



# MINUTES

## City Commission Meeting

6:00 PM – Thursday, July 20, 2023 – City Hall

APPROVED 10/5/2023

**INVOCATION:** A moment of silence was observed.

**PLEDGE OF ALLEGIANCE:** COMMISSIONER NAN COBB

**CALL TO ORDER:** 6:01 P.M.

### ACKNOWLEDGE OF QUORUM AND PROPER NOTICE

**PRESENT:** Commissioner Nan Cobb, Vice Mayor Emily Lee, Commissioner Gary Ashcraft and Mayor Michael Holland

**ABSENT:** Commissioner Willie Hawkins

#### 1. **AGENDA UPDATE:** None

#### 2. **PRESENTATIONS**

##### 2.1 Promotion Ceremony for Lieutenant Grieves

Police Chief Craig Capri conducted the promotion ceremony for Lieutenant Matt Grieves. He reviewed Lt. Grieves' employment history with the City of Eustis and cited his extensive arrests for the City. He commented on the need for the department to have a good succession plan.

Lt. Grieves thanked the department and his family for their support.

#### 3. **AUDIENCE TO BE HEARD**

Cindy Newton, unincorporated Lake County resident, thanked Chief Capri for his presentation on the school zone cameras. She also thanked the City for the Back to School Bash. She announced that the Organizations of Faith would also be holding an event with 150 people registered. She noted they already have a waiting list and expressed the hope that they would receive enough supplies to reach closer to 200. She stated the venue would be the First United Methodist Church of Eustis and it would be held the same day as the City's event. She noted they would also have clothing available.

#### 4. **CONSENT AGENDA**

##### 4.1 Resolution Number 23-56: Bid Award for Bay Street Medians Landscape Construction

##### 4.2 Resolution Number 23-58: Amending the FY2022-2023 Economic Development Fund to accept Duke Energy Foundation Marketing and Research Grant

##### 4.3 Resolution Number 23-59: Amending FY2022-23 Economic Development Fund (68) to accept the Lake County Award for the Incubation Partnership Agreement

##### 4.4 Resolution Number 23-63: Authorizing the recording of liens on delinquent utility accounts

##### 4.5 Resolution Number 23-64: Mediated Settlement Agreement with SpenceTF, LLC

4.6 Resolution Number 23-65: Authorizing a Budget Amendment to the FY2022-23 General Fund Budget to accommodate a Mediated Settlement Agreement with SpenceTF LLC

Motion made by Vice Mayor Lee, Seconded by Commissioner Cobb, to approve the Consent Agenda. The motion passed on the following vote:

Voting Yea: Commissioner Cobb, Vice Mayor Lee, Commissioner Ashcraft, Mayor Holland

**5. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS**

5.1 Resolution Number 23-53: Huddle Townhomes Mixed-Use Community Preliminary Subdivision Plat Project at 19040 State Road 44 (Alternate Key Numbers 2612533 AND 2612517)

Sasha Garcia, City Attorney, announced Resolution Number 23-53: A Resolution of the City Commission of the City of Eustis, Florida; approving a preliminary subdivision plat for Huddle Homes mixed-use project, which will consist of 40 townhome dwelling units and commercial space with a restaurant, on approximately 9.37 acres of property located at 19040 State Road 44, on the east side of State Road 44, just over 700 feet south of Eustis Airport Road (Alternate Key Numbers 2612533 and 2612517).

Heather Croney, Senior Planner, reviewed the preliminary subdivision plat for the Huddle Homes Mixed Use Project consisting of 40 townhome single-family units and an 8,840 square foot Huddle Eats commercial establishment. She noted the surrounding properties and subdivision plan information. She stated the net acreage minus wetlands and water bodies is just under nine acres. She stated that they are required to have at least 25% open space for the residential and 20% for commercial and they are exceeding that minimum. She added they are required to have .5 acre of park space and they are providing .7 acres of park space. She added they are meeting the required landscape buffer. She provided an overview of the site layout noting that the commercial space would be in the northwest corner. She noted that some of the property is in the flood zone and stated that David Clutts would explain their planned treatment of the flood zone. She stated staff's recommendation for approval. She indicated that the project is substantially consistent with the Comprehensive Plan, and the Land Development Regulations and no waivers are requested. She explained the preliminary plat is only coming before the Commission due to it being a subdivision. She further explained that all subdivision preliminary plats and final plats are required to go before the Commission whether or not they have waivers.

Attorney Garcia opened the public hearing at 6:13 p.m.

Mark Bobick expressed concern regarding the restaurant and its possible impact on the neighborhood and what else the commercial space might be used for. He also questioned whether or not there would be an HOA and whether or not there would be any limitations on what the residential units could be used for.

