

AGENDA



City of Tavares Planning & Zoning Advisory Board

November 18, 2021 -- 3:00 PM

**TAVARES CITY HALL COUNCIL CHAMBERS
201 E MAIN STREET, TAVARES**

I. Call to Order

II. Pledge of Allegiance

III. Approval of Minutes

1. Approval of August 18, 2021 Planning & Zoning Board Meeting Minutes (Deputy City Clerk)

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

V. Public Hearings

1. Herring Property - Vacate Easement Located at 1417 Schult Court
Recommendation on Resolution 2021-28
2. Idamere Crossings - Rezoning of Approximately 19.46 Acres Located at the Southeast Corner of SR-19 & Lane Park Cutoff
Recommendation on Ordinance 2021-11
3. Idamere Crossings - Small Scale FLUM Amendment of Approximately 19.46 Acres Located at the Southeast Corner of SR-19 & Lane Park Cutoff
Recommendation on Ordinance 2021-12
4. Avalon Park Tavares, LLC - Annexation and Rezoning of Approximately 0.63 Acres Located at 1693 & 1695 South Palm Circle
Recommendation on Ordinance 2021-13
5. Avalon Park Tavares, LLC - Small Scale FLUM Amendment of Approximately 0.63 Acres Located at 1693 & 1695 South Palm Circle
Recommendation on Ordinance 2021-14
6. Lane Park Commons (Supervisor of Elections / Sheriff Site) - Rezoning of Approximately 13.19 Acres Located at the Northwest Corner of SR-19 & Lane Park Road

Recommendation on Ordinance 2021-17

7. Lane Park Commons (Supervisor of Elections / Sheriff Site) - Small Scale FLUM Amendment of Approximately 13.19 Acres Located at the Northwest Corner of SR-19 & Lane Park Road

Recommendation on Ordinance 2021-18

8. Land Trust Service Corporation Trustee - Annexation and Rezoning of Approximately 0.21 Acres Located at 31325 David Walker Drive

Recommendation on Ordinance 2021-19

9. Land Trust Service Corporation Trustee - Small Scale FLUM Amendment of Approximately 0.21 Acres Located at 31325 David Walker Drive

Recommendation on Ordinance 2021-20

VI. Other Business

VII. Audience to be heard

VIII. Adjournment

F.S. 286.0105 If a person decides to appeal any decision or recommendation made by Council with respect to any matter considered at this meeting, he will need record of the proceedings, and that for such purposes he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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

**CITY OF TAVARES
PLANNING AND ZONING BOARD MEETING
TAVARES COUNCIL CHAMBERS
201 E. MAIN STREET, TAVARES
AUGUST 19, 2021**

BOARD MEMBERS PRESENT

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

LAKE COUNTY SCHOOL BOARD

Helen LaValley - Absent

STAFF MEMBERS PRESENT

Mike Fitzgerald, Community Development Director
Jillian Roberts, Deputy City Clerk

CALL TO ORDER

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

APPROVAL OF MINUTES

Chairman Santoro asked if there are any additions or corrections for May 20, 2021 Planning and Zoning Board Meeting minutes. There were none.

MOTION

James Sweezea moved to approve the minutes of the May 20, 2021 Planning and Zoning Board Meeting, seconded by Dian Joy. The motion carried unanimously 6-0.

SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EX PARTE COMMUNICATIONS

Ms. Roberts swore in those who were present. Mr. Fitzgerald noted ex-parte communications should be disclosed by the Board Members. There were none.

PUBLIC HEARING

1) Recommendation on Ordinance 2021-09 – Comprehensive Plan 2040 Amendment – Addition of Property Rights Element pursuant to HB 59

Mr. Fitzgerald provided the following staff report:

On November 18, 2020, the City of Tavares adopted Comprehensive Plan 2040 in accordance with Florida Statutes - Chapter 163, and the State of Florida Local Government Comprehensive Planning and Land Development Regulation Act. Subsequently to that adoption, the 2021 Florida Legislature enacted House Bill 59 requiring each local government to include in its Comprehensive Plan a Property Rights Element to ensure that private property rights are considered in local decision making. Ordinance 2021-09 proposes amending the City of Tavares Comprehensive Plan providing for the addition of a Property Rights Element as mandated by the State of Florida.

OPTIONS:

- 1. That the Planning & Zoning Board moves to recommend approval of Ordinance 2021-09, an amendment to the City of Tavares Comprehensive Plan 2040 providing for the addition of a Property Rights Element pursuant to HB 59.*
- 2. That the Planning & Zoning Board moves to recommend denial of Ordinance 2021-09.*

STAFF RECOMMENDATION:

Staff recommends that the Planning & Zoning Board move to recommend approval of Ordinance 2021-09, an amendment to the City of Tavares Comprehensive Plan 2040 providing for the addition of a Property Rights Element pursuant to HB 59.

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

Chairman Santoro asked for comments from the Board.

Chairman Santoro asked how easements will be handled noting the House Bill states “the property owner to physically possess and control his or her interest in the property including easements”. Mr. Fitzgerald said the private property is owned by the individual that is on the deed and the easement would still be effective in favor of which ever entity to access the property for a specific purpose.

Mr. Fitzgerald noted he is not an attorney and said that it has been approved for cities to adopt as written.

There was majority consensus of their concern of how the bill is written.

MOTION

August 19, 2021
Planning & Zoning Board Meeting

Dian Joy moved to recommend approval of Ordinance 2021-09, seconded by James Sweezea. The motion carried unanimously 6-0.

OTHER BUSINESS

PUBLIC COMMENT

ADJOURNMENT

Dian Joy moved to adjourn the meeting at 3:13 PM, seconded by Bruce Peterman. The motion carried unanimously 7-0.

Respectfully submitted,

Jillian Roberts,
Deputy City Clerk

AGENDA SUMMARY
TAVARES PLANNING & ZONING ADVISORY BOARD
11/18/2021

AGENDA TAB NO.: 1.

**SUBJECT TITLE: Herring Property - Vacate Easement Located at 1417 Schult Court
Recommendation on Resolution 2021-28**

OBJECTIVE:

To consider the vacation of an easement located at 1417 Schult Ct, Lot 728 and the south 1/2 of Lot 727, Lake Frances Estates-Unit 5, as recorded in Plat Book 26, Page 12.

SUMMARY:

This is a request to vacate a platted easement lying across the property located at 1417 Schult Ct. Tavares, Florida 32778. As a stipulation of the proposed sale of the property, the mortgage company issuing the buyer's mortgage is requiring the current owner of the property to petition to vacate an existing easement as it is no longer practical as a result of a lot line deviation in 2002 by Warranty Deed recorded in BK 2177, PG 1328 of the Public Records of Lake County, and the subsequent construction of the existing mobile home in 2002 that encroaches on the easement. City staff reviewed the vacate request and determined no conflicts in the vacation with regard to drainage, utilities, health, safety, or welfare of the Public. This vacate will remove the city's public interest in this land, thus allowing the applicant to eliminate any perceived exception to clear title of this property.

OPTIONS:

1. That the Planning & Zoning Board moves to recommend approval of Resolution 2021-28 vacation of an easement located at 1417 Schult Ct, Lot 728 and the south 1/2 of Lot 727, Lake Frances Estates-Unit 5, as recorded in Plat Book 26, Page 12.
2. That the Planning & Zoning Board moves to recommend denial of Resolution 2021-28.

