



AGENDA
TAVARES CITY COUNCIL
August 7, 2019
4:00 PM
TAVARES CITY HALL COUNCIL CHAMBERS
201 E MAIN STREET, TAVARES

(Members of the public wishing to speak on an item that is on the agenda must fill out a Request to Speak form available from the City Clerk or at the Council Meeting prior to the meeting being called to order. In addition, the Mayor will ask for comment under the agendized item titled "Audience to be Heard" for matters not on the Agenda. For further information contact the City Clerk at (352) 742-6209 or snovack@tavares.org)

I. CALL TO ORDER

II. INVOCATION/PLEDGE OF ALLEGIANCE

Tab 1 Pastor Eric Filkin, Bridges Covenant Church

III. APPROVAL OF AGENDA

IV. PROCLAMATIONS/PRESENTATIONS

Tab 2 Tavares Chamber of Commerce Update (Chamber)

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

VI. READING OF ALL ORDINANCES/RESOLUTIONS INTO RECORD

VII. CONSENT AGENDA

Tab 3 Approval of the City Council July 17, 2019 Regular and Budget Workshop and July 24, 2019 Budget Workshop Meeting Minutes (City Clerk)

VIII. RESOLUTIONS

IX. ORDINANCES - PUBLIC HEARING

First Reading

Tab 4 Ordinance 2019-15 Stokes Groves, Inc. - Rezone 33.15 Acres West of David Walker Dr., South of Merry Rd. (Community Development)

Tab 5 Ordinance 2019-16 Shanti Niketan FL, LLC - Rezone 20.71 Acres South of Slim Haywood Ave., North of Camp Rd., West of SR-19 (Community Development)

Second Reading

- Tab 6 Ordinance 2019-04 Garber Housing Resorts, LLC - Annex, Rezone 9.85 Acres North of Old 441, West of Fairview Ave. (Community Development)
- Tab 7 Ordinance 2019-05 Garber Housing Resorts, LLC - SSFLUM 9.85 Acres North of Old 441, West of Fairview Ave. (Community Development)

X. GENERAL GOVERNMENT

- Tab 8 Presentation of PAC Website Portal (Public Communications)
- Tab 9 Renewal Federal Grant Government Relations Service Agreement

XI. BUDGET WORKSHOP

- Tab 10 Budget Workshop – Five-Year Capital Improvement Plan (Finance)

XII. NEW BUSINESS

XIII. OLD BUSINESS

XIV. HISTORICAL PERSPECTIVE

- Tab 11 Tavares Historical Society

XV. AUDIENCE TO BE HEARD

XVI. REPORTS

- Tab 12 City Administrator Report
- Tab 13 City Council Member Reports

XVII. 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 CITY COUNCIL
8/7/2019**

AGENDA TAB NO.: 1

SUBJECT TITLE: Pastor Eric Filkin, Bridges Covenant Church

OBJECTIVE:

Pastor Eric Filkin, Bridges Covenant Church, will provide the invocation and lead those present in the Pledge of Allegiance.

SUMMARY:

Pastor Eric Filkin, Bridges Covenant Church, will provide the invocation and lead those present in the Pledge of Allegiance.

OPTIONS:

N/A

STAFF RECOMMENDATION:

N/A

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

N/A

**AGENDA SUMMARY
TAVARES CITY COUNCIL
8/7/2019**

AGENDA TAB NO.: 2

SUBJECT TITLE: Tavares Chamber of Commerce Update (Chamber)

OBJECTIVE:

Receive an update on the Chamber from the Executive Director, J. Scott Berry.

SUMMARY:

Mr. Berry will provide an update on Chamber activities.

OPTIONS:

N/A

STAFF RECOMMENDATION:

N/A

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

N/A

ATTACHMENTS:

Description	Type
August Chamber Report	Exhibit

ULTIMATE TRUSTEE



Report to City Council August 7, 2019

SIGNATURE TRUSTEES



PREMIER TRUSTEES



DELUXE TRUSTEES



22 new members joined in July, 2019
53 Total in the 3 month Membership Drive Challenge

13 calls or visits recorded for Saturdays in June

Upcoming Events

August 15th, Thursday
Wild Birds Unlimited
2868 David Walker Drive #460

Business After Hours
5:30pm – 7:00pm

August 28th, Wednesday
Avalon Park Village
Civic Center

Monthly Business Luncheon
Panel Discussion on Education
11:30am – 1:00pm

September 25th, Wednesday
Hemingway's
Lake County School Board Bill Mathias & Stephanie Luke

Pints & Politics
5:00pm – 7:00pm

September 27th
Lake Reception

Business of the Year Gala
6:00pm – 9:30pm

October 30th
Downtown

Downtown Scavenger Quest
6:00pm – 8:00pm

**AGENDA SUMMARY
TAVARES CITY COUNCIL
8/7/2019**

AGENDA TAB NO.: 3

SUBJECT TITLE: Approval of the City Council July 17, 2019 Regular and Budget Workshop and July 24, 2019 Budget Workshop Meeting Minutes (City Clerk)

OBJECTIVE:

To consider approval of the July 17, 2019 Regular and Budget Workshop and July 24, 2019 Budget Workshop meeting minutes.

SUMMARY:

Attached are the July 17, 2019 Regular and Budget Workshop and July 24, 2019 Budget Workshop meeting minutes as submitted by the City Clerk.

OPTIONS:

1. Move to approve the City Council Regular and Budget Workshop minutes as submitted under the Consent Agenda.
2. Move to approve the City Council Regular and Budget Workshop minutes with corrections.

STAFF RECOMMENDATION:

- For Council approval.

FISCAL IMPACT:

None.

LEGAL SUFFICIENCY:

Legally sufficient.

ATTACHMENTS AVAILABLE TO THE PUBLIC UPON REQUEST:

July 17, 2019 Regular and Budget Workshop Meeting Minutes
July 24, 2019 Budget Workshop Meeting Minutes

ATTACHMENTS:

Description

Type

**AGENDA SUMMARY
TAVARES CITY COUNCIL
8/7/2019**

AGENDA TAB NO.: 4

SUBJECT TITLE: Ordinance 2019-15 Stokes Groves, Inc. - Rezone 33.15 Acres West of David Walker Dr., South of Merry Rd. (Community Development)

OBJECTIVE:

To consider the rezoning of approximately 33.15 acres of property located west of David Walker Dr., south of Merry Rd. from County Urban Residential (R-6) to City Residential Single Family (RSF-2)

SUMMARY:

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 subject property. 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 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 subdivision Plat consisting of approximately 121 single family lots having a width of 60 feet, and 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 environmental assessment indicates that there are no environmental concerns.

The underlying Future Land Use designation of Mixed Use Neighborhood (MUN), approved by Ordinance 2008-40 on May 20, 2009, does not change and is compatible with the requested RSF-2 zoning district.

OPTIONS:

1. That City Council moves to approve 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 Single Family (RSF-2).
2. That City Council moves to deny Ordinance 2019-15.

STAFF RECOMMENDATION:

At their July 18th meeting the Planning & Zoning Board voted unanimously to recommend approval of Ordinance 2019-15.

Staff recommends that City Council moves to approve 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 Single Family (RSF-2).

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

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

Approved. RQW

ATTACHMENTS AVAILABLE TO THE PUBLIC UPON REQUEST:

Aerial Map
Zoning Map
FLU Map
School Capacity Reservation
Newspaper Ad

ATTACHMENTS:

Description	Type
Ordinance 2019-15	Ordinance

ORDINANCE 2019-15

AN ORDINANCE OF THE CITY OF TAVARES REZONING APPROXIMATELY 33.15 ACRES OF PROPERTY GENERALLY LOCATED WEST OF DAVID WALKER DRIVE, SOUTH OF MERRY ROAD FROM COUNTY URBAN RESIDENTIAL (R-6) TO CITY RESIDENTIAL SINGLE FAMILY (RSF-2); 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 County Urban Residential (R-6) to City Residential Single Family (RSF-2); and

WHEREAS, properties within this area are primarily developed or platted for single family and multi-family 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 County Urban Residential (R-6) to City Residential Single Family (RSF-2).

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:

LOTS 8 AND 9 AND THOSE PORTIONS OF LOTS 4 AND 5 OF S.B. HEWITT'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 52, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, LYING WITHIN SECTIONS 27 AND 28, TOWNSHIP 19 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF AFORESAID LOT 5, S.B. HEWITT'S SUBDIVISION; THENCE ALONG THE EAST LINE OF LOT 5 RUN SOUTH TO THE SOUTHEAST CORNER OF AFORESAID LOT 9 OF S.B. HEWITT'S SUBDIVISION, THENCE ALONG THE SOUTH LINE OF LOTS 9 AND 8 OF S.B. HEWITT'S SUBDIVISION RUN WEST TO THE SOUTHWEST CORNER OF SAID LOT 8; SAID POINT ALSO BEING ON THE EAST LINE OF OAK HAVEN SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 38, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE ALONG THE WEST LINE OF SAID LOTS 8 AND 5, RESPECTIVELY, AND THE EAST LINE OF OAK HAVEN SUBDIVISION RUN NORTH TO THE NORTHEAST CORNER OF BLOCK 6 OF SAID OAK HAVEN SUBDIVISION; SAID POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF OLEANDER WAY; THENCE ALONG SAID RIGHT-OF-WAY LINE RUN EAST 61.28 FEET TO THE POINT BEGINNING OF THE BOUNDARY LINE AGREEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 1289, PAGE 1997, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE ALONG SAID BOUNDARY LINE RUN N03°03'52"E, 530.60 FEET; THENCE N41°58'21"E, 143 FEET, MORE OR LESS, TO THE WATERS OF LAKE ELSIE AND THE END OF SAID AGREEMENT LINE; THENCE ALONG THE WATERS OF LAKE ELSIE RUN EASTERLY TO A POINT THAT IS WEST OF THE POINT OF BEGINNING; THENCE RUN EAST TO THE POINT OF BEGINNING.

