



AGENDA

Regular City Commission Meeting

6:00 PM - Thursday, July 1, 2021 – Community Building, 601 Northshore Dr.

INVOCATION

PLEDGE OF ALLEGIANCE: VICE MAYOR LEE

CALL TO ORDER

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

1. AGENDA UPDATE
2. APPROVAL OF MINUTES
 - 2.1 June 2, 2021 - City Commission Workshop
June 17, 2021 - Regular City Commission Meeting
[Staff Report #21-0171 - Html](#)
[06-02-2021 CC Workshop MIN - For Approval](#)
[06-17-2021 CC MIN - For Approval](#)

3. PRESENTATIONS

- 3.1 Presentation regarding NE Lake Boys & Girls Club
[Staff Report #21-0172 - Html](#)
- 3.2 Presentation regarding See - Click - Fix software program
[Staff Report #21-0173 - Html](#)

4. AUDIENCE TO BE HEARD

5. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

FIRST READING

- 5.1 First Reading - Explanation of Ordinances for Property at the Northeast Corner Estes Road and Lake Lincoln Lane:
Ordinance Number 21-15: Voluntary Annexation
Ordinance Number 21-16: Comprehensive Plan Amendment
Ordinance Number 21-17: Design District Assignment
[Staff Report #21-0167 - Html](#)
[Staff Report Ord. 20-15, 16, 17 Annex FLU DD](#)
[Ordinance No. 21-15 Annexation](#)
[Ordinance No. 21-16](#)
[Ordinance No. 21-17 Design Dist](#)
- 5.2 First Reading - Explanation of Ordinances for Property on the West Side of Estes Road (approximately 650-feet north of Bates Avenue):
Ordinance Number 21-18: Voluntary Annexation
Ordinance Number 21-19: Comprehensive Plan Amendment
Ordinance Number 21-20: Design District Assignment
[Staff Report #21-0168 - Html](#)

[Staff Report Ord. 21-18, 19, 20 Annex FLU DD](#)
[Ordinance No. 21-18 Annexation](#)
[Ordinance No. 21-19](#)
[Ordinance No. 21-20 Design Dist](#)

6. FUTURE AGENDA ITEMS

7. COMMENTS

7.1 City Commission

7.2 City Manager

7.3 City Attorney

7.4 Mayor

8. ADJOURNMENT

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

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

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



City of Eustis

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

Staff Report

TO: Eustis City Commission

FROM: Mary Montez, City Clerk

DATE: July 1, 2021

RE: JUNE 2, 2021 - CITY COMMISSION WORKSHOP
JUNE 17, 2021 - REGULAR CITY COMMISSION MEETING

Introduction:

This item is for consideration of the minutes of the June 2, 2021, City Commission workshop and the June 17, 2021, regular City Commission meeting.

Attachments:

[06-02-2021 CC Workshop MIN - For Approval](#)

[06-17-2021 CC MIN - For Approval](#)

Reviewed by:



MINUTES

City Commission Workshop

4:00 PM - Wednesday, June 2, 2021 - City Hall

CALL TO ORDER: 4:00 P.M.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

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

1.1 Review of proposed amendments to Land Development Regulations and Comprehensive Plan

Lori Barnes, Development Services Director, introduced Heather Croney, the City's new Senior Planner. She noted that Ordinances 21-09 and 21-10 were tabled by the Local Planning Agency (LPA) to a date certain at the May 20th meeting so that a workshop could be held. She stated most of the proposed amendments to Chapters 110 and 115 are very minor and are intended to address discrepancies, inconsistencies between sections, and clarifications for practical application of the code.

Ms. Barnes reviewed the various amendments beginning with Section 110-2 (b) (4) and the addition of "appurtenances/structures, and other similar structures as determined by the Development Services Director" to cover structures similar to those already exempted but not specifically mentioned. She then reviewed the proposed amendment to Section 110-2 (f) (2). She explained the proposal to clarify the language to remove "a non-ingress/egress easement" and add the following language to make it clearer "a deed restriction is recorded prohibiting vehicular access". She explained it would treat the secondary street as an interior common lot line and reduce the set back to 10 feet. She further explained that in order to have it considered as a side yard, they would have to limit their access to that side yard as long as the accessory structure remains.

Ms. Barnes then reviewed the change to the lot width for duplex lots under Section 110-4.4. She stated that under Suburban Neighborhood & Rural Neighborhood design districts the duplex lot width is 90 feet but it is shown as 35 feet in Urban. She explained it would be impossible to put a duplex on a 35 foot wide lot. Therefore, staff is recommending the minimum duplex lot width be changed to 60 feet in the Urban design district. She then reviewed the Townhouse lot typology under Section 110-4.5. She said the section lists the minimum street setback at 10 feet; however, the footnote mandates that all garages in urban districts shall maintain a minimum 18-foot street setback. She indicated that did not leave sufficient room for stacking of vehicles. Therefore, staff is recommending changing the maximum setback in Suburban to 20 feet and the 18-foot minimum

for garages will be 18 feet regardless of the design district the townhome lot is located in.

The Commission discussed how that would be applied.

Ms. Barnes then reviewed Section 110-5 (b) (1) regarding accessory structures and inserting the phrase "or use". She stated that 110-5.2 (3) requires a minimum useable floor area of 450 square feet for an attached accessory apartment but did not include that minimum for a detached apartment.

The Commission asked the purpose of adding the "or use" wording with Ms. Barnes explaining that any accessory structure or accessory use (such as a home occupation) should be incidental to the principal dwelling to insure that it does not become a full-fledged commercial activity. The Commission questioned how the City regulates home occupations with Ms. Barnes providing examples of regulations which limit home occupations. She noted that if the pending state legislation is approved, then staff will have to review the regulations to see what can be kept and what will have to be eliminated.

Ms. Barnes then explained the amendment to Section 110-5.6 pertaining to boat houses. She explained that lot lines do not usually extend into the water so the wording is being changed to riparian lines. She indicated there are other regulations that govern setbacks for boat docks.

Ms. Barnes reviewed Section 110-5.7 regarding fences. She explained the current code requires permitting for all fencing regardless of how much. She stated staff wants to remove the permitting requirement when the sole purpose of the fencing is to screen trash cans, mechanical equipment or utilities and when it is not located within a setback. She then reviewed the section pertaining to the new regulations regarding the use of barbed wire as directed by the Commission.

The Commission asked if there is industrial which could have barbed wire in close proximity to residential with Ms. Barnes responding affirmatively. Discussion was held regarding allowing barbed wire around any government property.

Ms. Barnes then reviewed Section 110-5.13 which would allow the Development Services Director to approve alternate screening material when supported by site conditions rather than the currently required masonry or brick enclosure. She assured the Commission that if a business wants to not use the masonry or brick enclosure and it would be visible to the public it would have to come to the Commission for a waiver.

Discussion was held regarding the poor condition of some "conex" boxes within the City with Ms. Barnes indicating that if they are replaced, then the City can require a screen enclosure. Discussion was then held regarding what could be addressed through code enforcement with Ms. Barnes stating she did not believe that the International Maintenance Code could be applied to metal storage boxes. She stated staff would research what can be enforced regarding those.

Discussion was held regarding at what point does it quit being temporary storage and how the City could address those. Ms. Barnes stated staff would research what could be done regarding the storage boxes.

Ron Neibert, City Manager, noted that the ordinances are on the LPA and Commission agendas for the next night.

Ms. Barnes added that staff can bring back information on the temporary, nonconforming, storage units separately.

Mr. Neibert explained any that were put in prior to 2008 are grandfathered in and any put in after 2008 have to meet current code.

Ms. Barnes explained that she is unaware of any nonconforming storage units put in after 2008. If staff became aware of a situation, they would make them go through the process to become compliant.

Discussion was held regarding how the regulations apply to short-term storage containers versus long term storage containers and the difference between the storage units and temporary dumpsters.

Ms. Barnes explained Section 110-5.15 pertaining to sheds and other accessory structures and the application of the regulations to both temporary and permanent structures. She then reviewed Section 115-4.3 pertaining to driveways and explained they are clarifying the difference between the requirements for residential and nonresidential and they are increasing the driveway widths to a minimum 18 feet on collector/arterial roads. She explained the intent was to reduce the number of curb cuts on a road and increase safety by requiring a minimum of 25-feet between driveways.

Ms. Barnes then reviewed Section 115-3 regarding residential compatibility and design district transitions. She explained that these provisions have resulted in challenges to subdivision plan approvals. She noted that some definitions in the code were amended in November 2020 in an attempt to clarify the legislative intent of the Commission and the City in applying the regulations; however, even after the modifications questions were raised regarding the ambiguity of the language and differing interpretations of the code regarding practical application to a development plan approval.

Ms. Barnes explained that the Comprehensive Plan provides for residential compatibility through the use of landscape buffers, natural areas and transitional development practices. It also provides that the City make development decisions that are fair, predictable and cost effective. She stated that the prior provisions of the code required that new lots adjacent to existing lots be 85% of the adjacent lot width. She commented on difficulties with how some subdivisions were built in the past and concerns regarding application of the prior code. She stated that in planning practices, comprehensive plan design and land development regulation design the goal is to make standards consistent and measurable. She added the intent is also to eliminate the possibility of ambiguous language, differing interpretations in order to clarify the Commission's legislative intent and protect the City from legal liability and challenges of subdivision plan approvals.

Ms. Barnes commented on her discussion with the Commission back in April and then reviewed the proposed language to be added to the code: "The compatibility standards below provide standard and predictable measures for establishing and creating compatibility through landscapes, buffers, natural areas or transitional

development practices in an effort to lessen impacts and integrate development along the edges of properties where different land use districts or densities are present." She emphasized this is provided for in the City's Comprehensive Plan and Land Development Regulations and stated the purpose is to clarify the purpose of the regulations. She indicated the standards are also in addition to the City's design district standards in Chapter 109 and that call for compatible lot typologies. As an example, she noted that in the Suburban Neighborhood design district, they don't allow multi-family lot types adjacent to existing single family lot types. She emphasized these are added standards in addition to what is already in the City's form-based code to provide for compatibility.

Discussion was held regarding how what is being proposed is to provide measurable standards and options for property owners and developers and helps to eliminate ambiguities about definitions such as abutting.

Ms. Barnes explained the City's form-based code which uses urban, suburban and rural transects. She stated that where the design districts transition from urban to suburban and suburban to rural, the City wants to have a practical transition between the districts. She explained that what staff is proposing is standards that will create a flow between urban, suburban to rural. She stated that new lots adjacent to an urban district can't be more than 110% of the width of the existing lots unless the developer installs landscape buffering. She provided additional examples of width limitations and requirements for additional buffering. She emphasized they are not discussing residential versus commercial, they are talking about where different design districts abut.

Ms. Barnes further explained the requirements will be set with flexibility to add landscape buffers or buffer walls in transition areas. She reviewed the transition language for areas between different districts. She emphasized that the intent is to keep the urban feel throughout the urban areas and a suburban feel in the suburban areas. She noted that if a new suburban development does not have central sewer then the lots may have to exceed the 150% width in order to accommodate septic tank and drainfield.

The Commission asked for clarification of the additional allowable space to make up for sewer and Ms. Barnes explained it depends. She indicated they can have up to four units per acre if they have water but no sewer. She added that the City does not have very much vacant land in the suburban areas that don't have sewer available or that have substantial unplatted land. She confirmed that the design district standards were implemented in 2008.

Ms. Barnes reviewed the rural district compatibility standards. She commented on the lack of measurable standards in the existing standards. She stated the standards need to be predictable and measurable and not subject to interpretation.

The Commission asked how it is determined that a development is urban or suburban with Ms. Barnes indicating that the urban, suburban and rural districts are set. She explained that there is a design district map that shows where each district is located. She further explained that the code requires that a consistent development transect apply. She stated that when someone requests annexation into the City, staff brings to the Commission the request for annexation along with assignment of a land use designation and design district designation. If an

applicant asks for an urban neighborhood design district in an area already designated suburban neighborhood, it would not be consistent with the established development transect, then staff would recommend denial. She further explained how the intent is to transition development. She provided examples of inconsistency and lack of measurable standards within the current code that would be subject to interpretation.

The Commission asked about the effect on projects already in process with Mr. Neibert stating any project already in process can develop under the current regulations.

Ms. Barnes continued the review of the rural design district transition requirements stating the new lots may be no more than 200% of the existing suburban lots unless they are nonconforming. She then stated that where rural abuts an existing rural development, then the new lots cannot be less than 85% of the existing lots unless there is a landscape buffer of at least 15 to 25 feet wide which is wider than what would be required for urban or suburban.

The Commission asked for further clarification with Ms. Barnes providing additional examples of what might occur in various situations. She emphasized that what is proposed is predictable, fair, and measurable standards. She stated while she cannot guarantee the City won't be sued based on the new standards, she can state it will minimize the ambiguous language and the possibility that differing interpretations could create arguments about whether the standards apply.

The Commission discussed the benefit of addressing the common boundaries and how it will provide smoother transitions.

Recessed: 5:30 p.m. Reconvened: 5:38 p.m.

Ms. Barnes stated the last change is to the loading and off-street parking. She indicated there were a number of uses that did not have parking standards. She explained that the National Planning Association has distributed parking standards. She stated that staff has looked at varying cities and how they compare to the City of Eustis and how they determined their required parking. She explained the intent is to keep the City out of trouble.

The Commission asked how the move to tiny homes would affect the City's standards with Ms. Barnes explaining none of the proposed amendments would directly affect tiny homes. She stated it would depend on where they were proposed. She explained that every other use in the code had set standards for parking; however, the uses in the ordinance only said the parking requirement would be determined during site plan review.

