



# AGENDA

## Local Planning Agency Meeting

5:30 PM – Thursday, January 19, 2023 – City Hall

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### CALL TO ORDER

### ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

#### 1. APPROVAL OF MINUTES

##### 1.1 Approval of Minutes

November 17, 2022 LPA Meeting

December 13, 2022 LPA Meeting

#### 2. CONSIDERATION WITH DISCUSSION, PUBLIC HEARINGS AND RECOMMENDATION

##### 2.1 Ordinance 23-02: Comprehensive Plan Amendment - Assignment of Future Land Use District for Annexing Parcels Alternate Key Numbers 2612533 and 2612517

#### 3. ADJOURNMENT

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

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



# City of Eustis

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

TO: EUSTIS CITY COMMISSION

FROM: Christine Halloran, City Clerk

DATE: January 19, 2023

RE: Approval of Minutes

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**Introduction:**

This item is for consideration of the minutes of November 17, 2022 and December 13, 2022 Local Planning Agency (LPA) Meetings.

**Background:**

N/A

**Recommended Action:**

Approval of the minutes as submitted.

**Policy Implications:**

None

**Prepared By:**

Mary Montez, Deputy City Clerk

**Reviewed By:**

Christine Halloran, City Clerk



# MINUTES

## Local Planning Agency Meeting

5:00 PM – Thursday, November 17, 2022 – City Hall

**CALL TO ORDER: 5:01 p.m.**

### **ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE**

**PRESENT:** Member Karen LeHeup-Smith, Member Nan Cobb, Member Willie Hawkins, Vice Chair Emily Lee and Chairman Michael Holland

### **1. CONSIDERATION WITH DISCUSSION, PUBLIC HEARINGS AND RECOMMENDATION**

#### **1.1 Ordinance Number 22-35: Amendment to the City of Eustis Comprehensive Plan creating a Rural Residential Transitional Land Use District in The Future Land Use Element and removing Map 19 (JPA Boundary) and references**

Mike Lane, Development Services Director, introduced the proposed Ordinance Number 22-35 amending the Comprehensive Plan to create a Rural Residential Transitional (RRT) Land Use District in the Future Land Use Element and Table of Contents; removing Map No. 19 (Joint Planning Agreement or JPA Boundary) and the associated references; replacing the references to the approved JPA between the City and Lake County.

Mr. Lane reviewed the history of the amendment beginning with the September 22, 2022 Regular City Commission Meeting at which Gunster Law Firm recommended the removal of Map No. 19 and determined that its removal would not jeopardize the Joint Planning Agreement (JPA) between the City and Lake County. At the City Commission Workshop on October 3, 2022, the Development Services staff were directed to remove Map No. 19 from the City's Comprehensive Plan. The Commission also directed staff to create a new land use district to allow a maximum of three units per acre which would be between the Suburban Residential (which has a maximum of five units per acre) and the Rural Residential future land use districts (which allows up to one unit per five acres).

Mr. Lane expressed staff's recommendation that the amendment be transmitted to the Commission for consideration.

Chairman Holland opened the floor to public comment at 5:06 p.m.

Cindy Newton, unincorporated Lake County resident, commented on the issues with Map #19 and the JPA. She recommended City staff continue to work with Lake County on the JPA. She stated that the JPA boundaries are not accurate and cited encroachment by the City of Mount Dora.

Tammy Pena commented on conflicts between the comprehensive plan and the Land Development Regulations and a provision that would allow a reduction in the required open space.

Pat Duncan, unincorporated Lake County resident, commented on proposed agricultural land use designations and cited the series of workshops held with the Lake County Board of Commissioners and other cities. She noted Lake County is in the process of

creating a new Rural Conservation Subdivision agreement. She asked that the City have a discussion with Lake County regarding what is proposed prior to passage.

Leslie Campione, County Commissioner, commented on the open space requirements and reviewed the County's concept for the County and City to work together to accomplish a master plan for the area within 30 days. She suggested that the City proposed amendment be modified to work in the County's rural conservation subdivision design which would then be the criteria used when considering the rural residential transition land use. She also suggested they require the use of a PUD overlay to obtain the rural residential transition land use which would consider the specifics of each site. She explained the possible issues with the proposed three units per acre district. She commented that incorporating the rural conservation subdivision design standards would be unique in the county and would consider the environmental concerns. She cited methods of lowering the cost for providing utilities including the use of onsite waste distributive system which would lower the cost of extending sewer lines as well as other ways to handle the cost.

Nan Cobb joined the meeting at 5:17p.m.

Commissioner Campione cited the 100 feet perimeter buffer required in their standards which would create a network of wildlife corridors and provide interconnectivity throughout the Wekiva Study Area. She encouraged the Board to postpone their decision for 30 days to allow the City and County staff to work together.

Tom Carrino, City Manager, asked Mr. Lane to talk about the proposed open space requirement for RRT versus Suburban Residential.

Jeff Richardson, Deputy Director of Development Services, explained he used the Suburban Residential description as the template for the new district. He reviewed the differences and stated he did not include the density bonus that is in the Suburban Residential. He commented on the Mayhill subdivision which is approximately three units per acre. He indicated they could require the 35% open space and include that in the Land Development Regulations.

