

AGENDA



City of Tavares Planning & Zoning Advisory Board

September 21, 2023 -- 3:00 PM

TAVARES CITY HALL COUNCIL CHAMBERS

201 E MAIN STREET, TAVARES

I. Call to Order

II. Pledge of Allegiance

III. Approval of Minutes

1. Approval of the April 20, 2023 Planning and Zoning Board Meeting Minutes (Deputy Clerk)

IV. Swearing in by City Attorney and Disclosure of Exparte Contacts

V. Public Hearings

1. Tavares Manor Apartments - Variance - Resolution 2023-13
2. Wheeler's Parking Lot - Special Use Permit - Resolution 2023-14

VI. Other Business

VII. Audience to be heard

VIII. Adjournment

F.S. 286.0105 If a person decides to appeal any decision or recommendation made by Council with respect to any matter considered at this meeting, he will need record of the proceedings, and that for such purposes he 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.

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least two (2) working days in advance of the meeting date and time at (352) 742-6209.

**AGENDA SUMMARY
TAVARES PLANNING & ZONING ADVISORY BOARD
9/21/2023**

AGENDA TAB NO.: 1.

**SUBJECT TITLE: Approval of the April 20, 2023 Planning and Zoning Board Meeting Minutes
(Deputy Clerk)**

OBJECTIVE:

To consider approval of the April 20, 2023 Planning and Zoning Board Meeting Minutes.

SUMMARY:

Attached are the April 20, 2023 Planning and Zoning Board meeting minutes as submitted by the Deputy Clerk.

OPTIONS:

1. Move to approve the Planning and Zoning Board meeting minutes as submitted by the Deputy Clerk.
2. Move to approve the Planning and Zoning Board meeting minutes with corrections.

STAFF RECOMMENDATION:

For Board approval.

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

Yes.

ATTACHMENTS AVAILABLE TO THE PUBLIC UPON REQUEST:

1. 4-20-2023 P&Z Meeting Minutes

Attachments not provided are available to the public upon request to the City Clerk.

**CITY OF TAVARES
PLANNING AND ZONING BOARD MEETING
TAVARES COUNCIL CHAMBERS
201 E. MAIN STREET
APRIL 20, 2023**

BOARD MEMEBERS PRESENT

Gary Santoro, Chairman
Deborah Murphy, Vice-Chairman
Dian Joy, Board Member - Absent
Bruce Peterman, Board Member
Brooke Matthews, Board Member
James Sweeza, Board Member
Dara Treadwell, Board Member - Absent

LAKE COUNTY SCHOOL BOARD

Helen LaValley – Absent

STAFF MEMBERS PRESENT

Antonio Fabre – Community Development Deputy Director
Mike Fitzgerald – Community Development Director
Lindsay Holt, City Attorney
Jillian Roberts, Deputy City Clerk

CALL TO ORDER

Chairman Santoro called the meeting to order at 3:00 p.m. and asked those present to silence their cell phones. He led those present in the Pledge of Allegiance.

APPROVAL OF MINUTES

Chairman Santoro asked if there are any additions or corrections to the March 16, 2023 Planning and Zoning meeting minutes.

MOTION

James Sweeza moved to approve the minutes of the March 16, 2023 Planning and Zoning Board Meeting, seconded by Bruce Peterman. The motion carried unanimously 5-0.

SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EX PARTE COMMUNICATIONS

Attorney Holt swore in those who were present and wished to provide testimony.

Attorney Holt asked the Board Members if there were any ex-parte communications. There were none.

PUBLIC HEARING

1) **Recommendation on Ordinance 2023-09 – S&S Holdings of Florida LLC / SHREE SAI 9 Inc. – Annexation & Rezoning Approximately 0.44 Acres Located at 15226 & 15236 Old US HWY 441**

Mr. Fitzgerald gave the following presentation:

The subject property is approximately 0.44 acres located at 15226 & 15236 Old US Hwy 441, south of Old US Hwy 441, east of David Walker Drive. Both parcels of property are presently zoned as Lake County Light Industrial District (LM). The applicant is proposing that the property be annexed and rezoned to City Highway Commercial (C-2).

