



AGENDA

City of Tavares Planning and Zoning Board

December 19, 2019 -- 3 P.M.

Tavares Council Chambers

- I. Call to Order**
- II. Pledge of Allegiance**
- III. Approval of Minutes**
Approval of November 21, 2019 Planning & Zoning Board Minutes
- IV. Swearing in by City Attorney and Disclosure of Exparte Contacts**
- V. Public Hearings**
 - 1. **102 W. Main St** - Demolition Request for a Building Listed on the Local Register of Historic Places Located at 102 W. Main Street
Recommendation on Certificate of Appropriateness
 - 2. **12549 Lane Park Cutoff** - Annexing approximately 1.50 acres of land located at 12549 Lane Park Cutoff, rezoning said property from Lake County light industrial district (LM) to City of Tavares Industrial (I).
Recommendation on Ordinance 2020-01
 - 3. **12549 Lane Park Cutoff** – SSFLUM providing for a change of future land use designation on approximately 1.50 acres of land located at 12549 Lane Park Cutoff; from County Urban Low Density to City Industrial (IND)
Recommendation on Ordinance 2020-02
- 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
NOVEMBER 21, 2019**

BOARD MEMBERS PRESENT

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

LAKE COUNTY SCHOOL BOARD

Helen LaValley - Absent

STAFF MEMBERS PRESENT

Mike Fitzgerald, Community Development Director
Robert Q. Williams, City Attorney
Susie Novack, City Clerk
Antonio Fabre, Planning Coordinator

I. CALL TO ORDER

Chairman Santoro called the meeting to order at 3:00 p.m. He asked those present to silence their cell phones.

II. PLEDGE OF ALLEGIANCE

Chairman Santoro led those present in the Pledge of Allegiance.

III. APPROVAL OF MINUTES

Chairman Santoro asked if there are any additions or corrections to the August 15, 2019 Planning and Zoning Board Meeting minutes. There were none.

MOTION

Morris Osborne moved to approve the August 15, 2019 Planning and Zoning Board meeting minutes, seconded by Dara Treadwell. The motion carried unanimously 5-0.

IV. SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EXPARTE COMMUNICATIONS

Attorney Williams gave the oath to those who wished to provide testimony. He asked the Board members if they had any ex-parte communications to disclose. There were none.

V. PUBLIC HEARING

1) Recommendation on Ordinance 2019-19 - 15219 & 15221 Old US Hwy 441 – Annexation and Rezoning of approximately 0.35 acres; from Lake County Light Industrial District (LM) to City of Tavares Residential Multi-Family (RMF-2)

Mr. Fitzgerald provided the following staff report;

The subject property is located at 15219 & 15221 Old US-Hwy 441 and is approximately 0.35 acres in size. The land is presently zoned as County Light Industrial District (LM), and the applicant is proposing that the property be annexed and rezoned to Residential Multi-Family (RMF-2).

The proposed zoning of Residential Multi-Family (RMF-2) is compatible with the surrounding zoning and the existing multi-family use of the property.

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 properly serviced by the City without undue hardship or significant negative fiscal impact to the City.

The owner is concurrently seeking a Future Land Use Map amendment to Medium Density (MED). Medium Density (MED) land use is compatible with the proposed RMF-2 zoning. Staff recommends approval.

Chairman Santoro inquired about the applicant. Mr. Fitzgerald confirmed the applicant is Gene Smith.

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

Chairman Santoro asked why the applicant is requesting to annex into the City of Tavares when the surrounding property is located in the county. Mr. Fitzgerald said the property is contiguous to the City to the north. He noted it is a voluntary annexation and the applicant is applying for water utility connection.

MOTION

Morris Osborne moved to recommend approval of the annexation and rezoning [Ordinance 2019-19], Seconded by Dara Treadwell. The motion carried unanimously 5-0.

2) Recommendation on Ordinance 2019-20 - Old US Hwy 441 – Small Scale FLUM of approximately 0.35 acres; from Lake County Light Industrial District (LM) to City of Tavares Residential Multi-Family (RMF-2)

Mr. Fitzgerald made the following presentation:

The subject property is located at 15219 & 15221 Old US Hwy 441, and is approximately 0.35 acres in size. The land presently has a land use designation of County Urban High Density, and the property owner is requesting an amendment to the Tavares Comprehensive Plan Future Land Use Map 2020 to change the designation of said property from Lake County Urban High Density to City of Tavares Medium Density (MED).