Regarding working with the County, Mr. Carrino stated some of Commissioner Campione's suggestions could be incorporated into the City's Land Development Regulations which would give the Board the ability to forward the proposed comprehensive plan amendment to the Commission for consideration. The Commission could then forward those to the State for review. If they want to incorporate some of the standards into the Land Development Regulations (LDR's) that would only require two readings by the Commission. He noted that, once Ordinance 22-35 is transmitted to the State for review on first reading, it would take approximately two months to receive their comments back which would provide an opportunity for staff to work with Lake County to determine what they would like to incorporate into the LDR's. He noted that Ordinance 22-36 would not be transmitted to the State. He indicated that it would not be considered on second reading until after City and County staff work on the standards.

Mr. Carrino cited possible items to be incorporated into the LDR's including the boundary buffers, PUD overlay, maintaining wildlife corridors and providing conservation areas. He stated staff's recommendation to transmit Ordinance 22-35 to the Commission for consideration and then to the State for review during which time staff would work with the County.

Discussion was held regarding whether or not the City and County staff could work together within the 30 day timeframe.

A motion was made to transmit Ordinance 22-35 to the Commission for consideration.

Motion made by Vice Chair Lee, Seconded by Member Hawkins. The motion passed on the following vote:

Voting Yea: Member LeHeup-Smith, Member Cobb, Member Hawkins, Vice Chair Lee and Chairman Holland

1.2 Ordinance Number 22-36: Amendment to the City of Eustis Land Development Regulations: Amending Chapter 109 Land Use Districts and Design District Overlays, Section 109-2.2 Districts Enumerated, 109-3 Land Use District Development Intensity 109.4 Use Regulations Table and Amending Chapter 110 Development Standards, Section 110-4.0. Homestead Lot, Sec. 110-4.1. Estate Lot; Sec., 110-4.2. House Lot and Adding Section 110-5.17

Mike Lane, Development Services Director, reviewed the proposed Ordinance Number 22-36 amending the City of Eustis Land Development Regulations (LDRs) to create a Rural Residential Transitional (RRT) Future Land Use District and modify the LDRs. He noted the previous discussion regarding allowing livestock and agricultural uses within the Agricultural and Rural Residential categories. He stated that is why those are also listed as permitted uses within the Rural Residential Transitional land use district. He indicated that those uses have been eliminated as conditional uses within the other land use categories. He cited the Section 109.4 Use Regulations Table and explained the ordinance would remove General Agricultural Uses as a conditional use from all land use districts. General Agriculture uses will only be permitted for the Agriculture (AG), Rural Residential (RR) and the new Rural Residential Transitional (RRT) land use categories. The RRT shall permit existing agricultural use to be permitted until commercial or residential subdivision development occurs.

Mr. Lane then noted that they amended the Agricultural/Livestock accessory structures to allow the chicken coops and to require all such structures to be at least ten feet from the property line. He confirmed that the open space within and outside the Wekiva Study Area is 25% as was in the Suburban Residential district.

Mr. Carrino highlighted that domestic fowl will no longer be allowed as a conditional use in the other land use districts. It will be a permitted use in Rural Residential and Agricultural and the proposed RRT; however, only continued uses will be allowed in the RRT. Upon development, the livestock and domestic fowl will no longer be allowed.

The Commission confirmed what would be considered development with Mr. Richardson explaining if the property is subdivided. He suggested they could rewrite the section to clarify about lot splits and what would constitute development.

The floor was opened to public comment at 5:36 p.m.

Cindy Newton, unincorporated Lake County resident, expressed concern that the agricultural uses would only be temporary and whether or not people applying for annexation would necessarily understand that.

Mr. Carrino clarified that, if a property is designated Agriculture or Rural Residential, agricultural use can continue in perpetuity. Only if the property is designated the new RRT would the use be temporary.

Tammy Pena, unincorporated Lake County resident, cited an inconsistency between the comprehensive plan amendment open space requirement and what is contained in the chart for the proposed LDR amendment.

Commissioner Campione agreed with the need to eliminate the inconsistency between the comprehensive plan and the land development regulations regarding the open space requirements. She stated what is in the comprehensive plan carries more weight than the LDR's and recommended they include language in the comprehensive plan requiring the use of a PUD overlay or by incorporating the rural design elements. She expressed concern regarding any pending applications. She noted that the Wekiva River Commission will probably want to comment to the state regarding the proposal.

Mr. Carrino stated his recommendation that the ordinance be forwarded to the Commission for consideration so that the Commission can discuss the ordinance.

A motion was made to transmit Ordinance 22-36 to the Commission for consideration.

Motion made by Member Hawkins, Seconded by Vice Chair Lee. The motion passed on the following vote:

Voting Yea: Member LeHeup-Smith, Member Cobb, Member Hawkins, Vice Chair Lee and Chairman Holland

## 2. ADJOURNMENT: 5:44 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.*

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CHRISTINE HALLORAN  
City Clerk

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MICHAEL L. HOLLAND  
Chairman



# MINUTES

## Local Planning Agency Meeting

5:00 PM – Tuesday, December 13, 2022 – City Hall

**CALL TO ORDER: 5:00 P.M.**

### **ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE**

**PRESENT:** Mr. Willie Hawkins, Vice Chair Emily Lee, Ms. Karen LeHeup-Smith, Ms. Nan Cobb and Chairman Michael Holland

### **1. APPROVAL OF MINUTES**

#### **1.1 November 17, 2022, Local Planning Agency Meeting**

A motion was made to approve the Minutes as submitted. Motion made by Mr. Hawkins, Seconded by Vice Chair Lee.

