during future development, work in the vicinity shall cease until the property authorities can be contacted and an evaluation is conducted.

c. Flood zones:

The subject property is not within a floodplain.

Source - Lake County GIS - 2012 Flood Zones

d. Soil and topography:

Onsite soils (Candler sand) are excessively drained with slopes ranging from zero to 12 percent. Future development type and foundations will be dependent on/determined by soil borings conducted as part of the project design process.

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.

The current Lake County land use designation is Rural. The property owner has requested the Suburban Residential land use designation within the City of Eustis. The evaluation below supports the requested designation.

a. Review of Land Use, Form Based Code and Surrounding Properties

According to the Lake County Comprehensive Plan:

The Rural Future Land Use Category is intended to protect rural lifestyles represented by single-family homes on large lots and to accommodate agricultural pursuits.

This Future Land Use Category provides for residential development at densities equal to or less than one (1) dwelling unit per five (5) net buildable acres, agricultural operations, civic uses compatible with a rural community, and Rural Support functions where appropriate.

New development shall not utilize regional water and wastewater utilities in this category, except when the absence of such facilities would result in a threat to public health or the environment. An extension of central services for either reason shall not justify an increase in density or intensity on the site being served, or any property adjoining the extended utility or lines. Rural Support uses are intended to address the need for narrowly defined commercial and office uses that support the resident population of areas within the Rural Future Land Use Series.

Rural Support land uses include professional offices, personal services, convenience retail, agricultural-related retail sales of goods and services, banks, bars or taverns, automotive service stations, medical services, general restaurants, recreation commercial, churches, community residential homes, family day care or family residential homes, utilities, and communication towers. Such uses shall be limited in scale and scope to serve the basic and special needs of rural areas and ensure compatibility with the character of rural areas.”

According to the Eustis Comprehensive Plan:

“The Future Land Use Classifications set forth the potential uses of property in the context of the lawful planning horizon and provide for a wide array of density or intensity of use within each land use classification. A property owner is not necessarily entitled to the most potentially dense or intense uses permitted within a land use classification. In some cases, the compatibility standards in the Land Development Regulations may result in an actual project density less than the maximum permitted by the Comprehensive Plan. The Future Land Use Map does not guarantee that maximum densities will be achieved in all cases and does not serve as a substitute density limit in place of any other regulations that would place further restrictions and/or limitations on the development density of a parcel.”

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 Planned Unit Development 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 City uses a form-based code instead of traditional Euclidian zoning. The Future Land Use determines density/intensity and allowable uses.

Design Districts determine allowable lot typologies that determine lot sizes, setbacks and other development criteria. (Actual build-out conditions are determined by residential compatibility, minimum open space requirements and maximum impervious surface area requirements).

The pairing of the proposed SR land use and Rural Neighborhood design district in this case would limit development as follows:

Allowable lot types: Estate, House, Duplex

Landscape buffer: 50-feet along public right-of-way

Open space: 25% or 35% depending on presence of Wekiva related vegetative species

Site design criteria: Create interconnected open space; protect listed species; provide and restore native habitat; preserve the function and integrity of the natural features of the land to the extent practicable; provide external and internal connectivity while minimizing impacts on designed open space.

Karst features: Setbacks ranging from 100 to 300 feet if karst features are located onsite.

Rural residential compatibility: For lands within the rural design district, the maximum residential density permitted shall be consistent with the maximum density of the applicable land use district assigned to each individual property and shall further be limited by a compatibility assessment of the proposed development with the existing development patterns of nearby properties and the character of the surrounding area as determined by the following: Applicants must demonstrate that the proposed development respects the context of the adjacent uses through:

(1) Ensuring that the overall density of the development is not greater than 25 percent more than adjacent/surrounding developments. If an adjacent development has a planned unit development overlay, the overall density of the entire master plan shall be used for this compatibility assessment. Any density variation greater than 25 percent requires specific review and approval by the city commission.

(2) Providing compatible building lot types, where compatible lot types within the area require that the new residential building lot typologies that are proposed adjacent to existing or platted residential lots may not be smaller than 85 percent of the lot width or intensity of the existing adjacent residential lot(s).

The land use designations in the City limits to the southwest and northwest are Suburban Residential (SR) with a maximum density of 5 dwelling units per acre (du/ac). The surrounding unincorporated areas to

the north, south, and east were designated Rural, and to the west, Rural Transitional on the Lake County Future Land Use Map.

Source: Lake County GIS Zoning & FLU Codes – 5/15/14

b. Comparison of Lake County Development Conditions

The existing Lake County future land use designation of the parcel is Rural, and the current zoning is Agricultural. Allowable density in the Rural land use is a maximum of 1 dwelling unit per 5 acres. Zoning districts within Rural land uses may include Agricultural, Residential Agricultural, Planned Commercial, Planned Unit Development, Community Facilities District, Light Manufacturing and Planned Industrial District. Under the current zoning district, a theoretical maximum of 8 dwelling units could be permitted. However, a rezoning could result in non-residential uses in close proximity to existing residential development.