Ordinance 2019-20 proposes a small scale amendment to the Future Land Use Map 2020 of the Comprehensive Plan from County Urban High Density to City Medium Density (MED). The subject property is adjacent to residential and commercial uses. An application to annex and rezone this property to a Residential Multi-Family (RMF-2) designation is concurrently under consideration.

Future Land Use Amendment

The city is required to place a future land use designation on annexed property. The subject property is currently designated County Urban High Density. A City Medium Density (MED) designation is compatible with surrounding property and the existing County Future Land Use. Compatibility Lands surrounding this property are residential and commercial in nature.

Site Conditions

A multi-family duplex home is currently on the property. Impact on City Services 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.

FINDINGS

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

- 1. A Medium Density (MED) Future Land Use designation would serve as the most appropriate land use for the subject property in accordance with Future Land Use policy 1-1.1.6.*
- 2. Impacts of the subject property shall be monitored through the City's Concurrency Management System. (Comp Plan, Chapter 8)*

Staff recommends approval of Ordinance 2019-20.

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

MOTION

Morris Osborne moved to approve Ordinance 2019-20, seconded by Gary Koerner. The motion carried unanimously 5-0.

VI. OTHER BUSINESS

Mr. Fitzgerald said the Planning and Zoning Board has vacancy and noted the City Clerk will be advertising the seat.

VII. AUDIENCE TO BE HEARD

There was none.

VIII. ADJOURNMENT

Dara Treadwell moved to approve adjournment of the meeting, seconded by Morris Osborne. The motion carried unanimously 5-0 and the meeting was adjourned at 3:07 p.m.

Respectfully submitted,

Susie Novack, MMC/FCRM
City Clerk

**AGENDA SUMMARY
TAVARES PLANNING & ZONING BOARD
DECEMBER 19, 2019**

SUBJECT TITLE: Demolition Request for a Building Listed on the Local Register of Historic Places Located at 102 W. Main Street (Community Development)

OBJECTIVE:

To consider approval for issuance of a Certificate of Appropriateness for demolition of the building listed on the local register of historic places located at 102 W. Main St.

SUMMARY:

On July 5, 2001 City Council adopted Ordinance 2001-18 creating historic preservation regulations that include a historic district boundary, historic preservation guidelines, and a local register of historic places. Included in Ordinance 2001-18 are requirements for the Planning & Zoning Board, acting as the Historic Preservation Board, to make a recommendation to City Council regarding the issuance of a Certificate of Appropriateness for the demolition of any structure listed on the local register of historic places.

City staff has received an application from the owner of the building located at 102 W. Main St. for a Certificate of Appropriateness for the demolition of the building, which is listed on the local register of historic places. The owner has submitted photographic evidence of the building's current state of disrepair. The Building Official for the City of Tavares conducted a cursory review of the building and observed some visible structural deficiencies.

Per Ordinance 2001-18 the Planning & Zoning Board, acting as the Historic Preservation Board, shall consider the following guidelines in providing a recommendation to City Council concerning applications for a Certificate of Appropriateness that propose demolition of designated historic sites:

- 1) Is the structure of such interest or quality that it would reasonably fulfill criteria for designation for listing on the National Register?
- 2) Is the structure of such design, craftsmanship or material that it could be reproduced only with great difficulty and/or expense?
- 3) Is the structure one of the last remaining examples of its kind in the neighborhood, City or designated historic district?
- 4) Would retaining the structure promote the general welfare of the City of Tavares by providing an opportunity to study local history, architecture and design, or by developing an understanding of the importance and value of a particular culture and heritage?

OPTIONS:

1. That the Planning & Zoning Board moves to recommend approval for issuance of a Certificate of Appropriateness for demolition of the building listed on the local register of historic places located at 102 W. Main St.
2. That the Planning & Zoning Board moves to recommend denial of the demolition request.

STAFF RECOMMENDATION: N/A

FISCAL IMPACT: N/A

LEGAL SUFFICIENCY: N/A

**AGENDA SUMMARY
TAVARES PLANNING & ZONING BOARD
DECEMBER 19, 2019**

SUBJECT TITLE: Ordinance 2020-01
Annexation & Rezoning –12549 Lane Park Cutoff

OBJECTIVE:

To consider the annexation and rezoning to Industrial (I) of approximately 1.50 acres of property located at 12549 Lane Park Cutoff, Tavares, FL.

SUMMARY:

The subject property is located at 12549 Lane Park Cutoff and is approximately 1.50 acres in size. The land is presently zoned as County Light Industrial District (LM), and the applicant is proposing that the property be annexed and rezoned to City Industrial (I).