Voting Yea: Mr. Hawkins, Vice Chair Lee, Ms. LeHeup-Smith, Ms. Cobb and Chairman Holland

### **2. CONSIDERATION WITH DISCUSSION, PUBLIC HEARINGS AND RECOMMENDATION**

#### **2.1 Ordinance Number 22-35: Amendment to the City of Eustis Comprehensive Plan creating a Rural Residential Transitional Land Use District in The Future Land Use Element and removing Map 19 (JPA Boundary) and references**

Mike Lane, Development Services Director, reviewed Ordinance 22-35 and confirmed the ordinance would be sent to the State after transmittal to and approval by the Commission.

Board members requested highlights of Ordinance 22-35 for the members of the public in attendance.

Mr. Lane stated at the September 22, 2022 Regular City Commission Meeting Gunster Law Firm recommended to the Commission the removal of Map #19 and determined that its removal would not jeopardize the Joint Planning Agreement (JPA) between the City and Lake County. He stated that the proposed comprehensive plan amendment does include some adjustments to the language in the comp. plan regarding the joint planning area. He cited language on Page 18 of the document regarding the purpose of the joint planning area agreement or its successor. He noted the chart in the comprehensive plan is also recommended for amendment regarding the addition of the new future land use designation, reviewed the criteria for the Rural Residential Transitional (RRT) designation and explained how it would be applied. He indicated that it is the Land Development Code that actually controls those, not the comprehensive plan.

Tom Carrino, City Attorney, explained that staff did meet with County staff regarding the proposed new district. He indicated the results of that meeting will be considered under the next item on the agenda. He stated the changes to the comprehensive plan have mainly stayed the same. What is being proposed overall is removal of Map #19 and

setting the basics of the RRT with more detail being included in the Land Development Regulations.

Mayor Holland opened discussion to the public at 5:09 p.m.

Leslie Campione, County Commissioner, commented on the removal of Map Number 19 and detailed her opposition to that removal. She stated the City's land use descriptions are contained in Map #19, commented on how it may have been developed and stated the language is the same as the County's. She commented on the 1987 JPA and indicated the eastern boundary at Thrill Hill Road stating it would now dictate the appropriate transition between the urban core and the unincorporated rural areas. She stated her opinion that anything east of Thrill Hill Road would be in the County's rural protection area and that the only way for that area to develop would be a conservation design type project at 1:1 with 50% open space. She commented on the use of three dwelling units per acre and how that compares to rural. She cited the City's comprehensive plan language regarding the Wekiva Springs overlay protection and stated it is not also in the Land Development Regulations so she questioned how the City is going to protect the property in the Wekiva Springs Protection Area. She suggested that, if the City is intent on certain properties to be annexed, then they consider doing a site specific ISBA to address the specific attributes of those properties and how to protect specific issues. She indicated she knows the City is considering certain properties because she has had conversations with property owners who have been approached by developers. She stated that, if the City intends to go beyond Thrill Hill Road into the rural protection area and, if they are going to the three units per acre, then it is not consistent with the comprehensive plan and the language regarding protecting the Wekiva Springs protection area. She emphasized that conservation design includes real open space with a wildlife corridor not just a buffer.

Ms. Cobb questioned where the JPA ends and then stated that she has not been contacted by any developer regarding that area and the other Board members concurred.

Ms. LeHeup-Smith asked if Map #19 is in the County Comprehensive Plan.

Ms. Campione confirmed that Map #19 is not in the County's comprehensive plan. She explained that the 1987 JPA has a map attached which shows the boundaries. She stated they have a future land use map that shows the densities in the County. She indicated that the County would defer to the City's map. She suggested that the City and County could develop a new map together.

Mr. Hawkins asked if what she is requesting that the City keep the new designation up to Thrill Hill and limit what is done past that.

Ms. Campione indicated their desire that to keep the new designation up to Thrill Hill and not increase the density beyond that. She indicated they could possibly do an interlocal agreement regarding the area beyond that.

Discussion was held regarding the creation of the new land use district, how it came about and use of Thrill Hill Road as a boundary. It was noted that much of Eustis is in the Wekiva River basin and the need to protect the area.

Mr. Carrino explained the Gunster Law Firm had recommended the removal of Map #19 due to it creating confusion and inconsistencies within the comprehensive plan. They indicated that Map #19 has been a static map in the comp plan. Both the County and the City have updated the comp plan but Map #19 has not been updated. He added



that Gunster actually stated the map should be removed. He cited the ability for them to work cooperatively with the County to look at land uses in the area and for properties currently in the County. He stated his opinion that Map #19 was never the answer and should be removed. He indicated they could also do some long-range planning with the County.

Mr. Hawkins asked if the long-range planning would be to Thrill Hill or beyond.

Mr. Carrino responded they could do both. He indicated that Thrill Hill Rd. is the boundary to the current JPA. He added that statutorily the City may annex beyond that boundary. He expressed support for working with the County cooperatively to determine what land uses are appropriate for that area.

Chairman Holland opened the public hearing at 5:29 p.m. He reminded the audience that each speaker is limited to three minutes and asked that they be respectful.

The following individuals addressed the Commission in opposition to the proposed amendment: 1) Cindy Newton; 2) Pat Duncan; and 3) Deborah Shelley.

There being no further public comment, the hearing was closed at 5:36 p.m.