LESS THAT PART CONVEYED IN OFFICIAL RECORDS BOOK 3900, PAGE 803, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

PARCEL 2:

THAT PORTION OF THE SOUTH 330 FEET OF THE WEST 792 FEET OF GOVERNMENT LOT 1 IN SECTION 27, TOWNSHIP 19 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF AFORESAID GOVERNMENT LOT 1; THENCE ALONG THE SOUTH LINE OF GOVERNMENT LOT 1 RUN S89°27'31"E A DISTANCE OF 356.01 FEET; THENCE PARALLEL WITH THE WEST LINE OF GOVERNMENT LOT 1 RUN N00°02'03"E A DISTANCE OF 330.01 FEET TO THE NORTH LINE OF THE SOUTH 330 FEET OF GOVERNMENT LOT 1; THENCE ALONG SAID NORTH LINE RUN N89°27'31"W A DISTANCE OF 356.01 FEET TO THE WEST LINE OF GOVERNMENT LOT 1; THENCE ALONG SAID WEST LINE RUN S00°02'03"W A DISTANCE OF 330.01 FEET TO THE POINT OF BEGINNING.

LESS

THAT PORTION OF THE SOUTH 330 FEET OF THE WEST 792 FEET OF GOVERNMENT LOT 1 IN SECTION 27, TOWNSHIP 19 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

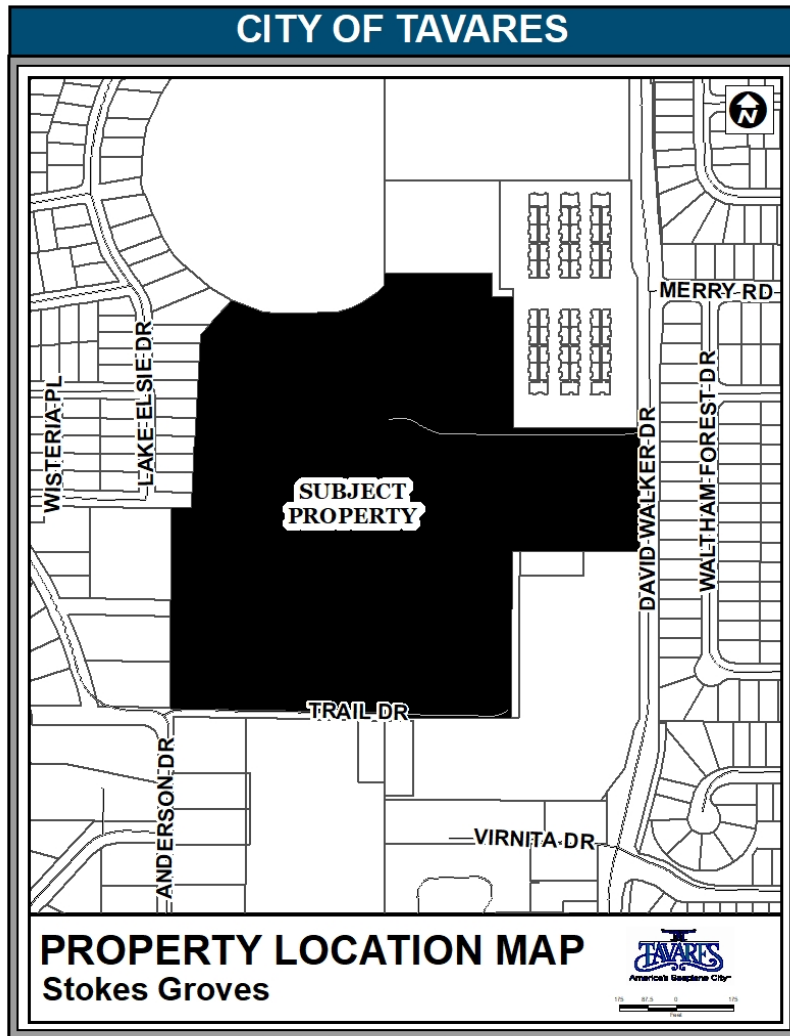
COMMENCE AT THE SOUTHWEST CORNER OF AFORESAID GOVERNMENT LOT 1; THENCE ALONG THE SOUTH LINE OF GOVERNMENT LOT 1 RUN S89°27'31"E A DISTANCE OF 356.01 FEET TO THE POINT OF BEGINNING; THENCE PARALLEL WITH THE WEST LINE OF GOVERNMENT LOT 1 RUN N00°02'03"E A DISTANCE OF 330.01 FEET TO THE NORTH LINE OF THE SOUTH 330 FEET OF GOVERNMENT LOT 1; THENCE ALONG SAID NORTH LINE RUN N89°27'31"W A DISTANCE OF 356.01 FEET TO THE WEST LINE OF AFORESAID GOVERNMENT LOT 1; THENCE ALONG SAID WEST LINE RUN S00°02'03"W A DISTANCE OF 285.01 FEET; THENCE PARALLEL WITH THE SOUTH LINE OF SAID GOVERNMENT LOT 1 RUN S89°27'31"E A DISTANCE OF 331.01 FEET; THENCE S00°02'03"W A DISTANCE OF 70.00 FEET; THENCE S89°27'31"E A DISTANCE OF 65.00 FEET TO THE WEST LINE OF OAKDALE PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 39, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE ALONG SAID WEST LINE RUN N00°02'03"E A DISTANCE OF 25.00 FEET TO THE SOUTH LINE OF THE AFORESAID GOVERNMENT LOT 1; THENCE ALONG SAID SOUTH LINE RUN N89°27'31"W A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING.

PARCEL 3:

A PORTION OF THE NOW VACATED OAKDALE PARK (OFFICIAL RECORDS BOOK 1906, PAGE 351), ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 39, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, LYING WEST OF DAVID WALKER DRIVE IN SECTION 27, TOWNSHIP 19 SOUTH, RANGE 26 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF GOVERNMENT LOT 1 IN AFORESAID SECTION 27; THENCE ALONG THE SOUTH LINE OF GOVERNMENT LOT 1 RUN S89°27'31"E A DISTANCE OF 396.01 FEET TO THE WEST LINE OF SAID OAKDALE PARK; THENCE ALONG SAID WEST BOUNDARY OF OAKDALE PARK RUN S00°02'03"W A DISTANCE OF 427.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S00°02'03"W A DISTANCE OF 375.10 FEET TO A CONCRETE MONUMENT AT THE SOUTHWEST CORNER OF OAKDALE PARK; THENCE ALONG THE SOUTH LINE OF OAKDALE PARK RUN S89°18'04"E A DISTANCE OF 383.55 FEET TO THE WEST RIGHT-OF-WAY LINE OF DAVID WALKER DRIVE AS ESTABLISHED IN O.R. BOOK 1563, PAGE 2193, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE ALONG SAID RIGHT-OF-WAY LINE RUN N00°07'35"E A DISTANCE OF 376.15 FEET TO A POINT THAT BEARS S89°27'31"E OF THE POINT OF BEGINNING; THENCE PARALLEL WITH THE SOUTH LINE OF GOVERNMENT LOT 1 RUN N89°27'31"W A DISTANCE OF 384.14 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THAT PART, IF ANY, CONVEYED IN OFFICIAL RECORDS BOOK 998, PAGE 2396, OFFICIAL RECORDS BOOK 1411, PAGE 848, AND OFFICIAL RECORDS BOOK 3666, PAGE 292, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.



Created By: City of Tavares GIS

T:\p2019\DATA\PROJECT FILES\Stokes Property, Rezoning #2019-12\GIS\GIS_Map\A0.mxd

Map Created on 08/2/19

**AGENDA SUMMARY
TAVARES CITY COUNCIL
8/7/2019**

AGENDA TAB NO.: 5

SUBJECT TITLE: Ordinance 2019-16 Shanti Niketan FL, LLC - Rezone 20.71 Acres South of Slim Haywood Ave., North of Camp Rd., West of SR-19 (Community Development)

OBJECTIVE:

To consider the rezoning of 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)

SUMMARY:

The subject property consists of approximately 20.71 acres located south of Slim Haywood Ave., north of Camp Rd., west of SR-19. The property is owned by Shanti Niketan FL, LLC, and is a vacant portion of the existing Shanti Niketan project that is currently undergoing development. The applicant is proposing to rezone the property from Residential Multi-Family (RMF-3) to Residential Multi-Family (RMF-2), which is a 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 on April 15, 2015, does not change and is compatible with the requested RMF-2 zoning district.

OPTIONS:

1. That City Council moves to approve 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)
2. That City Council moves to deny Ordinance 2019-16.

STAFF RECOMMENDATION:

At their July 18th meeting the Planning & Zoning Board voted unanimously to recommend approval of Ordinance 2019-16

Staff recommends that City Council moves approve 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).