The proposed zoning of Highway Commercial (C-2) is compatible with the surrounding zoning and accommodates pre-existing use of the property. The property is adjacent to parcels designated as industrial and is in close proximity to residential zoning. Both parcels are developed, and each parcel contains an existing commercial building that has operated as an auto repair shop and a convenience store.

The annexation of this property has been reviewed per the City's Annexation Policy. It has been determined by City staff that the property may be property serviced by the City without undue hardship or significant negative fiscal impact on the City. City water and sewer service is available to the property, and the property owner has applied to connect to City utilities.

The City is concurrently processing a future land use map amendment to re-designate the property from Lake County Urban High Density to City of Tavares Commercial (COM) on the Future Land Use Map 2040.

Staff recommends that the Planning & Zoning Board moves to recommend approval of Ordinance 2023-09 annexation and rezoning to Highway Commercial (C-2) approximately 0.44 acres of property located at 15226 & 15236 Old US Hwy 441.

Chairman Santoro asked for comments from the public. There were none.

Chairman Santoro asked for comments from the Board. There were none.

MOTION

James Sweeza moved to recommend approval of Ordinance 2023-09, seconded by Brooke Matthews. The motion carried unanimously 5-0.

2) **Recommendation on Ordinance 2023-01 – S&S Holdings of Florida LLC / SHREE SAI 9 Inc. – SSFLUM Amendment of Approximately 0.44 Acres Located at 15226 & 15236 Old US Hwy 441**

Mr. Fitzgerald gave the following presentation:

The subject property is located at 15226 & 15236 Old US Hwy 441, south of Old 441, east of David Walker Dr., and is approximately 0.44 acres in size. Each parcel of property has one (1) building and has a land use designation of Lake County Urban High Density. The property owner is requesting an amendment to the Tavares Comprehensive Plan Future Land Use Map 2040 to

change the designation of said property from Lake County Urban High Density to City Commercial (COM).

Ordinance 2023-10 proposes a small-small scale amendment to the Future Land Use Map 2040 of the Comprehensive Plan from Lake County Urban High Density to City Commercial (COM).

The subject property is adjacent to a mixture of industrial, commercial, and residential uses. An application to annex and rezone this property to a Highway Commercial (-2) designation is concurrently under consideration.

The city is required to place a future land use designation on annexed property. The subject property is currently designated Lake County Urban High Density. A Commercial (COM) designation is compatible with surrounding property and County Future Land Use.

The land surrounding this property is residential, commercial, and industrial in nature.

The property currently contains one (1) building on each parcel.

The subject property is located in the City's Utility Service Boundary Area. The City of Tavares has municipal water and waste water utility service available for the subject parcel. The City's Concurrency Management System will ensure that Levels of Service (LOS) will not be degraded beyond the adopted levels of service for all regulated public facilities. Adverse impacts on Levels of Service are not implicated.

This amendment request is considered to be in compliance with the Comprehensive Plan Goals, Objectives and Policies with the following findings:

- 1) A commercial (COM) Future Land Use designation would serve as the most appropriate land use for the subject property in accordance with Future Land Use policy 1-1.1.*
- 2) Impacts of any proposed development of the subject property shall be monitored through the City's Concurrency Management System (Comp. Plan, Chapter 8).*

Staff recommends that the Planning & Zoning Board moves to recommend approval of Ordinance 2023-10, a Future Land Use Map amendment from Lake County Urban High Density to City Commercial (COM) for 0.44 acres of property located at 15226 & 15236 Old US Hwy 441.

Chairman Santoro asked for comments from the public. There were none.

Chairman Santoro asked for comments from the Board. There were none.

MOTION

James Sweezea moved to recommend approval of Ordinance 2023-10, seconded by Deborah Murphy. The motion carried unanimously 5-0.