Ms. Barnes then explained what was considered when the amendments were prepared.

The Commission asked how tiny homes would be regulated with Ms. Barnes explaining that the cottage lot typology would apply to a tiny home. She added that they actually can be placed on any lot as long as it meets other regulations and it is not on wheels. She explained that, if they are on wheels, they are

considered mobile homes and must be within mobile home lots. She then explained the Fair Housing Act requirements.

1.2 Review of Comprehensive Plan Text Amendment

Ms. Barnes announced that the comprehensive plan text amendment was also postponed to a date certain. She stated that, if the Commission wants to postpone to another workshop, then at the Commission and LPA meeting they would have to postpone the text amendment to a date certain to avoid re-advertising costs. She commented on a number of items that are currently in the comprehensive plan that should be in the land development regulations. She said the comprehensive plan is supposed to be a broad framework with the detail in the land development regulations. She compared the size of the City's comprehensive plan to Tavares and Mount Dora's plans. She further commented on the amount of duplicative language contained within multiple elements. She stated that is unnecessary and much of the struck-through language is just removing the duplicative language. She then stated there is also too specific language within the comprehensive plan which makes it impossible for the Commission to consider a waiver to address a very unique situation. She stated the majority of the changes are for the purpose of cleaning up language, eliminating duplicative language and clarifying confusing language. She stated the meat of the amendment eliminates the rural residential and agricultural land use designations and making the map amendments discussed at the retreat in January. She offered to either continue the review, schedule another workshop or meet with the Commissioners individually.

The Commission discussed holding another workshop with a consensus to hold a workshop on the comprehensive plan text amendment on June 16th at 4 p.m.

The Commission thanked Ms. Barnes for her work and explanation.

2. ADJOURNMENT: 5:57 P.M.

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

MARY C. MONTEZ
City Clerk

MICHAEL L. HOLLAND
Mayor/Commissioner



MINUTES

Regular City Commission Meeting

6:00 PM - Thursday, June 17, 2021 - City Hall

INVOCATION: MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE: ETHAN AND CHLOE CONGER

CALL TO ORDER: 6:11 P.M.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

1. AGENDA UPDATE

- 1.1 Ron Neibert, City Manager, announced that Ordinance Number 21-10 would be removed from the agenda due to the action of the Local Planning Agency.

2. APPROVAL OF MINUTES

- 2.1 June 3, 2021 - City Commission Workshop - Fire Assessment Fee
June 3, 2021 - Regular City Commission Meeting

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

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

3. AUDIENCE TO BE HEARD

- 3.1 Alan Rosen, Lake County Manager, stated he was just there to observe and noted that the ICMA would be recognizing the City of Eustis for the number of years it has had a City Manager form of government.

Jane Hepting and Carole Martin addressed the Commission as members of the Tri-City Branch of the NAACP. Ms. Hepting noted that she chairs the Environmental and Climate Justice committee. She commented on the effect of climate disasters such as hurricanes and floods on the community, especially residents of color.

Ms. Martin noted she is chair of the NAACP Health Committee. She explained they have developed a disaster preparedness flyer, printed in both English and Spanish. She stated it includes contact information for various emergency agencies and what to do in an emergency situation. She asked if the City would consider putting the flyer in the City's utility bills.

Mayor Holland and Mr. Neibert indicated the City could do that.

Ms. Martin explained that the Health Committee is a newly formed committee of the NAACP and they will be sponsoring various events.

Cindy Newton addressed the Commission regarding the need for the City to develop other means of raising revenues instead of just expansion. She expressed support for the City succeeding and cited specific subdivision roads that are County maintained instead of City maintained. She cited other characteristics needed for the City to succeed and encouraged the City to look at other options.

David Serdar addressed the Commission on various issues and thanked the City Manager, Mayor and Governor for their work on behalf of the residents.

Tammi Roundtree, Lake Eustis Chamber of Commerce, noted that she had spoken with the Parks & Recreation Director and stated their desire to assist with the City's backpack program. She indicated they want to provide 100 backpacks with school supplies for the children enrolled in the City's summer program. She invited everyone to participate in their August 4th breakfast and sponsor a backpack. She stated they welcome monetary donations as well as donations of backpacks and supplies.

Gail Isaac Thomas thanked the Commission for listening to the residents.

4. CONSENT AGENDA

- 4.1** Resolution Number 21-42: Renewal of Automatic Aid Agreement with City of Tavares
- 4.2** Resolution Number 21-43: Renewal of Automatic Aid Agreement with City of Mount Dora

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

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

5. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

- 5.1** Resolution Number 21-36: Site Plan with Waivers for Prime Plumbing

Derek Schroth, City Attorney, announced Resolution Number 21-36: A Resolution of the City Commission of the City of Eustis, Florida; approving a modification to a previously approved development plan via site plan with waivers for Prime Plumbing office, showroom, maintenance building and warehousing buildings totaling approximately 15,441 square feet on 5.82-acres at 37136 State Road 19.

Lori Barnes, Development Services Director, explained the history of the project and reviewed the site plan and requested waivers as follows: 1) Allow a 16-inch common lot setback in lieu of the required 10-feet for placement of an 8-foot wall; and 2) Allow a 7.5 foot landscape buffer in lieu of the required 10-foot buffer and

allow that buffer to be placed on the applicant's side of the proposed 8-foot wall instead of between the property and the adjacent parcel. She reviewed the location of the property, cited the wetlands onsite, and the surrounding land use and design district designations. She noted the intended placement of the wall. She indicated the wall would be over 200 feet from State Road 19. She stated staff's recommendation for approval and indicated the waivers would have no negative impacts on the health and well-being of the public. She introduced Steve Vaughn to answer any questions.

Mr. Schroth opened the public hearing at 6:33 p.m.

Gus Heim addressed the Commission regarding the proposal stating that the site could not be developed in the County but it was developed in the City. He expressed concern regarding the wetlands and drainage. He commented on the City forcing people to annex and Mayor Holland responded that the City is not forcing anyone to annex.

There being no further public comment, the hearing was closed at 6:35 p.m.

The Commission commented that what is being done is a significant improvement to that area. It was also noted that Prime Plumbing is partnering with Lake Sumter to provide training for plumbers. The Commission concurred with the Mayor in stating that the City does not force people to annex.

Moved by Commissioner Hawkins, seconded by Commissioner Cobb, to approve Resolution Number 21-36. Motion carried by the following votes:

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

5.2 Resolution Number 21-41: Trout Landing Concept Plan

Mr. Schroth announced Resolution Number 21-41: A Resolution of the City Commission of the City of Eustis, Florida; approving a concept plan for Trout Landing, a proposed residential subdivision (single-family attached/townhouse lots) on approximately 6.08 acres of property located on the northwest corner of CR 452 and N. SR 19, east of Northshore Dr.

Ms. Barnes reviewed the concept plan for a residential subdivision to be called Trout Landing. She stated the applicant is LPG Urban & Regional Planners on behalf of Build REI, LLC and Donald L. Driggers Trust. She indicated the plan is for a 62-home single family residential subdivision using the townhome lot typology. She noted that the concept plan is optional and does not provide any entitlements. She indicated, if the developer proceeds, a full preliminary plat review will come before the Commission at a later date. She stated it is approximately 6 acres with a Mixed Commercial/Residential future land use designation and a Suburban Corridor design district designation. She compared the plan versus what could be allowed stating the density is 10.8 du/ac versus the allowed 12 du/ac, has 1.24 acres of park space versus the minimum of 1 acre and 66% open space versus the minimum of 25%. She stated there would be a landscape buffer around all of the existing perimeter roadway. She provided a map showing the proposed plan noting the plan proposes rear-loading garages off

the internal street so the front of the units will face Northshore and CR 452. She stated sidewalks will be provided on all external streets and cited the various amenities including a dog park, central plaza and half-acre park area along the canal to the south. She indicated that if Ordinance 21-09 is approved, there will be no waivers requested; however, if it is not, then there may be a future waiver request for the street setback. She reported on comments provided at the optional community meeting with ten residents attending. She stated the primary concern was access to Northshore which, on the plan, is limited to emergency access only. She added they were also concerned about the possibility of parking along Northshore and explained that would not be allowed. She indicated that the property is considered a high recharge area; however, it is considered infill and is within regulations. She indicated that waivers to the Land Development Regulations may be requested at time of preliminary subdivision plat and stated Greg Beliveau is present to answer any questions.

The Commission asked about the entrance off of CR 452 and if there would be a turning lane with Ms. Barnes indicating that traffic requirements would be determined at time of preliminary subdivision plat.

Greg Beliveau indicated they have already performed their environmental study and preliminary traffic analysis. He explained they sited the property based on the distance between the intersections. He further explained a more in-depth traffic analysis would be conducted prior to preliminary plat approval and that would determine turning lanes, etc. He added that the homes would face Northshore Drive with the garages behind so parking would not be along Northshore Drive. He indicated that when the final stormwater study is conducted they may lose some units. He confirmed that the access off Northshore would be gated and for emergency access only. He stated the units are proposed to be approximately 2,000 sq.ft. and are two-story. He noted they already completed a tree survey and are endeavoring to save as many as possible.

The Commission discussed use of the canal for fishing and boating, prices for the units, location of the dog park and other amenities, and traffic concerns.

Mr. Schroth opened the public hearing at 6:54 p.m.

Gus Heim questioned the current zoning of the property and how long it has been so zoned with Ms. Barnes explaining the property is designated Mixed Commercial/Residential with an allowed density of 12 units per acre and, if developed as commercial, the floor area ratio could be as much as 2. Mr. Beliveau responded the land use designation was changed approximately 12 to 18 months previous.

Ms. Barnes stated it was previously Suburban Residential and due to the frontage on to State Road 19 and the county road, the Mixed Commercial/Residential was appropriate.

Mr. Heim asked about the increase in density with Ms. Barnes responding that the allowable density under Suburban Residential is 5 units per acre so the change allowed 12 units per acre or commercial or a mix of uses.

Mr. Heim then asked if the property would be raised when developed with Ms.

Barnes responding that the full engineering plans have not been prepared but would be done at the time of preliminary subdivision plat.

Mr. Heim continued stating he had reported the property to the St. John's Water Management District with Mayor Holland directing him to submit any additional questions to Development Services and they would respond prior to consideration of the preliminary plat.

There being no further public comment, the hearing was closed at 6:58 p.m.

Moved by Vice Mayor Lee, seconded by Commissioner Hawkins, to approve Resolution Number 21-41. Motion carried by the following votes:

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

5.3 Resolution Number 21-45: Sixth Amendment to Purchase and Sale Agreement for City sprayfield property

Mr. Schroth announced Resolution Number 21-45: A Resolution of the City Commission of the City of Eustis, Lake County, Florida; approving the sixth addendum to the real estate purchase and sale agreement with CR 437 Land Investments, LLC, for the purchase of City-owned property located east and south of Cardinal Lane; authorizing the City Manager to execute said agreement.

Mr. Neibert explained CR 437 Land Investments LLC is still working through some closing issues so they have requested to extend the final closing date to July 20, 2021, and offered to provide an additional \$100,000 nonrefundable earnest money in exchange for that extension.

Mr. Schroth opened the public hearing at 7:00 p.m. There being no public comment, the hearing was closed at 7:00 p.m.

Moved by Commissioner LeHeup-Smith, seconded by Commissioner Cobb, to approve Resolution Number 21-45. Motion carried by the following votes:

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

5.4 Ordinance Number 21-09: Amendments to Chapters 110 and 115 of the Land Development Regulations

Mr. Schroth read Ordinance Number 21-09 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Florida, amending the Land Development Regulations, Section 110, Development Standards and Chapter 115, General Building and Site Standards; providing for codification, severability and an effective date.

Mr. Schroth opened the public hearing at 7:01 p.m.

Cindy Newton expressed concern regarding amendments to Section 115-3 -

Residential compatibility and design transition - stating that it takes away protections from abutting property.

Tammy Pena expressed opposition to the amendments and encouraged that the Commission not proceed with the amendments.

There being no further public comments, the hearing was closed at 7:05 p.m.

Moved by Commissioner LeHeup-Smith, seconded by Commissioner Hawkins, to approve Ordinance Number 21-09 on first reading. Motion carried by the following votes:

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

5.5 Ordinance Number 21-14: Establishing a fire assessment fee procedure

Mr. Schroth read Ordinance Number 21-14 by title on second and final reading: An Ordinance by the City Commission of the City of Eustis, Lake County, Florida; amending Chapter 86 of the Code of Ordinances; creating Article VI – Fire Services Special Assessment; providing for the implementation of a fire services special assessment; providing definitions for the proposed fire assessment and collection method; providing for legislative determinations of special benefit, general authority, and applicability throughout the city; providing for initial proceedings; directing imposition of initial assessment roll; providing notice by publication and mail; providing for adoption and effect of final assessment resolution; providing annual adoption procedures; providing liens for and revisions to fire services assessments; providing for procedural irregularities and correction of errors and omissions; providing for interim assessments and an alternative method of collection; providing for conflicts, codification, and severability; providing an effective date.

Mr. Schroth opened the public hearing at 7:06 p.m.

Kress Muenzmay noted the email he previously sent to the Commission regarding the proposed ordinance. He commented on his experience with a fire assessment within the City of Mount Dora and cited how it increased rapidly from \$50 to over \$1,000. He stated it is a way to circumvent the cap on the allowed increases to ad valorem taxes. He questioned what is the definition of "institutional" as it pertains to the fire assessment fee.

Sandi Walker, Government Services Group, explained they have to look how a property is designated by the Property Appraiser in order to determine how they are assessed.

Mr. Muenzmay expressed concern regarding the budget process.