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

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

Approved. RQW

ATTACHMENTS AVAILABLE TO THE PUBLIC UPON REQUEST:

Aerial Map
Zoning Map
FLU Map
Newspaper Ad

ATTACHMENTS:

Description	Type
Ordinance 2019-16	Ordinance

ORDINANCE 2019-16

AN ORDINANCE OF THE CITY OF TAVARES REZONING APPROXIMATELY 20.71 ACRES OF PROPERTY GENERALLY LOCATED SOUTH OF SLIM HAYWOOD AVENUE, NORTH OF CAMP ROAD AND WEST OF SR-19 FROM RESIDENTIAL MULTI-FAMILY (RMF-3) TO RESIDENTIAL MULTI-FAMILY (RMF-2); 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 Residential Multi-Family (RMF-3) to Residential Multi-Family (RMF-2); and

WHEREAS, properties within this area are primarily developed or platted for single family and multi-family 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 Residential Multi-Family (RMF-3) to Residential Multi-Family (RMF-2).

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:

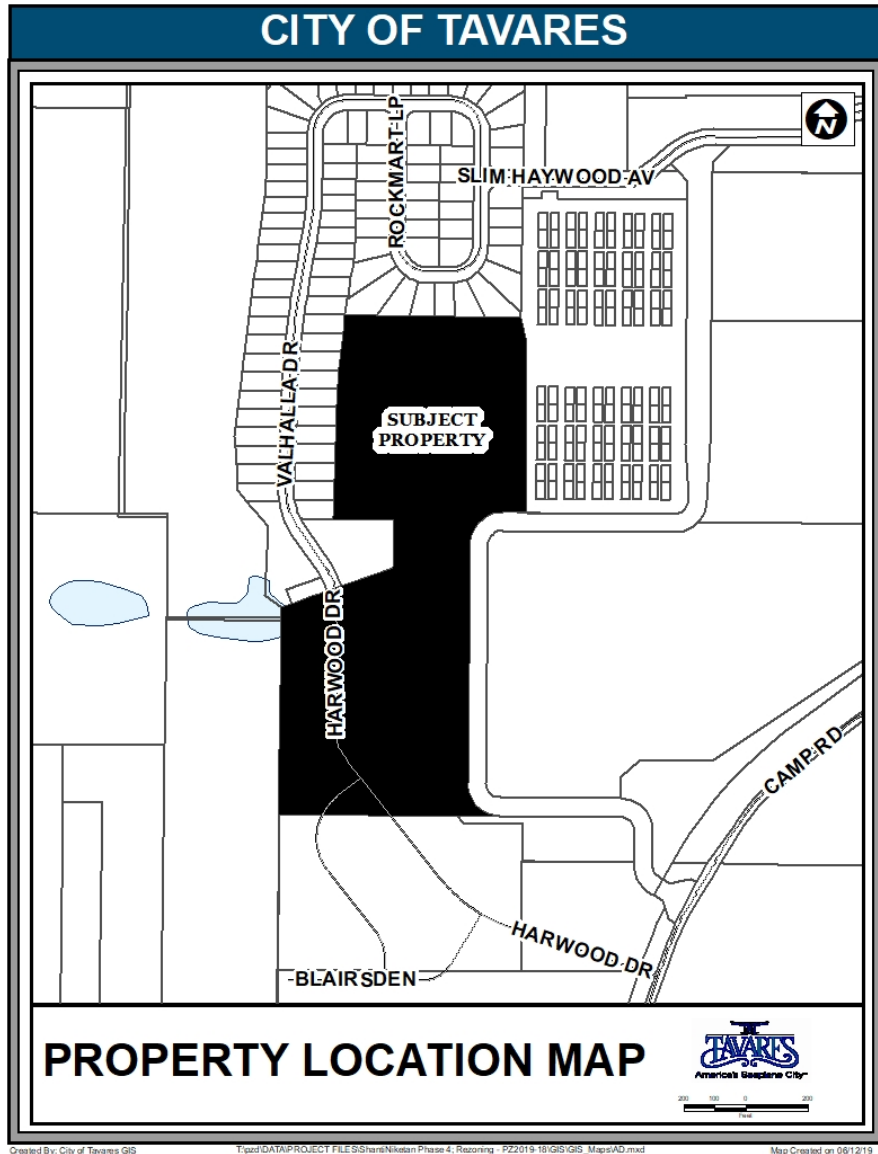
Robert Q. Williams, City Attorney

Exhibit A Legal Description

THAT PART OF THE NORTHEAST 1/4 AND THAT PART OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 20 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 1; THENCE S00°59'22"W ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 1 FOR 1979.90 FEET; THENCE DEPARTING SAID EAST LINE, N89°11'36"W FOR 33.21 FEET TO THE POINT OF BEGINNING; THENCE S13°22'19"E FOR 80.76 FEET; THENCE S00°31'03"W FOR 550.33 FEET; THENCE N89°28'57"W FOR 74.27 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 105.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" FOR A DISTANCE OF 164.93 FEET TO THE POINT OF TANGENCY; THENCE S00°31'03"W FOR 773.89 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 105.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" FOR A DISTANCE OF 164.93 FEET TO A POINT OF NON TANGENCY; THENCE N89°28'57"W FOR 714.60 FEET; THENCE N00°31'03"E FOR 207.36 FEET; THENCE N00°52'02"E FOR 461.83 FEET; THENCE N70°21'18"E FOR 383.50 FEET; THENCE N00°55'58"E FOR 153.40 FEET; THENCE N89°11'24"W FOR 195.00 FEET; THENCE N00°58'06"E FOR 89.62 FEET; THENCE N02°03'22"E FOR 348.70 FEET; THENCE N05°44'42"E FOR 222.47 FEET; THENCE S89°11'36"E FOR 570.22 FEET TO THE POINT OF BEGINNING.

CONTAINING 894,511 SQUARE FEET OR 20.71 ACRES, MORE OR LESS.



**AGENDA SUMMARY
TAVARES CITY COUNCIL
8/7/2019**

AGENDA TAB NO.: 6

SUBJECT TITLE: Ordinance 2019-04 Garber Housing Resorts, LLC - Annex, Rezone 9.85 Acres North of Old 441, West of Fairview Ave. (Community Development)

OBJECTIVE:

To consider the annexation and rezoning to RMF-3, Residential Multi-Family, of approximately 9.85 acres of property located on the north side of Old U.S. HWY 441, west of Fairview Ave.

SUMMARY:

The subject property is approximately 9.85 acres in size and is located on the north side of Old U.S. HWY 441 (Alfred Street), west of Fairview Avenue, abutting the southern shoreline of Lake Saunders. The land is presently vacant and is currently zoned as County Residential Professional (RP) and Planned Industrial District (MP), and is governed by Lake County Ordinance 2001-135, which permits an automobile storage and parts yard. The property is non-contiguous to the city's boundary, but is within the city's Interlocal Service Boundary Area as established by the adopted Interlocal Service Boundary Agreement (ISBA) with Lake County. The city may annex non-contiguous properties located within the Interlocal Service Boundary Area under the terms and conditions of the agreement.

The property owner has applied for annexation of the property into the city and is seeking a zoning designation of RMF-3, Residential Multi-Family for the purpose of developing the site as an apartment complex that potentially will include a clubhouse building, swimming pool, and five (5) apartment buildings with a maximum height of forty five (45) feet housing 240 units. Per the terms and conditions of the ISBA an agreement to extend and connect to city water and wastewater utilities has been signed by the applicant, and as per the utility agreement, all new development will be connected to city utilities. Prior to issuance of any development permits the City will require site plan approval to insure compliance with all city codes and applicable RMF-3 zoning regulations including setbacks, building height, impervious area, parking, and landscape buffering. The developer must also obtain a Lake County Right-of-Way Utilization permit, and State agency permitting from the Florida Department of Environmental Protection (FDEP) and St. John's Water Management District (SJWMD). All on-site and off-site improvements necessary for the development of this property will be at the developer's expense.

The property owner has submitted a traffic study demonstrating that adopted level of service for roadways will be maintained after development of the site. The traffic study makes a recommendation for a left turn lane at the project entrance on Old US-Hwy 441. Installation of this recommended improvement will be the responsibility of the developer.

The developer must apply to the Lake County School Board for school capacity reservation prior to approval of any site plan.

The property owner has submitted an environmental assessment indicating that threatened species are not present on the property. An FDEP Site Rehabilitation Completion Order has been submitted indicating that groundwater contaminant concentrations from the pre-existing auto storage and parts yard have been reduced to such levels that the owner is released from any further obligation to conduct site rehabilitation unless there is new contamination discharged or discovered. A challenge to the Site Rehabilitation Completion Order was filed on June 26, 2019 and was subsequently dismissed by the State of Florida on July 18, 2019. An amended petition to challenge the Site Rehabilitation Order was filed on July 23, 2019. The property owner has filed with the State a motion to dismiss the amended petition.

This property is in close proximity to a mixture of single family, multi-family, commercial, and industrial uses. It is staff's opinion that the proposed rezoning would provide for a compatible housing alternative for individuals choosing to live in the area. The owner is concurrently seeking a Future Land Use Map amendment to High Density Residential (12-25 dwelling units per acre). High Density Multi-Family Residential use is compatible with the existing County Future Land Use designation of Urban High.

OPTIONS:

1. That City Council moves to approve Ordinance 2019-04, the annexation and rezoning to RMF-3, Residential Multi-Family, of approximately 9.85 acres of property located on the north side of Old U.S. HWY 441, west of Fairview Ave.
2. That City Council moves to deny the proposed annexation and rezoning.