- 3) Recommendation on Ordinance 2023-01 – TPO-FL, LLC – Rezoning of Approximately 01.05 Acres Located South of Madison Street, West of Orange Ave.**

Mr. Fitzgerald gave the following presentation:

The subject property consists of approximately 01.05 acres of property located south of Madison Street, west of Orange Avenue. The property is currently zoned as Residential Single Family (RSF-1), and the applicant is proposing that the property be rezoned to Highway Commercial (C-2).

The proposed zoning of Highway Commercial (C-2) is compatible with the commercial zoning that abuts the subject property and US Hwy 441. The applicant at this time envisions the demolition of existing structures, and the construction of a new convenience store with fuel pumps. The proposed use is allowable under the Highway Commercial (C-2) zoning. The site will be designed with access points on US Hwy 441 and Orange Avenue and will include landscape buffering per the City's Land Development Regulations. The total site construction area is 01.99 acres, which includes property abutting US Hwy 441 already zoned as Highway Commercial (C-2) and the 01.05 acres of property under consideration for rezoning.

The environmental assessment submitted by Stonefield Engineering & Design, LLC does not indicate any adverse impact on the level of service for surrounding roadways with the inclusion of certain roadway improvements such as modifications to the turn lanes on US Hwy 441 and Orange Avenue.

Development of the property will be in accordance with the City's Land Development Regulations. Prior to the issuance of any Building Permits for this property, compliance with all applicable regulations will be required.

The City is concurrently processing a future land use map amendment to re-designate the property from Residential Low Density (LOW) to Commercial (COM) on the Future Land Use Map 2040.

Staff recommends that the Planning & Zoning Board moves to recommend approval of Ordinance 2023-01 rezoning approximately 01.05 acres of property located south of Madison Street, west of Orange Avenue from Residential Single Family (RSF-1) to Highway Commercial (C-2).

Chairman Santoro asked for comments from the public.

Michael Pennell, Stonefield Engineering & Design, LLC, 400 N. Ashley Dr, Tampa, FL, Applicant, gave a brief overview of the project.

Christian Landa, 701 Madison Street, noted he owns and lives at the residential property directly next to the subject property. He stated his concerns about increased traffic, drug activity, and decreased property value. He noted the presence of numerous children in the neighborhood and safety concerns.

Bill Millikin, 707 Madison St, noted the concern of speed, level of traffic, and Semi-trucks traveling on Madison Street. He stated he would like speed bumps in the neighborhood regardless of development.

Jamie Reid, 720 Madison St, noted she agrees with all comments previously made and stated there is too much traffic currently. Stated her disapproval of the project.

Chairman Santoro closed public comment.

Board Member Peterman agreed with previous comments and noted his concern pertaining to the level of traffic and traffic patterns. He stated adding a gas station will add to the traffic congestion and noted he was not certain if it is an ideal place for a gas station.

Board Member Matthews asked for the size of the full property and an explanation of the wall. Mr. Fitzgerald stated the size of the total property size is 01.99 acres. He stated a 6-foot wall would be built between the property and the residential area and would be subject to landscape regulations.

Mr. Pennell stated there would be no access on Madison Street to the subject property.

Board Member Sweeza noted traffic concerns on Madison Street and Orange Avenue.

Vice-Chairman Murphy noted her concern about volume of traffic in the area and the location of the project.

Chairman Santoro stated he agrees with the Board Members' comments and noted it is not the right place for the project. He asked where the fuel tanks and valves will be located and what it would take for no commercial vehicles to drive on Madison Avenue. Mr. Pennell stated the gas tanks will be located at the southernmost point of the property and will be vented on US Hwy 441.

Mr. Fitzgerald stated the site plan has not been submitted to date and he would look into no commercial vehicles on Madison Avenue.

MOTION

Deborah Murphy moved to deny recommendation on Ordinance 2023-01, seconded by Brooke Matthews.

Chairman Santoro noted his concern for the health, safety, and well-being of the residents and asked to have the motion amended with that stated. Vice-Chairman Murphy confirmed.

Mr. Pennell stated the traffic study was approved.

Board Member Sweeza noted his concern is traffic, not Wawa.

