



City of Tavares Planning and Zoning Board

August 15, 2019 -- 3 P.M.

Tavares Council Chambers

I. Call to Order

II. Pledge of Allegiance

III. Approval of Minutes

Approval of July 18, 2019 Planning & Zoning Board Minutes

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

V. Public Hearings

1. **Amsdell Storage Ventures, LLC** - Rezoning approximately 11.55 acres of property generally located East of State Road 19, West of County Road 561, approximately 140 feet north of Dailey Drive from Planned Development (PD) to Industrial (I).

Recommendation on Ordinance 2019-17

VI. Other Business

VII. Audience to be heard

VIII. Adjournment

F.S.286.0105 states that if a person decides to appeal any decision or recommendation made by the Planning & Zoning Board, or the Tavares City Council with respect to any matter considered at this meeting, that for such purpose 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.

**CITY OF TAVARES
PLANNING AND ZONING BOARD MEETING
TAVARES COUNCIL CHAMBERS
201 E. MAIN STREET, TAVARES
May 16, 2019**

BOARD MEMBERS PRESENT

Gary Santoro, Chairman
Lou Buigas, Board Member, Vice-Chairman
Gary Koerner, Board Member
Deborah Murphy, Board Member
Morris Osborn, Board Member - Absent
William Stomp, Board Member
Dara Treadwell, Board Member - Absent

LAKE COUNTY SCHOOL BOARD

Helen LaValley - Absent

STAFF MEMBERS PRESENT

Bob Williams, City Attorney
Mike Fitzgerald, Community Development Director
Antonio Fabre, Planning Coordinator
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 for the May 16, 2019 Planning and Zoning Board Meeting minutes. There were none.

MOTION

William Stomp moved to approve the minutes of the May 16, 2019 Planning and Zoning Board Meeting, seconded by Lou Buigas. The motion carried unanimously 5-0.

Attorney Williams gave the Board an overview of voting rules and regulations.

SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EXPARTE COMMUNICATIONS

Attorney Williams gave the oath to those who wished to provide testimony.

PUBLIC HEARING

1) Ordinance 2019-15 - Stokes Groves, Inc. – Rezoning approximately 33.15 acres of property generally located west of David Walker Dr., south of Merry Rd. from County Urban Residential (R-6) to Residential Single Family (RSF-2)

Mr. Fitzgerald provided the following staff report;

The subject property consists of approximately 33.15 acres located west of David Walker Drive, south of Merry Road. The property is currently owned by Stokes Groves of Eustis, Inc. and contains one single family home with the majority of the acreage being an orange grove. On December 17, 2008, City Council approved the annexation of the property and the designation of a City Mixed Use Neighborhood (MUN) future land use. At the time of annexation the property owner elected to defer applying for a City zoning until such time that the property was considered for development. The applicant is requesting a rezoning from County Urban Residential (R-6), which is under County code allows medium density single family housing, to City Residential Single Family (RSF-2). The property is surrounded by a mixture of multi-family and single family residential property. The applicant is requesting the rezoning with the intention of proposing at a future date a residential subdivision Plat consisting of 121 single family homes on lots having a width of 60 feet, and a minimum square footage of 6,500 square feet. Preliminary and Final Plats must go before City Council for consideration and approval.

Any 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.

A traffic study was submitted to the City of Tavares indicating that surrounding roadways will operate at adequate level of service at buildout of the proposed development. The City's engineering consultant, Griffey Engineering, Inc., reviewed the traffic study and had no objection to the study's methodology.

The property owner has reserved school capacity for 41 students.

The underlying Future Land Use designation of Mixed Use Neighborhood (MUN), approved by Ordinance 2008-40 on May 20, 2008, does not change and is compatible with the requested RSF-2 zoning district.

Staff recommends that the Planning & Zoning Board moves to recommend approval of Ordinance 2019-15 rezoning approximately 33.15 acres of property located west of David Walker Drive, south of Merry Road from County Urban Residential (R-6) to City Residential Urban (REF-2).

Chairman Santoro asked if there were any questions.

Chuck Hoitt, BESH, Applicant and Engineer for project, stated he was open for questions. There were none.

Don Kehr, Deer Island Road, noted his concern of following the Comprehensive Plan.

There were no comments or questions from the Board.

MOTION

William Stomp moved to recommend approval of Ordinance 2019-15, Seconded by Lou Buigas. The motion carried unanimously 5-0.