Mark Fisher expressed concern regarding the amount of the assessment and the increase to the fire department budget and what the freed up general fund revenues would be utilized for. He further commented on the types of emergencies the Fire Department actually responds to.

George Asbate expressed concern regarding the square foot charges versus the flat fee for residential and the effect on businesses within the City. He expressed support for a flat fee across the board rather than a square foot charge for commercial.

Bill Gay noted that the City has cited in the past how it does not have a fire assessment fee. He commented on the number of businesses struggling and those going out of business. He encouraged them to wait and reconsider in a few years. He cited increases in costs.

There being no further public comment, the hearing was closed at 7:19 p.m.

The Commission discussed where other funds can come from, how many calls the Fire Department responds to, the need to review the budget first, the small Fund Balance anticipated for the current fiscal year-end, and where else the budget could be cut.

Mayor Holland noted that the Commission will be holding in-depth budget workshops. He commented on how much the Police and Fire Departments have done with their funding.

The Commission asked Fire Chief Mike Swanson about the staffing levels for the department. Chief Swanson explained the City has three shifts of seven with two trucks on the road. He stated they work 24 hour shifts and work 24 on and 48 off. The Commission questioned the amount of overtime with Chief Swanson responding they can work with six on but beyond that will require mandatory overtime.

The Commission asked how many fires the department has responded to in the past year with Chief Swanson responding they average about one per week. He noted they also respond to fires outside City limits. He acknowledged that the majority of calls they run are medical calls. He added that the fire calls are the high risk calls. He commented on the amount of decontamination the department had to do during the past year due to Covid 19 and noted they also assisted with vaccinations.

The Commission questioned how the fire assessment would benefit the department with Chief Swanson responding that the City needs to get a third truck on the road. He commented on the difficulty with running concurrent calls and the impact of the auto aid agreements. He explained that it costs approximately \$1,000,000 per year for the additional truck, equipment and staffing. He stated that the fire assessment if approved would allow them to get their rescue truck back on the road so it could respond to more of the medical calls and free up the other two trucks to respond to auto accidents and fires. He cited the number of assisted living facilities in the City and the need for another fire station on the north side of the City.

The Commission asked about the possibility of the City taking over the County fire station in Dona Vista with Chief Swanson stating that would not help the call volume since the City truck would just take over for the County truck. He stated the \$500,000 would get the rescue truck back on the road and provide six

additional personnel which would reduce his overtime.

Discussion was held regarding the amount of growth anticipated for the north end of town.

The Commission questioned whether or not \$500,000 could be moved from Water and Sewer with Mr. Neibert explaining he could not commit to that at that time. He stated that the surplus in Water & Sewer is already committed for various capital projects in that department. If the funds are re-allocated, they would have to borrow money to fund the capital projects. He explained they have to justify the transfers under the indirect cost analysis. He explained other communities justify transfers using methods he is not entirely comfortable with such as payment in lieu of taxes or return on investment. He stated that he tries to operate the water and sewer system as close as they can to keep the cost low while maintaining the capital integrity of the system. He indicated that staff has already committed to transferring an additional \$200,000 from Water & Sewer to the General Fund bringing the total transfer to \$2,000,000. He explained that the ordinance only sets the procedure for implementation of an assessment. He indicated that the resolution begins the process but final approval would not be until September. He stated they would not be committing to the assessment at that time, only to the process.

The Commission expressed concern regarding what is asked of the City's first responders.

Moved by Commissioner LeHeup-Smith, seconded by Commissioner Hawkins, to adopt Ordinance Number 21-14 on final reading. Defeated by the following votes:

Ayes: Commissioner LeHeup-Smith and Commissioner Hawkins

Nays: Vice Mayor Lee, Commissioner Cobb and Mayor Holland

5.6 Resolution Number 21-44: Initiating Fire Assessment Fee Process

Mr. Schroth stated that, based on the Commission's action, the resolution would not be heard.

5.7 Ordinance Number 21-10: Comprehensive Plan Text Amendment

Mr. Schroth stated Ordinance Number 21-10 was removed from the agenda.

6. FUTURE AGENDA ITEMS

- 6.1** Commissioner Hawkins asked to receive a list of properties owned by the City. He further asked that, when the City attempts to sell property, for staff to provide a list of interested buyers with Mr. Neibert explaining the City does not typically advertise its property for sale.

Commissioners Hawkins and Cobb then asked to see the names of businesses bidding on City purchases and projects with Mr. Neibert asking if there is a dollar threshold they would like to see.

Commissioner Cobb explained they are concerned about keeping the City's

business local.

Commissioner Hawkins commented on the issue of the donation bins and recommended they be required to be removed. It was noted that Commissioner Cobb had sent photographs to the City Attorney of the garbage strewn around them and he indicated those would be helpful.

Mr. Neibert stated that staff would do everything they can under the law.

The Commission commented on the number and issues surrounding the collection bins. They then asked about the agreement with Atrium for development of the downtown property.

Mr. Neibert explained that the Commission as the CRA Board authorized staff to negotiate solely with Atrium regarding development of the three downtown lots. He indicated his intent to have a draft agreement before the CRA Board sometime in July. He explained that the City sent out information to a large number of development entities regarding the sites and only received one proposal which was from Atrium. Subsequently, the CRA authorized staff to negotiate with Atrium. He indicated he would be happy to meet with individual Commissioners regarding the draft agreement if they wished.

Mr. Schroth explained that there is currently only a draft agreement which will be presented to the CRA Board and they will have full discretion to approve or deny the agreement.

The Commission asked about Lulu's Candles with Chief Swanson reporting the City has issued a Temporary Certificate of Occupancy so that equipment and stock could be moved in. He explained he would be inspecting the hoods on Monday.

Mr. Neibert reported that a grand opening ribbon cutting would be scheduled.

Vice Mayor Lee requested that any copies requested by other Commissioners be copied to all with Mr. Neibert indicating that is typically what staff does.

7. COMMENTS

7.1 City Commission

Vice Mayor Lee thanked the Library for the previous program and announced there would be a Library program in Ferran Park on Friday.

Commissioner Hawkins encouraged everyone to participate in the water aerobics being offered at the City pool.

Commissioner Cobb thanked Alan Rosen for partnering with the City and Chamber on the Home & Garden Expo at the Fairgrounds.

7.2 City Manager

Mr. Neibert announced this would be the last meeting in the Commission Room

and the next meetings would be held at the Community Building. He cited the comments made during Audience to be Heard regarding County maintenance of roads in certain subdivisions. He explained the Brookshire Subdivision roads were constructed privately and then accepted and are under City maintenance. Blue Lake Estates roads were constructed privately and are under private maintenance. Park Place roads were built privately under County regulations. The reason the County continues to maintain the roads is because the roads and stormwater were not built to City standards so the City did not accept maintenance.

Mr. Neibert then asked the Commission to look at dates for the budget workshop beginning the week of June 21st. It was agreed to meet on Monday, June 28th at 4 p.m. at the Community Building.

7.3 City Attorney

Mr. Schroth announced he would send the Commissioners a copy of the draft Atrium agreement.

7.4 Mayor

Mayor Holland thanked the audience for attending and the Commission for their efforts to work together. He thanked City staff for their work on behalf of the Commission and community.

8. ADJOURNMENT: 8:01 P.M.

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

MARY C. MONTEZ
City Clerk

MICHAEL L. HOLLAND
Mayor/Commissioner



City of Eustis

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

Staff Report

TO: Eustis City Commission
FROM: Ronald Neibert, City Manager
DATE: July 1, 2021
RE: PRESENTATION REGARDING NE LAKE BOYS & GIRLS CLUB

Introduction:

Kobi Bowers, Service Director, will provide an update regarding the NE Lake Boys & Girls Club.

Reviewed by:

Ronald Neibert, City Manager
Mary Montez, City Clerk

Approved - 25 Jun 2021
Approved - 25 Jun 2021



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: July 1, 2021
RE: PRESENTATION REGARDING SEE - CLICK - FIX SOFTWARE PROGRAM

Introduction:

Mark O'Keefe, Public Communications Director with the City of Tavares, will provide a presentation regarding Tavares' use of the See - Click - Fix software program.

Reviewed by:



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: April 1, 2021
RE: FIRST READING - EXPLANATION OF ORDINANCES FOR PROPERTY AT THE NORTHEAST CORNER ESTES ROAD AND LAKE LINCOLN LANE:
ORDINANCE NUMBER 21-15: VOLUNTARY ANNEXATION
ORDINANCE NUMBER 21-16: COMPREHENSIVE PLAN AMENDMENT
ORDINANCE NUMBER 21-17: DESIGN DISTRICT ASSIGNMENT

Introduction:

Ordinance Number 21-15 provides for the voluntary annexation of approximately 5.2 acres located on the northeast corner of Estes Road and Lake Lincoln Lane. Provided the annexation of the subject property is approved, Ordinance Number 21-16 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 21-17 would assign the subject property a design district designation of Suburban Neighborhood. If Ordinance Number 21-15 is denied, then there can be no consideration of Ordinance Numbers 21-16 and 21-17.

Background:

See attached Staff Report.

Recommended Action:

The administration recommends approval of Ordinance Numbers 21-15, 21-16, and 21-17.

Alternatives:

1. Approve Ordinances 21-15, 21-16, and 21-17.
2. Deny Ordinances 21-15, 21-16, and 21-17.

Attachments:

[Staff Report Ord. 20-15, 16, 17 Annex FLU DD](#)
[Ordinance No. 21-15 Annexation](#)
[Ordinance No. 21-16](#)

[Ordinance No. 21-17 Design Dist](#)

Reviewed by:

Ronald Neibert, City Manager
Mary Montez, City Clerk

Approved - 25 Jun 2021
Approved - 25 Jun 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: JULY 1, 2021
RE: EXPLANATION OF ORDINANCES FOR PROPERTY AT THE NORTHEAST
CORNER OF ESTES ROAD AND LAKE LINCOLN LANE
Ordinance Number 21-15 – Voluntary Annexation
Ordinance Number 21-16 – Comprehensive Plan Amendment
Ordinance Number 21-17 – Design District Assignment

Introduction

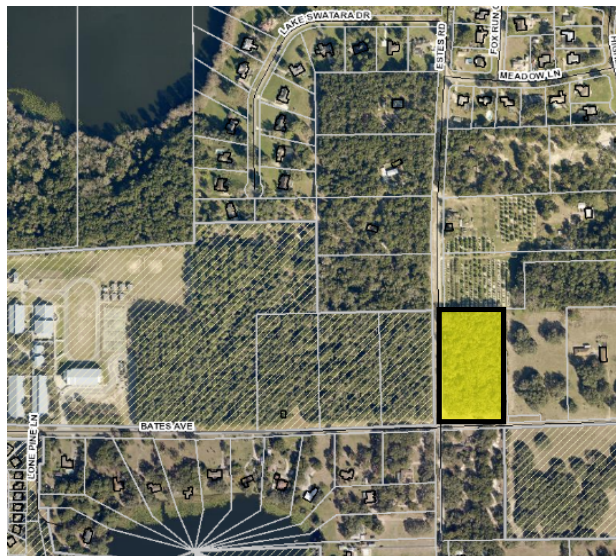
Ordinance Number 21-15 provides for the voluntary annexation of approximately 5.2 acres located on northeast corner of Estes Road and Lake Lincoln Lane. Provided the annexation of the subject property is approved, Ordinance Number 21-16 would change the future land use designation from Rural Transition in Lake County to Suburban Residential (SR) in the City of Eustis, and Ordinance Number 21-17 would assign the subject property a design district designation of Suburban Neighborhood. If Ordinance Number 21-15 is denied, then there can be no consideration of Ordinance Numbers 21-16 and 21-17.

Recommended Action

The administration recommends approval of Ordinance Numbers 21-15, 21-16, and 21-17.

Background/Pertinent Site Information

1. The site contains approximately 5.2 acres, and is located within the Eustis Joint Planning Area. The is comprised of one (1) wooded, vacant parcel.
2. The site is contiguous to the City on its western boundary.
3. The site has a Lake County land use designation of Rural Transition, but approval of Ordinance Number 21-16 would change the land use designation to Suburban Residential (SR) in the City of Eustis. Surrounding properties have the following land use designations:



Location	Existing Use	Future Land Use	Design District
Site	Vacant	Rural Transition (Lake County)	NA
North	Vacant (orange grove associated with “agricultural homesite” on separate tax parcel but commonly owned)	Rural Transition (Lake County)	NA
South	Single-Family	Rural Transition (Lake County)	N/A
Southeast	Vacant (approved for 121 SFR)	Suburban Residential	Suburban Neighborhood
East	Vacant	Rural Transition (Lake County)	NA
West	Vacant (approved for 49 SFR)	Suburban Residential	Suburban Neighborhood

Applicant’s Request

The applicant, Lake RC LLC, wishes to annex the property and change the future land use to Suburban Residential and assign a design district of Suburban Neighborhood.

The current Lake County land use designation is Rural Transition. The Lake County land use designation allows for residential uses up to 1 du/5 acres with alternative densities up to 1 du/1 ac under clustered rural conservation subdivision with PUD and other conditions, and the zoning of Agricultural (A) allows agriculture, single family, day care and with conditional use approval heavy industrial and schools. The property owner has requested the SR land use designation within the City of Eustis. The SR land use provides for residential uses up to 5 dwelling units per acre. The requested SR designation permits the proposed residential use and is consistent with the land use designation of adjacent properties in the City of Eustis.

Analysis of Annexation Request (Ord. Number 21-15)

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

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

The subject property is located within the Joint Planning Area. Urban services of adequate capacity are available to serve future development, consistent with the requested SR future land use designation. (See public facilities and services analysis under item 5 below).