MOTION

Deborah Murphy moved to deny recommendation on Ordinance 2023-01 for the health, safety, and well-being of the residents, seconded by Brooke Matthews. The motion carried unanimously 5-0.

4) Recommendation on Ordinance 2023-03 – TPO-FL, LLC – SSSFLUM Amendment of Approximately 01.05 Acres Located South of Madison Street, West of Orange Avenue.

Mr. Fitzgerald gave the following presentation:

The subject property is located south of Madison Street, west of Orange Avenue, and is approximately 01.05 acres in size. The land presently has (1) building and has a land use designation of Low Density (LOW). The property owner is requesting an amendment to the Tavares Comprehensive Plan Future Land Use Map 2040 to change the designation of said property from Low Density (LOW) to Commercial (COM).

Ordinance 2023-02 proposes a small-scale amendment to the Future Land Use Map 2040 of the Comprehensive Plan from Low Density (LOW) to Commercial (COM).

The subject property is adjacent to a mixture of residential and commercial uses. An application to rezone this property to Highway Commercial (C-2) designation is concurrently under consideration.

The city is required to place a future land use designation on annexed property. The subject property is currently designated Low Density (LOW). A commercial (COM) designation is compatible with surrounding property and County future land use.

The land surrounding this property is residential and commercial in nature.

The property currently contains one (1) building.

The subject property is located in the City's Utility Service Boundary Area. The City of Tavares has municipal water and waste water utility services available for the subject parcel. The City's Concurrency Management System will ensure that Levels of Services (LOS) will not be degraded beyond the adopted levels of service for all regulated public facilities. Adverse impacts on Levels of Service are not implicated.

This amendment request is considered to be in compliance with the Comprehensive Plan Goals, Objectives and Policies with the following findings:

- 1) A Commercial (COM) Future Land Use designation would serve as the most appropriate land use for the subject property in accordance with Future Land Use policy 1-1.1.*
- 2) Impacts of the proposed development of the subject property shall be monitored through the City's Concurrency Management System (Comp Plan, Chapter 8).*

Staff recommends that the Planning & Zoning Board moves to recommend approval of Ordinance 2023-02, a Future Land Use Map amendment from Low Density (LOW) to Commercial (COM) for 01.05 acres located south of Madison Street, west of Orange Avenue.

Chairman Santoro asked for comments from the public. There was none.

Chairman Santoro asked for comments from the Board.

Chairman Santoro asked for clarification if Ordinance 2023-02 would have to be denied as well. Attorney Holt stated it is not required to be denied.

Board Member Sweeza noted a preference to approve Ordinance 2023-02.

Vice-Chairman Murphy stated her preference to keep the subject property as residential zoning.

MOTION

James Sweeza moved to deny the recommendation of Ordinance 2023-02, seconded by Bruce Peterman. The motion carried unanimously 5-0.

OTHER BUSINESS

None.

PUBLIC COMMENT

Bill Millikin thanked the Planning and Zoning Board.

ADJOURNMENT

MOTION

James Sweeza moved to adjourn the meeting at 3:42 p.m., seconded by Brooke Matthews. The motion carried unanimously 5-0.

Respectfully Submitted,

Jillian Roberts,
Deputy City Clerk

AGENDA SUMMARY
TAVARES PLANNING & ZONING ADVISORY BOARD
9/21/2023

AGENDA TAB NO.: 1.

SUBJECT TITLE: Tavares Manor Apartments - Variance - Resolution 2023-13

OBJECTIVE:

To consider a variance for an increase in height from the allowed 50' to 65' for the proposed Tavares Manor Apartments development.

SUMMARY:

On July 20, 2022, the City Council considered and approved the annexation, rezoning (Ordinance 2022-06) and future land use map amendment (Ordinance 2022-07). Approval of subsequent actions allows the applicant to submit a development plan in accordance with the provisions of the City's Land Development Regulations. At this time, the applicant has submitted a variance request for an increase in height from the permitted maximum height of 50' to a maximum height of 65' for the proposed Tavares Manor Apartments development.

