



APPROVED: 8/5/2021

MINUTES

City Commission Workshop

5:00 PM - Wednesday, June 16, 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 (via telephone) and Mayor Michael Holland

1. WORKSHOP ITEM

1.1 Review of Comprehensive Plan Text Amendment (2021-CPT-01)

Lori Barnes, Development Services Director, clarified that the amendments proposed are to address the entire City and are not intended to address one specific portion of the City. She noted that the amendments were originally discussed at the January Commission Retreat. She reminded the Commission that they discussed at that time the elimination of the Rural Residential and Agricultural land use designations, corrections to future land use designations in areas where there was some non-conformancies and removal of Map #19 due to inconsistency with the Comprehensive Plan. She commented on the amount of duplicative language between elements and the issue of language being different between elements. She explained the possibility of litigation based on those inconsistencies.

Ms. Barnes reviewed the intent of the amendment to provide for and insure municipal densities and intensities thereby discouraging urban sprawl which is the expansion into the true rural areas outside the periphery of the Eustis urbanized area. She added the intent is also to improve the internal consistency of the Comprehensive Plan and consistency between the Comprehensive Plan and Land Development Regulations (LDRs).

Ms. Barnes stated that the presentation is not intended to address all of the proposed amendments but to provide an overview. She asked that if they have concerns regarding a specific amendment to please stop her and ask her to explain that amendment. She noted that the State legislature recently passed a bill requiring comprehensive plans to include a property rights element; therefore, staff included an additional element for property rights utilizing the suggested language in the legislation. She stated the final amendment would be to the Future Land Use Map Series. She then reviewed the first amendment stating that it is intended to eliminate unnecessary administrative policy provisions, duplicative and unnecessary language and updated references. She explained that the Comprehensive Plan is intended to be a broad-based document including goals and policies with the specifics to be implemented through the Land Development Regulations. She indicated that no waivers can be granted to the Comprehensive

Plan only to the Land Development Regulations to address particular or peculiar site conditions. She compared the size of the City's Comprehensive Plan to Tavares' and Mount Dora's noting that Mount Dora's only has 99 pages with one map.

Ms. Barnes discussed the elimination of Map #19 which is the Eustis - Lake County Joint Planning Area Map and to eliminate language in the future land use map element which references Map #19.

The Commission asked why Map 19 was included and why it is being eliminated with Ms. Barnes explaining that a prior administration had the map included; however, it is labeled draft. She indicated that she has no knowledge of any particular discussions between the City and the County as to what that map contains. She stated that it is not required to be included in the Comprehensive Plan under state law.

The Commission asked how long it has been included and Ms. Barnes responded it has been included since 2009 when the City Commission rewrote the entire Comprehensive Plan and Land Development Regulations following the 2005 moratorium. She confirmed that, even though it is marked draft, it is still a legal, binding document as long as it stays in the Comprehensive Plan. She indicated she had searched for minutes or other documents pertaining to the map. She stated the City has its future land use map and the County has their proposed future land use map. She added that she has no way of knowing if the land uses shown on the County map were specifically agreed upon by the City Commission other than by adoption of the comprehensive plan. She stated the County's map does not say "draft" and has since been updated.

Ron Neibert, City Manager, explained the City has not relied on the map but on the other provisions of the Comprehensive Plan which is the reason for removing it due to conflicts between the map and other provisions of the plan. He stated that the map shows the County land uses that existed in 2009; however, the County has since amended their land use districts throughout the County and this map probably does not accurately reflect existing land use districts. He emphasized that it conflicts with other portions of the plan. He indicated staff's belief that the intent was to only include the City specific maps and that Map #19 was strictly a reference.