STAFF RECOMMENDATION:

Staff recommends that the Planning & Zoning Board moves to recommend approval of Resolution 2021-28 vacation of an easement located at 1417 Schult Ct, Lot 728 and the south 1/2 of Lot 727, Lake Frances Estates-Unit 5, as recorded in Plat Book 26, Page 12.

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

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

ATTACHMENTS AVAILABLE TO THE PUBLIC UPON REQUEST:

1. Resolution 2021-28
2. Aerial Map
3. Newspaper Ad

RESOLUTION 2021-28

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF TAVARES, FLORIDA, TO VACATE AN EASEMENT LOCATED AT 1417 SCHULT CT. TAVARES, FL 32778, LOT 728 AND THE SOUTH ½ OF LOT 727, LAKE FRANCES ESTATES – UNIT 5, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 26, PAGE 12, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, SUBJECT TO THE RULES AND REGULATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of property located at 1417 Schult Ct. has petitioned for a vacation of said easement; and

WHEREAS, the easement described in Exhibit “A” is no longer practical as a result of the lot line deviation between Lots 727 & 728 of Lake Frances Estates – Unit 5, completed in 2002 by Deed as recorded in Book 2177, Page 1328 of the Public Records of Lake County, Florida, and the construction of a mobile home in 2002 across the portion of said easement; and

WHEREAS, this proposed vacate will remove the City's public interest in this property; and

WHEREAS, the petition to vacate said easement has been duly noticed as required by law; and

WHEREAS, the abutting property owners have been notified per the requirements of the City of Tavares Land Development Regulations; and,

WHEREAS, the City of Tavares has reviewed the vacate request and determined no conflicts in the vacation with regard to drainage, utilities, health, safety, or welfare,

NOW, THEREFORE, be it resolved by the City Council of the City of Tavares, Florida as follows:

The City of Tavares hereby vacates any and all interest in the aforesaid easement, as described in Exhibit A, attached hereto and made part of this resolution.

PASSED AND RESOLVED this ____ day of ____, 2021 by the Tavares City Council.

, Mayor
Tavares City Council

ATTEST

Susie Novack, City Clerk

Approved as to form and legality:

Lindsay C. T. Holt, City Attorney

Exhibit "A"

SKETCH OF DESCRIPTION

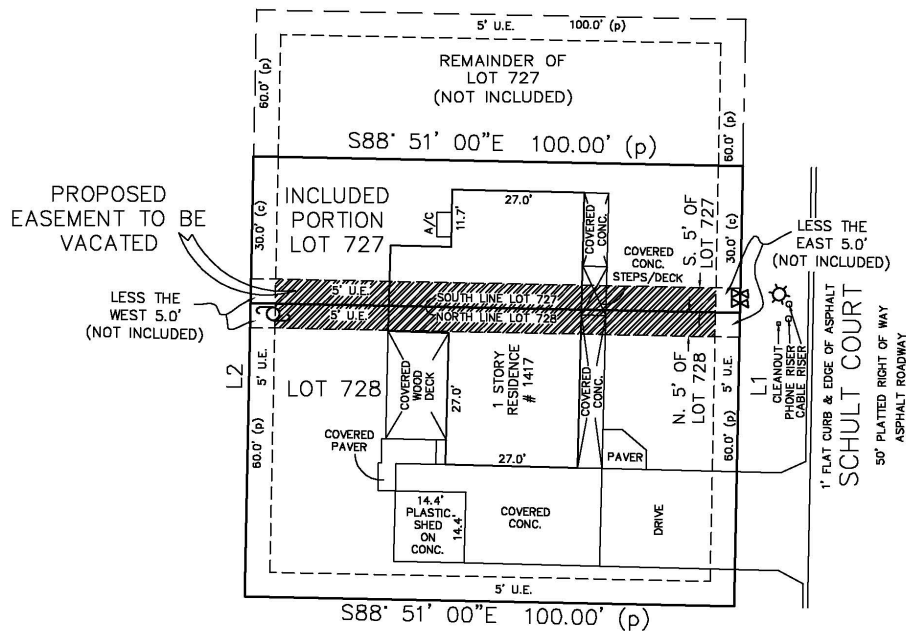
PAGE 1 IS FOR LEGAL DESCRIPTION AND
GRAPHICAL VIEW OF PROPOSED
EASEMENT AREA TO BE VACATED

PROPERTY DESCRIPTION

Lot 728 and the South 1/2 of Lot 727, LAKE FRANCES ESTATES – UNIT 5, according to the Plat thereof, recorded in Plat Book 26, Page(s) 12 of the Public Records of Lake County, Florida.

PROPOSED LEGAL FOR EASEMENT VACATION

The North 5' of Lot 728 and the South 5' of Lot 727, Less the West 5.0' and the East 5.0' thereof, LAKE FRANCES ESTATES – UNIT 5, according to the Plat thereof, recorded in Plat Book 26, Page(s) 12 of the Public Records of Lake County, Florida. Containing +900.00± Sq.Ft.