The subject property is approximately 19.81 acres located at the northwest corner of Mt. Homer Rd. and East Burleigh Blvd. The applicant is proposing to construct seven (7) four-story buildings instead of the originally envisioned ten (10) three-story buildings. The proposed buildings will consist of forty-eight (48) units each totaling 336 residential apartments, together with recreational amenities including a clubhouse and swimming pool. The concept plan and building concept elevations are attached for your review and consideration.

The subject property is in close proximity to AdventHealth Waterman hospital which is currently a 7-story (maximum height of 100' per PD) building and the Eustis Village shopping center. Across the highway on East Burleigh Blvd, the PD for Lakeview Center, permits a maximum height of 65', which includes the existing (5) five-story Comfort Inn & Suites. Therefore, it is staff's opinion that the height variance request is appropriate for the proposed development.

OPTIONS:

1. That the Planning & Zoning Board moves to recommend approval Resolution 2023-13, a height variance from the allow for a 65' height maximum for the Tavares Manor Apartment project.
2. That the Planning & Zoning Board moves to recommend denial of the proposed Resolution 2023-13.

STAFF RECOMMENDATION:

Staff recommends that the Planning & Zoning Board recommend approval of Resolution 2023-13, a height variance allowing for a maximum height of 65', for the Tavares Manor Apartment development.

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

This resolution has been reviewed by the City Attorney and approved for legal sufficiency.

ATTACHMENTS AVAILABLE TO THE PUBLIC UPON REQUEST:

1. Resolution 2023-13 - Tavares Manor Height Variance
2. Aerial Map
3. Concept Plan
4. Tavares Manor 4-Story Elevation
5. Newspaper Ad

AGENDA SUMMARY
TAVARES PLANNING & ZONING ADVISORY BOARD
9/21/2023

AGENDA TAB NO.: 2.

SUBJECT TITLE: Wheeler's Parking Lot - Special Use Permit - Resolution 2023-14

OBJECTIVE:

To consider a petition for a Special Use Permit for a Parking Lot proposed to be located at 313 Dora Avenue

SUMMARY:

On June 19, 2019, the City Council considered and approved the rezoning (Ordinance 2019-12) and future land use map amendment (Ordinance 2019-13) for the subject property in order to allow the applicant to submit a commercial development plan in accordance with the provisions of the City's Land Development Regulations. The envisioned commercial development never came to fruition. At this time, the applicant has submitted an application for a Special Use Permit to operate a Parking Lot at 313 Dora Avenue. The subject property is located west of Dora Avenue, north of Old US Hwy-441, and is approximately 1.23 acres in size. The property is owned by Mark & Kathy Wheeler, and is currently vacant with a single-family dwelling unit. The subject property is within the General Commercial (C-1) zoning district, which requires a Special Use Permit from City Council to allow a public parking lot.

The property owner is proposing to provide a secured fenced area of the property to allow vehicles, boat trailers and RVs to park for rent or fee. The owner has included a Special Use Plan that has a list of conditions of approval which include installation of the required landscaping after approval of the Special Use Permit. The Special Use Plan is attached for your review and consideration. The property is contiguous to existing commercial (C-1) zoning, and is surrounded by a mixture of commercial, multi-family, and one single-family property. It is staff's opinion that the proposed parking lot is an appropriate use of the property.

OPTIONS:

1. That the Planning & Zoning Board moves to recommend approval Resolution 2023-14, Special Use Permit for a Parking Lot located at 313 Dora Avenue, subject to the Special Use Plan.
2. That the Planning & Zoning Board moves to recommend denial of the proposed Resolution 2023-14.

STAFF RECOMMENDATION:

Staff recommends that the Planning & Zoning Board recommend approval of Resolution 2023-14, Special Use Permit for a Parking Lot located at 313 Dora Avenue, subject to the conditions outlined in the Special Use Plan.

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

This resolution has been reviewed by the City Attorney and approved for legal sufficiency.

ATTACHMENTS AVAILABLE TO THE PUBLIC UPON REQUEST:

1. Resolution 2023-14 - Rental Parking Lot - Special Use
2. Aerial Map
3. Newspaper Ad