Cynthia Complin asked about what proposed infrastructure would be funded by the developer, including school stops, noise limitations and if there would be any limitations on the type of commercial establishments.

Ms. Croney confirmed the City has a noise ordinance in place that would be applied to the location. Regarding the infrastructure, she stated a traffic study was completed and would be further reviewed as the project moves into the final engineering and construction plan phase. She explained that the preliminary subdivision plat only approves the overall layout and concept, not actually the details. She stated that final plat would come before the Commission after the final engineering and construction plan.

Nadine Bobick asked if the preliminary plat is approved would that mean the restaurant can't be moved. She expressed concern regarding the location of the restaurant.

Ms. Croney responded that the Commission may accept the plat as is or they can request changes and have it brought back. She added that the City does have allowed uses within each land use category. Some items would require a conditional use and some are permitted. She indicated the project is Mixed Commercial/Residential so whatever is allowed in that category would be allowed in the project.

Tom Carrino, City Manager, reported he checked the noise ordinance which allows noise until 10 p.m. on weekdays and 11 p.m. on Friday and Saturday evenings. He indicated there are also other stipulations.

David Clutts, project engineer with Civil Engineering Solutions, addressed the questions asked by the audience and stated the design of the site was done in conjunction with the natural drainage patterns on the site. He explained the constraints of intersections and traffic flow restrictions required by FDOT. He added that, when they go through the final engineering and construction plans, approximately four agencies will review the plans including the City, St. John's River Water Management District and FDOT. He indicated they would then adjust the FEMA maps to reflect the conditions at the end of the design.

Mr. Clutts cited the City's floodplain protection ordinances and indicated that's how they protect the surrounding properties.

The Commission asked about the FEMA review and what would occur if they did not like what was proposed.

Mr. Clutts responded they would have to revisit the plat in that event to determine how to address their concerns. He indicated he did not anticipate that occurring. He noted the existing FEMA map is inaccurate. He assured the Commission that if it is turned down by any agency, they would have to rework the plan.

The Commission asked if there would be an HOA with Mr. Clutts responding affirmatively. He explained the HOA would serve as the mechanism to manage and fund the maintenance of collection systems.

Denelle Hoffer, Cyner Green Development, addressed comments from the audience. She presented an overview of the site noting the commercial space. She explained they are looking for six national brands to go into the space. She indicated that all of the possible restaurants are considered casual emerging concepts owned by national companies. She said they would not be targeting someone who could not afford the rent or someone who does not know how to operate a restaurant. She said the goal is for all of the spaces to be leased to restaurants that are at the least a regional or national brand.

Ms. Hoffer emphasized they would not be leasing to bars and would expect anyone leasing to close between 10 and 11 p.m. She commented on the possibility of entertainment such as for a birthday party. She indicated that none of the spaces are over 1800 sq. ft. with one of the units having a drive-thru. She indicated that no specific restaurants have been confirmed at that time. She stated that Huddle will own and manage the property.

The Commission asked about the townhome price range with Ms. Hoffer responding they will probably be \$449,000 to the low 500's. She stated that the floor plans are being finalized and will be available when completed. She stated they will be three and four bedrooms and range from 2200 sq. ft. to just under 3000 sq. ft. and three-story.

There being no further public comment, the hearing was closed at 6:33 p.m.

Motion made by Commissioner Cobb, Seconded by Commissioner Ashcraft, to approve Resolution Number 23-53. The motion passed on the following vote:

Voting Yea: Commissioner Cobb, Vice Mayor Lee, Commissioner Ashcraft, Mayor Holland

## **5.2 SECOND READING**

Explanation of Ordinances for Annexation of Parcels with Alternate Keys 1444756, 2585153, and 2535628

Ordinance Number 23-12: Voluntary Annexation

Ordinance Number 23-13: Comprehensive Plan Amendment

Ordinance Number 23-14: Design District Assignment

Attorney Garcia read Ordinance Number 23-12 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Florida, voluntarily annexing approximately 10.98 acres of real property at Alternate Key Numbers 1444756, 2585153 and 2535628, generally located at 18900 State Road 44, east of Lake Joanna and north of Loch Leven.

Attorney Garcia opened the public hearing at 6:34 p.m.

Mr. Bobick expressed concern regarding the effect of all the new developments on the area. He cited specific concerns regarding traffic and encouraged the Commission to take steps to manage the issues concerning water, wastewater, stormwater and garbage.

There being no further public comment, the hearing was closed at 6:36 p.m.

Mr. Carrino confirmed that the City has sufficient capacity to serve the area with water, wastewater, and trash. He commented that the stormwater issues will be addressed during the engineering and construction plan phase. He commented on future transportation plans being worked on by the State and cited the possibility of a temporary signal at Waycross to be provided by the State.