Ms. Barnes explained that in 2015 the City amended the Comprehensive Plan and all of the maps were not designated prior to that time as either regulatory or nonregulatory. The change at that time indicated that only Map #1 and Map #19 were regulatory in nature and all of the other maps were not regulatory but only for reference. She presented Map #19 noting the City limits are grayed out and stated the County's proposed future land use for the unincorporated properties within the City's joint planning area are shown. She further explained that the City's joint planning area consists of the area established in 1987 where the City and County agreed that those properties should eventually be within the City limits and the City should provide public services. She indicated that Lake County's future land use map classified much of the undeveloped, unincorporated area within the City's joint planning area as Urban Low with an R-1 zoning or as Rural Transition which allows, at a maximum, 1 unit per acre with 50% open space through a Planned Unit Development. She further stated that, where an R-1

zoning is applied, the R-1 zoning in the County code defines R-1 as providing a transition between Agricultural and Conservation areas in the more urban residential communities. The edge condition is discussed under Rural Transitional; however, it is two miles from the City's joint planning area boundary. She further reviewed the various segments of the map and compared with the City's uses. She emphasized that a municipality should have municipal densities and the transition should begin at the true edge, not two miles from the City's boundary. She added that the most important issue is that Map #19 is inconsistent with the City's future land use element appendix.

Ms. Barnes commented on how properties are assessed and explained how the land use and design districts are used to ensure a property has the appropriate density and use. She emphasized that a Suburban Residential land use designation does not automatically grant a property owner 5 units per acre due to other regulations that may limit the density. She stated that eliminating Map #19 would help the City comply with Florida statutes in discouraging urban sprawl. She stated that municipalities are intended to be denser by design to minimize the unplanned spread of development in the true rural areas. She indicated that the City's JPA has been in place for 34 years and the City's growth cannot be considered unplanned or rapid.

The Commission asked, if the County updated their map, how does that affect the City and both Ms. Barnes and Mr. Neibert stated that it does not. Further discussion was held regarding how Map #19 became included in the plan.

Mr. Neibert further explained there are currently two maps included in the plan - the City's own land use map and Map #19 and they are in conflict. He stated Map #19 has no value to the City as it does not represent the true intent of the City in terms of its growth patterns and densities. All it does is create confusion and conflict. He stated the true intent of the Commission is what is represented in the balance of the plan.

Ms. Barnes added that Map #19 is based on the County's regulations and the County's vision. Eustis' vision is contained within the other provisions of the Future Land Use Element. She provided an example of how a subdivision could be developed under the City's regulations noting that the County does not require park space to be incorporated into a subdivision. The developer, while meeting all regulations, is able to achieve a density of 3 units per acre; however, Map #19 shows it can only be allowed 2.5 units per acre. The City Commission approves the development and then it gets challenged in court because it does not comply with Map #19.

The Commission discussed whether or not staff has been able to find anything in the minutes showing why Map #19 was included with Ms. Barnes indicating she has researched it and cannot figure out why it was included. She further stated that state statute does not require a County land use map to be included in a city comprehensive plan. The Commission questioned what the County uses their land use map for with Ms. Barnes explaining they use their own land use map, not Map #19, to govern development in unincorporated Lake County that cannot be annexed into a city.

Mr. Neibert stated that the County does not have in their comprehensive plan a land use map showing the City's future land uses within the JPA. He stated his belief that none of the other cities have a similar map within their comprehensive plans.

Further discussion was held regarding the differences between the City's future land uses and the County's land uses and zoning districts and how the regulations may be applied differently depending on the site. Discussion was also held regarding how or why Map #19 was included.

Mr. Neibert stated the Commission has two choices: 1) Either remove Map #19; or 2) Leave it in and change the entire rest of the Comprehensive Plan so that they are consistent or the City is possibly headed toward litigation. He noted a development just approved by the County on Apiary Road that the allowed 3 units per acre, septic tanks, 60% impervious surface and no emergency access. He noted the City would only have allowed 40% impervious surface.

At 4:35 p.m., City Clerk Mary Montez called Commissioner Karen LeHeup-Smith to bring her into the meeting via telephone who indicated she had been listening via the livestreaming.