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

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

The Joint Planning Area boundaries define the reasonably compact area where the City could provide services effectively and efficiently. The subject property

lies within that planning area; it is contiguous to the City limits on its western boundary; and the owner petitioned for annexation.

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

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

The department published notice of this annexation in the Daily Commercial in accordance with the requirements on June 17, 2021 and June 24, 2021.

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 June 7, 2021.

Analysis of Comprehensive Plan/Future Land Use Request (Ord. Number 21-16)

In Accordance with Florida Statutes Chapter 163.3177.9.:

Discourage Urban Sprawl:

Primary Indicators of Sprawl:

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

Review of Indicators

1. *Low Intensity Development:*

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

This indicator does not apply. The requested future land use will provide for a higher density than the county FLU allows.

2. *Urban Development in Rural Areas:*

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

This indicator does not apply. The site is adjacent to existing suburban style residential development, and is located less than three miles from the downtown Eustis core.

3. *Strip or Isolated Development:*

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

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

4. *Natural Resources Protection:*

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

This indicator does not apply. The property is not within a floodplain and does not contain any wetlands. The site is heavily wooded and must obtain a subdivision or site plan approval before development may begin. The Comprehensive Plan and the Land Development Regulations include standards for protection of environmentally sensitive lands that would apply should conditions at time of development warrant such protection.

5. *Agricultural Area Protection:*

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

This indicator does not apply. This site is heavily wooded and does not contain active agricultural uses. This indicator does not apply. The site is not prime farmland the site includes soils identified by the USDA as farmlands of unique importance. However, this is a wooded 5.2-acre site is in close proximity to a school and existing residential development. This area is suburbanizing as evidenced by recent approvals for two subdivisions with a total of 170 single-family homes; the site is adjacent to suburban development and not suitable for farming; the property is within an area designated for urban development (JPA/180 Utility District).

6. *Public Facilities:*

Fails to maximize use of existing public facilities and services.

This indicator does not apply. City water and sewer are available on the southern boundary of the property. Development of these parcels will maximize the use and efficiency of service.

7. *Cost Effectiveness and Efficiency of Public Facilities:*

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

This indicator does not apply. Adequate capacity is available to serve the existing and future development consistent with the requested SR future land use designation. The City provides these services to other properties in the area, so efficiency will improve. Any future development on the site will provide onsite stormwater to serve the development.

8. Separation of Urban and Rural:

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

This indicator does not apply. While an orange grove associated with an "agricultural homesite" exists to the north, no other nearby properties contain active agricultural activities or uses. The surrounding area is developed or has development entitlements attached to the land. These developments have densities and intensities that are clearly suburban uses.

9. Infill and Redevelopment:

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

This indicator does not apply. The parcels are a logical extension of development for the city. Infill development is occurring in the city, mostly on existing platted lots.

10. Functional Mix of Uses:

Fails to encourage a functional mix of uses.

This indicator does not apply. Commercial development to serve the residential population is located in close proximity to the site, and development of this site may encourage additional non-residential development to satisfy demand by new residents.

11. Accessibility among Uses:

Results in poor accessibility among linked or related land uses.

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

12. Open Space:

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

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

13. Urban Sprawl:

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

a. Direction of Growth:

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

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

b. Efficient and Cost-Effective Services:

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

Water and sewer service are already available.

c. Walkable and Connected Communities:

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

At time of development, the site must meet the City's Land Development Regulations, including the provision of sidewalks bordering existing public rights-of-way and internal streets.

d. Water and Energy Conservation:

Promotes conservation of water and energy.

When the site is developed, it must meet City development and Florida Building Code standards that will require energy and water efficient appliances.

e. Agricultural Preservation:

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

Not applicable; this site does not support active agricultural or silvicultural activities.

f. Open Space:

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

The site does not provide functional open space or natural areas. Current regulations require the incorporation of park space within residential subdivisions.

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.

Although the Suburban Residential future land use designation permits neighborhood commercial in subdivisions where 50 homes or more are approved or as part of a planned unit development master plan, incorporation of commercial uses on a parcel of 5.2-acres is not expected. Existing commercial development exists in close proximity to serve the residential population.

h. Urban Form Densities and Intensities:

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

Not applicable.

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 developed areas surrounding the site already receive emergency services. Development of these parcels will increase the efficiency of delivering emergency services. The County has a fire station 1 mile away and the City 3 miles from the site. As emergency services are offered to residential developments in the area, service will become more efficient.

b. Parks & Recreation:

The City of Eustis LDR's require park space within residential developments. Under a maximum development scenario (26 units), a new subdivision on this site would be required to provide a half-acre (0.05) park within the subdivision.

c. *Potable Water & Sanitary Sewer:*

The following outlines the water and wastewater demand based on a maximum development potential scenario. Actual build-out conditions will be determined by design district regulations, residential compatibility, minimum open space requirements and maximum impervious surface area requirements.

Potential Residential Demand

5 du/ac x 5.2 ac. = 26 Dwelling Units x 2.52 p/hh = 66 persons

Water: 66 x 140 GPCD = 9,240 GPD

Wastewater: 66 x 120 GPCD = 7,920 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 Lake County School Board has reviewed and provided correspondence indicating adequate public facilities exist to serve a future development under the maximum potential development scenario.

e. *Solid Waste:*

The City contracts with Waste Management for hauling of solid waste. The existing development will need to contract with the City solid waste provider. Serving this property will increase efficiency in delivery of services.

f. *Stormwater:*

The property is located in drainage basin 50 (Lake Lincoln). At time of development review, any future project proposed will be required to demonstrate compliance with the City's and the SJRWMD's stormwater rules.

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.

Lake Sumter MPO traffic segment analyses already account for existing land uses along the roadways. So, in preparing this analysis, staff used the difference between the maximum number of dwelling units currently allowable under the Lake County designation versus what could be allowed with a Eustis SR future land use:

1) Trip Generation for Residential Component of SR

As the future development actual density and housing type is yet to be determined, staff utilized Land Use 210, Single Family Detached

Housing and the maximum development scenario (26 lots) for purposes of estimating the general trips. Land Use 210: Single-family detached housing includes all single-family detached homes on individual lots. A typical site surveyed is a suburban subdivision.

County Density: 1du/ac. x 5.2 ac. = 5 du

City Density: 5 du/ac x 5.2 ac. = 26

Estimated Additional Dwelling Units: 21

PM Peak Hour of generator on a weekday

Ave. Rate @ 1.0 x 26 = 26 trips

36% exiting: 9

64% entering: 17

- 2) The adopted LOS for Bates Avenue from CR 44 to Estes Road is D. The segment analysis is as follows:**

Adopted LOS Standard	LOS Capacity	Existing EB/NB Trips	Plus Proposed Additional EB/NB Trips	Existing WB/SB Trips	Plus Proposed Additional WB/SB Trips
D	675	137	146	149	158

- 4) The adopted LOS for Estes Road from Lake Lincoln Lane is D. The segment analysis is as follows:**

Adopted LOS Standard	LOS Capacity	Existing EB/NB Trips	Plus Proposed Additional EB/NB Trips	Existing WB/NB Trips	Plus Proposed Additional WB/SB Trips
D	675	234	243	158	167

At this time, it appears the adjacent transportation network has the capacity to serve the proposed SR property, even at a maximum development standard, without negatively affecting the adopted level of service; and the impact of 26 dwelling units would be de minimis.

2. Natural Resources/Natural Features:

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

flood-prone areas are suitable to the continued natural functioning of flood plains; and 4) the suitability of the soil and topography to the development proposed.

a. **Ground water recharge areas:**

The site is within a high recharge area, over 12 inches/hour. Source: Lake County Comprehensive Plan 2030 Floridian Aquifer Recharge Map. Sec. 121-24. (c) (2) Groundwater and wellhead protection requires impervious surface areas, including roof and pavement, within the development are limited to 25 percent in designated high recharge areas, per wellhead protection Map E-8. The impervious surface limit may be increased to 50 percent for infill location in developed areas. However, the site is surrounded by existing/approved development; the project is infill development. Furthermore, stormwater regulations and design will take this into account at time future development review.

b. **Historical or archaeological sites:**

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

c. **Flood zones:**

The subject property is not located in a flood zone, nor is it adjacent to other properties that lie substantially within a flood zone. Source - Lake County GIS - 2012 Flood Zones.

d. **Soil and topography:**

The site soils are Candler sand, 0 to 5 percent slopes, a nearly level to gently sloping and excessively drained sandy soil, and Lake sand, 0 to 5% slopes.

The depth to a restriction or the water table is at 80 inches or more below the surface. Permeability is rapid. While the Candler sand is suited to shallow rooted field and truck crops, this 5.2-acre wooded site is surrounded by existing/approved suburban development and not suited to agriculture.

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

3. **Comprehensive Plan Review:**

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

Existing Land Use According to the Lake County Comprehensive Plan:

“The 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 Suburban Neighborhood design district in this case would limit development as follows:

Allowable lot types: Estate, House, Duplex

Landscape buffer: 15-24-feet along public right-of-way

Open space: 25% (35% if Wekiva related vegetative species exist onsite).

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.

Residential compatibility: Utilize transitional development practices, landscapes, buffers, or natural areas in site planning to demonstrate that transition to adjacent uses undesirable views, preserve tree canopy and vegetation.

The Eustis residential land use designations in the surrounding area are generally Suburban Residential (SR) with a maximum density of 5 dwelling units per acre (du/ac). The surrounding unincorporated areas are designated Rural Transitional with a maximum density of 1 dwelling unit per acre.

Source: Lake County GIS Zoning & FLU Codes

Comparison of Lake County Development Conditions

The existing Lake County future land use designations of the property is Rural Transition with allowable density of 1 dwelling unit per acre. The county land use designation would allow a theoretical maximum of 5 dwelling units.

The proposed City of Eustis future land use designation of the property is Suburban Residential (SR), which allows residential densities up to 5 dwelling units per acre (subject to design district regulations, compatibility requirements,

open space, etc.). At 5 units per acre, the site could support a theoretical maximum of 26 dwelling units. The difference in development potential is 21 dwelling units.

Pursuant to the Eustis Comprehensive Plan, the property subject to this request is indicated for a density limitation of 2.5 dwelling units per acre on Map 19 of the Eustis Comprehensive Plan Future Land Use Element Map Series. However, Map 19 is inconsistent with the balance of the Comprehensive Plan Future Land Use Element and Future Land Use Element Appendix. The Future Land Use Element Appendix indicates the Suburban Residential (SR) designation is provided to accommodate the majority of residential development within the city, and the Development Patterns Map (Map 2) shows a suburban development pattern in this area of the city; thereby supporting the requested SR land use designation.

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.

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.

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.

At time future development review, if the projected trips exceed the de-minimis threshold, a traffic study will be required to meet the transportation element's policies regarding traffic.

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

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

Standards for Review:

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

a. Consistent with Comprehensive Plan:

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

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

b. In Conflict with Land Development Regulations:

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

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

c. Inconsistent with Surrounding Uses:

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

The SR future land use designation is consistent with other land use designations along in the Estes Road, Lake Lincoln and Bates Avenue area, as it is intended to provide for residential uses in a suburban atmosphere.

d. Changed Conditions:

Whether there have been changed conditions that justify an amendment.

The applicant wishes to annex the property into the City limits of Eustis. Assignment of a City of Eustis future land use designation is required. Upon annexation, the subject property will have a full array of municipal services, including central water and sewer. 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 available to the site at the intersection of Estes Road and Lake Lincoln Lane. Adequate capacity is available to serve future development consistent with the requested Suburban Residential future land use designation. Both roads have sufficient capacity to serve a single-family development on this site. Upon annexation, the City will also provide other services such as fire and police protection, library services, parks, and recreation. The City provides these services to other properties in the area, so efficiency will improve.

f. Impact on Environment:

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

The site is not connected to significant open space. At time of future development review, as the property is in the Wekiva Study Area, additional studies will be required to evaluate natural features, and if present, to minimize the impact of development to the natural environment.

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.

g. Public Interest and Intent of Regulations:

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

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

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

The requested designation 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.

h. 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 21-17):

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 109-3 Design Districts:

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

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

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

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

Design districts – Suburban Neighborhood

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

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

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

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

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; the proposed design district is compatible with the surrounding design districts.

c. **Consistent with Comprehensive Plan:**

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

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

d. **Consistent with Surrounding Uses:**

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

The Suburban Corridor definition, structure and form are compatible with the existing uses and any proposed uses permitted under the Suburban Residential 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 with 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.

The site must follow City regulations regarding the natural environmental through the subdivision review process.

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 109-5.5 of the Land Development Regulations. Assignment of the requested designation will result in a more orderly and logical development pattern; making the designation consistent with the surrounding area designations and established development patterns.

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 Suburban Neighborhood design district designation to an annexation parcel, which is consistent with the existing transect.

Applicable Policies and Codes

1. Resolution Number 87-34

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

2. Florida Statutes Chapter 171.044: Voluntary Annexation:

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

3. Comprehensive Plan - Suburban Residential (SR): This designation is provided to accommodate the majority of residential development within the City. General Range of Uses: This designation is intended to provide for a mix of single family detached, patio home, and townhouse dwellings in a suburban atmosphere and may also include ACLF, parks and recreation facilities, and schools. Apartments may be permitted through the PUD process. Public and utility services and facilities that are 2 acres or less in size are also permitted. Maximum Density/Intensity: Suburban Residential lands may be developed up to a maximum density of 5 dwelling units per net buildable acre. The maximum density may be exceeded through an affordable housing density bonus as provided in the Special Provisions below.

4. Policy CON 1.1.7.b. Limit impervious surface areas, including roofs and pavement, in high recharge areas and designated wellhead protection areas, except that impervious cover factors may be increased for infill locations in already developed areas of the same or greater intensity.