Mayor Holland and the Commission commented on FDOT and the Lake Sumter MPO addressing the traffic and safety issues on 44.

Motion made by Commissioner Ashcraft, Seconded by Vice Mayor Lee, to adopt Ordinance Number 23-12 on final reading. The motion passed on the following vote:

Voting Yea: Commissioner Cobb, Vice Mayor Lee, Commissioner Ashcraft, Mayor Holland

## **5.3 SECOND READING**

Ordinance Number 23-13: Comprehensive Plan Amendment assigned Future Land Use Designation to Alternate Key Numbers 1444756, 2585153, and 2535628

Attorney Garcia read Ordinance Number 23-13 on second and final reading: 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 10.98 acres of recently annexed real property at Alternate Key Numbers 1444756, 2585153 and 2535628, generally located at 18900 State Road 44, east of Lake Joanna and north of Loch Leven, from Urban Low in Lake County to Mixed Commercial Residential in the City of Eustis.

Attorney Garcia opened the public hearing at 6:40 p.m. There being no public comment, the hearing was closed at 6:40 p.m.

Motion made by Vice Mayor Lee, Seconded by Commissioner Ashcraft, to adopt Ordinance Number 23-13 on final reading. The motion passed on the following vote:

Voting Yea: Commissioner Cobb, Vice Mayor Lee, Commissioner Ashcraft, Mayor Holland

#### **5.4 SECOND READING**

Ordinance Number 23-14: Design District Designation for Alternate Key Numbers 1444756, 2585153, and 2535628

Attorney Garcia read Ordinance Number 23-14 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; assigning the Suburban Neighborhood design district designation to approximately 10.98 acres of recently annexed real property at Alternate Key Numbers 1444756, 2535153 and 2535628, generally located at 18900 State Road 44, east of Lake Joanna and north of Loch Leven.

Attorney Garcia opened the public hearing at 6:41 p.m. There being no public comment, the hearing was closed at 6:41 p.m.

Motion made by Commissioner Ashcraft, Seconded by Vice Mayor Lee, to adopt Ordinance Number 23-14 on final reading. The motion passed on the following vote:

Voting Yea: Commissioner Cobb, Vice Mayor Lee, Commissioner Ashcraft, Mayor Holland

Mayor Holland explained for the audience that the reason he asked individuals to refrain from talking in the audience is due to the acoustics interfering with the Commission hearing whomever is at the podium.

#### **5.5 FIRST READING**

Ordinance Number 23-11: Conditional Use Permit for an Accessory Dwelling Unit at 708 East Lemon Avenue

Attorney Garcia read Ordinance Number 23-11 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, approving a conditional use permit for an accessory dwelling unit to an existing single-family residence in the Suburban Residential (SR) future land use district on approximately 0.21 acres located at 708 East Lemon Avenue.

Ms. Croney reviewed Ordinance 23-11 approving a conditional use permit for an accessory dwelling unit at 708 E. Lemon Avenue. She noted this item was presented previously to the City Commission and was tabled until the property owner could be present for discussion.

Ms. Croney reviewed the history of the application and approval of the Certificate of Appropriateness by the Historic Preservation Board. She stated the applicant's request is to convert the 364 square foot detached garage to an accessory dwelling unit, including modification of: windows, doors, roof, and paint. She presented a site plan of the property and explained the applicable code and use regulations for an accessory apartment/dwelling unit.

Ms. Croney reviewed the recent history of the renovations and building permits for the property. She noted a code violation was opened regarding a handicapped ramp that was constructed without a permit. She added that a permit application has been submitted to

remedy that issue and is going through review. She stated the property is not currently for sale and the current owner is Amy Taylor.

Ms. Croney provided photographs of the house and detached garage. She indicated the photos are from the code violation investigation. She reviewed the applicable code pertaining to accessory apartment/dwelling unit and explained that a conditional use permit is required. She commented on the requirement for a garage and cited Section 110-5.8 pertaining to options if a property is located in a designated historic district.

Ms. Croney explained the criteria for consideration of the conditional use permit and stated staff's recommendation for approval.

The Commission confirmed the Historic Preservation Board got to see the photos of the property and questioned the applicability of the garage door.

Ms. Croney stated the HPB did see the photos and minimal discussion was held regarding the garage door.

Attorney Garcia opened the public hearing at 6:55 p.m.

Dillon Shelton expressed concern regarding the owner not knowing the property was located in the historic district and cited the request that the Certificate of Appropriateness requirement be waived. He further expressed concern regarding the possibility that the property will be rented through AirBnB.