STAFF RECOMMENDATION:

At their April 18th meeting the Planning & Zoning Board voted 5-2 to recommend denial of Ordinance 2019-04 (Gary Santoro, Morris Osborn, Gary Koerner, Dara Treadwell and Richard Root voted against the ordinance. William Stomp and Lou Buigas voted in favor of the ordinance).

Staff recommends that City Council moves to approve Ordinance 2019-04, the annexation and rezoning to RMF-3, Residential Multi-Family, of approximately 9.85 acres of property located on the north side of Old U.S. HWY 441, west of Fairview Ave.

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

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

Approved. RQW

ATTACHMENTS AVAILABLE TO THE PUBLIC UPON REQUEST:

Aerial Map
Zoning Map
Concept Plan - Layout
Concept Plan - Architecture
School Concurrency Report
Traffic Study
Environmental Assessment
Wetland Assessment
FDEP - Site Rehabilitation Completion Order (SRCO)
Applicant Confirmation of No Contamination
FDEP - Challenge to SRCO Dismissed
FDEP - Amended Challenge to SRCO
FDEP - Motion to Dismiss Amended Challenge to SRCO
Groundwater Sample - Map 1
Groundwater Sample - Map 2
Well Locations
Objection Letter - Mahaney
Objection Letter - Garrett
Objection Letter - Linson
Objection Letter - Walker
Objection Letter - Matthews
04-18-19 PZ Board Minutes
Newspaper Ad 4-4-19
Newspaper Ad 4-11-19

ATTACHMENTS:

Description

Ordinance 2019-04

Type

Ordinance

ORDINANCE 2019-04

AN ORDINANCE AMENDING THE BOUNDARIES OF THE CITY OF TAVARES BY ANNEXING UNDER THE TERMS AND CONDITIONS OF THE INTERLOCAL SERVICE BOUNDARY AGREEMENT BETWEEN THE CITY OF TAVARES AND LAKE COUNTY APPROXIMATELY 9.85 ACRES OF NON-CONTIGUOUS PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF OLD U.S. HIGHWAY 441, WEST OF FAIRVIEW AVENUE; REZONING THE PROPERTY FROM COUNTY RESIDENTIAL PROFESSIONAL (RP) AND PLANNED INDUSTRIAL DISTRICT (MP) TO CITY RMF-3 (RESIDENTIAL MULTI-FAMILY); SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owners of the properties described in **Exhibit “A”** have voluntarily petitioned to annex into the City of Tavares, and

WHEREAS, these properties are located within the Interlocal Service Boundary Area attached as **Exhibit “B”** to this ordinance; and

WHEREAS, the City of Tavares may annex non-contiguous properties located within the Interlocal Service Boundary Area under the terms and conditions of the Interlocal Service Boundary Agreement executed between the City of Tavares and Lake County, and

WHEREAS, as a condition of annexation under the Interlocal Service Boundary Agreement, the subject property’s owner/developer must enter into a concurrent water and sewer utility agreement at the time of annexation to extend utility infrastructure to the subject property and also further provided that the City of Tavares shall not approve any development or issue a final development order in such annexed area unless central water and wastewater shall serve the development, and

WHEREAS, the owner has signed a utility agreement which upon acceptance by the City of Tavares will obligate the owner to connect to the City’s public water and sewer utility system or to construct the utility infrastructure for water and waste water pursuant to the City’s plans and specifications, and

WHEREAS, the owner has requested that the subject property be given a city zoning designation of RMF-3 (Residential Multi-Family) upon annexation to facilitate the development of residential apartments; and

WHEREAS, the City is concurrently processing an amendment to the City's Comprehensive Plan to re-designate the property from Lake County Urban High Density to City of Tavares High Density on the Future Land Use Map 2020; and

WHEREAS, the City of Tavares held duly noticed public hearings before the Planning and Zoning Board and City of Tavares City Council, providing opportunity for individuals to hear and to be heard regarding the proposed amended zoning and annexation; 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 the City of Tavares Land Development Regulations and the proposed amended Comprehensive Plan; now therefore

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

Section 1. Annexation

The properties 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 Chapter 171, Part II, Florida Statutes.

Section 2. Utility Agreement

That the Utility Agreement attached as **Exhibit “C”** to this ordinance is hereby approved by the City Council of the City of Tavares; and

Section 3. Rezoning

The said properties, as legally defined in **Exhibit “A”**, are hereby rezoned from Lake County Residential Professional (RP) and Planned Industrial District (MP) to City RMF-3 (Residential Multi-Family), under the specific provisions as established by the City of Tavares Land Development Regulations.

Section 4. 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 5. Effective Date.

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

PASSED AND ORDAINED this day ____ 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**

The East 220 feet of the West 325 feet of Lot 1, John G. McNaught's Subdivision of Government Lot 12, Section 27, Township 19 South, Range 26 East, according to the plat thereof as recorded in Plat Book 4, Page 2, Public Records of Lake County, Florida; Less and except the right of way for County Road Old 441.

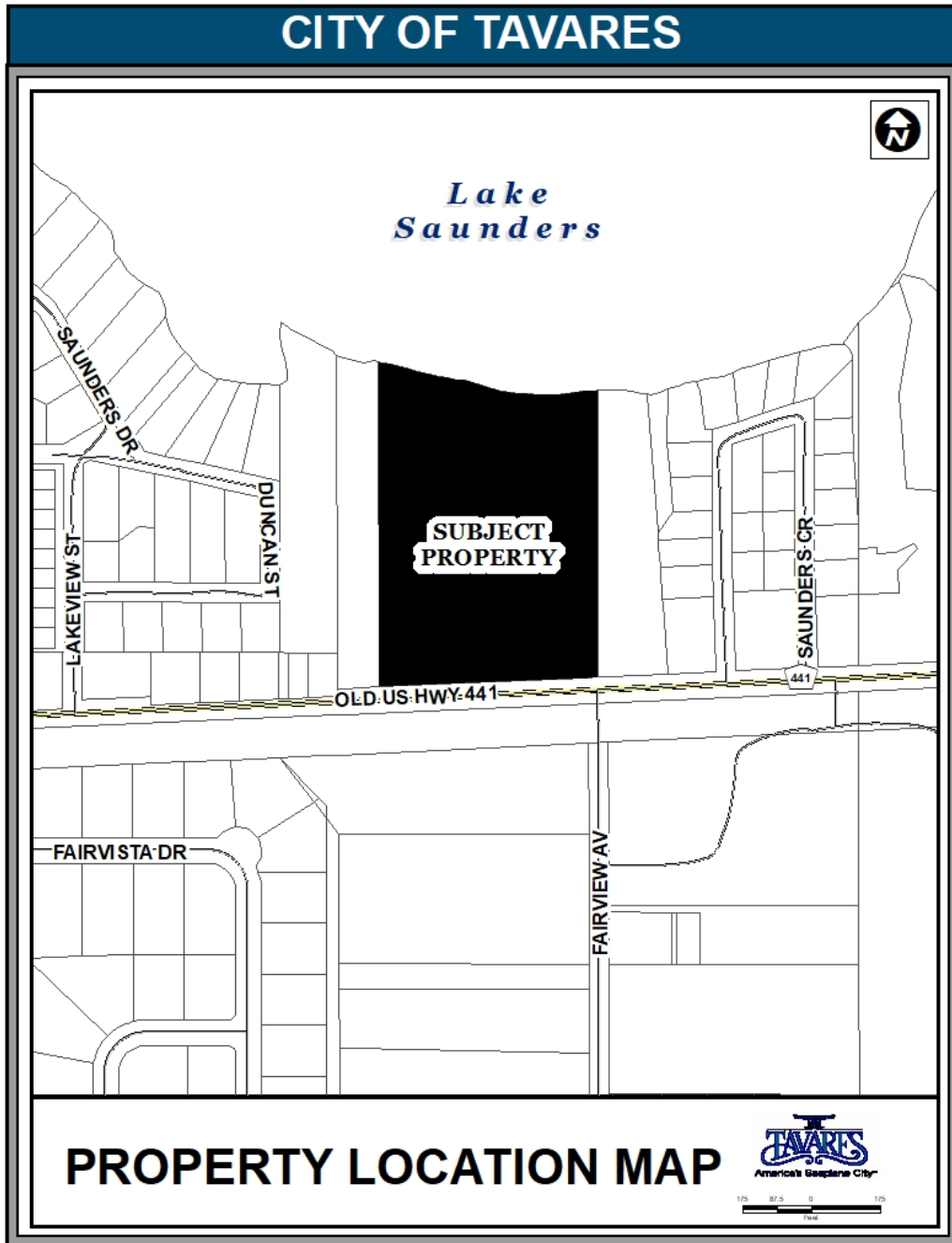
AND

Lot 1, in John G. McNaught's Subdivision of Government Lot 12, Section 27, Township 19 South, Range 26 East and Government Lot 1, Section 34, Township 19 South, Range 26 East, according to the plat thereof as recorded in Plat Book 4, Page 2, Public Records of Lake County, Florida; Less and except the West 325 feet thereof, and less and except the right of way for County Road Old 441.

AND

The West 1/2 of the vacated unnamed street lying West of Lot 22 and East of Lot 1, John G. McNaught's Subdivision of Government Lot 12, Section 27, Township 19 South, Range 26 East and Government Lot 1, Section 34, Township 19 South, Range 26 East, according to the plat thereof recorded in Plat Book 4, Page 2, Public Records of Lake County, Florida, and bounded on the North by Lake Saunders and the South by a line that is 50 feet Northerly of, by perpendicular measurements, the centerline of pavement of County Road Old 441, as it existed on January 28, 2003.