While the proposed City of Eustis future land use designation of the parcel is Suburban Residential (SR) allows residential densities up to 5 dwelling units per acre (subject to compatibility requirements, open space, etc.), industrial uses would not be permitted. Commercial could only be considered through a Planned Unit Development at a neighborhood scale to serve the residential development. At 5 units per acre, the site could support a theoretical maximum of 196 dwelling units. The difference in development potential is 188 du.

The county's comprehensive plan provides that in Rural, new development shall not utilize regional water and wastewater utilities, except when the absence of such facilities would result in a threat to public health or the environment. The subject property lies in an area of high ground water recharge that would benefit from public utilities. Furthermore, the Eustis urbanized area may be defined to include property as far east as CR 437, where the city already provides water and wastewater to developments with suburban densities.

Finally, existing suburban development lies less than one mile away (Lakes of Mount Dora) and other areas in the same proximity have been approved for suburban development. The current Lake County designation on this property is inconsistent with the overall suburbanizing character of the general area and does not provide for a reasonable transition (rational transect) between urban and suburban uses within the Eustis urbanized area (which extends east to CR 437) and the true rural areas of the county.

Increased density is to be expected when transitioning from unincorporated area to a municipality. In keeping with FS 163.3177, directing density to municipalities reduces the proliferation of sprawl thereby protecting true, large-scale, connected rural and agricultural lands. By directing development to municipalities, development pressure on outlying areas is reduced. Provision of cost-effective public services is not only provided for in Eustis' Strategic Plan, it is an important factor in protecting natural resources, including groundwater. Greater densities are warranted and necessary for cost effective provision of public services where both water and sewer are

provided. Compact service areas reduce per capita costs of public services.

c. 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. There are no commercial or industrial uses to be mitigated at this time.

d. 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.

The proposed land use designation is consistent with the Transportation Element. As described above, the LOS on adjacent roadways could accommodate the maximum development scenario on this parcel.

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.

Public utilities and services capacities are available for each utility or service. Refer to 5.A. above for more information. The property is immediately adjacent to the City's 180 Utility District. City's adopted Water Supply Plan anticipated additional growth consistent with this development, so both supply and capacity are available. Mains will need to be run the property.

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 of the comprehensive plan.

The proposed assignment is consistent with the Comprehensive Plan. See analysis above under item 5, 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 assignment is not in conflict with the Land Development Regulations. At the time of future 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 assignment of a Suburban Residential future land use designation coupled with a Rural Neighborhood design district is intended to provide for residential development that has a character and scale that promotes compatibility with adjacent or nearby residential uses.

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 the opportunity to extend and connect to central water and wastewater. 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 and wastewater services are located in close proximity (approximately 1.5-miles away). Adequate capacity is available to serve future development consistent with the requested SR future land use designation. 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. The Lake County Public Schools Adequate Public Facilities Report indicates the change will not negatively impact schools.

f. Impact on Environment:

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

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.

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 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. Assigning land uses (and design districts) consistent with those in the city limits nearby will provide a consistent development pattern, efficient use of land, and cost-effective provision of infrastructure.

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.”

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.

None.

Analysis of Design District Request (Ord. Number 20-40):

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. Standard 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 109-5.7 Rural 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 of a Rural Neighborhood. The Rural development pattern and intent, definition, structure and form description are stated below. The assignment of a Rural Neighborhood design district designation is appropriate due to the established development patterns in the area. The City of Eustis Design District Map shows the nearby properties within the city limits as Rural Neighborhood or Rural Corridor. The Rural Neighborhood designation would act to assist with compatibility with the surrounding unincorporated property.

Sec. 109-5.7. Rural development pattern intent statements:

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

Design districts

(1)Rural neighborhood.

- a. Definition. Predominately residential uses where a portion of the land is designated as undivided, permanent open space of a site in an effort to preserve the existing natural resource areas while providing a significant amount of open space.
- b. Structure. Developable land is subdivided into buildable lots. This development option provides an opportunity for communities to meet both their development and conservation goals by concentrating homes in a small portion of a site in an effort to preserve the existing natural resource areas on a larger scale.
- c. Form. Preservation of natural landscape organizes development to make a place.

The rural development pattern is consistent with the Lake County Rural goals as larger lot (estate) development could still be accommodated, if desired.

b. **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.

c. **Consistent with Comprehensive Plan:**

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

The requested design district assignment for this annexation parcel is consistent with the Future Land Use element (including Policy FLU 1.1.1, Planning Principles, 1.2.4, Development Patterns and FLU 1.3.2. Maintain Residential Compatibility), as well as all other elements of the Comprehensive Plan.

d. **Consistent with Surrounding Uses:**

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

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

e. **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 which is eligible for full municipal services.

f. **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. 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.

g. **Impact to Environment:**

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

Redistricting is not being proposed; a Eustis design district designation must be assigned to annexed property. Design Districts control the form and function of any development that may 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. Site plan/preliminary subdivision plat review for any

future development will include environmental review to assess impacts to flora, fauna and wetlands, and provide for protection of sensitive areas.

h. 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.

i. 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 109-3.1, Figure 1.0- Development Patterns. 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.

j. 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.

k. 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 Rural 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."