The proposed zoning of Industrial (I) is compatible with the surrounding zoning and the existing industrial use of the property.

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 properly serviced by the City without undue hardship or significant negative fiscal impact to the City.

The owner is concurrently seeking a Future Land Use Map amendment to Industrial (IND) to be compatible with the proposed Industrial zoning.

OPTIONS:

1. That the Planning & Zoning Board moves to recommend approval of Ordinance 2020-01, the annexation and rezoning to Industrial (I) of approximately 1.50 acres of property located at 12549 Lane Park Cutoff, Tavares, FL.
2. That the Planning & Zoning Board moves to recommend denial of the proposed annexation and rezoning.

STAFF RECOMMENDATION:

Staff recommends that the Planning & Zoning Board moves to recommend approval of Ordinance 2020-01, the annexation and rezoning to Industrial (I) of approximately 1.50 acres of property located at 12549 Lane Park Cutoff, Tavares, FL.

FISCAL IMPACT: N/A

LEGAL SUFFICIENCY:

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

ORDINANCE 2020-01

AN ORDINANCE OF THE CITY OF TAVARES AMENDING THE BOUNDARIES OF THE CITY BY ANNEXING APPROXIMATELY 1.50 ACRES OF LAND LOCATED AT 12549 LANE PARK CUTOFF, REZONING SAID PROPERTY FROM LAKE COUNTY LIGHT INDUSTRIAL DISTRICT (LM) TO CITY OF TAVARES 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 owner of the property described in **Exhibit “A”** has voluntarily petitioned to annex into the City of Tavares, and

WHEREAS, the property legally defined in **Exhibit “A”** is contiguous with the corporate limits of the City of Tavares and the annexation of said property will not result in the creation of any enclave; and

WHEREAS, the City of Tavares, Florida, is in a position to provide municipal services to the property described herein; and,

WHEREAS, the City Council of the City of Tavares, Florida, deems it in the best interest of the City to accept said petition and to annex said property; and,

WHEREAS, the property is currently zoned Lake County Light Industrial District (LM) and the applicant has requested that said property be rezoned to a City designation of Industrial (I); and,

WHEREAS, the City is concurrently processing a small scale future land use map amendment to re-designate the property from Lake County Urban Low Density to a City of Tavares Industrial on the Future Land Use Map; therefore

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

Section 1. Annexation

The property legally defined as and depicted in **Exhibit “A”** attached hereto, situated in Lake County, Florida, is hereby incorporated into and made a part of the City

of Tavares, Florida, pursuant to the voluntary annexation provisions of Section 171.044, Florida Statutes.

Section 2. Rezoning

The property described in **Exhibit "A"** shall hereby be rezoned from Lake County Light Industrial District (LM) to City of Tavares Industrial (I) and shall be subject to the provisions contained within the Land Development Regulations for this zoning designation.

Section 3. 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 4. Effective Date.

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

PASSED AND ORDAINED this _____ of _____, 2020, by the City Council of the City of Tavares, Florida.

Amanda Boggus, Mayor
Tavares City Council

First Reading: _____

Passed Second Reading: _____

ATTEST:

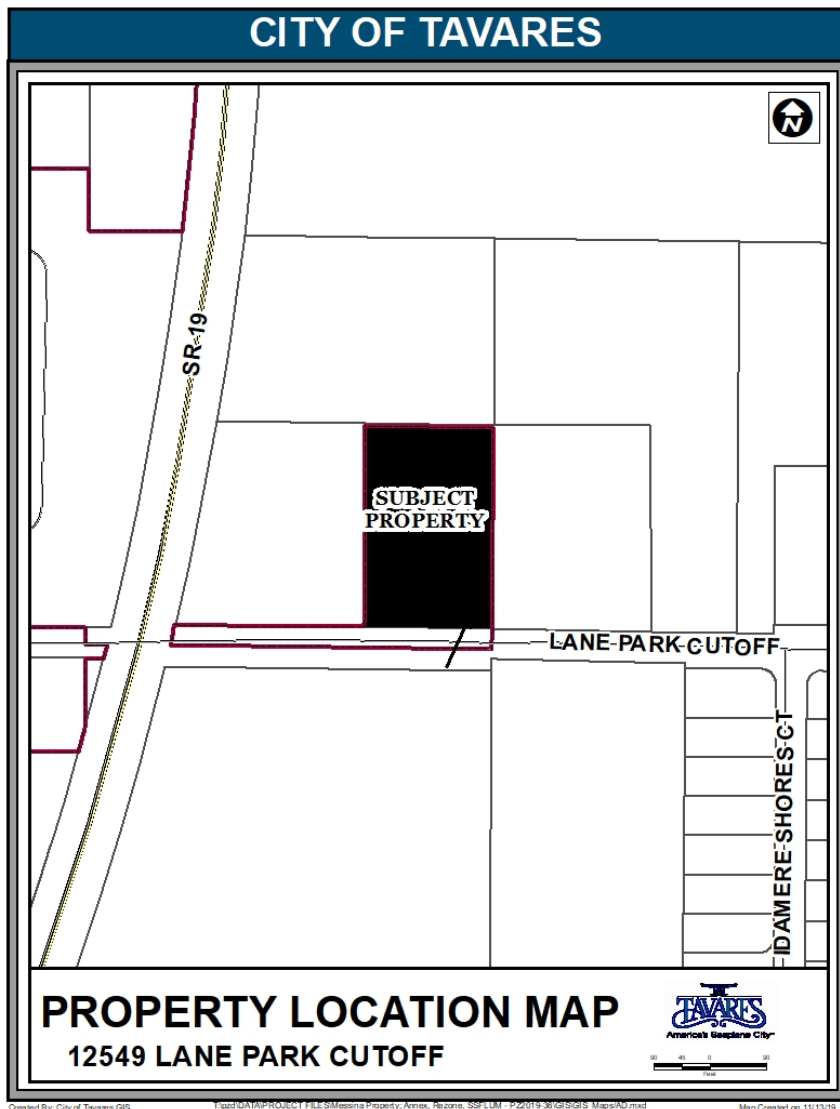
Susie Novack, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Robert Q. Williams, City Attorney

EXHIBIT A

THE EAST 205.98 FEET OF THE FOLLOWING DESCRIBED PARCEL: THAT PART OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 20 SOUTH, RANGE 26 EAST,, IN LAKE COUNTY, FLORIDA, LYING EAST OF THE EASTERLY RIGHT OF WAY LINE OF STATE ROAD 19; LESS AND EXCEPT THE NORTH 300.00 FEET THEREOF; AND LESS AND EXCEPT THE SOUTH 40.00 FEET THEREOF CONVEYED TO LAKE COUNTY BY INSTRUMENT RECORDED IN OFFICIAL RECORDS BOOK 1002, PAGE 1086, PUBLIC RECORDS OF LAKE COUNTY.



**AGENDA SUMMARY
TAVARES PLANNING & ZONING BOARD
DECEMBER 19, 2019**

AGENDA TAB NO.

SUBJECT TITLE: **Ordinance 2020-02 Small Scale FLUM Amendment – 12549 Lane Park Cutoff**

OBJECTIVE:

To consider a Small Scale Future Land Use Map amendment from County Urban Low Density to City Industrial (IND) for 1.50 acres of property located at 12549 Lane Park Cutoff, Tavares, FL.

SUMMARY:

The subject property is located at 12549 Lane Park Cutoff, and is approximately 1.50 acres in size. The land presently has a land use designation of County Urban Low Density, and the property owner is requesting an amendment to the Tavares Comprehensive Plan Future Land Use Map 2020 to change the designation of said property from Lake County Urban Low Density to City of Tavares Industrial (IND).

Ordinance 2020-02 proposes a small scale amendment to the Future Land Use Map 2020 of the Comprehensive Plan from County Urban Low Density to City Industrial (IND).

The subject property is adjacent to industrial and commercial uses. An application to annex and rezone this property to an Industrial (I) designation is concurrently under consideration.

Future Land Use Amendment

The city is required to place a future land use designation on annexed property. The subject property is currently designated County Urban Low Density. A City Industrial (IND) designation is compatible with surrounding property and the existing County Future Land Use.

Compatibility

Lands surrounding this property are industrial and commercial in nature.

Site Conditions

An industrial / commercial building is currently on the property.

Impact on City Services

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.

FINDINGS

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

1. An Industrial (I) Future Land Use designation would serve as the most appropriate land use for the subject property in accordance with Future Land Use policy 1-1.1.6.