Ms. Barnes summarized that Map #19 is proposed for elimination from the Comprehensive Plan as it is not required to be in the Comprehensive Plan per Florida Statute Chapter 163 and it is inconsistent with the City's Future Land Use Element and Future Land Use Element Appendix and is clearly causing confusion and conflict.

Clarification of Rural Development Pattern

Ms. Barnes reviewed Goal FLU 4: Rural Development Pattern. She reviewed the proposed changes to the section explaining that a city is intended to be developed at a higher intensity and that true rural areas are outlying the periphery of the Eustis urbanized area. She acknowledged that there are areas of the City that may feel rural but when they are only two or three miles from the downtown urban core, that is not truly rural. She indicated there are only two properties within the City that have agricultural land use designations. One is a single family residence with orange trees and the other has no agricultural use at all. She noted that most of the cities around Eustis do not have an agricultural land use. She indicated that the City does have an allowance for conditional use permits for agricultural uses within the other land use districts. She added that it does not affect an owner's agricultural use for taxation purposes.

Ms. Barnes then reviewed the proposed amendments to the Future Land Use Element Appendix as follows: 1) Update impervious surface area maximums for residential development and add a footnote for consistency with the LDRs; 2) Amend the Mobile Home (MH/RV) land use to clarify the difference between mobile homes versus manufactured; and 3) Eliminate the Rural Residential and Agricultural land use designations as previously discussed by the Commission in January.

Ms. Barnes reviewed Table A-3.1 showing the future land use designations and noting that Rural Residential and Agricultural were stricken. She stated that the

Suburban Residential allows up to five dwelling units per acre; however, under that designation development of one unit per acre could still be accomplished. She indicated that would be particularly in areas with significant natural resources or that are in wellhead protection areas, high recharge areas or are on a lake. She noted that the City has provisions that limit impervious surface area to 3,000 sq.ft. per acre if the slope is 15% or more and to 4,500 sq.ft. per acre if the slope is 10 to 15%. She emphasized that lakefront development may well develop at only 1 unit per acre. She cited everything included in impervious area. She stated another change is an increase in the impervious surface area from 40% to 50% and reviewed impervious surface ratios for surrounding cities. She commented that the City's maximum impervious surface area requirements do put the City at a disadvantage. She reviewed additional limitations the City places on properties with proximity to a wellhead or are in the Wekiva Study area. She commented on the County-approved development on Apiary Road which is in a high recharge area and which discharges into Lake Yale which is an impaired water body. She indicated staff met with the developer regarding the possibility of a development agreement to provide sewer to the development. She stated the City has sewer in proximity however not within the 1320 feet that would mandate connection.

The Commission questioned what would happen if they later wanted to annex with Ms. Barnes indicating it would already be developed so the City could not require them to make any changes.

Mr. Neibert responded that eventually the septic tanks in the subdivision will go bad and then the City will have hopefully extended the sewer lines by then. He indicated at that point they will want the City to provide sewer but the extension of the line would have been at City expense instead of theirs.

Ms. Barnes explained that a development within 1320 feet is mandated to connect to central sewer; however, the subject property is 1400 feet from the sewer line.

Ms. Barnes explained the addition of a footnote that refers to the application of impervious surface area and open space requirements. She stated it is in the Land Development Regulations but it is not in the future land use element table which creates a conflict between the Comprehensive Plan and the Land Development Regulations.

Ms. Barnes then reviewed the various residential designations within the City and the need to provide cost effective public services. Best management practices for planning talk about, and the health department allows, densities up to 4 units per acre when water and sewer are lacking. Provision of public services do warrant higher densities. She then commented on the elimination of the Agricultural land use. She indicated there is the ability to request agricultural uses in all other districts through the conditional use permit process. She emphasized that eliminating the agricultural land use would not affect a property owner's tax exemption which is based on the actual land use. She then reviewed other changes on the map noting areas circled in red that have an Urban Residential land use designation; however, they do not meet the definition of an urban area despite having an urban land use designation. They are consistent with a Suburban Residential land use designation. The areas in blue are where there are some nonconforming uses and their land use designation does not permit those

uses so staff is recommending those be changed. She then noted the Rural Residential areas marked with a red star.