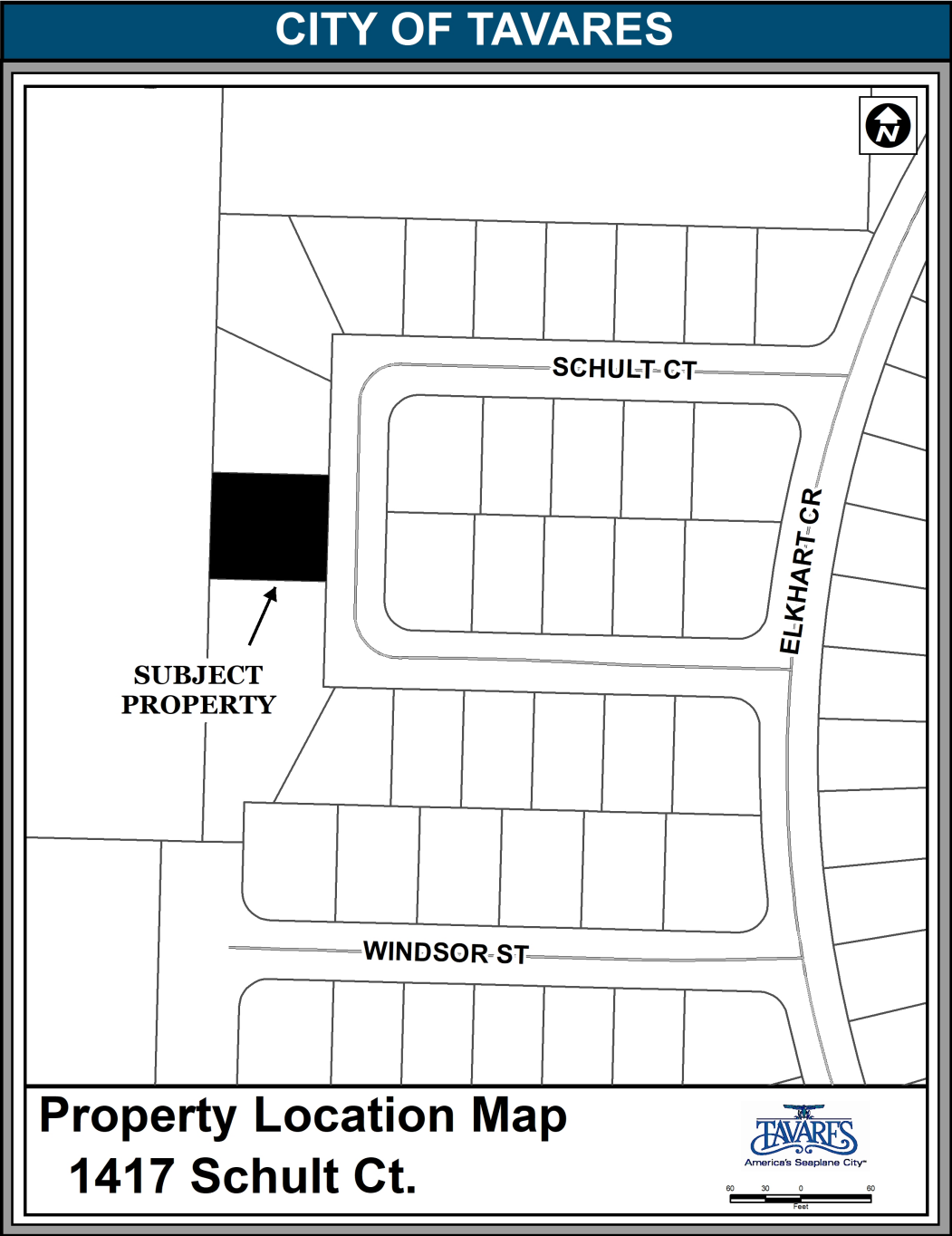


DRAWING: 21.1411	SURVEY DATE: 09/23/21
INTENDED DISPLAY SCALE 1" = 30'	DRAWN: DSW
EXPECTED USE OF THIS LAND: RESIDENTIAL PURPOSES	
IT IS CERTIFIED THAT THE SURVEY REPRESENTED HEREON MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH IN CHAPTER 61017-8 AND 61017-9, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 22.027, FLORIDA STATUTES.	
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER	
 DOUGLAS S. WILLIS, Florida Registration # 5984 FOR THE FIRM:	

PLEASE VISIT OUR WEBSITE: WWW.DSWSURVEYS.COM



PROFESSIONAL SURVEYORS AND MAPPERS
CERTIFICATION OF AUTHORIZATION #LB7945
32138 OKALOOSA TRAIL
SORRENTO, FLORIDA 32776
Phone: (352) 735-3796
JOB NO. 21.1411 Sheet 1 of 1



Created By: City of Tavares GIS T:\pzd\DATA\PROJECT FILES\Ildamere Crossing, PD Rezoning, Conceptual Plan & LSFLUM - PZ2021-22\GIS\GIS_Maps\AD.mxd Map Created on 10/26/21

AGENDA SUMMARY
TAVARES PLANNING & ZONING ADVISORY BOARD
11/18/2021

AGENDA TAB NO.: 2.

SUBJECT TITLE: Idamere Crossings - Rezoning of Approximately 19.46 Acres Located at the Southeast Corner of SR-19 & Lane Park Cutoff
Recommendation on Ordinance 2021-11

OBJECTIVE:

To consider the rezoning of approximately 19.46 acres of property located at the southeast corner of SR-19 & Lane Park Cutoff from Commercial (C-2) to Planned Development (PD).

SUMMARY:

The subject property consists of approximately 19.46 acres of vacant property located at the southeast corner of SR-19 & Lane Park Cutoff. The property is currently zoned as Highway Commercial (C-2), and the applicant is proposing that the property be rezoned to Planned Development (PD).

The proposed zoning of Planned Development (PD) is compatible with the surrounding zoning, which is a mixture of residential, commercial, and Public Facilities zoning. The applicant at this time envisions the construction of one hundred sixty-five (165) residential apartments together with recreational amenities including a clubhouse, fitness center, walking trails, and picnic tables. The proposed use is consistent with the Comprehensive Plan by ensuring the availability, quality, and sustainability of a mix of housing types in Tavares. The subject property is approximately 0.30 miles from Tavares Middle School and is walkable for students as there is an existing sidewalk on the south side of Lane Park Cutoff. The property owner is required to obtain school capacity reservation prior to development approval.

The environmental assessment submitted by E Sciences, Inc. indicates no adverse conditions or environmental concerns with the property. Prior to any development, the property owner must comply with all Florida Fish and Wildlife Conservation Commission provisions as they pertain to threatened species.

The preliminary traffic analysis submitted by VHB does not indicate an adverse impact on the level of service for surrounding roadways. The report states that the proposed residential zoning and land use presents a potential trip reduction from the existing commercial zoning.

Development of the property will be in accordance with the provisions of Ordinance 2021-11 and the City's Land Development Regulations. Prior to the issuance of any Building Permits for this property, compliance with all applicable regulations will be required.

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

OPTIONS:

1. That the Planning & Zoning Board moves to recommend approval of Ordinance 2021-11 rezoning of approximately 19.46 acres of property located at the southeast corner of SR-19 & Lane Park Cutoff from Commercial (C-2) to Planned Development (PD).
2. That the Planning & Zoning Board moves to recommend denial of Ordinance 2021-11.

STAFF RECOMMENDATION:

Staff recommends that the Planning & Zoning Board moves to recommend approval of Ordinance 2021-11 rezoning of approximately 19.46 acres of property located at the southeast corner of SR-19 & Lane Park Cutoff from Commercial (C-2) to Planned Development (PD).

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

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

ATTACHMENTS AVAILABLE TO THE PUBLIC UPON REQUEST:

1. Ordinance 2021-11
2. Aerial Map
3. Zoning Map
4. Concept Plan
5. Environmental Assessment
6. Traffic Analysis
7. Newspaper Ad

ORDINANCE 2021-11

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA; REZONING APPROXIMATELY 19.46 ACRES OF LAND LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF STATE ROAD 19 AND LANE PARK CUTOFF FROM HIGHWAY COMMERCIAL (C-2) TO PLANNED DEVELOPMENT (PD); SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the applicant is requesting to rezone property, legally described in **Exhibit "A"** of this ordinance, from a designation of Highway Commercial (C-2) to Planned Development (PD); and

WHEREAS, the applicant would like to develop the property as a Multi-Family Dwelling Community with a Planned Development (PD) zoning; and

WHEREAS, the City of Tavares held 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 rezoning; 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 of the City of Tavares, Florida, deems it in the best interest of the City to apply a Planned Development (PD) zoning designation to said property; therefore,

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

Section 1. Definition.

"Owner" or "Applicant" means the title holder of the Property

Unless otherwise noted, the definitions of all terms shall be the same as the definitions set forth in the City of Tavares Land Development Regulations or the City Comprehensive Plan.

Section 2.1. Rezoning

The purpose of this section is to set forth basic development regulations and to generally describe the Property which is being developed as a Planned Development (PD) as specified in Chapter 8 of the Regulations and shall hereafter be referred to as “the Project”.

Development of this Project shall be governed by the contents of this Ordinance and applicable sections of the City’s Land Development Regulations and Code of Ordinances and all other applicable rules, regulations and ordinances of the City in effect at the time of development of the Project. Unless otherwise noted, where in conflict, the terms of this document shall take precedence over the Land Development Regulations and Code of Ordinances and all other applicable rules, regulations and ordinances of the City.