5. Policy FLU 1.1.1: Planning Principles

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

- ☐ Creating a range of housing opportunities and choices;
- ☐ Creating walkable neighborhoods;
- ☐ Encouraging community and stakeholder collaboration;
- ☐ Fostering distinctive, attractive communities with a strong sense of place;
- ☐ Making development decisions predictable, fair and cost effective;
- ☐ Allowing for a mix of land uses;
- ☐ Providing for open space, natural beauty and protection of critical environmental areas;
- ☐ Providing a variety of transportation choices;
- ☐ Encouraging compact building design.

6. **OBJECTIVE: HSG 1.1: ADEQUATE AND AFFORDABLE HOUSING** To provide sufficient land and incentives and take other actions necessary to accommodate and facilitate construction of housing to meet projected demand and to accommodate the needs of the various household types and income groups characteristic of the city and planning area.
7. **Policy HSG 1.1.1: Future Land Use:** The City shall maintain land use classifications and density criteria to accommodate the varying housing needs of the community, as provided for in the Future Land Use Element Appendix
8. **Land Development Regulations Section 109-5.5(b)(1):** The Suburban Neighborhood Design District has predominately residential uses with some neighborhood scale commercial services with interconnected trails, bikeways and walkways with a street framework comprised of a range of blocks permitted throughout the neighborhoods.
9. **Land Development Regulations Section 109-2.3:** The SR land use has a maximum density of five units to one acre. The SR designation is intended to provide for a mix of single-family detached, patio homes and townhouse-type dwellings in a suburban atmosphere.
10. **Sec. 121-24. (c) (2)** Groundwater and wellhead protection requires impervious surface areas, including roof and pavement, within the development are limited to 25 percent in designated high recharge areas, per wellhead protection Map E-8. The impervious surface limit may be increased to 50 percent for infill location in developed areas.

Fiscal Impact:

The current just value of the subject property is \$138,338. Based on the current millage rate of 7.581, annexation of the property could increase annual operating revenues by as much as \$1,048 before development.

Alternatives:

1. Approve Ordinance Numbers 21-15 (Annexation), 21-16 (Comp. Plan Amendment), and/or 21-17 (Design District Designation)
2. Deny Ordinance Numbers 21-15, 21-16 and 21-17.

Discussion of Alternatives:

Alternative 1 approves the Ordinances.

Advantages:

- The action would be consistent with the expansion plans for the City in accordance with the adopted Eustis Planning Area.
- Annexation would 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.
- The land use change and design district assignment are consistent with the proposed use of the property and the nature of the surrounding area.

- The action could encourage additional development and/or annexations in that area.

Disadvantages:

- Pursuant to the Eustis Comprehensive Plan, the property subject to this request is indicated for a density limitation of 2.5 dwelling units per acre on Map 19 of the Eustis Comprehensive Plan Future Land Use Element Map Series. However, Map 19 is inconsistent with the balance of the Comprehensive Plan Future Land Use Element and Future Land Use Element Appendix. The Future Land Use Element Appendix indicates the Suburban Residential (SR) designation is provided to accommodate the majority of residential development within the city, and the Development Patterns Map (Map 2) shows a suburban development pattern in this area of the city; thereby supporting the requested SR land use designation.

Alternative 2 denies the Ordinances.

(If Ordinance Number 21-15 is denied, the Commission cannot approve Ordinance Numbers 21-16 and 21-17.)

Advantages:

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

Disadvantages:

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

Community Input

The department has notified surrounding property owners within 500 feet of the site; placed the proper legal advertisements in the newspaper; and the applicant posted the site. Opportunity for public input will be provided at the July 1 and July 15, 2021 City Commission meetings.

Budget / Staff Impact:

Based on the current assessment and millage rate, the City can anticipate approximately \$1,048 annually in ad-valorem 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, CPM, Development Services Director

Attachments:

2021-A-02 and 2021-CPLUS-02
Lake RC AK 3862863
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Ordinance Number 21-15, Exhibit A: Location
Ordinance Number 21-16, Exhibit A: Land Use Map
Ordinance Number 21-17, Exhibit A: Design District Map

ORDINANCE NUMBER 21-15

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA,
VOLUNTARILY ANNEXING APPROXIMATELY 5.2 ACRES OF REAL PROPERTY
AT THE NORTHEAST CORNER OF ESTES ROAD AND LAKE LINCOLN LANE.**

WHEREAS, the Lake RC, Inc., the legal owner of record, has made application for voluntary annexation of approximately 5.2 acres of real property located at the northeast corner of Estes Road and Lake Lincoln Lane, more particularly described as:

Parcel Alternate Key Number: 3862863 Identification Number: 05-19-27-0200-000-02100

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 5, TOWNSHIP 19 SOUTH, RANGE 27 EAST, AND RUN NORTH 87 DEGREES 38 MINUTES 34 SECONDS EAST, ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4, A DISTANCE OF 1360.14 FEET TO A POINT ON THE EAST EDGE OF PAVEMENT OF ESTES ROAD, SAID POINT BEING A NAIL AND DISC LB 6676, AND THE POINT OF BEGINNING OF THIS DESCRIPTION; FROM SAID POINT OF BEGINNING, RUN NORTH 01 DEGREES 22 MINUTES 21 SECONDS WEST, ALONG SAID EAST EDGE OF PAVEMENT, 644.04 FEET TO A NAIL AND DISC LB 4709; THENCE NORTH 88 DEGREES 10 MINUTES 25 SECONDS EAST, 350.62 FEET TO A 1/2 INCH IRON ROD AND CAP LB 707; THENCE SOUTH 02 DEGREES 18 MINUTES 30 SECONDS EAST, 640.70 FEET TO A 5/8 INCH IRON ROD AND CAP LB 6676 AND A POINT ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE AFOREMENTIONED SECTION 5; THENCE SOUTH 87 DEGREES 38 MINUTES 34 SECONDS WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4, A DISTANCE OF 361.13 FEET TO THE POINT OF BEGINNING.

ALL LYING AND BEING IN LAKE COUNTY, FLORIDA.

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

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

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

WHEREAS, on July 1, 2021 the City Commission held the 1st Public Hearing to consider the voluntary annexation of the property contained herein; and

WHEREAS, on July 15, 2021, 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 5.2 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 15th day of July, 2021.

**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 15th day of July, 2021, 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, but I have not performed an independent title examination as to the accuracy of the legal description.

City Attorney's Office Date

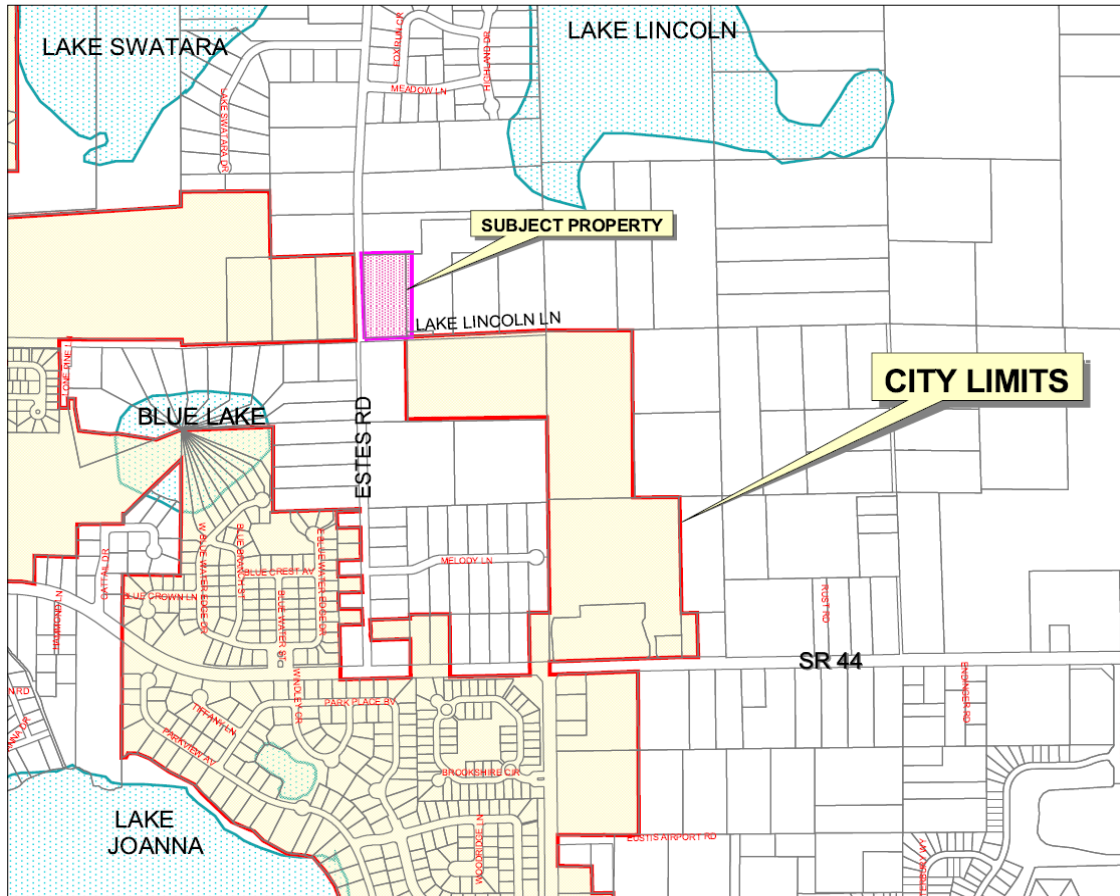
CERTIFICATE OF POSTING

The foregoing Ordinance Number 21-15 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

Ordinance Number 21-15
Annexation 2021-A-02
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EXHIBIT A



Ordinance Number 21-15
Annexation 2021-A-02
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ORDINANCE NUMBER 21-16

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 5.2 ACRES OF RECENTLY ANNEXED REAL PROPERTY AT THE NORTHEAST CORNER OF ESTES ROAD AND LAKE LINCOLN LANE FROM RURAL TRANSITION IN LAKE COUNTY TO SUBURBAN RESIDENTIAL (SR) IN THE CITY OF EUSTIS.

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

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

WHEREAS, the City of Eustis periodically amends its Comprehensive Plan in accordance with Chapter 163.3184, 163.3187 and 163.3191, Florida Statutes; and

WHEREAS, the City of Eustis desires to amend the Future Land Use Map Series to change the Future Land Use designation on approximately 5.2 acres of real property located at the northeast corner of Estes Road and Lake Lincoln Lane, and more particularly described herein; and

WHEREAS, on July 1, 2021, the Local Planning Agency held a Public Hearing to consider the adoption of a Small-Scale Future Land Use Amendment for this change in designation; and

WHEREAS, on July 1, 2021, the City Commission held the 1st Adoption Public Hearing to accept the Local Planning Agency's recommendation to adopt the Small-Scale Future Land Use Amendment contained herein; and

WHEREAS, on July 15, 2021, the City Commission held the 2nd Adoption Public Hearing to consider the adoption of the Small-Scale Future Land Use Amendment contained herein;

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

SECTION 1.

Land Use Designation: That the Future Land Use Designation of the real property as described below and shown on Exhibit A shall be changed from Rural Transition in Lake County to Suburban Residential (SR) within the City of Eustis:

Parcel Alternate Key Number: 3862863 Identification Number: 05-19-27-0200-000-02100

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 5, TOWNSHIP 19 SOUTH, RANGE 27 EAST, AND RUN NORTH 87 DEGREES 38 MINUTES 34 SECONDS EAST, ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4, A DISTANCE OF 1360.14 FEET TO A POINT ON THE EAST EDGE OF PAVEMENT OF ESTES ROAD, SAID POINT BEING A NAIL AND DISC LB 6676, AND THE POINT OF BEGINNING OF THIS DESCRIPTION; FROM SAID POINT OF BEGINNING, RUN NORTH 01 DEGREES 22 MINUTES 21 SECONDS WEST, ALONG SAID EAST EDGE OF PAVEMENT, 644.04 FEET

TO A NAIL AND DISC LB 4709; THENCE NORTH 88 DEGREES 1 0 MINUTES 25 SECONDS EAST, 350.62 FEET TO A 1/2 INCH IRON ROD AND CAP LB 707; THENCE SOUTH 02 DEGREES 18 MINUTES 30 SECONDS EAST, 640. 70 FEET TO A 5/8 INCH IRON ROD AND CAP LB 6676 AND A POINT ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE AFOREMENTIONED SECTION 5; THENCE SOUTH 87 DEGREES 38 MINUTES 34 SECONDS WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4, A DISTANCE OF 361.13 FEET TO THE POINT OF BEGINNING.

ALL LYING AND BEING IN LAKE COUNTY, FLORIDA.

SECTION 2.

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

SECTION 3.

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

SECTION 4.

Severability: That should any section, phrase, sentence, provision, or portion of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION 5.

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

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this 15th day of July 2021.

**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 15th day of July, 2021, 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, but I have not performed an independent title examination as to the accuracy of the legal description.

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 21-16 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Mary C. Montez, City Clerk

Exhibit A



ORDINANCE NUMBER 21-17

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA; ASSIGNING THE SUBURBAN NEIGHBORHOOD DESIGN DISTRICT DESIGNATION TO APPROXIMATELY 5.2-ACRES OF RECENTLY ANNEXED REAL PROPERTY AT THE NORTHEAST CORNER OF ESTES ROAD AND LAKE LINCOLN LANE.