3. Florida Statutes Chapter 171.031(11) & (12):

"Contiguous" means that a substantial part of a boundary of the territory sought to be annexed by a municipality is coterminous with a part of the boundary of the municipality. The separation of the territory sought to be annexed from the annexing municipality by a publicly owned county park; a right-of-way for a highway, road, railroad, canal, or utility; or a body of water, watercourse, or other minor geographical division of a similar nature, running parallel with and between the territory sought to be annexed and the annexing municipality, shall not prevent annexation under this act, provided the presence of such a division does not, as a practical matter, prevent the territory sought to be annexed and the annexing municipality from becoming a unified whole with respect to municipal services or prevent their inhabitants from fully associating and trading with each other, socially and economically. However, nothing herein shall be construed to allow local rights-of-way, utility easements, railroad rights-of-way, or like entities to be annexed in a corridor fashion to gain contiguity; and when any provision or provisions of special law or laws prohibit the annexation of territory that is separated from the annexing municipality by a body of water or watercourse, then that law shall prevent annexation under this act.

"Compactness" means concentration of a piece of property in a single area and precludes any action which would create enclaves, pockets, or finger areas in serpentine patterns. Any annexation proceeding in any county in the state shall be designed in such a manner as to ensure that the area will be reasonably compact.

4. Land Development Regulations Section 109.2.3(b) Suburban Residential Land Use District (SR)

Suburban residential district (SR). Areas designated suburban residential (SR) have 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.

5. Land Development Regulations Section 109-5.7(b):

The Rural Neighborhood Design District has predominately-residential uses where a portion of the land is designated as undivided, permanent open space of a site in an effort to preserve the existing natural resource where developable land is subdivided into buildable lots.

6. Land Development Regulations Sec 115-3.3:

Rural residential compatibility. For lands within the rural design district, the maximum residential density permitted shall be consistent with the maximum density of the applicable land use district assigned to each individual property and shall further be limited by a compatibility assessment of the proposed development with the existing development patterns of nearby properties and the

character of the surrounding area as determined by the following: Applicants must demonstrate that the proposed development respects the context of the adjacent uses through:

(1) Ensuring that the overall density of the development is not greater than 25 percent more than adjacent/surrounding developments. If an adjacent development has a planned unit development overlay, the overall density of the entire master plan shall be used for this compatibility assessment. Any density variation greater than 25 percent requires specific review and approval by the city commission.

(2) Providing compatible building lot types, where compatible lot types within the area require that the new residential building lot typologies that are proposed adjacent to existing or platted residential lots may not be smaller than 85 percent of the lot width or intensity of the existing adjacent residential lot(s).

Fiscal Impact:

The current market value of the subject property is \$1,153,385 but the agricultural exemption lowers the taxable value to \$327,483.

Based on the current millage rate of 7.581, annexation of the property could increase annual pre-development operating revenues by as much as \$2,482.65.

Alternatives:

1. Approve Ordinance Numbers 20-38 (Annexation), 20-39 (Comp. Plan Amendment), and/or 20-40 (Design District Designation)
2. Deny Ordinance Numbers 20-38, 20-39 and 20-40.

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 city's strategic plan.
- Annexation would increase the tax base of the City and increase the annual operating revenues.
- 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.
- The applicant can move forward with planning a future development, if desired.
- The proposed land use and design district assignment are consistent with the Comprehensive Plan.
- The action could encourage additional annexations.

Disadvantages:

- There is no disadvantage to annexing property and assigning Eustis land use and design district designations.

Alternative 2 denies the Ordinances.

(If Ordinance Number 20-38 is denied, the Commission cannot approve Ordinance Numbers 20-39 and 20-40.)

Advantages:

- The Commission could consider a different Land Use or Design District designation for the property.

Disadvantages:

- Denying annexation could delay expansion plans for the City.
- The action would eliminate the potential for increased operating revenue and the subject property may 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 property could remain underutilized.
- The City could lose a future 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. Between September 17 and September 25, 2020 the department received seven inquiries regarding the property subject to this request.

Budget / Staff Impact:

Based on the current assessment and millage rate, the City can anticipate approximately \$2,483.65 annually in additional operating revenue. 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:

Lori Barnes, AICP, Development Services Director

Attachments:

Ordinance Number 20-38
Ordinance Number 20-39
Ordinance Number 20-40

To be provided on request:

Legal Advertisements
Notice to Surrounding Property Owners
Lake County Schools Adequate Public Facilities Report
Notice to Lake County Board of County Commissioners
Application Documents

ORDINANCE NUMBER 20-38

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, VOLUNTARILY ANNEXING APPROXIMATELY 39.1691 ACRES OF REAL PROPERTY LOCATED ON THE EAST SIDE OF THRILL HILL ROAD, NORTH OF REEDY ROAD.