2) Ordinance 2019-16 – Shanti Niketan FL, LLC – Rezoning approximately 20.71 acres of property generally located south of Slim Haywood Ave., north of Camp Road., West of SR-19 from Residential Multi-Family (RMF-3) to Residential Multi-Family (RMF-2)

Mr. Fitzgerald provided the following staff report;

The subject property consists of approximately 20.71 acres south of Slim Haywood Ave., north of Camp Rd., west of SR-19. The property is owned by Shanti Niketan FL, LLC, and is currently vacant. The applicant is proposing to rezone the property from Residential Multi-Family (RMF-3) to Residential Multi-Family (RMF-2), which is less intensive zoning that allows the construction of single family homes, duplexes and townhomes. Shanti Niketan has primarily been developed in previous phases as an age restricted, multi-family condominium community, but the property owner has expressed an interest in providing single family housing as an option. The property is surrounded by a mixture of multi-family and single family property.

Any 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 project compliance with all applicable regulations will be required.

The underlying Future Land Use designation of Moderate Density (MOD) that was approved by Ordinance 2015-02 of April 15, 2015, does not change and is compatible with the requested RMF-2 zoning district.

Staff recommends that the Planning & Zoning Board moves to approve the recommend approval of Ordinance 2019-16 rezoning approximately 20.71 acres of property located south of Slim Haywood Ave., north of Camp Rd., west of SR-19 from Residential Multi-Family (RMF-3) to Residential Multi-Family (RMF-2).

Chairman Santoro asked if there were any questions or comments from the audience.

Chuck Hoitt, B.E.S.H., Applicant and Civil Engineer for the project, stated he is available for questions.

Don Kehr, Deer Island Road, noted his concerns regarding zoning.

Teresa Kehr, Deer Island Road, noted her concerns regarding community restrictions such as age and ethnicity or religion.

Mr. Hoitt stated the residents that reside at Shanti Niketan are not of a certain religion or race.

Mr. Stomp asked if Valhalla Drive will cut through to Harwood Drive and if Camp Road will be paved. Mr. Hoitt said there will be no cut through and the paving for Camp Road will be submitted for approval.

Ms. Buigas asked if the development will be 55 and older community. Mr. Hoitt confirmed.

Mr. Keorner asked for clarification on zoning for properties.

Mr. Fitzgerald stated the property is located in the City of Tavares city limits and the Future Land Use is residential development with a zoning of RMF-3. What is being proposed is a rezoning to a less intensive zoning.

Attorney Williams stated there is a Federal Fair Housing Statute that prohibits discrimination in the sale of any public housing based on race, religion and ethnicity and is enforced at a federal level. Attorney Williams provided case law examples. He referenced State of Florida vs. New Symrna Beach where the courts realigned the planning and zoning process in 1996. He stated that a property owner has the right to develop their property within the guidelines of the ordinances and comprehensive plan of the city.

Mr. Koerner stated that Florida and the city will continue to experience growth.

Ms. Murphy asked if there are any consequences by not following the Comprehensive Plan concerning the growth numbers (population). Attorney Williams there cannot be a population cap.

Chairman Santoro asked if the board had any questions. There were none.

MOTION

William Stomp moved to recommend approval of Ordinance 2019-16, Seconded by Gary Koerner. The motion carried unanimously 5-0.

OTHER BUSINESS

There was none.

PUBLIC COMMENT

Mr. Kehr noted his concern of the ISBA and land use.

Chairman Santoro stated that the growth is inevitable and noted his concern of the infrastructure and the ultimate decision is with City Council.

Ms. Buigas and Mr. Stomp thanked Mr. and Mrs. Kehr for their input.

ADJOURNMENT

Lou Buigas moved to approve to adjourn the meeting at 3:47 p.m., seconded by Gary Koerner. The motion carried unanimously 5-0.

Respectfully submitted,

Jillian Roberts,
Deputy City Clerk

**AGENDA SUMMARY
TAVARES PLANNING & ZONING BOARD
AUGUST 15, 2019**

AGENDA TAB NO. _____

SUBJECT TITLE: Ordinance 2019-17 Amsdell Storage Ventures, LLC - Rezoning 11.55 acres

OBJECTIVE:

To consider the rezoning of approximately 11.55 acres of property located east of SR-19, west of CR-561, approximately 140 feet north of Dailey Dr. from Planned Development (PD) to Industrial (I).

SUMMARY:

The subject property consists of approximately 11.55 acres located east of SR-19, west of CR-561, approximately 140 feet north of Dailey Drive. The property is currently owned by Amsdell Storage Ventures XXXIV, LLC and contains one (1) commercial building, nine (9) self-storage mini warehouse buildings, and approximately three (3) acres of vacant land. The property is zoned as a Planned Industrial Development (PD) per Ordinance 1998-10, amended by Ordinances 2004-18 & 2017-19 allowing a mixture of commercial uses and industrial storage uses. The owner of the property wishes to eliminate the commercial portion and convert the building to additional personal storage capacity. In addition the owner is proposing to construct new mini-warehouse storage buildings and RV & boat parking areas on the vacant parcels. The applicant is requesting a rezoning from Planned Development (PD) to Industrial (I) as result of eliminating the commercial aspect and proposing increased industrial storage use that is limited under the current Planned Development. The property is surrounded by a mixture of industrial, commercial, and residential property.

