

**CITY OF TAVARES
PLANNING AND ZONING BOARD MEETING
TAVARES COUNCIL CHAMBERS
201 E. MAIN STREET, TAVARES
February 15, 2024**

BOARD MEMBERS PRESENT

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

LAKE COUNTY SCHOOL BOARD

Helen LaValley - Absent

STAFF MEMBERS PRESENT

Antonio Fabre – Community Development Director
Terri O'Neal, City Planner
Amanda Boggus, City Attorney
Jillian Roberts, Deputy City Clerk

I. CALL TO ORDER

Vice-Chairman Murphy called the meeting to order at 3:00 p.m. and asked those present to silence their cell phones.

II. PLEDGE OF ALLEGIANCE

Vice-Chairman Murphy led those present in the Pledge of Allegiance.

III. APPROVAL OF MINUTES

Vice-Chairman Murphy asked if there are any additions or corrections to the January 18, 2024, Planning and Zoning Board Meeting minutes. There were none.

MOTION

James Sweezea moved to approve the minutes of the January 18, 2024 Planning and Zoning Board Meeting. Seconded by Bruce Peterman. The motion carried unanimously 6-0.

IV. SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EX PARTE COMMUNICATIONS

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

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

V. PUBLIC HEARING

1) Recommendation on Resolution 2024-04 – KH CW Lake Harris LLC request to Vacate Unimproved Right-of-Way Easement located at the westerly end of Woodlea Road of the Webley's Subdivision.

Mr. Fabre gave the following presentation:

This is a request to vacate a platted unimproved right-of-way easement located at the westerly end of Woodlea Road of the Webley's Subdivision, as recorded in Plat Book 1, Page 22, of the Public Records of Sumter County, Florida. The current property owner is petitioning to vacate the subject right-of-way since it is undeveloped and not practical as right-of-way. The right-of-way easement is completely situated on the existing Cresswind at Lake Harris Subdivision development.

On January 17, 2024, City Council approved the Final Plat for Phase 1 of Cresswind at Lake Harris, subject to vacation of this right-of-way. During the title and platting review process, a historic r-o-w easement dedicated to Sumter County was revealed. The Webley's Subdivision (AKA: "Infant Town of Florida") plat, filed on March 31, 1885, provides for an easement to be granted to Sumter County along the streets identified in the plat. On January 9, 2024, Sumter County has agreed to grant an Assignment of the R-O-W easements to the City of Tavares.

City staff reviewed the vacate request and determined no conflicts in the vacation regarding drainage, utilities, health, safety, or welfare of the Public. As a result, this official vacation will remove the city's public interest in this land.

OPTIONS:

- 1. That the Planning & Zoning Board moves to recommend approval of Resolution 2024-04 vacation of right-of-way easement located at the westerly end of Woodlea Road of the Webley's Subdivision, as recorded in Plat Book 1, Page 22, of the Public Records of Sumter County, Florida.*
- 2. That the Planning & Zoning Board moves to recommend denial of Resolution 2024-04.*

STAFF RECOMMENDATION: *Staff recommends that the Planning & Zoning Board moves to recommend approval of Resolution 2024-04 vacation of an unimproved right-of-way located at the westerly end of Woodlea Road of the Webley's Subdivision, as recorded in Plat Book 1, Page 22, of the Public Records of Sumter County, Florida.*

Vice-Chairman Murphy asked for public comment. There were none.

Chuck Hiott from Halff Engineering and Justin Allen from Kolter Homes, representatives for the applicant stated they were available for questions.

MOTION

Bruce Peterman moved to recommend approval of Resolution 2024-04, seconded by James Sweeza. The motion carried unanimously 6-0.

2) Recommendation on Ordinance 2024-04 – Velaquez & Escobedo – Annexation and Rezoning of Approximately 12.24 Acres located on the east side of Camp Road and approximately 500 feet north of Lane Park Road

Mr. Fabre gave the following presentation:

SUMMARY:

The subject property is located on the east side of Camp Road and approximately 500 feet north of the Lane Park Road intersection and consists of approximately 12.24 acres of vacant land. The property is currently zoned as Lake County Agricultural Residential (AR), and the applicant is proposing that the property be annexed and rezoned to Residential Single-Family (RSF-A) District.

The subject property is also situated adjacent to the Leela Reserve Subdivision (Park Square Homes) development. On March 16, 2022, City Council approved a Development Agreement between the Leela Reserve's Developer for needed improvements on the existing Camp Road. Camp Road was constrained on the portion along the subject property. The applicant has agreed to dedicate additional right-of-way. Accordingly, administration fees were waived in consideration of the offsetting public benefit of the additional ROW dedication (see attachment). At this time, the applicant envisions construction of one (1) single-family residence on the subject property.

This property is in close proximity to a mixture of single-family residences, public facilities and institutional uses. Therefore, the proposed zoning of Residential Single-Family (RSF-A) is compatible with surrounding properties. The annexation of this property has been reviewed per the City's Annexation Policy. The property is contiguous to the City boundary. It also has been determined by City staff that the property may be properly serviced by the City without undue hardship or significant negative fiscal impact on the City. The City of Tavares has municipal water and wastewater utility services available for the subject property.

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

OPTIONS:

1. That the Planning & Zoning Board moves to recommend approval of Ordinance 2024-04 annexation and rezoning of approximately 12.24 acres of property located on the east side of Camp Road and approximately 500 feet north of Lane Park Road from Lake County Agricultural Residential (AR) to Residential Single-Family (RSF-A) District.
2. That the Planning & Zoning Board moves to recommend denial of Ordinance 2024-04.