WHEREAS, the City of Eustis desires to amend the Design District Map of the Land Development Regulations adopted under Ordinance Number 09-33 to assign a Design District designation of Suburban Neighborhood to approximately 5.2-acres of recently annexed real property further described below, and

WHEREAS, on July 1, 2021, the City Commission held the 1st Public Hearing to consider the Design District Amendment contained herein; and

WHEREAS, on July 15, 2021 the City Commission held the 2nd Public Hearing to consider the adoption of the Design District Amendment contained herein;

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

Section 1. Design District Designation

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

Parcel Alternate Key Number: 3862863

Identification Number: 05-19-27-0200-000-02100

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 5, TOWNSHIP 19 SOUTH, RANGE 27 EAST, AND RUN NORTH 87 DEGREES 38 MINUTES 34 SECONDS EAST, ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4, A DISTANCE OF 1360.14 FEET TO A POINT ON THE EAST EDGE OF PAVEMENT OF ESTES ROAD, SAID POINT BEING A NAIL AND DISC LB 6676, AND THE POINT OF BEGINNING OF THIS DESCRIPTION; FROM SAID POINT OF BEGINNING, RUN NORTH 01 DEGREES 22 MINUTES 21 SECONDS WEST, ALONG SAID EAST EDGE OF PAVEMENT, 644.04 FEET TO A NAIL AND DISC LB 4709; THENCE NORTH 88 DEGREES 10 MINUTES 25 SECONDS EAST, 350.62 FEET TO A 1/2 INCH IRON ROD AND CAP LB 707; THENCE SOUTH 02 DEGREES 18 MINUTES 30 SECONDS EAST, 640.70 FEET TO A 5/8 INCH IRON ROD AND CAP LB 6676 AND A POINT ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE AFOREMENTIONED SECTION 5; THENCE SOUTH 87 DEGREES 38 MINUTES 34 SECONDS WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4, A DISTANCE OF 361.13 FEET TO THE POINT OF BEGINNING.

ALL LYING AND BEING IN LAKE COUNTY, FLORIDA.

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 21-15.

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this 15th day of July 2021.

**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 15th day of July, 2021, 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, but I have not performed an independent title examination as to the accuracy of the legal description.

City Attorney's Office

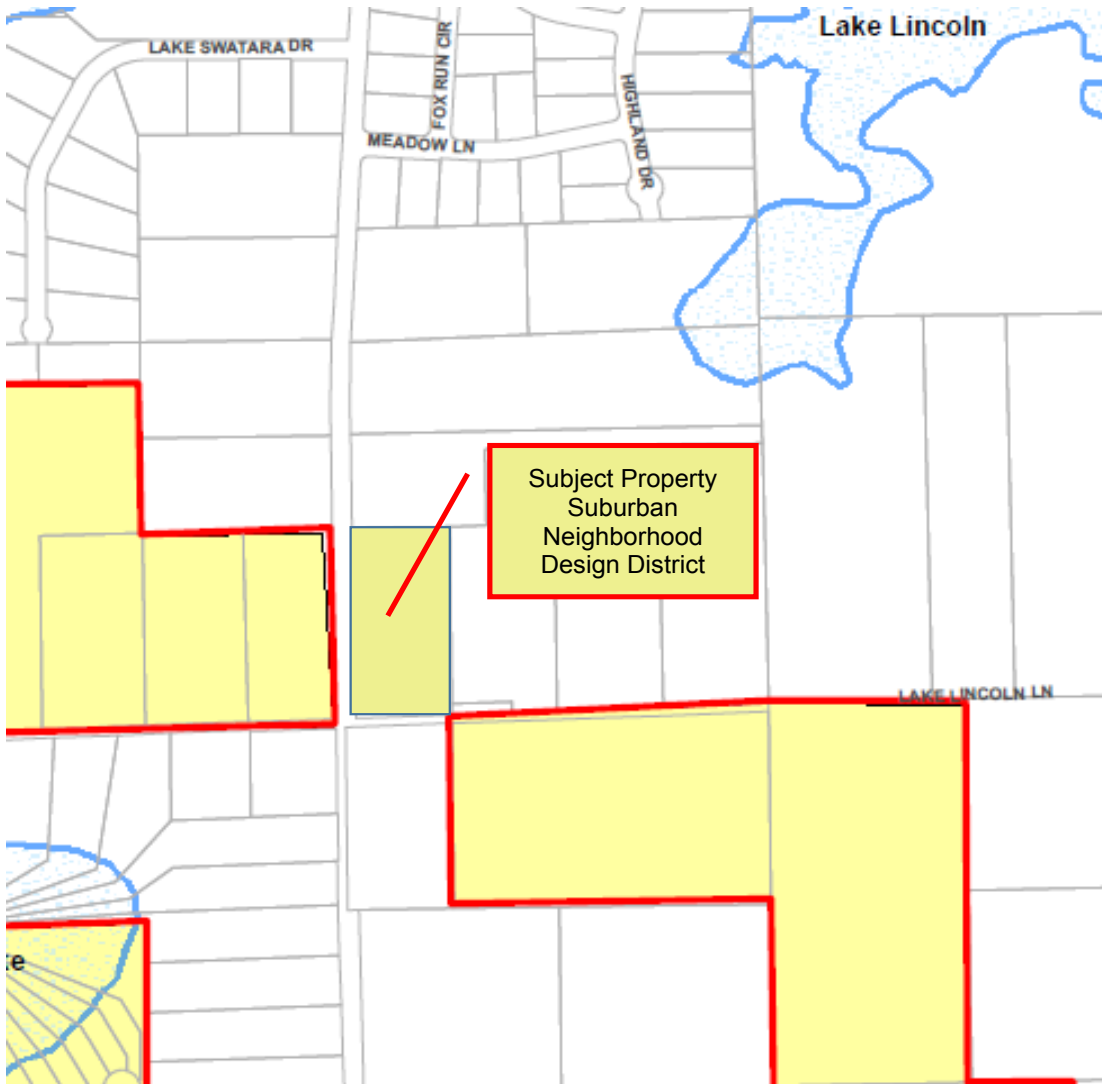
Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 21-17 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Mary C. Montez, City Clerk

Exhibit A





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: April 1, 2021
RE: FIRST READING - EXPLANATION OF ORDINANCES FOR PROPERTY ON THE WEST SIDE OF ESTES ROAD (APPROXIMATELY 650-FEET NORTH OF BATES AVENUE):
ORDINANCE NUMBER 21-18: VOLUNTARY ANNEXATION
ORDINANCE NUMBER 21-19: COMPREHENSIVE PLAN AMENDMENT
ORDINANCE NUMBER 21-20: DESIGN DISTRICT ASSIGNMENT

Introduction:

Ordinance Number 21-18 provides for the voluntary annexation of approximately 4.69 acres located on the west side of Estes Road, approximately 650-feet north of Bates Avenue. Provided the annexation of the subject property is approved, Ordinance Number 21-19 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 21-20 would assign the subject property a design district designation of Suburban Neighborhood. If Ordinance Number 21-18 is denied, then there can be no consideration of Ordinance Numbers 21-19 and 21-20.

Background:

See attached Staff Report.

Recommended Action:

The administration recommends approval of Ordinance Numbers 21-18, 21-19, and 21-20.

Alternatives:

1. Approve Ordinances 21-18, 21-19, and 21-20.
2. Deny Ordinances 21-18, 21-19, and 21-20.

Attachments:

[Staff Report Ord. 21-18, 19, 20 Annex FLU DD](#)
[Ordinance No. 21-18 Annexation](#)
[Ordinance No. 21-19](#)
[Ordinance No. 21-20 Design Dist](#)

Reviewed by:

Ronald Neibert, City Manager
Mary Montez, City Clerk

Approved - 25 Jun 2021
Approved - 25 Jun 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: JULY 1, 2021
RE: EXPLANATION OF ORDINANCES FOR PROPERTY ON THE WEST SIDE OF
ESTES ROAD (APPROXIMATELY 650-FEET NORTH OF BATES AVENUE)

Ordinance Number 21-18 – Voluntary Annexation

Ordinance Number 21-19 – Comprehensive Plan Amendment

Ordinance Number 21-20 – Design District Assignment

Introduction

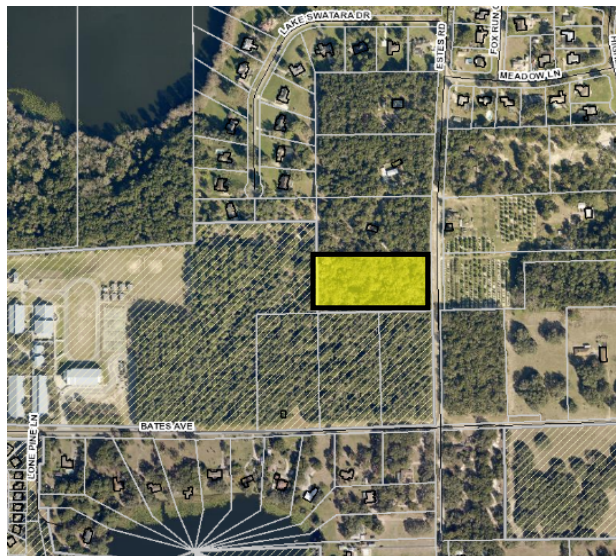
Ordinance Number 21-18 provides for the voluntary annexation of approximately 4.69 acres located on west side of Estes Road, approximately 650-feet north of Bates Avenue. Provided the annexation of the subject property is approved, Ordinance Number 21-19 would change the future land use designation from Rural Transition in Lake County to Suburban Residential (SR) in the City of Eustis, and Ordinance Number 21-20 would assign the subject property a design district designation of Suburban Neighborhood. If Ordinance Number 21-18 is denied, then there can be no consideration of Ordinance Numbers 21-19 and 21-20.

Recommended Action

The administration recommends approval of Ordinance Numbers 21-18, 21-19, and 21-20.

Background/Pertinent Site Information

1. The site contains approximately 4.69 acres, and is located within the Eustis Joint Planning Area. The is comprised of one (1) wooded, vacant parcel.
2. The site is contiguous to the City on its southern and western boundaries.
3. The site has a Lake County land use designation of Rural Transition, but approval of Ordinance Number 21-19 would change the land use designation to Suburban Residential (SR) in the City of Eustis.



Surrounding properties have the following land use designations:

Location	Existing Use	Future Land Use	Design District
Site	Vacant	Rural Transition (Lake County)	NA
North	Manufactured Home	Rural Transition (Lake County)	NA
South	Vacant (approved for 49 SFR)	Suburban Residential	Suburban Neighborhood
East	Vacant orange grove associated with “agricultural homesite” on separate tax parcel but commonly owned)	Rural Transition (Lake County)	NA
West	Vacant (LCSB owned)	Public Institutional	Suburban Neighborhood

Applicant's Request

The applicant, Lake RC LLC, wishes to annex the property and change the future land use to Suburban Residential and assign a design district of Suburban Neighborhood.

The current Lake County land use designation is Rural Transition. The Lake County land use designation allows for residential uses up to 1 du/5 acres with alternative densities up to 1 du/1 ac under clustered rural conservation subdivision with PUD and other conditions, and the zoning of Agricultural (A) allows agriculture, single family, day care and with conditional use approval heavy industrial and schools. The property owner has requested the SR land use designation within the City of Eustis. The SR land use provides for residential uses up to 5 dwelling units per acre. The requested SR designation permits the proposed residential use and is consistent with the land use designation of adjacent properties in the City of Eustis.

Analysis of Annexation Request (Ord. Number 21-18)

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

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

The subject property is located within the Joint Planning Area. Urban services of adequate capacity are available to serve future development, consistent with the requested SR future land use designation. (See public facilities and services analysis under item 5 below).

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

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

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

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

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

The department published notice of this annexation in the Daily Commercial in accordance with the requirements on June 17, 2021 and June 24, 2021.

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 June 7, 2021.

Analysis of Comprehensive Plan/Future Land Use Request (Ord. Number 21-19)

In Accordance with Florida Statutes Chapter 163.3177.9.:

Discourage Urban Sprawl:

Primary Indicators of Sprawl:

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

Review of Indicators

1. *Low Intensity Development:*

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

This indicator does not apply. The requested future land use will provide for a higher density than the county FLU allows.

2. *Urban Development in Rural Areas:*

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

This indicator does not apply. The site is adjacent to existing suburban style residential development, and is located less than three miles from the downtown Eustis core.

3. *Strip or Isolated Development:*

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

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

4. *Natural Resources Protection:*

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

This indicator does not apply. The property is not within a floodplain and do not contain any wetlands. The site is heavily wooded and must obtain a subdivision or site plan approval before development may begin. The Comprehensive Plan and the Land Development Regulations include standards for protection of environmentally sensitive lands that would apply should conditions at time of development warrant such protection.

5. *Agricultural Area Protection:*

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

This indicator does not apply. This site is heavily wooded and does not contain active agricultural uses. This indicator does not apply. The site is not prime farmland but the site includes soils identified by the USDA as farmlands of unique importance. However, this is a wooded 4.69-acre site is in close proximity to a school and existing residential development. This area is suburbanizing as evidenced by recent approvals for two subdivisions with a total of 170 single-family homes; the site is adjacent to suburban development and not suitable for farming; the property is within an area designated for urban development (JPA/180 Utility District).

6. *Public Facilities:*

Fails to maximize use of existing public facilities and services.

This indicator does not apply. City water and sewer are available on the southern boundary of the property. Development of these parcels will maximize the use and efficiency of service.

7. Cost Effectiveness and Efficiency of Public Facilities:

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

This indicator does not apply. Adequate capacity is available to serve the existing and future development consistent with the requested SR future land use designation. The City provides these services to other properties in the area, so efficiency will improve. Any future development on the site will provide onsite stormwater to serve the development.