CITY OF TAVARES



Created By: City of Tavares GIS

Typed: DATA\PROJECT FILES\Lake Saunders Annex, Rezoning, SSFLUM - PZ2018 27\GIS\GIS_Map\AD.mxd

Map Created on 1/29/18

EXHIBIT B INTERLOCAL SERVICE AREA BOUNDARY

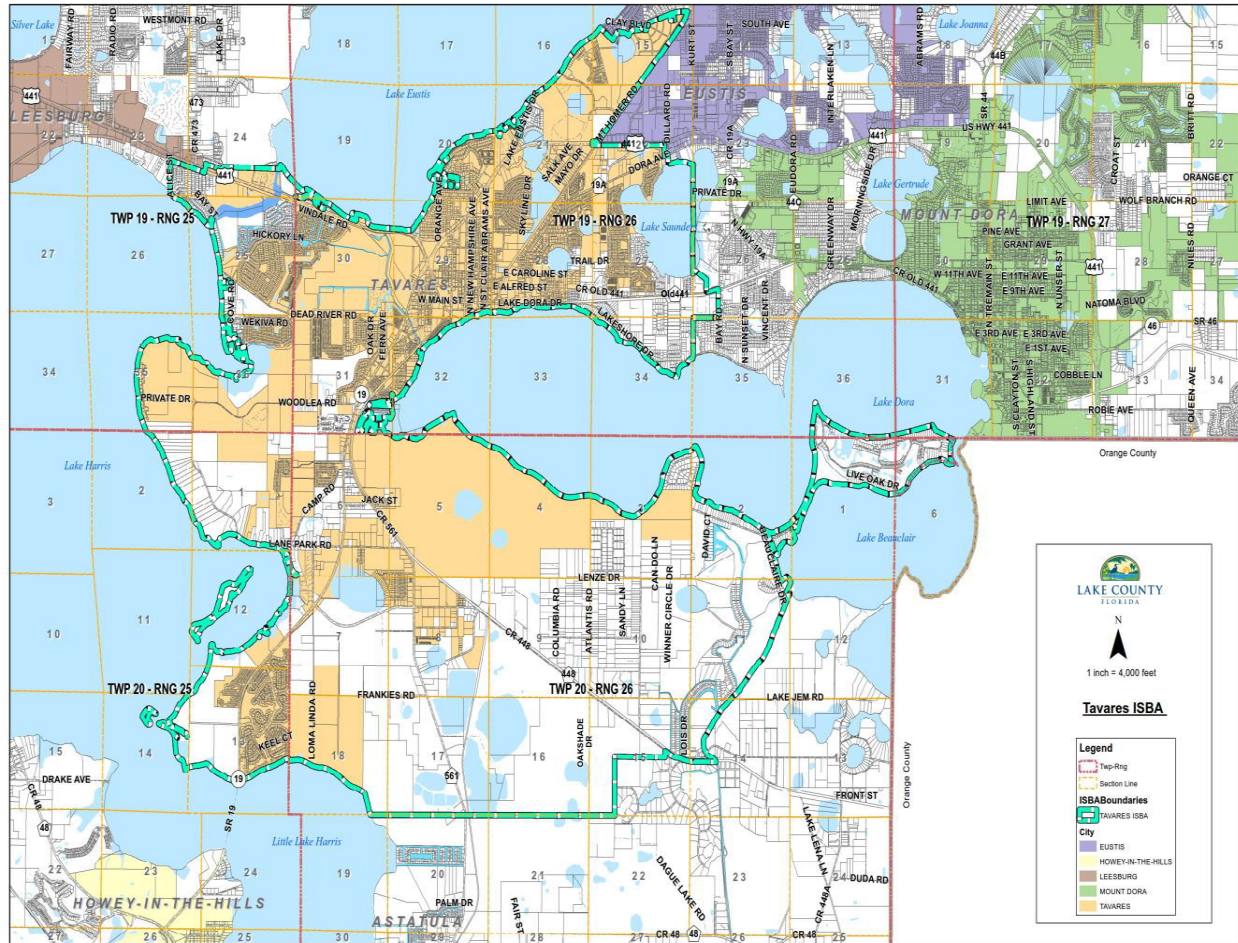


EXHIBIT C UTILITY AGREEMENT



THIS UTILITY AGREEMENT (the "Agreement") is made and entered into as of the _____ day of _____, _____ by and between THE CITY OF TAVARES, FLORIDA, a Florida municipal corporation (hereinafter referred to as the "City"), and Lamont Garber, Garber Housing Resorts, LLC (hereinafter referred to as "Developer").

RECITALS

1. The City owns and operates a central water and wastewater utility within the Interlocal Service Area Boundary Area identified as Exhibit "A" in the Interlocal Service Boundary Agreement between the City of Tavares and Lake County.
2. The Developer owns property, legally described in "Exhibit A" of this Utility Agreement. This property is within the Tavares Interlocal Service Area Boundary. The Developer desires to annex this property into the City of Tavares.
3. A requirement for annexation of non-contiguous properties under the Interlocal Service Boundary Agreement is that properties are either presently served by or capable of being served by public central water and sewer utility service, or the subject owner/developer has entered into a concurrent Water and Sewer Utility Agreement at the time of annexation to extend utility infrastructure to the subject property. The Agreement provides that the City of Tavares may not approve development or issue a final development order in such annexed area unless central water and waste water serves the development.
4. The Developer has agreed to (___) immediately connect to the an existing public water and sewer utility service, or (X) construct the utility infrastructure for water and waste water pursuant to the City's plans and specifications, and it has agreed to pay the entire cost to design, permit, construct, and inspect that construction.

NOW, THEREFORE, in consideration of the mutual covenants, premises and promises hereinafter set forth, the receipt, adequacy and sufficiency of which are hereby acknowledged, the City and the Developer hereby agree as follows:

1. Recitals. The foregoing recitals are true and correct in all respects and are expressly incorporated herein by this reference.

2. Connection or Construction of Capital Lines and Facilities. The City acknowledges that the Developer, at its expense, has agreed either to:

(a). Connect to the City's public water and sewer utility system or some other public central water and sewer service approved by the City within 730 days, or

(b). Design, permit, and construct the following capital infrastructure improvements to wit:

Description of Work: Water & Wastewater utility infrastructure connecting property described in Exhibit "A" to existing City public water and sewer utility system infrastructure.

The City hereby acknowledges that it has granted to the Developer the right and license to construct said water and sewer lines, and expressly consents to such construction. The Developer acknowledges and agrees that, pursuant to the City's ISBA with Lake County, no developmental permits may be issued for the property until all of the required utility infrastructure improvements are constructed and accepted or approved by the City.

3. Conveyance of Improvements. At the City's option, all of the utility facilities constructed pursuant to this agreement shall be the property of the City. In such instance, the Developer agrees to convey to the City, by bill of sale, all of Developer's right, title and interest in Infrastructure extensions and improvements upon execution of this Agreement. In the event the utility connection improvements are not conveyed to the City, the Developer shall be responsible for all maintenance of said lines and facilities.

4. Documentation from Developer. The Developer shall submit to the City sealed engineered copies of all design drawings, contractor's affidavits, certificates from the project engineer, and a set of as-built drawings for all of the improvements contemplated hereby. The Developer shall also assign to the City all warranties and guarantees that it has on the improvements.

5. Entire Agreement. This Agreement constitutes the entire agreement between the parties with respect to the transactions contemplated herein, and it supersedes all prior understandings or agreements between the parties relating to this Agreement.

6. Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

7. Waiver; Modification. The failure by any party to insist upon or enforce any of their rights shall not constitute a waiver thereof and nothing shall constitute a waiver of any party's right to insist upon strict compliance with the terms of this Agreement. Any party may waive the benefit of any provision or condition for its benefit which is

contained herein. No oral modification of this Agreement shall be binding upon the parties and any modification must be in writing and signed.

8. Governing Law. This Agreement shall be governed by and construed under the laws of the State of Florida.

9. Application; Affect. If any provision of this Agreement or the application thereof to any party, person or circumstance shall be held or deemed to be invalid or unenforceable to any extent, the remainder of this Agreement and the application of such provisions to other parties, persons, or circumstances shall be affected thereby and shall be enforced to the greatest extent permitted by law.

10. Notices. Any notices which may be permitted or required hereunder shall be in writing and shall be deemed to have been duly given as of the date and time the same are personally delivered, transmitted electronically (i.e. telecopier device) or within three (3) days after depositing with the United States Postal Services, postage prepaid by registered or certified mail, return receipt requested, or within one (1) day after depositing with Federal Express or other overnight delivery service from which a receipt may be obtained, and addressed as follows:

City: John Drury, City Administrator
City of Tavares
201 East Main Street
Tavares, Florida 32778
Telephone: (352) 742-6209

Copy to: Robert Q. Williams, Esquire
Williams, Smith & Summers, P.A.
380 West Alfred Street
Tavares, Florida 32778-3298
Telephone: (352) 343-6655
Fax: (352) 343-4267

Developer: Lamont Garber
Garber Housing Resorts, LLC
1211 Orange Ave. Ste 102
Winter Park, FL 32789

11. Attorney's Fees. In the event of any dispute hereunder for of any action to interpret or enforce this Agreement, any provision hereof or any matter arising here from, the prevailing party shall be entitled to recover its reasonable cost, fees, expenses, including but not limited to witness fees, expert fees, consultant fees, attorney, paralegal and legal assistant fees, costs and expenses and other professional fees, costs, and expenses whether suit be brought or not, and whether in settlement, in any declaratory action, at trial or on appeal.