Section 2.2. Land Uses

- A. The Conceptual Master Plan for the project is attached hereto as **Exhibit "B"** and is an integral part of this PUD document. Elements in the Conceptual Master Plan include residential acreage, recreation space, open space, and jurisdictional wetlands. The general location of each of these land uses has been established as depicted in the Conceptual Master Plan. A breakdown of uses, densities, and acreage is as follows:

Permitted Uses: All uses permitted under the RMF-3 zoning district per the City of Tavares Land Development Regulations Chapter 8.

Total Acreage: 19.46+- acres

Acreage Breakdown:

Upland: 11.06+- acres

Wetland: 3.5+- acres

Lake: 4.9+- acres

Maximum Allowable Residential Density:

The number of residential dwelling units shall be determined at the following maximum densities:

Upland acres x 25 dwelling units per acre

Wetland acres may be used for density calculations of 1 dwelling unit per acre providing a conservation easement is granted

Open Space:

Minimum Open Space required shall be 30% of the gross acreage = 5.8 ± acres.

- B. In addition to the planned elements shown on the Land Use Plan, easements and rights-of-way shall be established within or adjacent to the Property as may be necessary or desirable for the service, function or convenience of the Project. Such easements and rights-of-way, if required, shall be indicated on all site plans or recorded plats of the Property.
- C. Prior to construction, a site plan shall be submitted proposing comprehensive development of the Property regarding stormwater management, utilities, access, parking, landscaping, future location of structures, amenities and other information as required by the Regulations.

Section 2.3. Development Standards

- A. Setbacks. All setbacks shall be measured from the Property line to the foremost vertical face of the structure. Where any setbacks conflict with required easement widths, the easement widths, if larger, shall prevail. Setbacks are as follows:

Right-of-way of State Road 19	25'
Right-o-way of Lane Park Cutoff	25'
Lake Idamere (from mean high water line)	50'
Wetlands	25'
Accessory Buildings including Dumpster Enclosures	15'
Side Yard	15'
Rear Yard – same as Lake Idamere & Wetland	50' & 25'

- B. Impervious Surface Area. The maximum impervious surface area shall not exceed seventy percent (70%).
- C. Height of Structures. The height of a structure shall be determined by measuring the distance from highest grade elevation to the highest point of the roof and shall not exceed sixty feet (60').

- D. Landscape & Buffer Requirements. Landscaping shall comply with the City of Tavares Development Regulations in effect at the time of development.
1. A landscaping master plan shall be submitted concurrent with site plan submittal.
 2. All landscaped and common areas shall be properly irrigated and maintained by the management company (as described in this Ordinance) (the “Manager”).
- E. Signage. All signage shall comply with the requirements of Chapter 21 of the Land Development Regulations.
- F. Site Parking and Traffic Circulation:
1. All parking, internal roads, and access aisles shall comply with Chapter 20 of the Land Development Regulations.
 2. All parking, internal roads, access aisles, and storm water management areas shall remain private and shall be maintained by the Owner and Manager.
- G. Lighting:
1. Exterior lighting shall be designed and installed in a sensitive manner so as to prevent direct glare, light spillage and hazardous interference with automotive and pedestrian traffic on adjacent streets and properties.
 2. Lighting shall be designed in a consistent and coordinated manner for the entire site. The lighting and lighting fixtures shall be integrated and designed so as to enhance the visual impact of the project by accenting key architectural elements and/or emphasizing landscape features. The light poles and fixtures shall be earth tones in color.
 3. Electrical wiring to all site lighting shall be provided underground.
 4. No light fixtures shall be placed in a position where existing or future tree canopy will reduce the illumination levels.

5. Lighting fixtures shall be a maximum of fifteen feet (15') high and shall be downward directed.
- (6) All lighting fixtures within parking areas and walkways shall be decorative light fixtures in accordance with Chapter 9 of the Land Development Code.

Section 2.4. Public Facilities.

- A. Impact Fees. The Developer acknowledges that the City has impact fees for water, wastewater, fire and police, while Lake County has impact fees for transportation. The Project shall be subject to such impact fees or any additional impact fees effective at the time of issuance of any building permit.
- B. Potable water. Potable water shall be provided by the City of Tavares and impact fees shall be paid by the Developer. The Developer shall extend water lines from the existing location to the development. Lines shall be extended in a manner in accordance with the City of Tavares Utility Department and Construction Specifications Manual.
- C. Wastewater. Wastewater treatment service shall be provided by the City and the Developer shall pay the impact fees. The Developer shall extend sanitary sewer lines from the existing location to the development. Lines shall be extended and improvements shall be made in accordance with specifications of the City of Tavares Utility Department and Construction Specifications Manual.
- D. Drainage. Retention pond design shall incorporate a naturalistic approach in accordance with Chapter 9 of the Land Development Regulations. Prior to receiving any development approvals, the Developer shall submit a master site drainage plan for review and approval by the City. All applicable St. John's River Water Management District permits shall be required prior to approval of any development order. The maintenance of the drainage system shall be the responsibility of the Owner and Manager.

- E. Reuse Water. The Developer shall be required to install a water reuse distribution system to serve all irrigation needs within the Property. The lines will be served by potable water until such time as reclaimed water is available for irrigation.
- F. Site Ingress/ Egress and Traffic Circulation. The project will be limited to one driveway as shown on **Exhibit “B”**. The driveway shall conform to Lake County Access Management and Spacing Standards. Subject to Lake County requirements, turn lanes may be required at the driveway intersection. Construction of said turn lanes shall be the responsibility of the developer.
- G. Sidewalks and Pedestrian Access. Sidewalks shall be connected to the internal pedestrian system allowing accessible routes to the entrances of each building on site, per federal requirements of the American with Disabilities Act. An internal pedestrian access plan shall be submitted concurrent with site plan submittal providing for connectivity among the rights-of-way, structures and amenities. The maintenance of internal sidewalks shall be the responsibility of the Owner and Manager.

Section 2.5. Platting

All plats shall be filed in accordance with all applicable rules and regulations of the City. All conditions to platting within this ordinance must be satisfied prior to acceptance of any final plat for public hearing by the City Council. Any required analyses shall be submitted prior to plat acceptance, including but not limited to transportation analysis and environmental assessment.

Section 2.6. Timing

- A. The Developer shall submit for site plan approval within twenty-four (24) months from the effective date of this Ordinance and such plan shall be developed in conformance with the requirements of the Regulations and other applicable local or state regulations in effect at the time of application for any development order. If the City Council finds, on the basis of substantial competent evidence, that there has been failure to comply with the terms of this Ordinance, the Ordinance may be revoked or modified by the City

through action of the City Council after notification to the Developer and the opportunity to be heard.

- B. Concurrency tests shall be required for a development order (site plan) and shall be conducted pursuant to Chapter 10 of the Regulations. Future rights to develop the Property are subject to such concurrency tests and no vested rights have been or will be granted to the Applicant until concurrency tests are complete and a final development order issued for the portion of the Property for which the concurrency tests were required.

Section 2.7. Covenants, Conditions and Restrictions

Submitted and approved with a final plat, Covenants, Conditions and Restrictions shall be adopted and recorded and an established structure shall be designated whereby the Manager of the Project selected by the title holder of the dominant parcel within the Project will oversee and maintain any open space, water retention area, required buffer and any other component of the overall Project.