8. Separation of Urban and Rural:

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

This indicator does not apply. While an orange grove associated with an "agricultural homesite" exists to the east, no other nearby properties contain active agricultural activities or uses. The surrounding area is developed or has development entitlements attached to the land. These developments have densities and intensities that are clearly suburban uses.

9. Infill and Redevelopment:

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

This indicator does not apply. The parcels are a logical extension of development for the city. Infill development is occurring in the city, mostly on existing platted lots.

10. Functional Mix of Uses:

Fails to encourage a functional mix of uses.

This indicator does not apply. Commercial development to serve the residential population is located in close proximity to the site, and development of this site may encourage additional non-residential development to satisfy demand by new residents.

11. Accessibility among Uses:

Results in poor accessibility among linked or related land uses.

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

12. Open Space:

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

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

13. Urban Sprawl:

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

a. Direction of Growth:

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

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

b. Efficient and Cost-Effective Services:

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

Water and sewer service are already available.

c. Walkable and Connected Communities:

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

At time of development, the site must meet the City's Land Development Regulations, including the provision of sidewalks bordering existing public rights-of-way and internal streets.

d. Water and Energy Conservation:

Promotes conservation of water and energy.

When the site is developed, it must meet City development and Florida Building Code standards that will require energy and water efficient appliances.

e. Agricultural Preservation:

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

Not applicable; this site does not support active agricultural or silvicultural activities.

f. Open Space:

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

The site does not provide functional open space or natural areas. Current regulations require the incorporation of park space within residential subdivisions.

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.

Although the Suburban Residential future land use designation permits neighborhood commercial in subdivisions where 50 homes or more are approved or as part of a planned unit development master plan, incorporation of commercial uses on a parcel of 4.69-acres is not expected. Existing commercial development exists in close proximity to serve the residential population.

h. Urban Form Densities and Intensities:

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

Not applicable.

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 developed areas surrounding the site already receive emergency services. Development of these parcels will increase the efficiency of delivering emergency services. The County has a fire station 1 mile away

and the City 3 miles from the site. As emergency services are offered to residential developments in the area, service will become more efficient.

b. Parks & Recreation:

The City of Eustis LDR's require park space within residential developments. Under a maximum development scenario (23 units), a new subdivision on this site would be required to provide a quarter-acre (0.25) park within the subdivision.

c. Potable Water & Sanitary Sewer:

The following outlines the water and wastewater demand based on a maximum development potential scenario. Actual build-out conditions will be determined by design district regulations, residential compatibility, minimum open space requirements and maximum impervious surface area requirements.

Potential Residential Demand

5 du/ac x 4.69 ac. = 23 Dwelling Units x 2.52 p/hh = 58 persons

Water: 58 x 140 GPCD = 8,120 GPD

Wastewater: 58 x 120 GPCD = 6,960 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 Lake County School Board has reviewed and provided correspondence indicating adequate public facilities exist to serve a future development under the maximum potential development scenario.

e. Solid Waste:

The City contracts with Waste Management for hauling of solid waste. The existing development will need to contract with the City solid waste provider. Serving this property will increase efficiency in delivery of services.

f. Stormwater:

The property is located in drainage basin 43 (Lake Swatara). At time of development review, any future project proposed will be required to demonstrate compliance with the City's and the SJRWMD's stormwater rules.

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.

Lake Sumter MPO traffic segment analyses already account for existing land uses along the roadways. So, in preparing this analysis, staff used the difference between the maximum number of dwelling units currently allowable under the Lake County designation versus what could be allowed with a Eustis SR future land use:

1) Trip Generation for Residential Component of SR

As the future development actual density and housing type is yet to be determined, staff utilized Land Use 210, Single Family Detached Housing and the maximum development scenario (23 lots) for purposes of estimating the general trips. Land Use 210: Single-family detached housing includes all single-family detached homes on individual lots. A typical site surveyed is a suburban subdivision.

County Density: 1du/ac. x 4.69 ac. = 4 du

City Density: 5 du/ac x 4.69 ac. = 23

Estimated Additional Dwelling Units: 19

PM Peak Hour of generator on a weekday

Ave. Rate @ 1.0 x 19 = 9 trips

36% exiting: 3

64% entering: 6

2) The adopted LOS for Bates Avenue from CR 44 to Estes Road is D. The segment analysis is as follows:

Adopted LOS Standard	LOS Capacity	Existing EB/NB Trips	Plus Proposed Additional EB/NB Trips	Existing WB/SB Trips	Plus Proposed Additional WB/SB Trips
D	675	137	146	149	158

4) The adopted LOS for Estes Road from Lake Lincoln Lane is D. The segment analysis is as follows:

Adopted LOS Standard	LOS Capacity	Existing EB/NB Trips	Plus Proposed Additional EB/NB Trips	Existing WB/NB Trips	Plus Proposed Additional WB/SB Trips
D	675	234	243	158	167

At this time, it appears the adjacent transportation network has the capacity to serve the proposed SR property, even at a maximum development standard, without negatively affecting the adopted level of service; and the impact of 23 dwelling units would be de minimis.

2. Natural Resources/Natural Features:

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

a. Ground water recharge areas:

The site is within a high recharge area, over 12 inches/hour. Source: Lake County Comprehensive Plan 2030 Floridian Aquifer Recharge Map. Sec. 121-24. (c) (2) Groundwater and wellhead protection requires impervious surface areas, including roof and pavement, within the development are limited to 25 percent in designated high recharge areas, per wellhead protection Map E-8. The impervious surface limit may be increased to 50 percent for infill location in developed areas. However, the site surrounded by existing/approved development; the project is infill development. Furthermore, stormwater regulations and design will take this into account at time future development review.

b. Historical or archaeological sites:

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

c. Flood zones:

The subject property is not located in a flood zone, nor is it adjacent to other properties that lie substantially within a flood zone. Source - Lake County GIS - 2012 Flood Zones.

d. Soil and topography:

The site soils are Candler sand, 0 to 5 percent slopes, a nearly level to gently sloping and excessively drained sandy soil, and Lake sand, 0 to 5% slopes.

The depth to a restriction or the water table is at 80 inches or more below the surface. Permeability is rapid. While the Candler sand is suited to shallow rooted field and truck crops, this 4.69-acre wooded site is surrounded by existing/approved suburban development and not suited to agriculture.

As subdivision or site plan approval must be obtained before development can begin, the Comprehensive Plan and the Land Development Regulations

include standards for protection of environmentally sensitive lands that would apply should conditions at time of development warrant such protection.

3. Comprehensive Plan Review:

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

Existing Land Use According to the Lake County Comprehensive Plan:

“The 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 Suburban Neighborhood design district in this case would limit development as follows:

Allowable lot types: Estate, House, Duplex

Landscape buffer: 15-24-feet along public right-of-way

Open space: 25% (35% if Wekiva related vegetative species exist onsite).

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.

Residential compatibility: Utilize transitional development practices, landscapes, buffers, or natural areas in site planning to demonstrate that transition to adjacent uses undesirable views, preserve tree canopy and vegetation.

The Eustis residential land use designations in the surrounding area are generally Suburban Residential (SR) with a maximum density of 5 dwelling units

per acre (du/ac). The surrounding unincorporated areas are designated Rural Transitional with a maximum density of 1 dwelling unit per acre.

Source: Lake County GIS Zoning & FLU Codes

Comparison of Lake County Development Conditions

The existing Lake County future land use designations of the property is Rural Transition with allowable density of 1 dwelling unit per acre. The county land use designation would allow a theoretical maximum of 5 dwelling units.

The proposed City of Eustis future land use designation of the property is Suburban Residential (SR), which allows residential densities up to 5 dwelling units per acre (subject to design district regulations, compatibility requirements, open space, etc.). At 5 units per acre, the site could support a theoretical maximum of 23 dwelling units. The difference in development potential is 19 dwelling units.

Pursuant to the Eustis Comprehensive Plan, the property subject to this request is indicated for a density limitation of 2.5 dwelling units per acre on Map 19 of the Eustis Comprehensive Plan Future Land Use Element Map Series. However, Map 19 is inconsistent with the balance of the Comprehensive Plan Future Land Use Element and Future Land Use Element Appendix. The Future Land Use Element Appendix indicates the Suburban Residential (SR) designation is provided to accommodate the majority of residential development within the city, and the Development Patterns Map (Map 2) shows a suburban development pattern in this area of the city; thereby supporting the requested SR land use designation.

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.

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.

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.

At time future development review, if the projected trips exceed the de-minimis threshold, a traffic study will be required to meet the transportation element's policies regarding traffic.

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

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

Standards for Review:

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

a. Consistent with Comprehensive Plan:

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

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

b. In Conflict with Land Development Regulations:

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

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

c. Inconsistent with Surrounding Uses:

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

The SR future land use designation is consistent with other land use designations along in the Estes Road, Lake Lincoln and Bates Avenue area, as it is intended to provide for residential uses in a suburban atmosphere.

d. Changed Conditions:

Whether there have been changed conditions that justify an amendment.

The applicant wishes to annex the property into the City limits of Eustis. Assignment of a City of Eustis future land use designation is required. Upon annexation, the subject property will have a full array of municipal services, including central water and sewer. 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 in close proximity to the site at the intersection of Estes Road and Lake Lincoln Lane. Adequate capacity is available to serve future development consistent with the requested Suburban Residential future land use designation. Both roads have sufficient capacity to serve a single-family development on this site. Upon annexation, the City will also provide other services such as fire and police protection, library services, parks, and recreation. The City provides these services to other properties in the area, so efficiency will improve.

f. Impact on Environment:

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

The site is not connected to significant open space. At time of future development review, as the property is in the Wekiva Study Area, additional studies will be required to evaluate natural features, and if present, to minimize the impact of development to the natural environment.

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.

g. Public Interest and Intent of Regulations:

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

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

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

The requested designation 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.

h. 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 21-20):

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 109-3 Design Districts:

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

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

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

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

Design districts – Suburban Neighborhood

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

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

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

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

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; the proposed design district is compatible with the surrounding design districts.

c. Consistent with Comprehensive Plan:

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

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

d. Consistent with Surrounding Uses:

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

The Suburban Corridor definition, structure and form are compatible with the existing uses and any proposed uses permitted under the Suburban Residential 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 with 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.

The site must follow City regulations regarding the natural environmental through the subdivision review process.

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 109-5.5 of the Land Development Regulations. Assignment of the requested designation will result in a more orderly and logical development pattern; making the designation consistent with the surrounding area designations and established development patterns.

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 Suburban Neighborhood design district designation to an annexation parcel, which is consistent with the existing transect.

Applicable Policies and Codes

1. Resolution Number 87-34

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

2. Florida Statutes Chapter 171.044: Voluntary Annexation:

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

3. Comprehensive Plan - Suburban Residential (SR): This designation is provided to accommodate the majority of residential development within the City. General Range of Uses: This designation is intended to provide for a mix of single family detached, patio home, and townhouse dwellings in a suburban atmosphere and may also include ACLF, parks and recreation facilities, and schools. Apartments may be permitted through the PUD process. Public and utility services and facilities that are 2 acres or less in size are also permitted. Maximum Density/Intensity: Suburban Residential lands may be developed up to a maximum density of 5 dwelling units per net buildable acre. The maximum density may be exceeded through an affordable housing density bonus as provided in the Special Provisions below.

4. Policy CON 1.1.7.b. Limit impervious surface areas, including roofs and pavement, in high recharge areas and designated wellhead protection areas, except that impervious cover factors may be increased for infill locations in already developed areas of the same or greater intensity.

5. Policy FLU 1.1.1: Planning Principles

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

- ☐ Creating a range of housing opportunities and choices;
- ☐ Creating walkable neighborhoods;

- ☐ Encouraging community and stakeholder collaboration;
 - ☐ Fostering distinctive, attractive communities with a strong sense of place;
 - ☐ Making development decisions predictable, fair and cost effective;
 - ☐ Allowing for a mix of land uses;
 - ☐ Providing for open space, natural beauty and protection of critical environmental areas;
 - ☐ Providing a variety of transportation choices;
 - ☐ Encouraging compact building design.
5. **OBJECTIVE: HSG 1.1: ADEQUATE AND AFFORDABLE HOUSING** To provide sufficient land and incentives and take other actions necessary to accommodate and facilitate construction of housing to meet projected demand and to accommodate the needs of the various household types and income groups characteristic of the city and planning area.
 6. **Policy HSG 1.1.1: Future Land Use:** The City shall maintain land use classifications and density criteria to accommodate the varying housing needs of the community, as provided for in the Future Land Use Element Appendix
 7. **Land Development Regulations Section 109-5.5(b)(1):** The Suburban Neighborhood Design District has predominately residential uses with some neighborhood scale commercial services with interconnected trails, bikeways and walkways with a street framework comprised of a range of blocks permitted throughout the neighborhoods.
 8. **Land Development Regulations Section 109-2.3:** The SR land use has a maximum density of five units to one acre. The SR designation is intended to provide for a mix of single-family detached, patio homes and townhouse-type dwellings in a suburban atmosphere.
 9. **Sec. 121-24. (c) (2)** Groundwater and wellhead protection requires impervious surface areas, including roof and pavement, within the development are limited to 25 percent in designated high recharge areas, per wellhead protection Map E-8. The impervious surface limit may be increased to 50 percent for infill location in developed areas.

Fiscal Impact:

The current just value of the subject property is \$123,582. Based on the current millage rate of 7.581, annexation of the property could increase annual operating revenues by as much as \$936 before development.

Alternatives:

1. Approve Ordinance Numbers 21-18 (Annexation), 21-19 (Comp. Plan Amendment), and/or 21-20 (Design District Designation)
2. Deny Ordinance Numbers 21-18, 21-19 and 21-20.