A motion was made to transmit Ordinance Number 22-35 to the City Commission for consideration. Motion made by Ms. LeHeup-Smith, Seconded by Mr. Hawkins. The motion passed by the following vote:

Voting Yea: Mr. Hawkins, Vice Chair Lee, Ms. LeHeup-Smith

Voting Nay: Ms. Cobb, Chairman Holland

2.2 Ordinance Number 22-36: Amendment to the City of Eustis Land Development Regulations: Amending Chapter 109 Land Use Districts and Design District Overlays, Section 109-2.2 Districts Enumerated, 109-3 Land Use District Development Intensity 109.4 Use Regulations Table and Amending Chapter 110 Development Standards, Section 110-4.0. Homestead Lot, Sec. 110-4.1. Estate Lot; Sec., 110-4.2. House Lot and Adding Section 110-5.17

Mr. Lane noted an error in the introduction that alludes to the RRT shall permit existing agricultural uses to be permitted. He stated that in the original proposal they said "until the commercial or residential development occurs". He indicated that is still in the document; however, it should have been removed. He explained staff is recommending that the agricultural uses remain in the RRT and, even when development occurs, the agricultural uses may continue.

Mr. Lane reviewed discussion that had been held regarding a density of two units per acre, the process and buffering. He indicated that what is proposed in the RRT is that an individual can outright develop at two units per acre with 35% open space. Alternatively, they can use a Planned Unit Development overlay which would allow a minimum 15-foot buffer, with up to 25% open space and up to three units per acre. He indicated that would only be an option in areas not adjoining the communities that are part of the Wekiva River overlay type districts.

The Board asked about the outright buffer with Mr. Lane stating that the requirement without a PUD overlay would be a 50-foot buffer.

Mr. Carrino explained that, if a developer wants to develop by right and not use the PUD process, then they must have a minimum of 50-foot buffers surrounding the entire

property. However, if they use the PUD process, then they have to have an average 50 feet so some portions may be less than 50 feet.

Mr. Lane then reviewed the changes to the use table which shows agricultural uses would be allowed within the RRT and the general agricultural uses would only be allowed within RR (Rural Residential), RRT and Agricultural. He added that multi-family was also removed from the RRT.

Ms. Campione noted that County staff was not in agreement with the proposed densities and were pushing for the 1 unit to 1 acre. She questioned the criteria or justification for allowing the higher densities with the PUD overlay noting that it would be in an environmentally sensitive area. She suggested it could be used to push a developer toward the matter of right if they use the conservation design and avoid the public hearing process. She also questioned if the buffers are just buffer or would it be functional open space. She cited the City's comprehensive plan and the required use of conservation easements and minimization of site disturbance. She questioned whether that has been implemented and recommended that it be incorporated into the City's Land Development Regulations.

Mr. Hawkins asked if there were any areas of agreement with the County staff with Mr. Lane indicating that the County asked City staff if the City would consider a 2:1 density not a 1:1. He explained they discussed net acreage versus growth acreage. He indicated that with the required 25% open space and infrastructure a developer would not be able to attain a three unit per acre density. He explained staff's intent with the proposal was to give a developer a PUD approach so they could have some options with the lot types. He indicated that with an outright development they would just be looking at homestead or estate size lots. He noted they did not include allowed lot types with the PUD overlay. He stated the only items discussed with the County were density and possibly lot types.

Mr. Hawkins expressed his hope that the meeting would have resulted in an actual meeting of the minds. He expressed concern with lack of discussion about how they can meet halfway.

Mr. Carrino reported that Al Latimer, Jeff Richardson and himself represented the City at the meeting with Bobby Howell and Mary Ellen Stern representing the County. He stated they discussed densities with them asking if the City could get closer to two units per acre rather than three. He stated that as a municipal service provider they have to meet certain densities in order to fund the infrastructure. He commented on the County emphasizing a PUD model and working with developers on a case by case basis. He indicated the County staff encouraged the City to utilize PUDs more as a model. He explained that what is proposed was intended to encourage the use of a PUD to allow the Commission, developer and staff to engage on site specific design. However, they also provided a more restrictive path forward if they don't want to use a PUD.

Mr. Carrino commented on the Board's desire to work cooperatively with the County while considering they are a municipality and they have to work within their constraints regarding their Land Development Regulations.

Mr. Hawkins expressed support for the use of PUDs.

Mr. Carrino asked the Board to consider how involved they want to be in the architecture and designs. He stated his opinion that the County has gotten into architectural design including facade treatments, rooflines and fencing styles. He stated the alternative is a broader PUD style.

Ms. Cobb noted the upcoming Commission retreat and cited the possibility of discussing this at that time. She added that the incoming Commissioner Gary Ashcraft would also need to be brought up to speed on the various issues. She noted she opposed Ordinance 22-35 and would vote against 22-36. She expressed support for discussing both at the retreat.

Chairman Holland opened the public hearing at 5:58 p.m.

The following individuals addressed the Commission regarding Ordinance Number 22-36: 1) Cindy Newton; and 2) Deborah Shelley, representing Friends of the Wekiva.

Chairman Holland closed the public hearing at 6:03 p.m.

No motion was made concerning the ordinance. Chairman Holland indicated it would be brought back at the January workshop.