2. Impacts of the subject property shall be monitored through the City's Concurrency Management System. (Comp Plan, Chapter 8)

OPTIONS:

1. That the Planning & Zoning Board moves to recommend approval of Ordinance 2020-02, a Small Scale Future Land Use Map amendment from County Urban Low Density to City Industrial (I) for 1.50 acres of property located at 12549 Lane Park Cutoff, Tavares, FL.
2. That the Planning & Zoning Board moves to deny the proposed Small Scale Comprehensive Plan Amendment.

STAFF RECOMMENDATION:

Staff recommends that the Planning & Zoning Board moves to recommend approval of Ordinance 2020-02, a Small Scale Future Land Use Map amendment from County Urban Low Density to City Industrial (I) for 1.50 acres of property located at 12549 Lane Park Cutoff, Tavares, FL.

FISCAL IMPACT: N/A

LEGAL SUFFICIENCY:

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

ORDINANCE 2020-02

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE TAVARES COMPREHENSIVE PLAN FUTURE LAND USE MAP 2020, PROVIDING FOR A CHANGE OF FUTURE LAND USE DESIGNATION ON APPROXIMATELY 1.50 ACRES OF LAND LOCATED AT 12549 LANE PARK CUTOFF; FROM COUNTY URBAN LOW DENSITY TO CITY INDUSTRIAL (IND); PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of the property described in **Exhibit “A”** has voluntarily petitioned to annex into the City of Tavares, and

WHEREAS, the City of Tavares is concurrently processing the annexation of this property; and

WHEREAS, the property consists of less than ten acres;

WHEREAS, the City of Tavares has advertised as required by law for two public hearings prior to adoption of this ordinance; and

WHEREAS, the City has held such public hearings and the records of the City provide that the owners of the land affected have been notified as required by law; and

WHEREAS, an Industrial Future Land Use designation is compatible with surrounding designations and such designation is compatible with both City of Tavares and Lake County surrounding future land use designations; and

WHEREAS, the City of Tavares Planning and Zoning Board, Local Planning Agency, and City Council held duly noticed public hearings providing opportunity for individuals to hear and be heard regarding the adoption of the proposed map amendment; and,

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

WHEREAS, the City Council finds this amendment in compliance with Chapter 163, Florida Statutes, and the City of Tavares Comprehensive Plan; and

WHEREAS, adoption of this amendment is in the best interest of the health, safety, and general welfare of the citizens of Tavares.

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

Section 1. Future Land Use Amendment

The Comprehensive Plan and Future Land Use Map of the City of Tavares, Florida, is hereby amended to reflect a re-designation from Lake County Urban Low Density to City of Tavares Industrial (IND) on certain real property as legally described in Exhibit "A". All provisions of the Comprehensive Plan shall hereby apply to said property.

Section 2. Severability and Conflicts

The provisions of this ordinance are severable and it is the intention of the City Council of Tavares, Florida, to confer the whole or any part of the powers herein provided. If any court of competent jurisdiction shall hold any of the provisions of this ordinance unconstitutional, the decision of such court shall not impair any remaining provisions of this ordinance.

Section 3. Transmittal

The City Administrator is hereby authorized and directed to transmit the adopted Comprehensive Plan amendments to the Florida Department of Economic Opportunity, the East Central Florida Regional Planning Council, the St. Johns River Water Management District, the Department of Environmental Protection, the Florida Department of Transportation, and any other governmental agency in the State of Florida that has filed a written request with the City Council for a copy of the Comprehensive Plan within 10 working days of the adoption of this Ordinance as specified in the State Land Planning Agency's procedural rules.

Section 4. Effective Date

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency 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 adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

PASSED AND ADOPTED this _____ day of _____, 2020 by the City Council of the City of Tavares, Florida.

Amanda Boggus, Mayor
Tavares City Council

First Reading: _____

Second Reading & Final Adoption: _____

ATTEST:

Susie Novack, City Clerk

Approved as to form:

Robert Q. Williams, City Attorney

EXHIBIT "A"

THE EAST 205.98 FEET OF THE FOLLOWING DESCRIBED PARCEL: THAT PART OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 20 SOUTH, RANGE 26 EAST,, IN LAKE COUNTY, FLORIDA, LYING EAST OF THE EASTERLY RIGHT OF WAY LINE OF STATE ROAD 19; LESS AND EXCEPT THE NORTH 300.00 FEET THEREOF; AND LESS AND EXCEPT THE SOUTH 40.00 FEET THEREOF CONVEYED TO LAKE COUNTY BY INSTRUMENT RECORDED IN OFFICIAL RECORDS BOOK 1002, PAGE 1086, PUBLIC RECORDS OF LAKE COUNTY.