STAFF RECOMMENDATION: Staff recommends that the Planning & Zoning Board moves to recommend approval of Ordinance 2024-04 annexation and rezoning of approximately 12.24 acres of property located on the east side of Camp Road and approximately 500 feet north of Lane Park Road from Lake County Agricultural Residential (AR) to Residential Single-Family (RSF-A) District.

Vice-Chairman Murphy asked for public comment.

Reginald Green, 12145 Lane Park Road, Lake County, noted his concern of increase in people and traffic. He also stated his concern of forced annexation and forced connection to services. Attorney Boggus stated that annexations in the City of Tavares are voluntary.

Ray Koneski, 12207 Lane Park Road, Lake County, noted his concern of the lake connecting to the property and there being more than one home on the property. Attorney Boggus noted the applicant is requesting one home and anything pertaining to the waterway is under St. Johns River Water Management.

Sheila Short, 12327 Lane Park Rd, Lake County, noted she is not against the property owner building the home and suggested the property owner to build in the county. She noted her concern of increased traffic and target shooting. Attorney Buggus stated that when target shooting, if a bullet goes onto another property it is deemed illegal.

Vice-Chairman Murphy closed public comment.

Board member Sweeza asked if residents would be forced to connect to city water and sewer and noted his concern of sub-dividing the property. Mr. Fabre noted city water and sewer would be provided and would be required to connect. He stated the property owner is limited on how many homes can be built due to the wetlands.

Attorney Boggus stated the lot is restricted on what can be built on high and dry ground because of the wetlands, septic fields, proximity to other wells and other regulations and restrictions.

MOTION

Dian Joy moved to recommend approval of Ordinance 2024-04. Seconded by James Sweeza

Board Member Treadwell noted she understands why the resident is annexing and connecting to city services and wants to make sure the surrounding property owners are protected.

The motion carried unanimously 6-0.

3) Recommendation on Ordinance 2024-05 – Velaquez & Escobedo – Small Scale FLUM Amendment of Approximately 12.24 Acres located on the east side of Camp Road and approximately 500 feet north of Lane Park Road

Mr. Fabre gave the following presentation:

SUMMARY:

The subject property is located on the east side of Camp Road and approximately 500 feet north of the Lane Park Road intersection and is approximately 12.24 acres in size. The land is presently vacant and has a land use designation of Lake County Urban Low 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 Low Density to City Low Density (LOW).

Ordinance 2024-05 proposes a small-scale amendment to the Future Land Use Map 2040 of the Comprehensive Plan from Lake County Urban Low Density to City Low Density (LOW). The subject property is adjacent to a mixture of single-family residences, public facilities and institutional uses. An application to annex and rezone this property to a Residential Single-Family (RSF-A) District is concurrently under consideration.

Future Land Use Amendment

The parcel is designated as Lake County Urban Low Density on the County's Future Land Use Map. The small-scale Comprehensive Plan Amendment is proposed to designate the site as Low Density (not to exceed 5.6 du/ac). A City Low Density (LOW) designation is compatible with surrounding property and Future Land Use designations.

Compatibility

Land surrounding this property is residential, public facilities and institutional in nature. The property is contiguous to the City boundary.

Site Conditions

The property is currently vacant with approximately 6.8 acres of wetlands.

Impact on City Services

The subject property is located in the City's Utility Service Boundary Area. The City of Tavares has municipal water and wastewater 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.

Findings

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

1. A Low Density (LOW) 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 & LDR's Chapter 10).

OPTIONS:

1. That the Planning & Zoning Board (LPA) moves to recommend approval of Ordinance 2024-05, a Future Land Use Map amendment from Lake County Urban Low Density to City of Tavares Low Density (LOW) designation for 12.24 Acres located on the east side of Camp Road and approximately 500 feet north of Lane Park Road.
2. That the Planning & Zoning Board (LPA) moves to deny the proposed Ordinance 2024-05.

STAFF RECOMMENDATION:

Staff recommends that the Planning & Zoning Board (acting as the LPA) moves to recommend approval of Ordinance 2024-05, a Future Land Use Map amendment from Lake County Urban Low Density to City of Tavares Low Density (LOW) designation for 12.24 Acres located on the east side of Camp Road and approximately 500 feet north of Lane Park Road.

Vice-Chairman Murphy asked for comments from the public.

Reginald Green, 12145 Lane Park Rd, Lake County, asked how many homes are allowed for low density and noted his concern of increased traffic. Attorney Boggus stated that per the 2040 Comprehensive Plan, 5.6 homes allowed per buildable acre are allowable for low density.

Sheila Short, 12327 Lane Park Rd, Lake County, asked if there is a connection fee for city water and sewer and noted her concern of connecting to city water and sewer. Mr. Fabre stated the property owner is responsible for connection fees.

Vice-Chairman Murphy closed public comment.

MOTION

Dian Joy moved to recommend approval of Ordinance 2024-02 seconded by Bruce Peterman. The motion carried 6-0.

VI. OTHER BUSINESS

1. Planning and Zoning Workshop

There was a consensus to postpone the Planning and Zoning Workshop until a later date.

VII. PUBLIC COMMENT

None.

February 15, 2024 - Planning and Zoning Board Meeting

VIII. ADJOURNMENT

MOTION

Bruce Peterman moved to adjourn the meeting at 3:53 p.m., seconded by Brooke Matthews. The motion carried unanimously 6-0.

Respectfully submitted,

Jillian Roberts,
Deputy City Clerk