12. Performance. Time is of the essence in the performance of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in form and manner sufficient to bind them as of the date indicated hereinabove.

CITY OF TAVARES

ATTEST:

Susie Novack, City Clerk

Troy Singer, Mayor

Approved as to form and legality by:

This _____ day of _____, 2019.

Robert Q. Williams, Esquire
City Attorney

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in form and manner sufficient to bind them as of the date indicated hereinabove.

Signed, sealed and delivered in the presence of the following witnesses:

Signature of Witness

Printed Name of Witness

Signature of Witness

Printed Name of Witness

DEVELOPER:

By: _____ Lamont Garber
Garber Housing Resorts, LLC

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, by _____, who ☐ is personally known to me or ☐ has produced _____ as identification.

(NOTARY SEAL)

Notary Public Signature

(Name typed, printed or stamped)

EXHIBIT A
Legal Description

The East 220 feet of the West 325 feet of Lot 1, John G. McNaught's Subdivision of Government Lot 12, Section 27, Township 19 South, Range 26 East, according to the plat thereof as recorded in Plat Book 4, Page 2, Public Records of Lake County, Florida; Less and except the right of way for County Road Old 441.

AND

Lot 1, in John G. McNaught's Subdivision of Government Lot 12, Section 27, Township 19 South, Range 26 East and Government Lot 1, Section 34, Township 19 South, Range 26 East, according to the plat thereof as recorded in Plat Book 4, Page 2, Public Records of Lake County, Florida; Less and except the West 325 feet thereof, and less and except the right of way for County Road Old 441.

AND

The West 1/2 of the vacated unnamed street lying West of Lot 22 and East of Lot 1, John G. McNaught's Subdivision of Government Lot 12, Section 27, Township 19 South, Range 26 East and Government Lot 1, Section 34, Township 19 South, Range 26 East, according to the plat thereof recorded in Plat Book 4, Page 2, Public Records of Lake County, Florida, and bounded on the North by Lake Saunders and the South by a line that is 50 feet Northerly of, by perpendicular measurements, the centerline of pavement of County Road Old 441, as it existed on January 28, 2003.

**AGENDA SUMMARY
TAVARES CITY COUNCIL
8/7/2019**

AGENDA TAB NO.: 7

SUBJECT TITLE: Ordinance 2019-05 Garber Housing Resorts, LLC - SSFLUM 9.85 Acres North of Old 441, West of Fairview Ave. (Community Development)

OBJECTIVE:

To consider a Small Scale Future Land Use Map amendment from County Urban High to City High Density Residential for 9.85 acres of property located on the north side of Old U.S. HWY 441, west of Fairview Ave.

SUMMARY:

The subject property is located on the north side of Old U.S. HWY 441 (Alfred Street) west of Fairview Avenue. It is approximately 9.85 acres in size. The land is presently vacant and has a land use designation of County Urban High Density. 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 to City of Tavares High Density Residential. The property is within the city's Interlocal Service Boundary Area as established by the adopted Interlocal Service Boundary Agreement with Lake County. Under this agreement, the city may annex non-contiguous properties located within the Interlocal Service Boundary Area under the terms and conditions of the agreement. As a condition of annexation, the subject property's owner/developer must enter into a concurrent water and sewer utility agreement to extend utility infrastructure to the subject property and also further provided that the City of Tavares shall not approve any development or issue a final development order in such annexed area unless central water and wastewater shall serve the development.

Ordinance 2019-05 proposes a small scale amendment to the Future Land Use Map 2020 of the Comprehensive Plan from County Urban High to City High Density Residential.

The subject property (Parcel Alternate Key Numbers 1369908 & 1369916) is adjacent to a mixture of residential, commercial, and industrial uses. An application to annex and rezone this property to a residential 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 (4-12 DU/Acre). A City High Density Residential designation (12-25 DU/Acre) is compatible with surrounding property and the existing County Future Land Use.

Compatibility

Lands surrounding this property are residential, commercial, and industrial in nature.

Site Conditions

The property is currently vacant. Prior to any development, an approved site plan will be required. All applicable surveying, environmental assessments, and permitting must be in place before the site plan is approved. Any proposed development project will be required to connect to city water and wastewater utilities.

Impact on City Services

The subject property is located in the City's Utility Service Boundary Area. As a condition for annexation and prior to the issuance of any development permits, municipal water and sewer services must be extended to 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 Comprehensive Plan Goals, Objectives and Policies with the following findings:

1. A High Density Residential 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 proposed development of the subject property shall be monitored through the City's Concurrency Management System. (Comp Plan, Chapter 8)

OPTIONS:

1. That City Council moves to approve Ordinance 2019-05, a Small Scale Future Land Use Map amendment from County Urban High to City High Density Residential for 9.85 acres of property located on the north side of Old U.S. HWY 441, west of Fairview Ave.
2. That City Council moves to deny the proposed Small Scale Comprehensive Plan Amendment.

STAFF RECOMMENDATION:

At their April 18th meeting the Planning & Zoning Board voted 5-2 to recommend denial of Ordinance 2019-05 (Gary Santoro, Morris Osborn, Gary Koerner, Dara Treadwell and Richard Root voted against the ordinance. William Stomp and Lou Buigas voted in favor of the ordinance).

Staff recommends that City Council moves to approve Ordinance 2019-05, a Small Scale Future Land Use Map amendment from County Urban High to City High Density Residential for 9.85 acres of property located on the north side of Old U.S. HWY 441, west of Fairview Ave.

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

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

Approved. RQW

ATTACHMENTS AVAILABLE TO THE PUBLIC UPON REQUEST:

FLU Map

04-18-19 PZ Board Minutes

Newspaper Ad 4-4-19

Newspaper Ad 4-11-19

ATTACHMENTS:

Description

Ordinance 2019-05

Type

Ordinance

ORDINANCE 2019-05

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 9.85 ACRES OF PROPERTY FROM COUNTY URBAN HIGH TO CITY HIGH DENSITY RESIDENTIAL FOR NON-CONTIGUOUS PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF OLD U.S. HIGHWAY 441, WEST OF FAIRVIEW AVENUE; PROVIDING FOR SEVERABILITY AND CONFLICTS; 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, this property is located within the Interlocal Service Boundary Area attached as **Exhibit “B”** to this ordinance; and

WHEREAS, the City of Tavares may annex non-contiguous properties located within the Interlocal Service Boundary Area under the terms and conditions of the Interlocal Service Boundary Agreement executed between the City of Tavares and Lake County, and

WHEREAS, the owner of property legally described in **Exhibit “A”** and as further detailed in the Location Map attached hereto, 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 to City of Tavares High Density Residential; and

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, a High Density Residential Future Land Use designation is compatible with 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 to comment on issues 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 2020 of the City of Tavares, Florida, is hereby amended to reflect a designation of High Density on certain real properties as legally described in **Exhibit "A"** and as shown on the Location Map attached hereto. 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 _____, 2019 by the City Council of the City of Tavares, Florida.

Troy Singer, Mayor
Tavares City Council

First Reading and Transmittal: _____

Second Reading & Final Adoption: _____

ATTEST:

Susie Novack, City Clerk

Approved as to form:

Robert Q. Williams, City Attorney

EXHIBIT A

The East 220 feet of the West 325 feet of Lot 1, John G. McNaught's Subdivision of Government Lot 12, Section 27, Township 19 South, Range 26 East, according to the

plat thereof as recorded in Plat Book 4, Page 2, Public Records of Lake County, Florida; Less and except the right of way for County Road Old 441.