WHEREAS, Mark R. Simpson, as president of Mount Dora Groves Company, Inc., the legal owners of record, has made application for voluntary annexation of approximately 39.1691 acres of real property located on the east side of Thrill Hill Road, north of Reedy Road more particularly described as:

Alt Key #1040167; 1123208

Parcel Nos. 04-19-27-0100-000-01700; 04-19-27-0004-000-01800

A PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 19 SOUTH, RANGE 27 EAST BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE WEST QUARTER CORNER OF SAID SECTION 4 FOR A POINT OF COMMENCEMENT; THENCE RUN SOUTH 89°56'02" WEST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4, A DISTANCE OF 2689.56 FEET TO THE WEST LINE OF SAID LOT 20, OF SAID CROSSON AND JEWET'S ADDITION TO SENECA AND THE POINT OF BEGINNING; THENCE RUN NORTH 00°47'55" WEST, ALONG SAID WEST LINE, 681.06 TO THE NORTH LINE OF LOT 20, OF SAID CROSSON AND JEWET'S ADDITION TO SENECA; THENCE RUN SOUTH 89°59'00" EAST, ALONG THE NORTH LINES OF LOTS 20, 19, 18, 17, OF SAID CROSSON AND JEWET'S ADDITION TO SENECA, 1293.77 FEET TO THE EAST LINE OF SAID LOT 17; THENCE RUN SOUTH 00°03'48" EAST, ALONG THE EAST LINE OF SAID LOT 17, A DISTANCE OF 679.14 FEET TO THE SOUTHEAST CORNER OF SAID LOT 17; THENCE RUN SOUTH 89°56'02" WEST, ALONG THE SOUTH LINE OF SAID LOT 17 AND LOT 18, A DISTANCE OF 642.51 FEET TO THE SOUTHWEST CORNER OF SAID LOT 18 AND THE EAST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE RUN SOUTH 00°37'35" EAST, ALONG SAID EAST LINE, 1299.63 FEET TO THE SOUTH LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE RUN NORTH 89°05'41" WEST, ALONG THE SOUTH LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, 638.83 FEET TO THE WEST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE RUN NORTH 00°47'55" WEST, ALONG SAID WEST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, 1288.84 FEET TO THE POINT OF BEGINNING,

THE ABOVE DESCRIBED PARCEL OF LAND LIES IN LAKE COUNTY, FLORIDA AND CONTAINS 39.1619 ACRES MORE OR LESS.

WHEREAS, the subject property is reasonably compact and contiguous to the City of Eustis boundary; and

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

WHEREAS, the subject property is located in an area where City services are in close proximity with available capacity; and

WHEREAS, on October 1, 2020 the City Commission held the 1st Public Hearing to consider the voluntary annexation of the property contained herein; and

WHEREAS, on December 3, 2020, 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 39.1691 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 ____ day of December 2020.

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

Michael L. Holland
Mayor/Commissioner

ATTEST:

Mary C. Montez, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by physical presence, this ____ day of December, 2020, by Michael L. Holland, Mayor, and Mary C. Montez, City Clerk, who are personally known to me.

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

CITY ATTORNEY'S OFFICE

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

City Attorney's Office

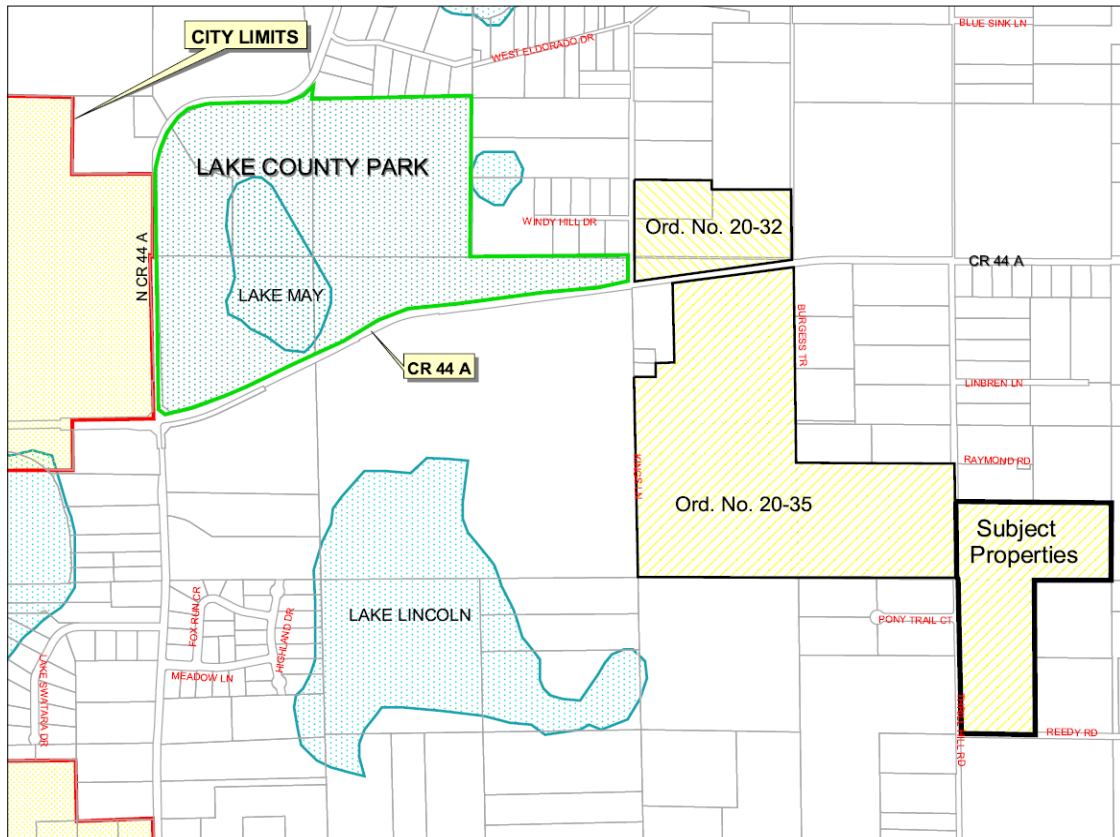
Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 20-38 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 20-39