Section 2.8. Permits

Prior to platting or construction, the Developer shall obtain all necessary permits from the applicable local, regional, state and federal agencies. Copies of all permits shall be furnished to the Community Development Director of the City.

Section 3. Effective Date

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

PASSED AND ORDAINED this _____ day of _____, 2022, by the City Council of the City of Tavares, Florida.

, Mayor
Tavares City Council

First Reading: _____

Passed Second Reading: _____

ATTEST:

Susie Novack, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Lindsay C. T. Holt, City Attorney

Exhibit "A"

THE WEST 1/2 OF THE SW 1/4, SECTION 6, TOWNSHIP 20 SOUTH, RANGE 26 EAST, LESS THE RIGHT OF WAY OF STATE ROAD NO. 19 AND THAT PORTION LYING WITHIN 35 FEET SOUTH OF THE NORTH LINE OF THE SW 1/4 OF THE SE 1/4 OF SECTION 6, TOWNSHIP 20 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA.

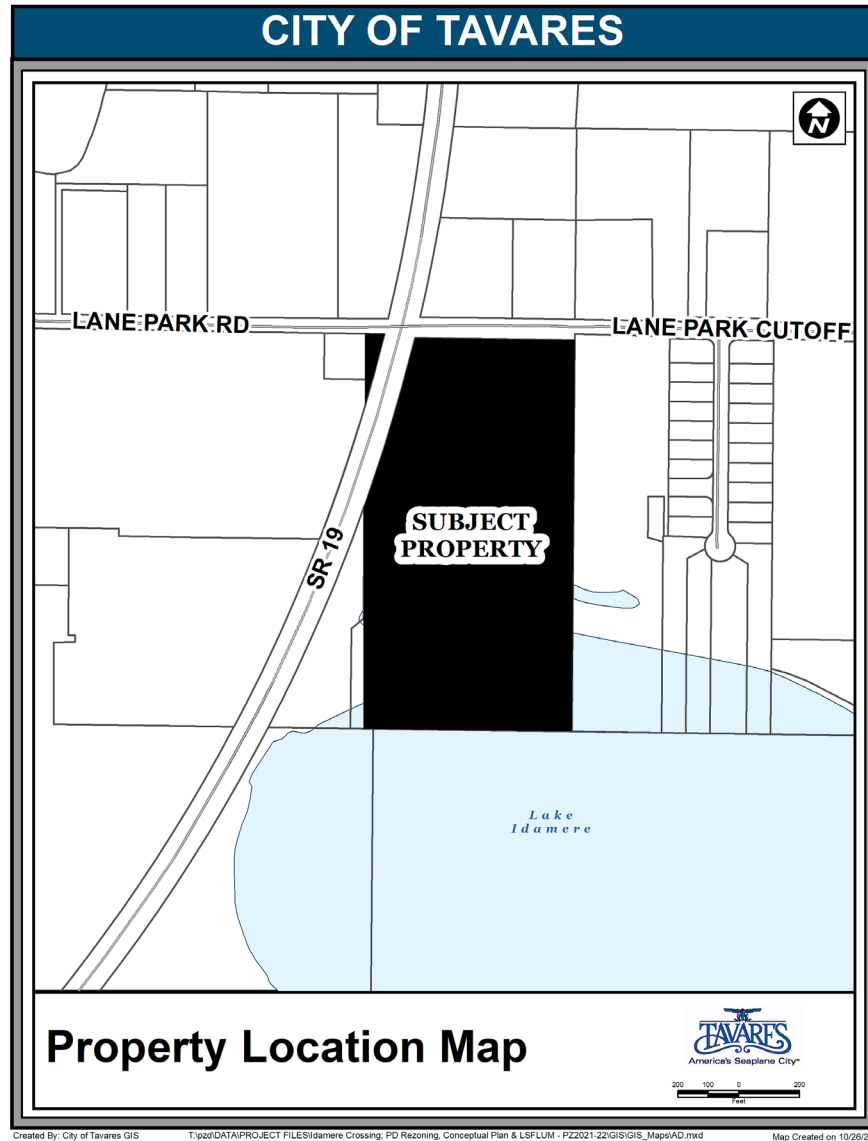
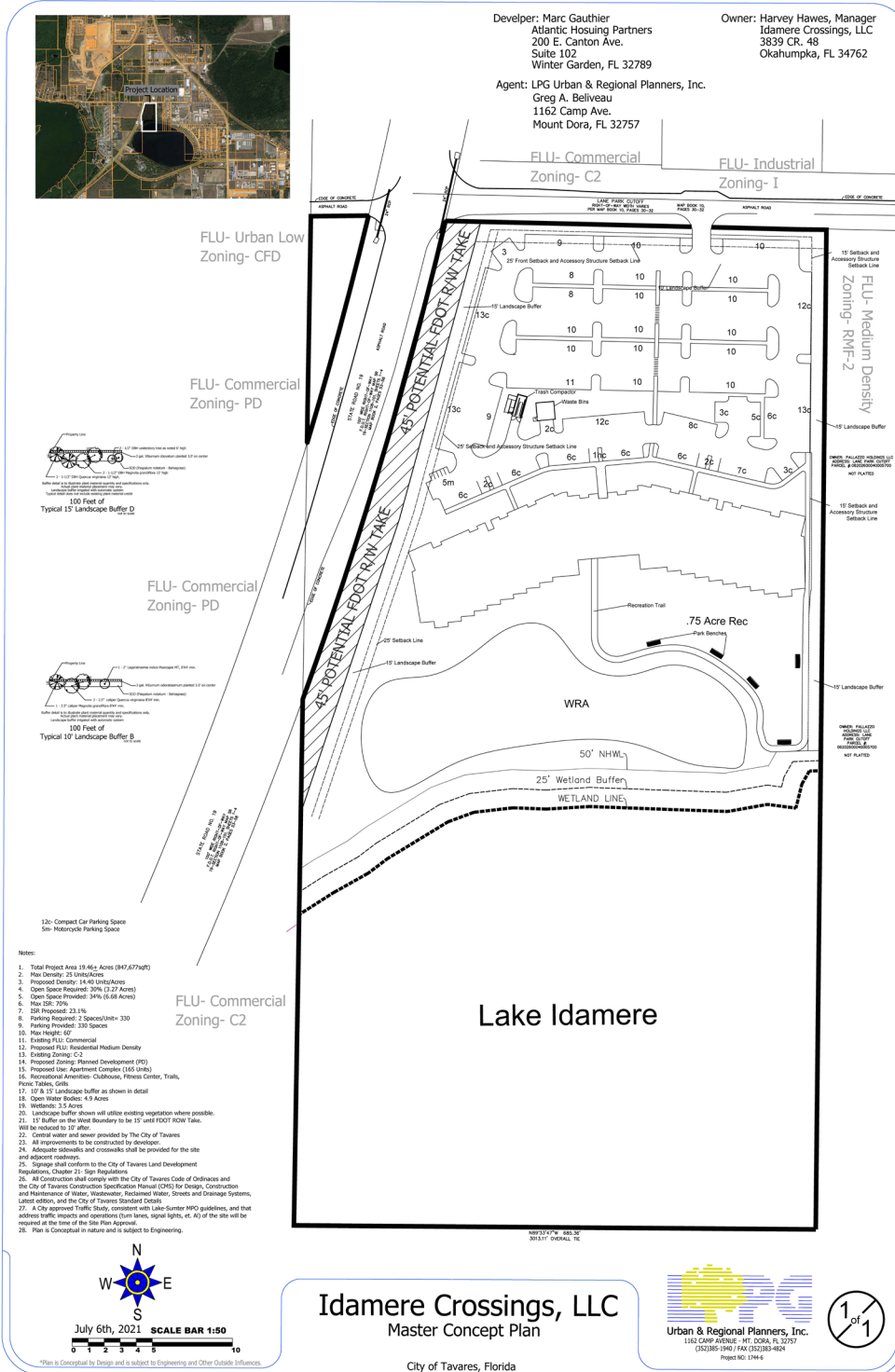


Exhibit "B" Conceptual plan



**AGENDA SUMMARY
TAVARES PLANNING & ZONING ADVISORY BOARD
11/18/2021**

AGENDA TAB NO.: 3.