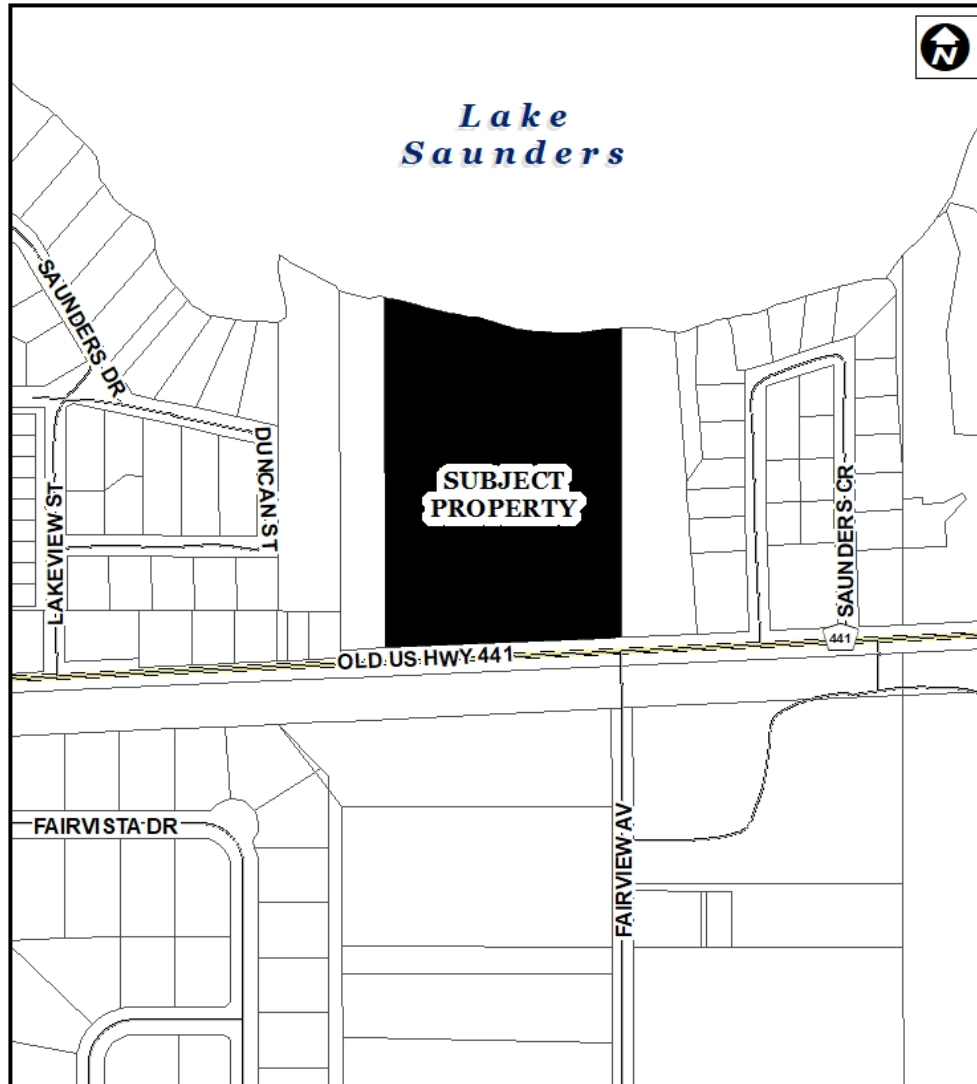
AND

Lot 1, in John G. McNaught's Subdivision of Government Lot 12, Section 27, Township 19 South, Range 26 East and Government Lot 1, Section 34, Township 19 South, Range 26 East, according to the plat thereof as recorded in Plat Book 4, Page 2, Public Records of Lake County, Florida; Less and except the West 325 feet thereof, and less and except the right of way for County Road Old 441.

AND

The West 1/2 of the vacated unnamed street lying West of Lot 22 and East of Lot 1, John G. McNaught's Subdivision of Government Lot 12, Section 27, Township 19 South, Range 26 East and Government Lot 1, Section 34, Township 19 South, Range 26 East, according to the plat thereof recorded in Plat Book 4, Page 2, Public Records of Lake County, Florida, and bounded on the North by Lake Saunders and the South by a line that is 50 feet Northerly of, by perpendicular measurements, the centerline of pavement of County Road Old 441, as it existed on January 28, 2003.

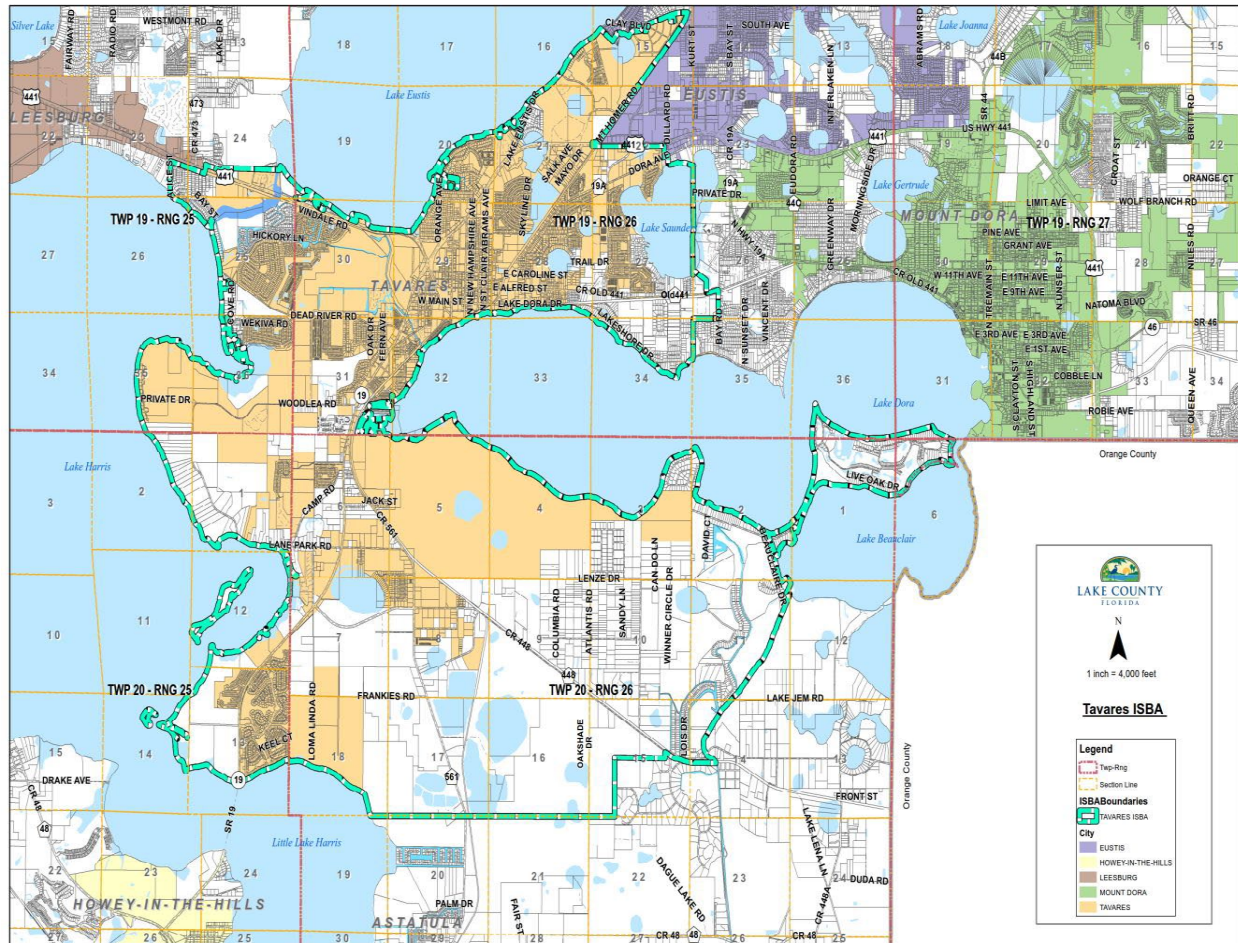
CITY OF TAVARES



PROPERTY LOCATION MAP



EXHIBIT B INTERLOCAL SERVICE BOUNDARY AREA



**AGENDA SUMMARY
TAVARES CITY COUNCIL
8/7/2019**

AGENDA TAB NO.: 8

SUBJECT TITLE: Presentation of PAC Website Portal (Public Communications)

OBJECTIVE:

To discuss and approve the new "plug n' play" web portal layout which calculates the estimated Performing Arts Center (PAC) tax for residents and business owners.

SUMMARY:

During a previous meeting City Council requested the development of a web page devoted to informing the public of the tax impact per property (residential and commercial) of the proposed PAC. The Council expressed their desire to provide transparent information so voters can make an informed decision when voting on the referendum Tuesday, November 5, 2019.

OPTIONS:

- 1.) Discuss and approve layout with no changes
- 2.) Discuss and approve layout with with changes

STAFF RECOMMENDATION:

Option 1: Discuss and approve layout with no changes

FISCAL IMPACT:

The cost to develop, operate and manage portal is \$600 - \$800 which is budgeted.

LEGAL SUFFICIENCY:

Yes.

Approved. RQW

ATTACHMENTS:

Description

Proposed PAC web page

Type

Exhibit

Proposed Performing Arts Center

Message from Tavares City Council

"This web page is designed to provide Tavares voters with information on the proposed Performing Arts Center. This will enable voters to make an informed decision when voting on the November 5th, 2019 referendum. We hope Tavares voters take advantage of this information by entering their property address into the web portal below. This portal provides the estimated tax contribution to build and operate this facility. Also, there is a brief video, a study and other information for your perusal. If you have any further questions do not hesitate to contact any Council Member or the City Administrator at 352-742-6209. Most importantly, please vote on Tuesday, November 5th either way, as we want you to directly participate in this decision". Tavares City Council



[Link to Video](#) [Link to PAC Study](#)

Artist Conceptual Rendering subject to change based on community and design professional input



Residents are asked to consider the issuance of municipal bonds for designing, permitting and constructing a performing arts center and associated parking garage.

Notice is hereby given of a Bond Referendum to be on the ballot of the Tavares Municipal Election on Tuesday, November 5, 2019.

The ballot language of the bond referendum will be as follows:

BONDS FOR DESIGNING, PERMITTING AND CONSTRUCTING A
PERFORMING ARTS CENTER AND ASSOCIATED PARKING GARAGE

To enhance quality of life and improve economic conditions by designing, permitting and constructing a Performing Arts Center and associated parking garage in the City of Tavares, shall the City issue bonds not exceeding in principal amount \$27 million at an interest rate of not exceeding the legal maximum and maturing over 20 years or less, by levying ad valorem taxes in an amount sufficient to repay such bonds?

_____ FOR BONDS
_____ AGAINST BONDS

[Important information regarding the use of this product](#)

Disclaimer: This calculator is intended to provide an estimate of the ad valorem property tax for the proposed Performing Arts Center and associated parking garage. It should not be relied upon as a definitive determination of annual taxes. Based on the 2019 property information.