Cynthia Conklin emphasized the historic nature of the neighborhood and expressed concern regarding the possibility of an AirBnB being located across from a school. She also expressed concern regarding the possible noise violations that may stem from the property.

Amy Taylor, property owner, explained her desire to have the accessory dwelling unit is to make sure she has a representative on site at all times. She reviewed her professional history in vacation rentals. She commented on how careful she is regarding who stays in her properties and explained how the rentals are managed. She stated she purchased the home in 2021 and commented on her history with the property and her son residing on site. She indicated she had someone build the handicapped ramp to assist a friend in accessing the home and stated she was unaware she needed a building permit. She provided screen shots of some of her properties and her reviews. She emphasized that AirBnB properties must be kept in good condition and stated the property was a "dump" when she purchased it.

The Commission asked her intent if the City tells her the ramp is not up to code with Ms. Taylor indicating she would disassemble it if necessary. She noted they already added a handrail. She confirmed that she did not add the garage as it was there when she purchased the property.

The Commission asked her intent for the parking if the ADU is approved with Ms. Taylor indicating there is currently a two space crushed gravel parking area to the right of the garage. She noted there is also a shed on the site to take care of storage.

Ms. Croney explained a previous property owner got the building permit for the concrete driveway back in 2012.

The Commission questioned the need for an apron for the gravel parking area otherwise people will have to drive over the curb.

Discussion was held regarding the gravel parking and the driveway and the garage door.

Ms. Taylor indicated she did not install the garage door and expressed her desire to replace that with two windows.

Ms. Croney indicated that to change from the garage door to the windows would require them going back to the Historic Preservation Board.

Discussion was held regarding construction not being to building standards and the use of the property as a AirBnB not being a subject for the Commission.

Ms. Croney read what was requested in the application for the Certificate of Appropriateness and indicated there was no discussion regarding the garage door. She acknowledged that the minutes for that HPB meeting had not been completed at that time.

Mr. Carrino confirmed that for Ms. Taylor to replace the garage door would require a new application for another Certificate of Appropriateness (COA) with Ms. Croney reviewing what was submitted for the COA and the building permit. She indicated that she found nothing in the records regarding a permit for the garage door.

The Commission questioned whether or not the code violation had been cleared with Ms. Croney indicating it is still open as the building permit application has not yet been approved.

Mr. Carrino explained there are actually two code violations. In addition to the ramp, work was done on the accessory dwelling unit without a permit. He explained the requested CUP was to correct the one violation.

Commissioner Cobb called for a vote.

Attorney Garcia closed the public hearing at 7:19 p.m.

There being no motion forthcoming, Ordinance Number 23-11 failed on first reading.

## **6. FUTURE AGENDA ITEMS**

See Comments.

## **7. COMMENTS**

### **7.1 City Commission**

Commissioner Ashcraft commented on the upcoming drag boat races and encourage staff to find other ways to utilize the lake.

Commissioner Cobb reported on the Kid Connect backpacks where they gave away 700 bags and cited the upcoming event at First Baptist Cassia.

Tammi Roundtree, Eustis Area Chamber of Commerce, reported on their upcoming event and reviewed the various activities.

Commissioner Cobb expressed anticipation for the Mothers Against Drunk Driving event that the Police Chief purchased a table for.

Vice Mayor Lee reported on the One Million Cups event and Cookies with a Cop. She thanked the library and Police Chief.

### **7.2 City Manager**

Mr. Carrino announced the Eustis High School band will be conducting a fundraiser car wash in Ferran Park on Saturday, July 29th. He stated he would be out of town the week of August

21st and asked for a consensus that Bill Howe serve as acting city manager on August 21st, 22nd and 23rd and Christine Halloran would serve August 24th and 25th.

**CONSENSUS:** It was a consensus of the Commission for Bill Howe and Christine Halloran to serve as acting city manager as requested.

**7.3 City Attorney: None**

**7.4 Mayor**


Mayor Holland commented that the Eustis High School band is the oldest continuous marching band program in the State of Florida. He encouraged everyone to support the band and explained the need for fundraising. He then cited the Panther Pride in the Park fundraiser at the Community Center in October to support the athletic programs at the school.

Commissioner Cobb announced that October 29th would be Cassia Day and highlighted some of the activities. She noted the students from Cassia attend the Eustis schools.

Mayor Holland encouraged everyone to check the calendar on the City's website for upcoming events.

**8. ADJOURNMENT: 7:28 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](http://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 of the meeting can be obtained from the office of the City Clerk for a fee.*



CHRISTINE HALLORAN  
City Clerk



MICHAEL L. HOLLAND  
Mayor/Commissioner