### **3. ADJOURNMENT: 6:02 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.*

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CHRISTINE HALLORAN  
City Clerk

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MICHAEL L. HOLLAND  
Chairman



# City of Eustis

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

TO: EUSTIS LOCAL PLANNING AGENCY

FROM: Tom Carrino, City Manager

DATE: January 19, 2023

RE: Assignment of Future Land Use District for Annexing Parcels Alternate Key Numbers 2612533 and 2612517

Ordinance 23-02 – Comprehensive Plan Amendment

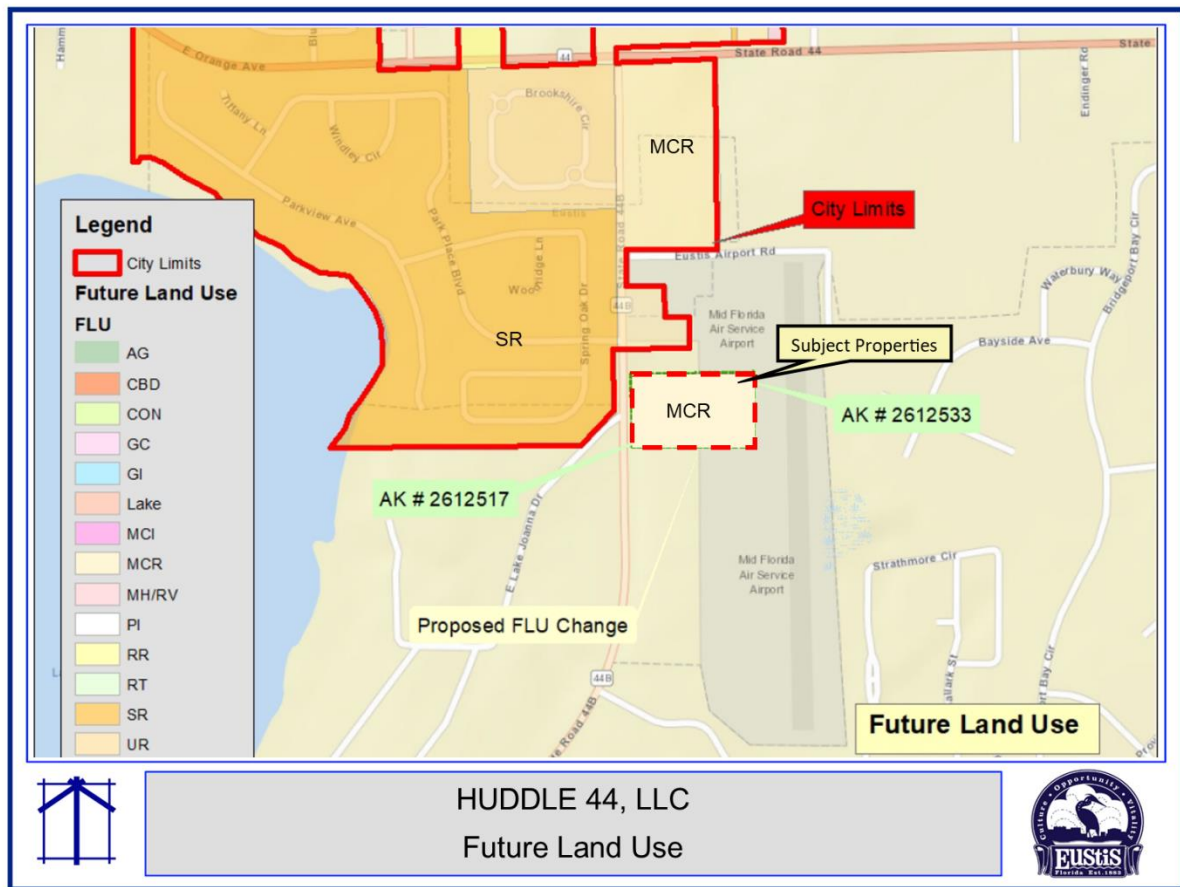
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## **Introduction:**

Ordinance Number 23-02 provides for the assignment of land use for voluntary annexation of approximately 9.37 acres of land located east side of State Road 44 and across State Road 44 from its intersection with Lake Joanna Drive (Alternate Key Numbers 2612533 and 2612517). Provided the annexation of the subject property is approved, Ordinance Number 23-02 would change the future land use designation from Urban Low in Lake County to Mixed Commercial Residential (MCR) in the City of Eustis, and Ordinance Number 23-03 would assign the subject property a design district designation of Suburban Neighborhood.

## **Background:**

1. The site contains approximately 9.37 acres, and is located within the Eustis Joint Planning Area. The site is currently mostly vacant/open with one single-family structure. *Source: Lake County Property Appraisers' Office Property Record Card Data.*
2. The site is contiguous to the City on its western boundary across the right of way for State Road 44.
3. The site has a Lake County land use designation of Urban Low, but approval of Ordinance Number 23-02 would change the land use designation to Mixed Commercial Residential (MCR) in the City of Eustis.



Surrounding properties have the following land use designations:

Location	Existing Use	Future Land Use	Design District
<b>Site</b>	Vacant	Urban Low (Lake County)	N/A
<b>North</b>	Vacant	Urban Low (Lake County)	N/A
<b>South</b>	Single Family Residence	Urban Low (Lake County)	N/A
<b>East</b>	Single Family Residence	Suburban Residential	Suburban Neighborhood
<b>West</b>	Airport	Public Service Facility and Infrastructure	N/A

## Applicant's Request

The applicant and property owner, Huddle 44, LLC, wishes to annex the property, change the future land use to Mixed Commercial Residential (MCR), and assign a design district of Suburban Neighborhood.

The current Lake County land use designation for the subject property is Urban Low. The Lake County land use designation allows for residential uses of up to four (4) dwelling units per one (1) net buildable acre in addition to civic, institutional, commercial, and office uses at an appropriate scale and intensity to serve this category. Limited light industrial uses may only be allowed as a conditional use.

The property owner has requested the MCR land use designation within the City of Eustis. The MCR land use provides for residential uses up to twelve (12) dwelling units per acre. The requested MCR designation permits residential and commercial uses.