Your use of this estimator and its data constitutes your admission and agreement you have read and understood the above assumptions, intent, and limitations; and you will hold harmless the City of Tavares, City Council and its employees from any and all mistakes, misuse, and misunderstandings. No warranties, expressed or implied, are provided for the accuracy of the data or calculations herein, its use, or its interpretation.

Some address or AltKey information may not appear when searched in accordance with §119.071, F.S.(Law Enforcement/Public Safety Request to Remove Information from Public Inspection). As of July 1, 2019, the definition of home address has been expanded to include the parcel identification number and legal description.

Tax Estimation Calculator Portal

This tool assists property owners to estimate their property tax for the proposed Performing Arts Center and associated parking garage.

Enter property address into the box below
Example

207 JUNIPER
(omit Dr, St, Court, Way, Ave, etc...)
* box also accepts AltKey

8675 Seaplane City Way

ESTIMATED TAX FOR 20-YEAR PROJECT BOND:		
daily	monthly	yearly
\$0.60	\$18.39	\$220.71
ESTIMATED TAX FOR ANNUAL OPERATIONS AND MAINTENANCE:		
daily	monthly	yearly
\$0.17	\$5.18	\$62.17

**AGENDA SUMMARY
TAVARES CITY COUNCIL
8/7/2019**

AGENDA TAB NO.: 9

SUBJECT TITLE: Renewal Federal Grant Government Relations Service Agreement

OBJECTIVE:

To renew the current (attached) Federal Grant Governmental Relations Services Agreement

SUMMARY:

Previously, the City secured a top rated Washington DC Federal Grant Government Relations and coordination firm called Merchant McIntyre Associates to assist in securing Federal Grants for the following projects:

1. **Tavares to Mount Dora trail:** An application for up to \$25 million is being framed with Federal Grant agencies for Fiscal Year 2020 as the city awaits the completion of the current \$450,000 grant funded feasibility study to be completed.
2. **The New Public Works Facility's** plan to add a Lake Tech component: Applications for grants from Federal Agencies including EDA and ATE totaling \$3 million are being coordinated with Public Works Director.
3. **Rail Road Quiet Zones:** Where significant progress has been made on rail road crossing signalization throughout Tavares by the Economic Development Director with 100% grants - No Cost to Tavares - over the past year, more are needed to create quiet zones: Tavares Economic Development Director is working with the Washington Team on this initiative to secure additional grants.

Securing Federal Grants can take three to five years and when secured are usually in the multi-million dollar ranges for local public infrastructure projects like the above listed projects. As you may recall, the City was previously successful in securing an \$18.4 million grant for the Lake County Rail Road spine to install continuous welded tracks from Eustis, through Tavares to Plymouth and an additional grant of \$1.2 million grant to replace the aging Dora Canal Railroad bridge with the assistance of a different state of Florida Governmental Relations Firm. This Washington D.C. based firm is framing the Tavares projects with the appropriate Federal Agencies, U.S. Congress, Senators and President and will assist Tavares compete competitively to win Federal Grants. Attached is a summary of the teams initiatives over its first year. It is recommended that the Agreement be extended until such time as either party provides a 90 day notice to cancel.

Quarterly reports on progress being made on Federal Grants will be provided to the City Council. The annual cost for the Federal Grant procurement work under this service agreement is \$7,500 per month which equates to \$90,000 per year and is budgeted.

OPTIONS:

1. Authorize an extension of the Agreement until either party provides a 90 day notice to terminate.

2. Do not extend the agreement

STAFF RECOMMENDATION:

Option 1: Authorize an extension of the Agreement until either party provides a 90 day notice to terminate.

FISCAL IMPACT:

\$7,500 per month which is budgeted.

LEGAL SUFFICIENCY:

yes

Approved. RQW

ATTACHMENTS AVAILABLE TO THE PUBLIC UPON REQUEST:

Agreement

Progress Report

ATTACHMENTS:

Description

Type

**AGENDA SUMMARY
TAVARES CITY COUNCIL
8/7/2019**

AGENDA TAB NO.: 10

SUBJECT TITLE: Budget Workshop – Five-Year Capital Improvement Plan (Finance)

OBJECTIVE:

To present the City of Tavares FY2020 Proposed Five-Year Capital Improvement Plan (CIP), and to provide Council and opportunity for discussion of the Fiscal Year 2020 Proposed Budget (October 1, 2019 through September 2020)

SUMMARY:

Previously, Council has reviewed the FY20 Proposed Budgets as follows:

- At the July 3rd City Council meeting, Council was presented the FY2020 Proposed General Fund Budget.
- At the July 17th City Council meeting, Council was presented the Utility Funds and Special Funds Proposed Budgets for FY2020, and after which the Council had opportunity to discuss the General Fund budget as well as the Utilities and Special Fund budgets.
- At the July 24th City Council Budget Workshop, the City Council discussed the FY 2020 General Fund Proposed Budget and the FY2020 Proposed Millage rate. At this meeting the Council reviewed and discussed the Cut List, the General Fund Budget, and a Maximum Tentative Millage rate.
- Also at the July 24th City Council Budget workshop, the City Council set the Maximum Tentative Millage Rate at 6.950, and the Maximum Tentative Voted Debt Service Millage Rate at .2932.
 - The Maximum Tentative Millage Rate for FY2020 represents a decrease from prior year of .1619 mills or 2.28%
 - The Maximum Tentative Voted Debt Millage Rate for FY2020 represents a decrease from prior year of .012 mills or 3.93%
 - The total Maximum Tentative Millage (ad valorem + voted debt) represents a decrease from prior year of .1739 mills or 2.35%

At this meeting the Council will be presented the Five-Year Capital Improvement Plan (CIP), after which the Council will have an opportunity to discuss the Five-Year Capital Improvement Plan, the General Fund Budget, the Utility Fund Budgets, the Special Funds, the Millage rate, and other items related to the FY2020 Proposed Budget.

OPTIONS:

Option 1: Request the Finance Director to present the Five Year Capital Improvement Plan after which discussions for the General Fund, Utility Funds, Special Fund budgets and millage rates

may continue.

Option 2: Do not Request the Finance Director to present the Five Year Capital Improvement Plan.

STAFF RECOMMENDATION:

Option 1: Request the Finance Director to present the Five Year Capital Improvement Plan after which discussions for the General Fund, Utility Funds, Special Fund budgets and millage rates may continue.

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

Legally Sufficient

ATTACHMENTS AVAILABLE TO THE PUBLIC UPON REQUEST:

CIP Presentation

FY 2020 Proposed Budget 5-Year CIP

ATTACHMENTS:

Description

Type

**AGENDA SUMMARY
TAVARES CITY COUNCIL
8/7/2019**

AGENDA TAB NO.: 11

SUBJECT TITLE: Tavares Historical Society

OBJECTIVE:

For the Tavares Historical Society to present a historical perspective.

SUMMARY:

The Tavares Historical Society will present a historical perspective.

OPTIONS:

1. Receive the Tavares Historical Society perspective.
2. Do not receive the Tavares Historical Society perspective.

STAFF RECOMMENDATION:

Option 1. Receive the Tavares Historical Society perspective.

FISCAL IMPACT:

None.

LEGAL SUFFICIENCY:

Legally sufficient.

**AGENDA SUMMARY
TAVARES CITY COUNCIL
8/7/2019**

AGENDA TAB NO.: 12

SUBJECT TITLE: City Administrator Report

OBJECTIVE:

To inform Council on city related matters.

SUMMARY:

The City Administrator will provide a summary at the meeting.

UPCOMING MEETINGS:

City Council Regular Meeting and Budget Workshop	August 14, 2019 – 4 pm – City Council Chambers
Library Board	August 21, 2019 – 2:30pm – Tavares Library Conference Room
Planning and Zoning Board	August 15, 2019 – 3 pm – City Council Chambers
Code Enforcement Hearing	August 27, 2019 – 5 pm – City Council Chambers - Cancelled

UPCOMING EVENTS:

The British Invasion Beatles Tribute	September 20, 2019 – 6:00 – 9:00 pm – Tavares Square
Rocktoberfest	October 12, 2019 – 4:00 pm – Wooton Park
Advent Health Waterman Pink Out 5K	October 17, 2019 – Details to be Announced
Blessed Art Fest	October 19, 2019 – Details to be Announced
City's BooFest Halloween Event	October 25, 2019 – Details to be Announced
Monster Splash Fly-In	October 26, 2019 – 9:00 am – Wooton Park

OUTSIDE AGENCY MEETINGS:

Lake County League of Cities	August 9, 2019 – 12-1:30 pm – Lake Receptions
Lake Sumter MPO Executive Board Meeting	August 28, 2019 – 2:00 pm – 225 W. Guava Street, Lady Lake
Tavares Chamber Business Luncheon	August 28, 2019 – 11:30 am – Tavares Civic Center, 100 E Caroline Street, Tavares

OPTIONS:

N/A

STAFF RECOMMENDATION:

N/A

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

N/A

**AGENDA SUMMARY
TAVARES CITY COUNCIL
8/7/2019**

AGENDA TAB NO.: 13

SUBJECT TITLE: City Council Member Reports

OBJECTIVE:

To inform Council on city related matters.

SUMMARY:

Council will be offered an opportunity to provide a report at the meeting.

OPTIONS:

N/A

STAFF RECOMMENDATION:

N/A

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

N/A