Any 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 underlying Future Land Use designation of Industrial (IND) does not change and is compatible with the requested Industrial (I) zoning district.

OPTIONS:

1. That the Planning & Zoning Board moves to recommend approval of Ordinance 2019-17 rezoning of approximately 11.55 acres of property located east of SR-19, west of CR-561, approximately 140 feet north of Dailey Dr. from Planned Development (PD) to Industrial (I).
2. That the Planning & Zoning Board moves to recommend denial of Ordinance 2019-17.

STAFF RECOMMENDATION:

Staff recommends that the Planning & Zoning Board moves to recommend approval of Ordinance 2019-17 rezoning of approximately 11.55 acres of property located east of SR-19, west of CR-561, approximately 140 feet north of Dailey Dr. from Planned Development (PD) to Industrial (I).

FISCAL IMPACT: N/A

LEGAL SUFFICIENCY: This ordinance has been reviewed by the City Attorney and approved for legal sufficiency.

ORDINANCE 2019-17

AN ORDINANCE OF THE CITY OF TAVARES REZONING APPROXIMATELY 11.55 ACRES OF PROPERTY GENERALLY LOCATED EAST OF STATE ROAD 19, WEST OF COUNTY ROAD 561, APPROXIMATELY 140 FEET NORTH OF DAILEY DRIVE FROM PLANNED DEVELOPMENT (PD) TO INDUSTRIAL (I); SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owners of the property legally described in “**Exhibit A**” of this Ordinance have applied for the rezoning of this land from Planned Development (PD) to Industrial (I); and

WHEREAS, properties within this area are primarily developed for commercial, industrial, and residential use; and

WHEREAS, the City of Tavares has advertised in accordance with Florida State 166.041 for two public hearings, as is its option, prior to adoption of this ordinance; and

WHEREAS, the City of Tavares held these duly noticed public hearings before the Planning and Zoning Board and the City of Tavares City Council, providing opportunity for individuals to hear and to be heard regarding the proposed amended zoning; and

WHEREAS, the City Council has reviewed and considered all relevant evidence, information and testimony presented by witnesses, the public, and City staff; and

WHEREAS, the City Council finds this amendment in compliance with the City of Tavares' Land Development Regulations and Comprehensive Plan; now therefore

BE IT ORDAINED by the City Council of the City of Tavares, Florida, as follows:

Section 1. Rezoning

The said properties, as legally defined in **Exhibit “A”**, attached hereto and made a part herewith, are hereby rezoned from Planned Development (PD) to Industrial (I).

Section 2. Severability.

Upon a determination by a court of competent jurisdiction that a portion of this ordinance is void, unconstitutional, or unenforceable, all remaining portions shall remain in full force and effect.

Section 3. Effective Date.

This Ordinance shall take effect immediately upon its final adoption by the Tavares City Council.

PASSED AND ORDAINED this _____ of _____, 2019, by the City Council of the City of Tavares, Florida.

Troy Singer, Mayor
Tavares City Council

First Reading: _____

Passed Second Reading: _____

ATTEST:

Susie Novack, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Robert Q. Williams
City Attorney

Exhibit A Legal Description

Parcel 1: Parcel ID: 06-20-26-000100001200 and Parcel ID: 06-20-26-000100001601

That part of the South 1/2 of the North 1/2 of Government Lot 7 lying East of the Easterly line of the right of way of State Road No. 19; LESS the right of way of State Road No. 561; and that part of the North 1/2 of Government Lot 8 lying Southwest of the Southwesterly line of the right of way of State Road No. 561, all lying and being in Section 6, Township 20 South, Range 26 East, in Lake County, Florida.

Parcel 3: Parcel ID: 06-20-26-000100001104

That part of Government Lot 7 in Section 6, Township 20 South, Range 26 East in Lake County, Florida, bounded and described as follows: From the point of intersection of the North line of said Government Lot 7, with the Easterly line of the right of way of State Road No. 19, run East along the North line of said Government Lot 7, a distance of 150 feet; thence Southerly and parallel with the Easterly line of the right of way of said State Road No. 19, a distance of 327.55 feet, more or less, to the South line of the North 1/4 of said Government Lot 7; thence East along the South line of the North 1/4 of said Government Lot 7, a distance of 339.53 feet to the point of beginning of this description. From said point of beginning, run thence North 100 feet; thence East and parallel with the South line of the North 1/4 of said Government Lot 7, a distance of 217.80 feet; thence South 100 feet to the South line of the North 1/4 of said Government Lot 7; thence West along the South line of the North 1/4 of said Government Lot 7 to the point of beginning.