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 39.1691 ACRES OF RECENTLY ANNEXED REAL PROPERTY LOCATED ON THE EAST SIDE OF THRILL HILL ROAD, NORTH OF REEDY ROAD FROM RURAL IN LAKE COUNTY TO SUBURBAN RESIDENTIAL (SR) IN THE CITY OF EUSTIS.

WHEREAS, Ordinance 20-38 annexed certain real property into the corporate limits of the City of Eustis; and

WHEREAS, Mark R. Simpson, as president of Mount Dora Groves Company, Inc., the owner of said property as more particularly described herein has submitted an application (2020-CPLU-06) requesting a future land use designation of Suburban Residential (SR) be assigned to the 39.1691 acres of annexed property; and

WHEREAS, on October 1, 2020, the Land Planning Agency held a Public Hearing to consider the adoption of a Large Scale Future Land Use Amendment for this change in designation; and

WHEREAS, on October 1, 2020, the City Commission held the first of two required Public Hearings to accept the Land Planning Agency's recommendation to adopt the Large Scale Future Land Use Amendment contained herein, and approved Transmittal to the Florida Department of Economic Opportunity; and

WHEREAS, the Florida Department of Economic Opportunity has reviewed the proposed change to the Comprehensive Plan and Future Land Use Map without objection; and

WHEREAS, on December 3, 2020, the City Commission held the second Public Hearing to consider the adoption of the Large 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 properties as described below shall be changed from Lake County Rural to Suburban Residential (SR) within the City of Eustis:

Alt Key #1040167; 1123208

Parcel Nos. 04-19-27-0100-000-01700; 04-19-27-0004-000-01800

A PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 19 SOUTH, RANGE 27 EAST BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE WEST QUARTER CORNER OF SAID SECTION 4 FOR A POINT OF COMMENCEMENT; THENCE RUN SOUTH 89°56'02" WEST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4, A DISTANCE OF 2689.56 FEET TO THE WEST LINE OF SAID LOT 20, OF SAID CROSSON AND JEWET'S ADDITION TO SENECA AND THE POINT OF BEGINNING; THENCE RUN NORTH 00°47'55" WEST, ALONG SAID WEST LINE, 681.06 TO THE NORTH LINE OF LOT 20, OF SAID CROSSON AND JEWET'S ADDITION TO SENECA; THENCE RUN SOUTH 89°59'00" EAST, ALONG THE NORTH LINES OF LOTS 20, 19, 18, 17, OF SAID CROSSON AND JEWET'S ADDITION TO SENECA, 1293.77 FEET TO THE EAST LINE OF SAID LOT 17; THENCE RUN SOUTH 00°03'48" EAST, ALONG THE EAST LINE OF SAID LOT 17, A DISTANCE OF 679.14 FEET TO THE SOUTHEAST CORNER OF SAID LOT 17; THENCE RUN SOUTH 89°56'02" WEST, ALONG THE SOUTH LINE OF SAID LOT 17 AND LOT 18, A DISTANCE OF 642.51 FEET TO THE SOUTHWEST CORNER OF SAID LOT 18 AND THE EAST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE RUN SOUTH 00°37'35" EAST, ALONG SAID EAST LINE, 1299.63 FEET TO THE SOUTH LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE RUN NORTH 89°05'41" WEST, ALONG THE SOUTH LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, 638.83 FEET TO THE WEST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE RUN NORTH 00°47'55" WEST, ALONG SAID WEST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, 1288.84 FEET TO THE POINT OF BEGINNING,

THE ABOVE DESCRIBED PARCEL OF LAND LIES IN LAKE COUNTY, FLORIDA AND CONTAINS 39.1619 ACRES MORE OR LESS.