## Analysis of Comprehensive Plan/Future Land Use Request (Ordinance Number 23-02)

In Accordance with Florida Statutes Chapter 163.3177.9.:

*Discourage Urban Sprawl:*

### Primary Indicators of Sprawl:

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

### Review of Indicators

#### 1. Low Intensity Development:

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

***This indicator does not apply. The requested future land use will provide for a higher density (12 du/acre) than the county FLU (4 du/acre) allows.***

#### 2. Urban Development in Rural Areas:

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

***This indicator does not apply. The subject properties are located in an urbanizing corridor between the City of Eustis, the City of Mount Dora, and unincorporated Lake County. Properties developing along the State Road 44 Corridor between US Highway 441 and State Road 44 will most likely be of a higher intensity/density as the corridor is urbanizing.***

#### 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 within an urbanizing corridor with commercial development to the north, residential development to the west and south, and an airport to the east.***

4. Natural Resources Protection:

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

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

5. Agricultural Area Protection:

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

***This indicator does not apply. This site and adjacent areas do not support active agricultural or silvicultural activities. The site is within an existing developed and further developing area.***

6. Public Facilities:

Fails to maximize use of existing public facilities and services.

***This indicator does not apply. City water is available to the property. Development of this parcel will maximize the use and efficiency of City water service. City Sewer is available to the property and will be addressed via the site development process.***

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 MCR future land use designation. The City provides these services to other properties in the area, so efficiency will improve.***

8. Separation of Urban and Rural:

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

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

9. Infill and Redevelopment:

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

***This indicator does not apply. This property is a logical extension of development city.***

10. Functional Mix of Uses:

Fails to encourage a functional mix of uses.

***This indicator does not apply. The site is surrounded by single-family development on the adjacent properties, which is consistent with permitted uses in the area. A variety of other uses are evident, including various commercial uses, Within .25 to .5 miles of the subject property.***

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 the time of development review.***

12. Open Space:

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

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

13. Urban Sprawl:

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

a. **Direction of Growth:**

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

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

b. **Efficient and Cost-Effective Services:**

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

***Water and Sewer service is 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 the time of development, the site must meet the City's Land Development Regulations relating to connection and sidewalks. State Road 44 is not City infrastructure and does not currently have a sidewalk system. Interconnectivity to existing and future uses will be a challenge.***



**d. Water and Energy Conservation:**

Promotes the conservation of water and energy.

***The development of the site must meet City development and Florida Building Code standards that will require energy and water-efficient appliances.***

**e. Agricultural Preservation:**

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

***Not applicable; this site and adjacent areas do not support active agricultural or silvicultural activities. The site is within an existing developed residential area.***

**f. Open Space:**

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

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

**g. Balance of Land Uses:**

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

***The proposed land use allows for both residential and commercial uses. Existing commercial development exists in close proximity to serve the residential population.***

**h. Urban Form Densities and Intensities:**

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

***Not applicable.***

**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

any Plan programs (such as the effect on the timing/financing of these programs) that are 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:*

***Eustis emergency services already provide emergency response to other properties in the area. Any development consistent with the MCR future land use designation would not have a significant negative impact on the operations of Eustis emergency services.***

b. *Parks & Recreation:*

***In 2010, the City prepared a Park Inventory and Level of Service Demand and Capacity analysis as part of the Comprehensive Plan Evaluation and Appraisal Report. The results show that a surplus of park area exists up to and beyond the City's population of 20,015. The current population is 24,500. Pursuant to comprehensive plan policy and Land Development Regulation, residential development will be required to provide on-site park amenities.***

c. *Potable Water & Sanitary Sewer:*

***Water and sewer are available to the subject property. Both the water and sewer systems have adequate capacity to serve the development of the property.***

d. *Schools:*

***The proposed change should not negatively impact schools. At the time of development application verification of capacity will be required from Lake County Schools.***

e. *Solid Waste:*

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

f. *Stormwater:*

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

g. *Transportation Network Analysis:*

***This potential added residential development is considered to have no negative impacts on the existing transportation system. At this time, the adjacent transportation network (SR 44) has the capacity to serve the proposed MCR property, even at a maximum development standard, without negatively affecting the adopted level of service.***

***Prior to the development of the property, site plan approval among approvals will be required. As part of the site plan review, a traffic study will be required to evaluate traffic impacts.***

## **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. Groundwater recharge areas:**

***The site may be within a recharge area, a site-specific geotechnical and hydrologic study will be needed to determine the site-specific impact at the time of development. Source: Lake County Comprehensive Plan 2030 Floridian Aquifer Recharge Map.***

### **b. Historical or archaeological sites:**

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

### **c. Flood zones:**

***The subject property is impacted by a 100-year flood zone area. Source - Lake County GIS - 2012 Flood Zones.***

### **d. Soil and topography:**

***The site soils are a mix of Myakka, Placid and Pompano sands. These sands are all typically poorly drained soils. At development application soils and geotechnical reports will be required as part of the application packages as well as for permitting for development with the applicable state agencies.***

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

## **3. Comprehensive Plan Review:**

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

### ***Existing Land Use According to the Lake County Comprehensive Plan:***

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

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

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

### ***Proposed Land Use According to the Eustis Comprehensive Plan:***

#### ***Mixed Commercial / Residential (MCR)***

*This land use designation is intended to regulate the character and scale of commercial uses so as to minimize their impacts on adjacent roadways and to promote their compatibility with adjacent or nearby residential uses.*

*General Range of Uses: This category accommodates a mix of residential, commercial, office, institutional, and schools. Public and utility services that are 5 acres or less in size are also permitted.*