TOGETHER with an easement for ingress and egress over the following described parcel: From the point of intersection of the North line of said Government Lot 7, with the Easterly line of the right of way of State Road No. 19, run East along the North line of said Government Lot 7, a distance of 150 feet; thence Southerly and parallel with the Easterly line of the right of way of said State Road No. 19, a distance of 327.55 feet, more or less, to the South line of the North 1/4 of said Government Lot 7; thence East along the South line of the North 1/4 of said Government Lot 7, a distance of 557.33 feet; thence North 100 feet; to the point of beginning of said easement; thence East and parallel with the South line of the North 1/4 of said Government Lot 7, a distance of 175.67 feet to a point on the Westerly line of the right of way of State Highway No. 561; said point being hereby designated as Point "A"; begin again at the point of beginning and run South 15 feet; thence East parallel with the South line of the North 1/4 of said Government Lot 7 to a point on the Westerly line of the right of way of State Highway No. 561; thence Northwesterly along the Westerly line of said right of way to the above designated Point "A".

Parcel 4: Parcel ID: 06-20-26-000100001108

That part of Government Lot 7, in Section 6, Township 20 South, Range 26 East, in Lake County, Florida, bounded and described as follows: From the point of intersection of the North line of said Government Lot 7 with the Easterly line of the right-of-way of State Road No. 19, run East along North line of said Government Lot 7, a distance of 150 feet; thence Southerly and parallel with the Easterly line of the right-of-way of State Road No. 19 a distance of 327.55 feet, more or less, to the South line of the N 1/4 of Government Lot 7; thence East along the South line of the N 1/4 of Government Lot 7, a distance of 339.53 feet to point of beginning of this description; thence North 100 feet, thence West and parallel with the South line of the N 1/4 of Government Lot 7, a distance of 142.58 feet, thence South 100 feet to a point on the South line of the N 1/4 of Government Lot 7, thence East along the South line of the N 1/4 of Government Lot 7, a distance of 142.58 feet to point of beginning.

Also:

An easement for ingress and egress 12 feet in width lying 6 feet on each side of the following described centerline to wit: Begin at a point on the East right-of-way line of State Road No. 19 that is 206 feet South along said right-of-way line from the North line of Government Lot 7, Section 6, Township 20 South, Range 26 East, in Lake County, Florida, run thence East parallel to the North line of said Government Lot 7, a distance of 344 feet, thence South parallel to said East right-of-way line of State Road No. 19, a distance of 40 feet to the end of this easement.

Parcel 5: Parcel ID: 06-20-26-000100001100

From the point of intersection of the North line of Government Lot 7, Section 6, Township 20 South, Range 26 East, Lake County, Florida, with the Westerly right of way of State Road 561; run West to a point 350 feet East of the Easterly right of way of State Road 19; thence South 01°45'00" East 227.49 feet; East to a point 229.47 feet West of the Westerly right of way of State Road 561; thence North 9°39'30" West 20.35 feet; thence North 64°05'00" East 149.35 feet; thence North 53°26'00" East 29.73 feet to the Westerly right of way of State Road 561; thence Northwesterly along the Westerly right of way of said Highway 561 to the point of beginning

TOGETHER WITH

A portion of that parcel of land as described in Official Records Book 525, Page 768, Public Records, Lake County, Florida, being more particularly described as follows:

That part of Government Lot 7 in Section 6, Township 20 South, Range 26 East in Lake County, Florida, bounded and described as follows: From the point of intersection of the North line of said Government Lot 7, with the Easterly line of the right of way of State Road No. 19, run thence East along the North line of said Government Lot 7, a distance of 150 feet; thence Southerly and parallel with the Easterly line of the right of way of State Road No. 19, a distance of 327.55 feet, more or less, (332.02 actual) to the South line of the North 1/4 of said Government Lot 7; thence East along the South line of the North 1/4 of said Government Lot 7, a distance of 557.33 feet (557.19' actual); thence North, a distance of 100 feet (104.36 feet actual) to the point of beginning of this description, said point being a 1/2" iron rod (no identification). From said point of beginning, run thence West and parallel with the South line of the North 1/4 of said Government Lot 7, a distance of 53.78 feet to a 1/2" iron rod (no identification); thence North 09°39'30" West, a distance of 20.35 feet to a 1/2" iron rod (no identification); thence North 64°05'00" East, a distance of 63.69 feet to a 5/8" iron rod labelled LB 6676; thence South, a distance of 48.00 feet to the point of beginning.