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

That this Ordinance shall not become effective unless and until the annexation of the subject property becomes effective through approval of Ordinance Number 20-38. Further, 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 ____ day of December 2020.

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

Michael L. Holland
Mayor/Commissioner

ATTEST:

Mary C. Montez, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by physical presence, this ____ day of December, 2020, by Michael L. Holland, Mayor, and Mary C. Montez, City Clerk, who are personally known to me.

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

CITY ATTORNEY'S OFFICE

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

City Attorney's Office

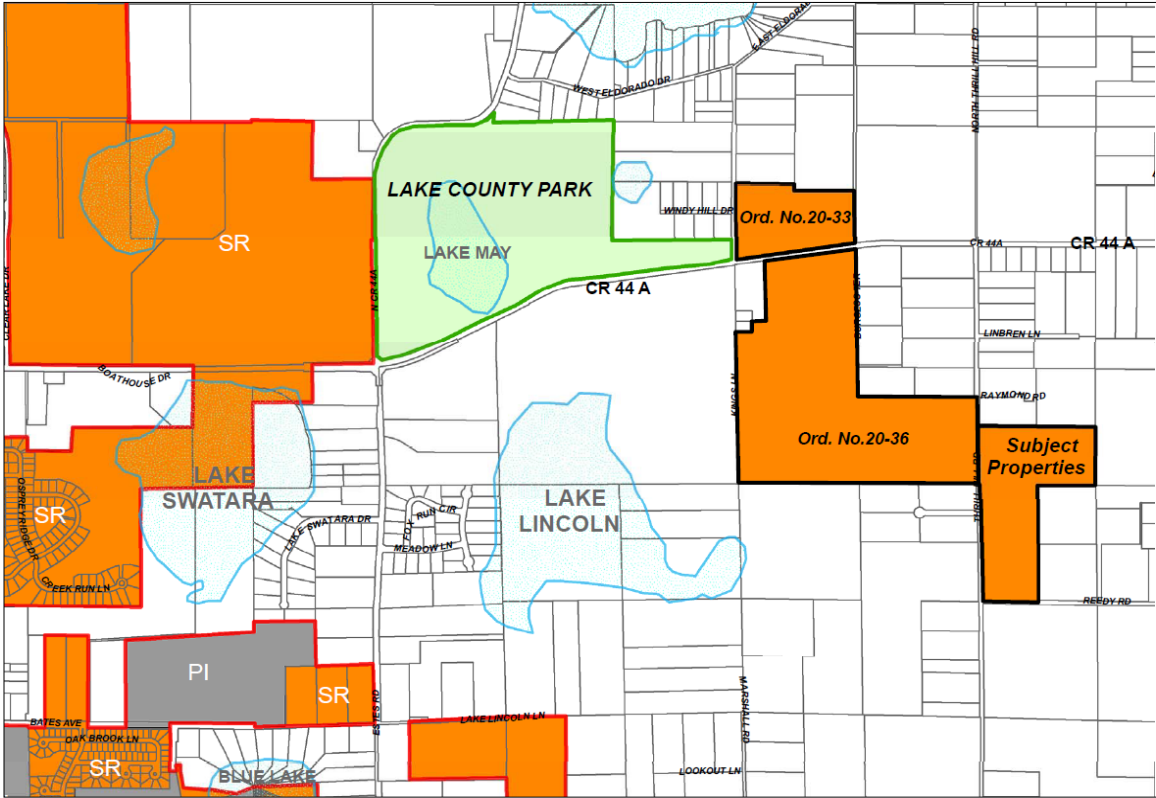
Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 20-39 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: FUTURE LAND USE MAP



ORDINANCE NUMBER 20-40

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA; ASSIGNING THE RURAL NEIGHBORHOOD DESIGN DISTRICT DESIGNATION TO APPROXIMATELY 39.1691 ACRES OF RECENTLY ANNEXED REAL PROPERTY LOCATED ON THE EAST SIDE OF THRILL HILL ROAD, NORTH OF REEDY ROAD.

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 Rural Neighborhood to approximately 39.1691 acres of recently annexed real property further described below, and

WHEREAS, on October 1, 2020, the City Commission held the 1st Public Hearing to consider the Design District Amendment contained herein; and

WHEREAS, on December 3, 2020, 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 properties described below shall be Rural Neighborhood:

Alt Key #1040167; 1123208

Parcel Nos. 04-19-27-0100-000-01700; 04-19-27-0004-000-01800

A PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 19 SOUTH, RANGE 27 EAST BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE WEST QUARTER CORNER OF SAID SECTION 4 FOR A POINT OF COMMENCEMENT; THENCE RUN SOUTH 89°56'02" WEST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4, A DISTANCE OF 2689.56 FEET TO THE WEST LINE OF SAID LOT 20, OF SAID CROSSON AND JEWET'S ADDITION TO SENECA AND THE POINT OF BEGINNING; THENCE RUN NORTH 00°47'55" WEST, ALONG SAID WEST LINE, 681.06 TO THE NORTH LINE OF LOT 20, OF SAID CROSSON AND JEWET'S ADDITION TO SENECA; THENCE RUN SOUTH 89°59'00" EAST, ALONG THE NORTH LINES OF LOTS 20, 19, 18, 17, OF SAID CROSSON AND JEWET'S ADDITION TO SENECA, 1293.77 FEET TO THE EAST LINE OF SAID LOT 17; THENCE RUN SOUTH 00°03'48" EAST, ALONG THE EAST LINE OF SAID LOT 17, A DISTANCE OF 679.14 FEET TO THE SOUTHEAST CORNER OF SAID LOT 17; THENCE RUN SOUTH 89°56'02" WEST, ALONG THE SOUTH LINE OF SAID LOT 17 AND LOT 18, A DISTANCE OF 642.51 FEET TO THE SOUTHWEST CORNER OF SAID LOT 18 AND THE EAST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE RUN SOUTH 00°37'35" EAST, ALONG SAID EAST LINE, 1299.63 FEET TO THE SOUTH LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE RUN NORTH 89°05'41" WEST, ALONG THE SOUTH LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST

QUARTER, 638.83 FEET TO THE WEST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE RUN NORTH 00°47'55" WEST, ALONG SAID WEST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, 1288.84 FEET TO THE POINT OF BEGINNING,

THE ABOVE DESCRIBED PARCEL OF LAND LIES IN LAKE COUNTY, FLORIDA AND CONTAINS 39.1619 ACRES MORE OR LESS.

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 20-38.

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this ____ day of December 2020.

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

Michael L. Holland
Mayor/Commissioner

ATTEST:

Mary C. Montez, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by physical presence, this ____ day of December, 2020, by Michael L. Holland, Mayor, and Mary C. Montez, City Clerk, who are personally known to me.

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

CITY ATTORNEY'S OFFICE

This document is approved as to form and legal content for the use and reliance of the City Commission of the City of Eustis, Florida, however, 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 20-40 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Mary C. Montez, City Clerk



City of Eustis

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

Staff Report

TO: Eustis City Commission
FROM: Ronald Neibert, City Manager
DATE: September 2, 2021
RE: DISCUSSION: LONG TERM STORAGE CONTAINERS AND POSSIBLE
LAND DEVELOPMENT REGULATION AMENDMENTS

Introduction:

The City Commission requested a review of existing long term storage containers and the applicable regulations.

Background:

Regulations pertaining to long term storage containers have been a topic of discussion at recent City Commission meetings. A presentation is attached; discussion may result in preparation of amendments to the Land Development Regulations.

Recommended Action:

Staff is seeking City Commission direction.

Attachments:

[Long Term Storage Container Review and Possible LDR Amendments Discussion](#)

Reviewed by:

Ronald Neibert, City Manager
Mary Montez, City Clerk

Approved - 27 Aug 2021
Approved - 27 Aug 2021



City of Eustis
Development Services Department

Discussion:

Long Term Storage Containers and Possible Amendments to the Land Development Regulations Chapter 110

Eustis City Commission – September 2, 2021

Outline

- Pre-existing non-conforming long term storage containers
- Existing non-compliant (installed without approval) long term storage containers
- Current regulations
- Metal building restrictions and permitted non-residential accessory uses (sheds)
- Commission discussion and direction to staff

Existing prior to 12-15-16

319 N. Bay Street – Rays Auto Machine

332 Ardice Avenue – Eustis Square Shopping Center

639 W. Atwater Avenue – fka Cemex

Installed after 12-15-16

400 N. Eustis Street – MEGA 400 LLC

445 Plaza Drive – Eustis Plaza

701 W. Atwater Avenue – Knight Enterprises

1550 N. SR-19 – First Church of God

1702 US Hwy 441 – CVS Pharmacy

19122 SR-44 – Trinity Capital Group

37436 N. SR-19 – Prime Plumbing (site under construction/wall proposed)





















Current Regulations

Sec. 110-5.13. - Portable storage units.

(a) Portable storage units for on-site storage. There shall be no more than 1 portable storage unit per site no larger than 8 feet wide, 16 feet long and 8 feet high. No portable storage unit shall remain on-site in a residential district in excess of 30 consecutive days, and portable storage units shall not be placed at any one site in a residential district in excess of 30 days in any calendar year. No portable storage unit shall remain at a site in a nonresidential district in excess of 30 consecutive days, and portable storage units shall not be placed at any one site in a nonresidential district in excess of 30 days in any calendar year.