*Maximum Density: Residential densities may not exceed 12 dwelling units per net buildable acre.*

*Intensity Range: up to 2.5 FAR subject to restrictions in Section 109-3 of the Land Development Regulations.*

*Mix Requirements: There are proportional requirements and limitations regarding the amount of residential and non-residential uses allowable in an area designated MCR. For the mixed land use category MCR, the city establishes, and shall monitor on a citywide basis, a mix of uses as follows:*

*Residential: 15% - 25% of total MCR acreage*

*Commercial/Office: 75% - 85% of total MCR acreage*

*The composition of mix for each proposed development will be determined on a case-by-case basis during the development review process. Specific uses permitted will be monitored by the city to ensure continuity and compatibility with adjacent land uses. Individual properties may develop residentially or commercially, provided that all applicable criteria set forth herein are met.*

#### ***Special Provisions:***

*(1) Future amendments to designate areas as MCR shall be permitted only along arterial and collector roads and in certain neighborhoods which meet the following conditions:*

- a. where the arterial road frontage is generally undeveloped, residential development may be feasible and will be encouraged;*
- b. strip commercial development shall be minimized, including actions that would extend or expand existing strip development;*

c. the arterial road frontage contains an existing mix of viable commercial and residential uses;

d. the clustering of viable commercial businesses within or adjacent to residential neighborhoods is determined to not have a detrimental visual or operational impact on such adjacent or nearby residential uses;

(2) Developments within the Wekiva Protection Overlay that include longleaf pine, sand hill, sand pine, and xeric oak communities shall protect these areas as dedicated open space or conservation easements, with total open space equal to at least 35% of the net buildable area.

### **Comparison of Lake County Development Conditions**

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

Residential: Lake County limits residential development to 4 du/acre while the MCR would allow 12 du/acre.

### **Proposed Residential Land Uses.**

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

***Not applicable. The area already includes a mix of uses including single-family residential and commercial. This proposed development would be adequately distanced from the commercial to the south.***

### **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.***

#### 1. Transportation:

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

***This potential added residential development is considered to have no negative impacts on the existing transportation system. At this time, the adjacent transportation network (SR 44) has the capacity to serve the proposed MCR property, even at a maximum development standard, without negatively affecting the adopted level of service.***

#### 2. Water Supply:

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

**City water service and other services are available. 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.***

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.

**City commercial uses are located to the north within 300 feet of the property and residential uses are located in the surrounding area with varying densities. The proposed MCR does allow for greater densities than the current surrounding residential.**

d. *Changed Conditions:*

Whether there have been changed conditions that justify an amendment.

***The applicant wishes to annex the property into the City limits of Eustis. Assignment of a City of Eustis future land use designation is required. Upon annexation, the subject property will have a full array of municipal services, including central water. These changed conditions warrant a change in the land use designation.***

e. *Demand on Public Facilities:*

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

***City water and sewer services are available and, in close proximity to the site. Adequate capacity is available to serve future development consistent with the requested Mixed Commercial/Residential future land use designation.***

***Upon annexation, the City will also provide other services such as fire and protection, library services, parks, and recreation. The City provides these services to other properties in the area, so efficiency will improve.***

f. *Impact on Environment:*

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

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

g. *Orderly Development Pattern:*

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

***The site is contiguous to the City limits. The annexation would create a logical development pattern as it extends the City limits to a more natural boundary in this area (SR 44 Corridor). This would further the eventual goal of a Eustis area under one local government jurisdiction.***

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

***The requested land use provides for a transition in density and intensity from City of Eustis Suburban Residential to the west.***

h. *Public Interest and Intent of Regulations:*

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

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

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

***The requested designation of MCR land use will provide for orderly growth and development. This designation would advance the public interest by potentially providing additional housing or commercial options, and the application of the LDRs to future development will ensure consistency with the community character and lifestyle of the city.***

i. *Other Matters:*

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

***No other matters.***

## 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 – Mixed Commercial Residential (MCR): This land use designation is intended to regulate the character and scale of commercial uses so as to minimize their impacts on adjacent roadways and to promote their compatibility with adjacent or nearby residential uses. General Range of Uses: This category accommodates a mix of residential, commercial, office, institutional, and schools. Public and utility services that are 5 acres or less in size are also permitted. Maximum Density: Residential densities may not exceed 12 dwelling units per net buildable acre. Intensity Range: up to 2.5 FAR subject to restrictions in Section 109-3 of the Land Development Regulations. Mix Requirements: There are proportional requirements and limitations regarding the amount of residential and non-residential uses allowable in an area designated MCR. For the mixed land use category MCR, the city establishes, and shall monitor on a citywide basis, a mix of uses as follows: Residential: 15% - 25% of total MCR acreage Commercial/Office: 75% - 85% of total MCR acreage. The composition of mix for each proposed development will be determined on a case-by-case basis during the development review process. Specific uses permitted will be monitored by the city to ensure continuity and compatibility with adjacent land uses. Individual properties may develop residentially or commercially, provided that all applicable criteria set forth herein are met. Special Provisions: (1) Future amendments to designate areas as MCR shall be permitted only along arterial and collector roads and in certain neighborhoods which meet the following conditions:
  - a. where the arterial road frontage is generally undeveloped, residential development may be feasible and will be encouraged;
  - b. strip commercial development shall be minimized, including actions that would extend or expand existing strip development;
  - c. the arterial road frontage contains an existing mix of viable commercial and residential uses;
  - d. the clustering of viable commercial businesses within or adjacent to residential neighborhoods is determined to not have a detrimental visual or operational impact on such adjacent or nearby residential uses;
 (2) Developments within the Wekiva Protection Overlay that include longleaf pine, sand hill, sand pine, and xeric oak communities shall protect these areas as dedicated open space or conservation easements, with total open space equal to at least 35% of the net buildable area.
4. Land Development Regulations Section 109-5.5(b)(1): The Suburban Neighborhood Design District has predominately residential uses with some neighborhood scale commercial services with interconnected trails, bikeways and walkways with a street framework comprised of a range of blocks permitted throughout the neighborhoods.