Amendments to Conservation Element

Ms. Barnes stated the proposed amendment eliminates duplicative and unnecessary language and adds cross references to other Elements. She indicated that the Conservation Element under Policy CON 1.1.4 limits gross residential density in floodplains to less than two units per acre; however, density statements do not belong in the Conservation Element they belong in the Future Land Use Element. She explained the inconsistency between the two units per acre in a flood zone provided in the Comprehensive Plan versus what is allowed under the future land use designations and how that could result in litigation against the City.

Amendments to Economic Development Element

Ms. Barnes stated those amendments are minimal and mostly pertain to updating references and names of agencies.

Amendments to Housing Element

Ms. Barnes stated this amendment removes duplicative language and provides cross references to other Elements.

Amendments to Intergovernmental Coordination Element

Ms. Barnes explained the amendments eliminate duplicative language, and provisions related to financial commitments not in the best interest of the Eustis taxpayers and provisions regarding use of school facilities by the City as there is no interest by the Lake County School Board for shared uses.

The Commission questioned when the City last attempted to coordinate with the School Board with Mr. Neibert indicating that removing the requirement from the Comprehensive Plan does not prohibit the City from continuing to try to work with the School Board.

Ms. Barnes reviewed specific portions of the amendments to the Intergovernmental Coordination Element.

Ms. Barnes then noted the State mandated addition of the Property Rights Element per Senate Bill 410 which goes into effect July 1st.

Amendments to Recreation and Open Space Element

Ms. Barnes reviewed the amendment to the Recreation and Open Space Element citing the elimination of duplicative language and the provision that a Parks Master Plan and a Bicycle and Pedestrian Master Plan shall be developed by 2035.

Transportation Element

Ms. Barnes reviewed the amendments to the Transportation Element, citing the elimination of duplicative language and unnecessary administrative policy provisions. She cited the elimination of the stated policy regarding the two-way conversion of Bay St./Grove St. and connection of Bates Avenue. She explained that FDOT has made it clear they will never support returning Bay St. and Grove St. to two-way traffic and there are too many physical obstacles to the connection of Bates Avenue to Grove Street. She also noted that there is reference to the Urban, Suburban and Rural Development Patterns and those were updated to match the Future Land Use Element.

Discussion was held regarding the extension of Bates Avenue with Mr. Neibert explaining that removing it from the Comprehensive Plan does not negate the City moving forward with the project. Further discussion was held regarding how the extension might affect the Bates Avenue area.

Ms. Barnes indicated she would revise the connectivity in the CRA and will include that the City will continue to investigate the possibility of connecting Bates Avenue.

Future Land Use Map Series

Ms. Barnes noted the earlier discussion regarding the elimination of Map #19. She stated staff's belief that the changes will make the Comprehensive Plan more consistent internally and with the Land Development Regulations as well as more consistent with the vision of the City as identified in the Comprehensive Plan, Strategic Plan and other long-range master plans. She indicated that some of the changes will help to eliminate the competitive disadvantage Eustis is at compared to some of the other communities. She stated the amendment is consistent with Florida Statutes to eliminate urban sprawl by directing density to the municipality and thereby protecting the true rural areas.

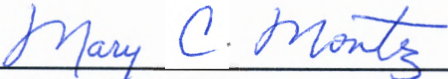
2. COMMISSION DISCUSSION

2.1 The Commission discussed some of their concerns regarding the amendment including allowance of agricultural uses and animals.

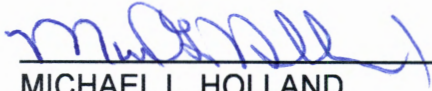
Ms. Barnes explained that if a property annexes into the City and has an agricultural use, that use may remain as a pre-existing, legally nonconforming use.

3. ADJOURNMENT: 5:22 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