(b) Removal of portable storage units in the event of a hurricane warning. Notwithstanding the time limitations set forth herein, all portable storage units shall be removed immediately upon the issuance of a hurricane warning by a recognized government agency. If the director of development services determines that an emergency, other than a hurricane warning by a recognized government agency, provides sufficient cause to exceed the time limitations which would otherwise apply, the director may allow a portable storage unit to remain at a site for a period in excess of such time limitations. If the director determines that placement of a portable storage unit at a site where new construction is taking place will not adversely impact the surrounding community and is otherwise appropriate, the director may allow a portable storage unit to remain at the site for a period in excess of the time limitations which would otherwise apply.

(c) Maintenance and prohibition of hazardous materials. The owner and operator of any site on which a portable storage unit is placed shall be responsible to ensure that the portable storage unit is in good condition, free from evidence of deterioration, weathering, discoloration, rust, ripping, tearing or other holes or breaks. When not in use, the portable storage unit shall be kept locked. The owner and operator of any site on which a portable storage unit is placed shall also be responsible that no hazardous substances are stored or kept within the portable storage unit.

(d) Long-term storage containers are prohibited unless located on a commercial or industrial parcel with a fully screened masonry or brick enclosure designed and constructed for the purpose of screening such containers from view. *The Development Services Director may approve alternate screening material when supported by site conditions.* Storage containers shall be limited to the extent that maximum impervious surface area of the parcel is not exceeded.

*Italicized added June 2021; example given to City Commission demonstrating D.S. director application of alternate screening involved a container that could not be seen from the road or adjoining property.

Other Regulations to Consider

- Metal building prohibition (except industrial lot types).
- Building architectural design standards (except industrial lot types).
- Permitted accessory structures in non-residential now include sheds

Commission Discussion and Direction

- Are regulations that permit long term storage containers on commercial and industrial property still desired by the Commission?

Commission Discussion and Direction

➤ If no:

- Require all to be removed?
- Allow only pre-existing non-conforming to remain? (Rays Auto Machine, Eustis Square Shopping Center, fka Cemex)
- Timeline for removal of long term storage containers?

Commission Discussion and Direction

➤ If yes:

- In the CBD/CRA? (textile donation bins prohibited)
- In all commercial, mixed use, industrial districts developed for commercial/industrial use?
- Only in general industrial? In mixed commercial industrial? (Note commercial shopping centers in MCI districts)

Commission Discussion and Direction

➤ If yes to any district:

- Meet purpose and intent:

Sec. 110-5. - Accessory use regulations and standards. Sec. 110-5.1. - Purpose and general standards. It is the purpose of this section to regulate the installation, configuration, and use of accessory structures and the conduct of accessory uses in order to ensure that any adverse impacts created are minimal both aesthetically and physically to residents and surrounding properties.

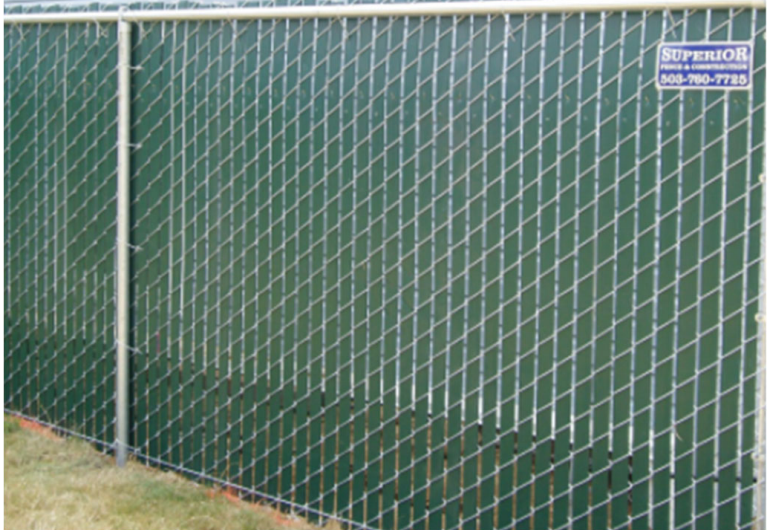
Commission Discussion and Direction

- If yes to any district: To ensure consistent and equitable application of the law:
 - Measurable standards
 - Street setback
 - Common lot setback
 - Only in rear yard
 - Only behind the building frontage

Commission Discussion and Direction

➤ If yes to any district:

- Screening
 - Of sufficient height to completely obstruct view
 - Brick or masonry wall (current)
 - Opaque fence (wood, vinyl, other solid material)
 - Chain-link with slats or fabric (Sufficient to screen from view? Meet the purpose/intent aesthetically?)



Commission Discussion and Direction

➤ If yes to any district:

- Waivers
 - Minimum criteria for approval; what conditions warrant approval of a waiver
 - Via what process
 - Submittals required for review

Staff Direction

Staff is seeking City Commission consensus on any proposed amendments, and direction to prepare an ordinance for consideration:

- Make no changes?
- Eliminate? Allow? What districts?
- Measurable standards? Screening? Waivers?

Also seeking direction regarding stay of enforcement:

- Is staff authorized to pursue enforcement of non-compliant long term storage containers?