**SUBJECT TITLE: Idamere Crossings - Small Scale FLUM Amendment of Approximately 19.46 Acres Located at the Southeast Corner of SR-19 & Lane Park Cutoff
Recommendation on Ordinance 2021-12**

OBJECTIVE:

To consider a Future Land Use Map amendment from Commercial (COM) to High Density (HD) for 19.46 Acres Located at the Southeast Corner of SR-19 & Lane Park Cutoff.

SUMMARY:

The subject property is located at the Southeast Corner of SR-19 & Lane Park Cutoff, and is approximately 19.46 acres in size. The land is presently vacant and has a land use designation of Commercial (COM). 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 Commercial (COM) to High Density (HD).

Ordinance 2021-12 proposes a small-scale amendment to the Future Land Use Map 2040 of the Comprehensive Plan from Commercial (COM) to High Density (HD).

The subject property is adjacent to a mixture of a mixture of residential, commercial, and public facilities uses. An application to rezone this property to a Planned Development (PD) 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 Commercial (COM). A City High Density (HD) designation is compatible with surrounding property and County Future Land Use.

Compatibility

Land surrounding this property is residential, commercial, and public facilities in nature.

Site Conditions

The property is currently vacant.

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 waste water utility service available for the subject parcel. The City's Concurrency Management System will ensure that Levels of Service (LOS) will not be degraded beyond the adopted levels of service for all regulated public facilities. Adverse impacts on Levels of Service are not

implicated.

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 (HD) 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)

OPTIONS:

1. That the Planning & Zoning Board moves to recommend approval of Ordinance 2021-12, a Future Land Use Map amendment from Commercial (COM) to High Density (HD) for 19.46 Acres Located at the Southeast Corner of SR-19 & Lane Park Cutoff.
2. That the Planning & Zoning Board moves to recommend denial of Ordinance 2021-12.

STAFF RECOMMENDATION:

Staff recommends that the Planning & Zoning Board moves to recommend approval of Ordinance 2021-12, a Future Land Use Map amendment from Commercial (COM) to High Density (HD) for 19.46 Acres Located at the Southeast Corner of SR-19 & Lane Park Cutoff.

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

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

ATTACHMENTS AVAILABLE TO THE PUBLIC UPON REQUEST:

1. Ordinance 2021-12
2. FLU Map
3. Newspaper Ad

ORDINANCE 2021-12

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE TAVARES COMPREHENSIVE PLAN FUTURE LAND USE MAP 2040, PROVIDING FOR A CHANGE OF FUTURE LAND USE DESIGNATION ON APPROXIMATELY 19.46 ACRES OF LAND LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF STATE ROAD 19 AND LANE PARK CUTOFF, FROM COMMERCIAL (COM) TO HIGH DENSITY (HD); 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 change the future land use designation from Commercial (COM) to High Density (HD); and

WHEREAS, the property consists of less than fifty acres; 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, the City desires to ensure the availability of attainable housing opportunities and a mix of housing types in the City; and

WHEREAS, a High Density 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 Commercial (COM) to High Density (HD) 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 _____, 2021 by the City Council of the City of Tavares, Florida.

, Mayor
Tavares City Council

First Reading: _____

Second Reading: _____

ATTEST:

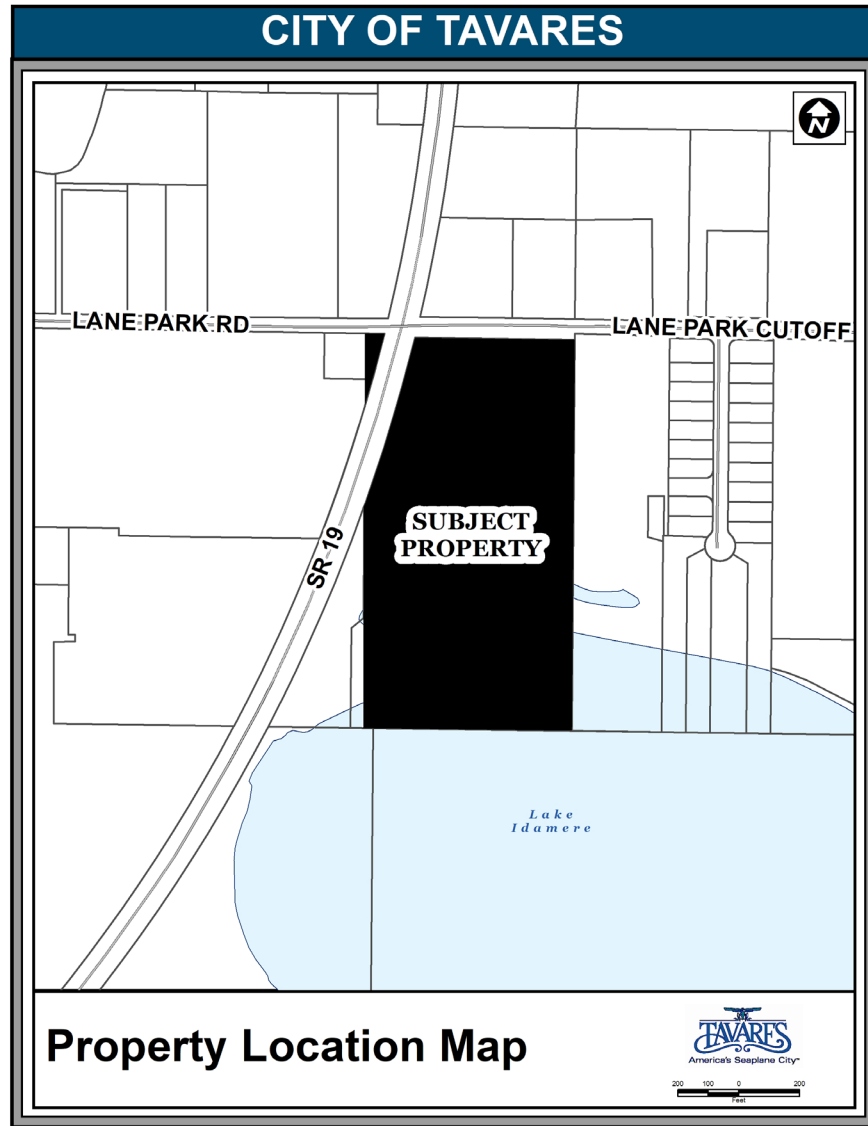
Susie Novack, City Clerk

Approved as to form:

Lindsay C. T. Holt, City Attorney

EXHIBIT "A"

THE WEST 1/2 OF THE SW 1/4, SECTION 6, TOWNSHIP 20 SOUTH, RANGE 26 EAST, LESS THE RIGHT OF WAY OF STATE ROAD NO. 19 AND THAT PORTION LYING WITHIN 35 FEET SOUTH OF THE NORTH LINE OF THE SW 1/4 OF THE SE 1/4 OF SECTION 6, TOWNSHIP 20 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA.