Discussion of Alternatives:

Alternative 1 approves the Ordinances.

Advantages:

- The action would be consistent with the expansion plans for the City in accordance with the adopted Eustis Planning Area.
- Annexation would 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.
- The land use change and design district assignment are consistent with the proposed use of the property and the nature of the surrounding area.
- The action could encourage additional development and/or annexations in that area.

Disadvantages:

- Pursuant to the Eustis Comprehensive Plan, the property subject to this request is indicated for a density limitation of 2.5 dwelling units per acre on Map 19 of the Eustis Comprehensive Plan Future Land Use Element Map Series. However, Map 19 is inconsistent with the balance of the Comprehensive Plan Future Land Use Element and Future Land Use Element Appendix. The Future Land Use Element Appendix indicates the Suburban Residential (SR) designation is provided to accommodate the majority of residential development within the city, and the Development Patterns Map (Map 2) shows a suburban development pattern in this area of the city; thereby supporting the requested SR land use designation.

Alternative 2 denies the Ordinances.

(If Ordinance Number 21-18 is denied, the Commission cannot approve Ordinance Numbers 21-19 and 21-20.)

Advantages:

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

Disadvantages:

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

Community Input

The department has notified surrounding property owners within 500 feet of the site; placed the proper legal advertisements in the newspaper; and the applicant posted the site. Opportunity for public input will be provided at the July 1 and July 15, 2021 City Commission meetings.

Budget / Staff Impact:

Based on the current assessment and millage rate, the City can anticipate approximately \$936 annually in ad-valorem 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, CPM, Development Services Director

Attachments:

Ordinance Number 21-18, Exhibit A: Location

Ordinance Number 21-19, Exhibit A: Land Use Map

Ordinance Number 21-20, Exhibit A: Design District Map

ORDINANCE NUMBER 21-18

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, VOLUNTARILY ANNEXING APPROXIMATELY 4.69 ACRES OF REAL PROPERTY ON THE WEST SIDE OF ESTES ROAD (APPROXIMATELY 650-FEET NORTH OF BATES AVENUE).

WHEREAS, the Lake RC, Inc., the legal owner of record, has made application for voluntary annexation of approximately 4.69 acres of real property located on the west side of Estes Road (approximately 650-feet north of Bates Avenue), more particularly described as:

Parcel Alternate Key: 3862867 Parcel Identification Number: 05-19-27-0200-000-00901

THAT PART OF LOTS 9 AND 10, OF R. C. TREMAIN'S SUBDIVISION, UNRECORDED, SECTION 5, TOWNSHIP 19 SOUTH, RANGE 27 EAST, IN LAKE COUNTY, FLORIDA, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 5, TOWNSHIP 19 SOUTH, RANGE 27 EAST, AND RUN NORTH 00°36'44" WEST, ALONG THE WEST LINE OF THE SOUTHWEST 1/4, A DISTANCE OF 25.01 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF BATES AVENUE, SAID RIGHT-OF-WAY BEING 50 FEET IN WIDTH; THENCE NORTH 87°38'34" EAST, ALONG THE NORTH RIGHT-OF-WAY LINE OF BATES AVENUE, A DISTANCE OF 338.51 FEET; THENCE NORTH 00°43'28" WEST, 629.69 FEET; THENCE NORTH 88°12'54" EAST, 337.19 FEET, TO THE POINT OF BEGINNING OF THIS DESCRIPTION; FROM SAID POINT OF BEGINNING; RUN NORTH 00°50'17" WEST, 325.50 FEET; THENCE NORTH 88°30'58" EAST, 631.37 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF ESTES ROAD, SAID RIGHT-OF-WAY BEING 66 FEET IN WIDTH; THENCE SOUTH 01 °09'51" EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF ESTES ROAD 322.15 FEET; THENCE SOUTH 88°12'54" WEST, 633.25 FEET TO THE POINT OF BEGINNING.

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

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

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

WHEREAS, on July 1, 2021 the City Commission held the 1st Public Hearing to consider the voluntary annexation of the property contained herein; and

WHEREAS, on July 15, 2021, 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 4.69 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 15th day of July, 2021.

**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 15th day of July, 2021, 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

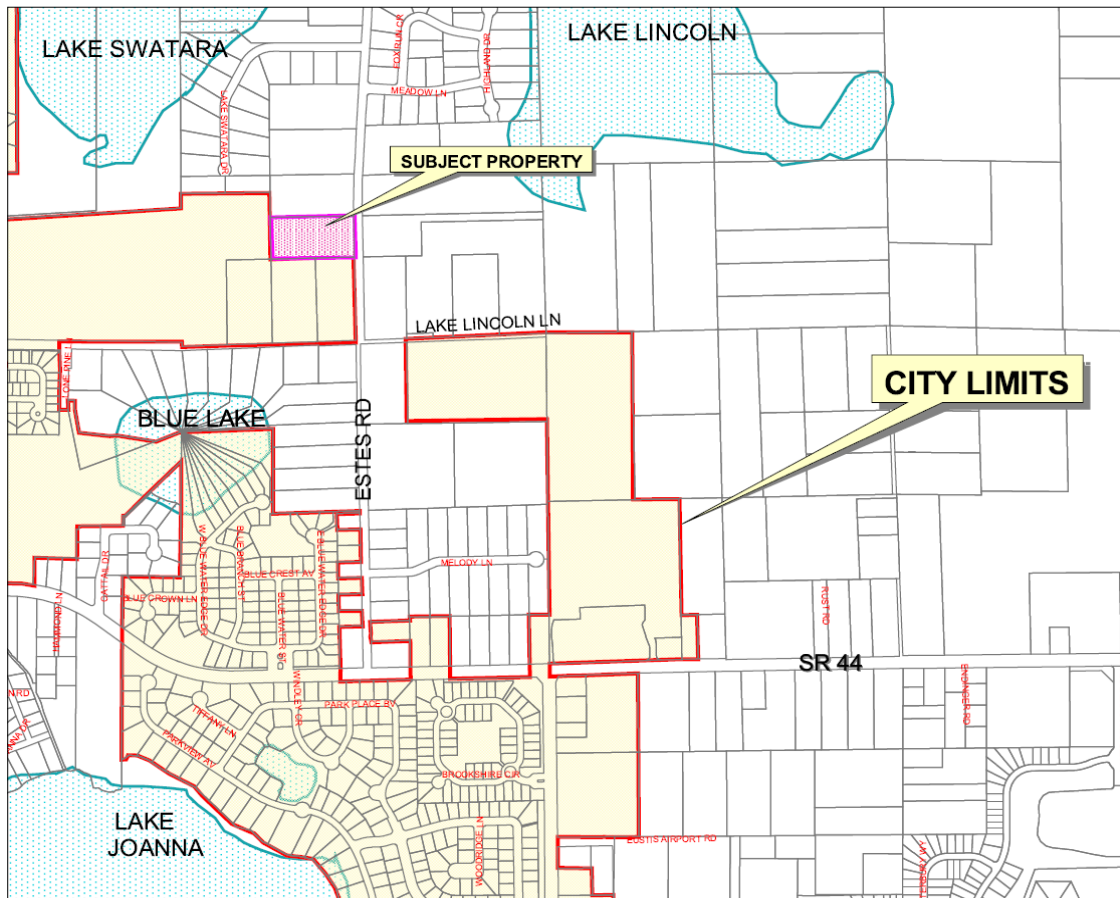
CERTIFICATE OF POSTING

The foregoing Ordinance Number 21-18 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Mary C. Montez, City Clerk

Ordinance Number 21-18
Annexation 2021-A-04
Page 3 of 4

EXHIBIT A



Ordinance Number 21-18
Annexation 2021-A-04
Page 4 of 4

ORDINANCE NUMBER 21-19

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 4.69 ACRES OF REAL PROPERTY ON THE WEST SIDE OF ESTES ROAD (APPROXIMATELY 650-FEET NORTH OF BATES AVENUE) FROM RURAL TRANSITION IN LAKE COUNTY TO SUBURBAN RESIDENTIAL (SR) IN THE CITY OF EUSTIS.

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

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

WHEREAS, the City of Eustis periodically amends its Comprehensive Plan in accordance with Chapter 163.3184, 163.3187 and 163.3191, Florida Statutes; and

WHEREAS, the City of Eustis desires to amend the Future Land Use Map Series to change the Future Land Use designation on approximately 4.69-acres of real property located on the west side of Estes Road (about 650-feet north of Bates Avenue), and more particularly described herein; and

WHEREAS, on July 1, 2021, the Local Planning Agency held a Public Hearing to consider the adoption of a Small-Scale Future Land Use Amendment for this change in designation; and

WHEREAS, on July 1, 2021, the City Commission held the 1st Adoption Public Hearing to accept the Local Planning Agency's recommendation to adopt the Small-Scale Future Land Use Amendment contained herein; and

WHEREAS, on July 15, 2021, the City Commission held the 2nd Adoption Public Hearing to consider the adoption of the Small-Scale Future Land Use Amendment contained herein;

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

SECTION 1.

Land Use Designation: That the Future Land Use Designation of the real property as described below and shown on Exhibit A shall be changed from Rural Transition in Lake County to Suburban Residential (SR) within the City of Eustis:

Parcel Alternate Key: 3862867 Parcel Identification Number: 05-19-27-0200-000-00901

THAT PART OF LOTS 9 AND 10, OF R. C. TREMAIN'S SUBDIVISION, UNRECORDED, SECTION 5, TOWNSHIP 19 SOUTH, RANGE 27 EAST, IN LAKE COUNTY, FLORIDA, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 5, TOWNSHIP 19 SOUTH, RANGE 27 EAST, AND RUN NORTH 00°36'44" WEST, ALONG THE WEST LINE OF THE SOUTHWEST 1/4, A DISTANCE OF 25.01 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF BATES AVENUE, SAID RIGHT-OF-WAY BEING 50 FEET

IN WIDTH; THENCE NORTH 87°38'34" EAST, ALONG THE NORTH RIGHT-OF-WAY LINE OF BATES AVENUE, A DISTANCE OF 338.51 FEET; THENCE NORTH 00°43'28" WEST, 629.69 FEET; THENCE NORTH 88°12'54" EAST, 337.19 FEET, TO THE POINT OF BEGINNING OF THIS DESCRIPTION; FROM SAID POINT OF BEGINNING; RUN NORTH 00°50'17" WEST, 325.50 FEET; THENCE NORTH 88°30'58" EAST, 631.37 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF ESTES ROAD, SAID RIGHT-OF-WAY BEING 66 FEET IN WIDTH; THENCE SOUTH 01 °09'51" EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF ESTES ROAD 322.15 FEET; THENCE SOUTH 88°12'54" WEST, 633.25 FEET TO THE POINT OF BEGINNING.

SECTION 2.

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

SECTION 3.

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

SECTION 4.

Severability: That should any section, phrase, sentence, provision, or portion of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION 5.

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

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this 15th day of July 2021.

**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 15th day of July, 2021, 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 21-19 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Mary C. Montez, City Clerk

Exhibit A



ORDINANCE NUMBER 21-20

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA; ASSIGNING THE SUBURBAN NEIGHBORHOOD DESIGN DISTRICT DESIGNATION TO APPROXIMATELY 4.69-ACRES OF RECENTLY ANNEXED REAL PROPERTY ON THE WEST SIDE OF ESTES ROAD (APPROXIMATELY 650-FEET NORTH OF BATES AVENUE).

WHEREAS, the City of Eustis desires to amend the Design District Map of the Land Development Regulations adopted under Ordinance Number 09-33 to assign a Design District designation of Suburban Neighborhood to approximately 4.69 acres of recently annexed real property further described below, and

WHEREAS, on July 1, 2021, the City Commission held the 1st Public Hearing to consider the Design District Amendment contained herein; and

WHEREAS, on July 15, 2021 the City Commission held the 2nd Public Hearing to consider the adoption of the Design District Amendment contained herein;

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

Section 1. Design District Designation

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

Parcel Alternate Key: 3862867 Parcel Identification Number: 05-19-27-0200-000-00901

THAT PART OF LOTS 9 AND 10, OF R. C. TREMAIN'S SUBDIVISION, UNRECORDED, SECTION 5, TOWNSHIP 19 SOUTH, RANGE 27 EAST, IN LAKE COUNTY, FLORIDA, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 5, TOWNSHIP 19 SOUTH, RANGE 27 EAST, AND RUN NORTH 00°36'44" WEST, ALONG THE WEST LINE OF THE SOUTHWEST 1/4, A DISTANCE OF 25.01 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF BATES AVENUE, SAID RIGHT-OF-WAY BEING 50 FEET IN WIDTH; THENCE NORTH 87°38'34" EAST, ALONG THE NORTH RIGHT-OF-WAY LINE OF BATES AVENUE, A DISTANCE OF 338.51 FEET; THENCE NORTH 00°43'28" WEST, 629.69 FEET; THENCE NORTH 88°12'54" EAST, 337.19 FEET, TO THE POINT OF BEGINNING OF THIS DESCRIPTION; FROM SAID POINT OF BEGINNING; RUN NORTH 00°50'17" WEST, 325.50 FEET; THENCE NORTH 88°30'58" EAST, 631.37 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF ESTES ROAD, SAID RIGHT-OF-WAY BEING 66 FEET IN WIDTH; THENCE SOUTH 01 °09'51" EAST, ALONG THE WEST

RIGHT-OF-WAY LINE OF ESTES ROAD 322.15 FEET; THENCE SOUTH 88°12'54" WEST, 633.25 FEET TO THE POINT OF BEGINNING.

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 21-18.

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this 15th day of July 2021.

**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 15th day of July, 2021, 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 21-20 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