5. Land Development Regulations Section 109-3 (Table 1) and Section 109-2.6: T land use has a maximum density of 12 units to one acre. The MCR designation is intended to regulate the character and scale of commercial and residential uses so as to minimize their impacts on adjacent roadways and promote their compatibility with adjacent or nearby land uses, and provide for mixed-use development.

**Recommended Action:**

The administration recommends approval of Ordinance Numbers 23-02.

**Policy Implications:**

None

**Alternatives:**

1. Approve transmitting Ordinance Number 23-02 (2022-CPLUS-09) to City Commission
2. Deny transmitting Ordinance Numbers 23-02 (2022-CPLUS-09) to City Commission

**Budget/Staff Impact:**

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:**

Jeff Richardson, AICP, Deputy Development Services Director

**Reviewed By:**

Mike Lane, AICP, Development Services Director

Heather Croney, Senior Planner

## ORDINANCE NUMBER 23-02

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, AMENDING THE CITY OF EUSTIS COMPREHENSIVE PLAN PURSUANT TO 163.3187 F.S.; CHANGING THE FUTURE LAND USE DESIGNATION OF APPROXIMATELY 9.37 ACRES OF RECENTLY ANNEXED REAL PROPERTY AT ALTERNATE KEY NUMBERS 2612533 AND 2612517, GENERALLY LOCATED ON THE EAST SIDE OF STATE ROAD 44 OPPOSITE THE INTERSECTION WITH LAKE JOANNA DRIVE, FROM URBAN LOW IN LAKE COUNTY TO MIXED COMMERCIAL RESIDENTIAL 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**, the State of Florida Department of Community Affairs found the City of Eustis Comprehensive Plan 2010-2035 In Compliance pursuant to Sections 163.3184, 163.3187, and 163.3189 Florida Statutes; and

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

**WHEREAS**, the City of Eustis desires to amend the Future Land Use Map Series to change the Future Land Use designation on approximately 9.37 acres of real property located the east side of State Road 44 and across State Road 44 from its intersection with Lake Joanna Drive and more particularly described herein; and

**WHEREAS**, on January 19, 2023, the Local Planning Agency held a Public Hearing to consider the adoption of a Small-Scale Future Land Use Amendment for this change in designation; and

**WHEREAS**, on January 19, 2023, the City Commission held the 1<sup>st</sup> Adoption Public Hearing to accept the Local Planning Agency's recommendation to adopt the Small-Scale Future Land Use Amendment contained herein; and

**WHEREAS**, on February 2, 2023, the City Commission held the 2<sup>nd</sup> Adoption Public Hearing to consider the adoption of the Small Scale Future Land Use Amendment contained herein;

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

### **SECTION 1.**

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

Parcel Alternate Key: 2612533 and 2612517

Parcel Identification Numbers: 08-19-27-0004-000-04300 and 08-19-27-0004-000-03800

## Legal Description:

From the Southwest corner of the Southeast 1/4 of Section 8, Township 19 South, Range 27 East, Lake County, Florida, run thence North 89°24' East 870 feet, more or less, to the West line of Parcel "A" as described in Official Records Book 314, Page 630, public records of Lake County, Florida, run thence North 0°36' West along said West line 350.4 feet; thence South 88°43'45" West 875.47 feet, more or less to the center line of State Road No. S-44-B; thence South 1°28'30" East along said center line 340 feet to the Point of Beginning. LESS right of way of State Road No. S-44-B.

## AND:

From the Southwest corner of the SE1/4 of Section 8, Township 19 South, Range 27 East, Lake County, Florida, run thence North 89°24' East 870 feet, more or less, to the West line of Parcel "A" as described in Official Records Book 314, Page 630, Public Records of Lake County, Florida, run thence North 0°36' West along said West line 350.4 feet to the POINT OF BEGINNING; thence continue North 0°36' West along said West line 150 feet; thence South 88°43'45" West 880.3 feet to the center line of State Road No. 44-B; thence South 1°28'30" East along said center line of State Road No. 44-B 150 feet; thence North 88°43'45" East 870.47 feet, more or less, to the POINT OF BEGINNING. LESS the Right of Way for State Road No. 44-B.

## SECTION 2.

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

## SECTION 3.

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

## SECTION 4.

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

## SECTION 5.

**Effective Date:** That 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 the 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 2nd day of February 2023.

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

\_\_\_\_\_  
Michael L. Holland  
Mayor/Commissioner

**ATTEST:**

\_\_\_\_\_  
Christine Halloran, City Clerk

**CITY OF EUSTIS CERTIFICATION**

**STATE OF FLORIDA  
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this \_\_\_\_ day of February, 2023, by Christine Halloran, City Clerk, who is 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 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 23-02 is hereby approved, and I certify that I published the same by posting one (1) copy hereof at City Hall, one (1) copy hereof at the Eustis Memorial Library, and one (1) copy hereof at the Parks & Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

\_\_\_\_\_  
Christine Halloran, City Clerk

\_\_\_\_\_  
Date

Exhibit A