AGENDA SUMMARY
TAVARES PLANNING & ZONING ADVISORY BOARD
11/18/2021

AGENDA TAB NO.: 4.

SUBJECT TITLE: Avalon Park Tavares, LLC - Annexation and Rezoning of Approximately 0.63 Acres Located at 1693 & 1695 South Palm Circle
Recommendation on Ordinance 2021-13

OBJECTIVE:

To consider the annexation and rezoning to Planned Development (PD), of approximately 0.63 acres of property located at 1693 & 1695 South Palm Circle

SUMMARY:

The subject property is located at 1693 & 1695 South Palm Circle, approximately 0.63 acres in size, and contiguous to the City boundary. The land is presently zoned as County Urban Residential (R-6), and the applicant is proposing that the property be annexed and rezoned to Planned Development (PD), and incorporated into the Avalon Park Planned Development that is subject to the provisions contained in Ordinance 2016-27 approved by City Council on October 19, 2016. Two (2) single family homes are located on the subject parcels, and it is the intention of the owner, Avalon Park LLC, to demolish the existing homes, and have the property become part of a future phase of the Avalon Park development.

This property is in close proximity to a mixture of single family and commercial uses. The proposed zoning of Planned Development (PD) is compatible with surrounding 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 on the City. The City of Tavares has municipal water and waste water utility capacity available for the subject parcels. The Avalon Park developer shall be responsible for extending municipal utility services to the subject property upon development.

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 Medium Density (MED) on the Future Land Use Map 2040.

OPTIONS:

1. That the Planning & Zoning Board moves to recommend approval of Ordinance 2021-13 annexation and rezoning to Planned Development (PD), of approximately 0.63 acres of property located at 1693 & 1695 South Palm Circle.
2. That the Planning & Zoning Board moves to recommend denial of Ordinance 2021-13.

STAFF RECOMMENDATION:

Staff recommends that the Planning & Zoning Board moves to recommend approval of Ordinance

2021-13 annexation and rezoning to Planned Development (PD), of approximately 0.63 acres of property located at 1693 & 1695 South Palm Circle.

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

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

ATTACHMENTS AVAILABLE TO THE PUBLIC UPON REQUEST:

1. Ordinance 2021-13
2. Aerial Map
3. Zoning Map
4. Newspaper Ad

ORDINANCE 2021-13

AN ORDINANCE AMENDING THE BOUNDARIES OF THE CITY OF TAVARES BY ANNEXING APPROXIMATELY 0.631 ACRES OF PROPERTY LOCATED AT 1693 SOUTH PALM CIRCLE AND 1695 SOUTH PALM CIRCLE; REZONING THE PROPERTY FROM COUNTY URBAN RESIDENTIAL DISTRICT (R-6) TO CITY PLANNED DEVELOPMENT (PD); AMENDING CITY OF TAVARES ORDINANCE 2016-27 IN PART BY JOINING SAID 0.631 ACRES WITH THE PROPERTY SUBJECT TO ORDINANCE 2016-27 TO FORM ONE PLANNED DEVELOPMENT; 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 applicant would like to combine and develop property legally defined in **Exhibit “A”** and the property subject to Ordinance 2016-27 as a unified Planned Development (PD) zoning; and

WHEREAS, the property is currently zoned Lake County Urban Residential District (R-6) and the applicant has requested that said property be rezoned to a City designation of Planned Development (PD); and,

WHEREAS, the City of Tavares held 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 rezoning; 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 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 Medium Density (MED) 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 Urban Residential District (R-6) to City of Tavares Planned Development (PD) and shall be subject to the provisions contained within Ordinance 2016-27 and the Land Development Regulations.

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 _____, 2021, by the City Council
of the City of Tavares, Florida.

, Mayor
Tavares City Council

First Reading: _____

Passed Second Reading: _____

ATTEST:

Susie Novack, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Lindsay C. T. Holt, City Attorney

EXHIBIT "A"

Parcel per commitment # 1069433

Lots 21, 22, 23, Block 30, EUSTIS HEIGHTS, according to the plat thereof as recorded in Plat Book 6, Page 84, Public Records of Lake County, Florida, ALSO that part of South Palm Circle described as follows: Begin at the Southwest corner of Lot 21, Block 30, run Westerly on a line that extends to the center line of South Palm Circle, thence Northerly along said center line to a point 10 feet Northerly of the Westerly extension of the South line of Lot 23, Block 30, thence Easterly along said parallel line to the Westerly line of said Lot 23, thence Southerly along Westerly lines of Lots 23, 22 and 21 to Point of Beginning.

LESS:

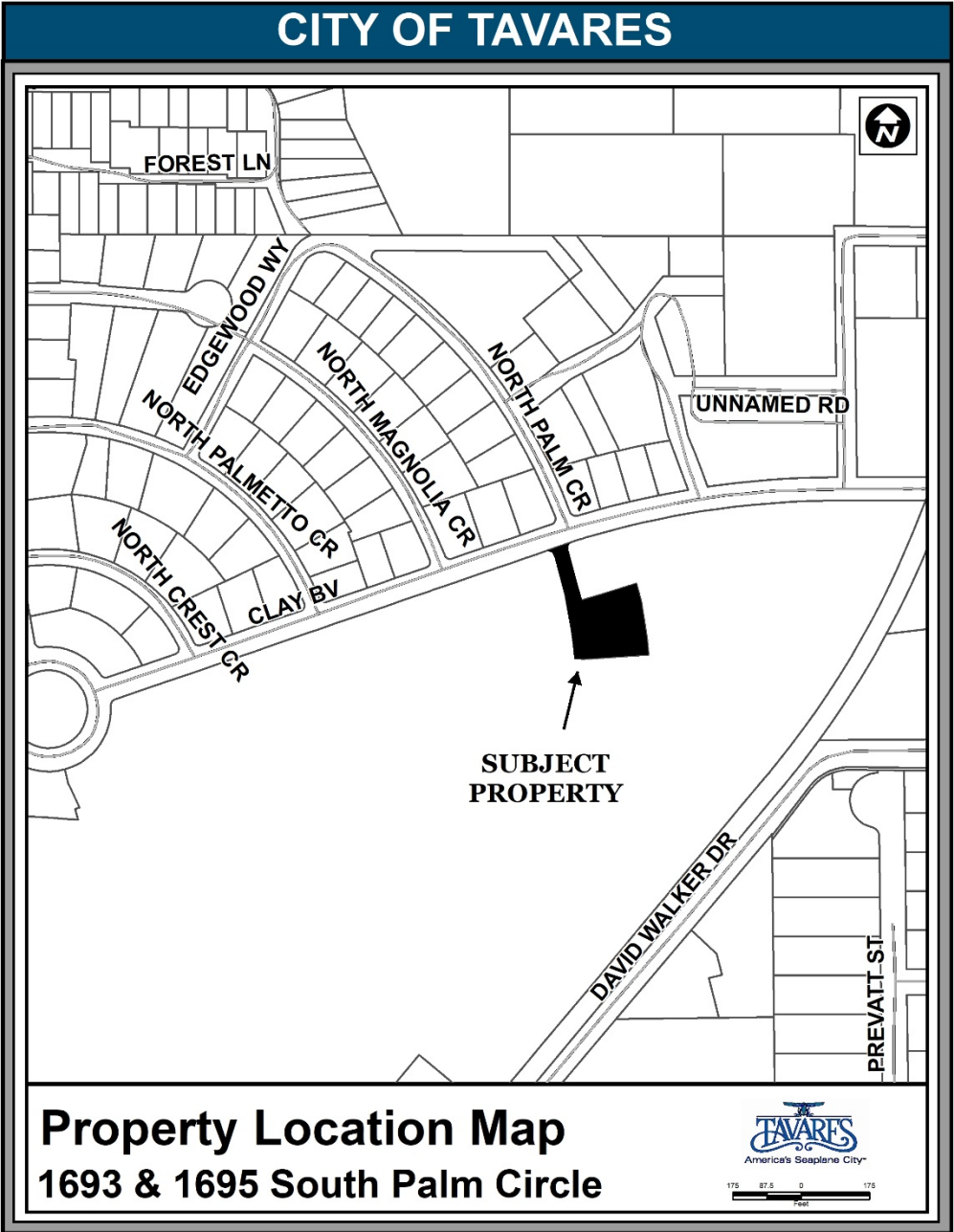
A part of Lot 23, Block 30 of Eustis Heights Subdivision according to the plat thereof as recorded in Plat Book 6, Page 84, Public Records of Lake County, Florida, described as follows: Begin at the NW corner of Lot 23 and run Southerly along the Westerly line of Lot 23 a distance of 40.0 ft.; thence Easterly in a straight line to the SE corner of said Lot 23, thence Northerly along the Easterly line of Lot 23 a distance of 65.0 ft. to the NE corner of Lot 23; thence Southwesterly along the northerly line of Lot 23 a distance of 147.0 ft. to the P.O.B.

Parcel per commitment # 1069459

A part of Lot 23, Block 30 of Eustis Heights Subdivision according to the plat thereof as recorded in Plat Book 6, Page 84, Public Records of Lake County, Florida, described as follows: Begin at the NW corner of Lot 23 and run Southerly along the Westerly line of Lot 23 a distance of 40.0 ft.; thence Easterly in a straight line to the SE corner of said Lot 23, thence Northerly along the Easterly line of Lot 23 a distance of 65.0 ft. to the NE corner of Lot 23; thence Southwesterly along the northerly line of Lot 23 a distance of 147.0 ft. to the P.O.B, ALSO that part of South Palm Circle described as follows: Begin at the NW corner of Lot 23; run thence Southerly along the Westerly line of Lot 23 a distance of 40.0 ft.; thence Westerly on an extension of a line running from the SE corner of Lot 23 to the center of South Palm Circle; thence Northerly along the centerline of said South Palm Circle to the intersection of the Northerly line of Lot 23 extended Westerly; thence Easterly along said extension of the North line of Lot 23 to the Point of Beginning.

-and-

Remainder of South Palm Circle 40' Wide Public R/W per P.B. 6, Pg. 84 and vacated by Resolution recorded in O.R. 289, Pg. 177



Created By: City of Tavares GIS T:\pzd\DATA\PROJECT FILES\Palm Circle Properties; Annexation, Rezoning & SSFLUM - PZ2021-24\GIS\GIS_Maps\AD.mxd Map Created on 10/27/21

**AGENDA SUMMARY
TAVARES PLANNING & ZONING ADVISORY BOARD
11/18/2021**

AGENDA TAB NO.: 5.

**SUBJECT TITLE: Avalon Park Tavares, LLC - Small Scale FLUM Amendment of Approximately 0.63 Acres Located at 1693 & 1695 South Palm Circle
Recommendation on Ordinance 2021-14**

OBJECTIVE:

To consider a Future Land Use Map amendment from County Urban Low Density to City Medium Density for 0.63 acres of property located at 1693 & 1695 South Palm Circle

SUMMARY:

The subject property is located at 1693 & 1695 South Palm Circle, and is approximately 0.63 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 2040 to change the designation of said property from Lake County Urban Low to City Medium Density (MED).

Ordinance 2021-14 proposes a small-scale amendment to the Future Land Use Map 2040 of the Comprehensive Plan from County Urban Low to City Medium Density (MED).

The subject property is adjacent to a mixture of residential and commercial uses. An application to annex and rezone this property to a Planned Development (PD) 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 Medium Density (MED) designation is most compatible with surrounding property and County Future Land Use.

Compatibility

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

Site Conditions

The property currently contains single family homes.

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 waste water utility service capacity 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 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.
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 the Planning & Zoning Board moves to recommend approval of Ordinance 2021-14, a Future Land Use Map amendment from County Urban Low Density to City Medium Density for 0.63 acres of property located at 1693 & 1695 South Palm Circle
2. That the Planning & Zoning Board moves to recommend denial of Ordinance 2021-14.

STAFF RECOMMENDATION:

Staff recommends that the Planning & Zoning Board moves to recommend approval of Ordinance 2021-14, a Future Land Use Map amendment from County Urban Low Density to City Medium Density for 0.63 acres of property located at 1693 & 1695 South Palm Circle.

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

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

ATTACHMENTS AVAILABLE TO THE PUBLIC UPON REQUEST:

1. Ordinance 2021-14
2. FLU Map
3. Newspaper Ad

ORDINANCE 2021-14

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE TAVARES COMPREHENSIVE PLAN FUTURE LAND USE MAP 2040, PROVIDING FOR A CHANGE OF FUTURE LAND USE DESIGNATION ON APPROXIMATELY 0.631 ACRES OF PROPERTY FROM COUNTY URBAN LOW TO CITY MEDIUM DENSITY (MED) FOR PROPERTY LOCATED AT 0.631 ACRES OF PROPERTY LOCATED AT 1693 SOUTH PALM CIRCLE AND 1695 SOUTH PALM CIRCLE; 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, the City of Tavares is concurrently processing the annexation of this property; and

WHEREAS, the property consists of less than fifty acres; 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 Medium Density 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 Medium Density (MED) 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 _____, 2021 by the City Council of the City of Tavares, Florida.

, Mayor
Tavares City Council

First Reading: _____

Second Reading & Final Adoption: _____

ATTEST:

Susie Novack, City Clerk

Approved as to form:

Lindsay C. T. Holt, City Attorney

EXHIBIT "A"

Parcel per commitment # 1069433

Lots 21, 22, 23, Block 30, EUSTIS HEIGHTS, according to the plat thereof as recorded in Plat Book 6, Page 84, Public Records of Lake County, Florida, ALSO that part of South Palm Circle described as follows: Begin at the Southwest corner of Lot 21, Block 30, run Westerly on a line that extends to the center line of South Palm Circle, thence Northerly along said center line to a point 10 feet Northerly of the Westerly extension of the South line of Lot 23, Block 30, thence Easterly along said parallel line to the Westerly line of said Lot 23, thence Southerly along Westerly lines of Lots 23, 22 and 21 to Point of Beginning.

LESS:

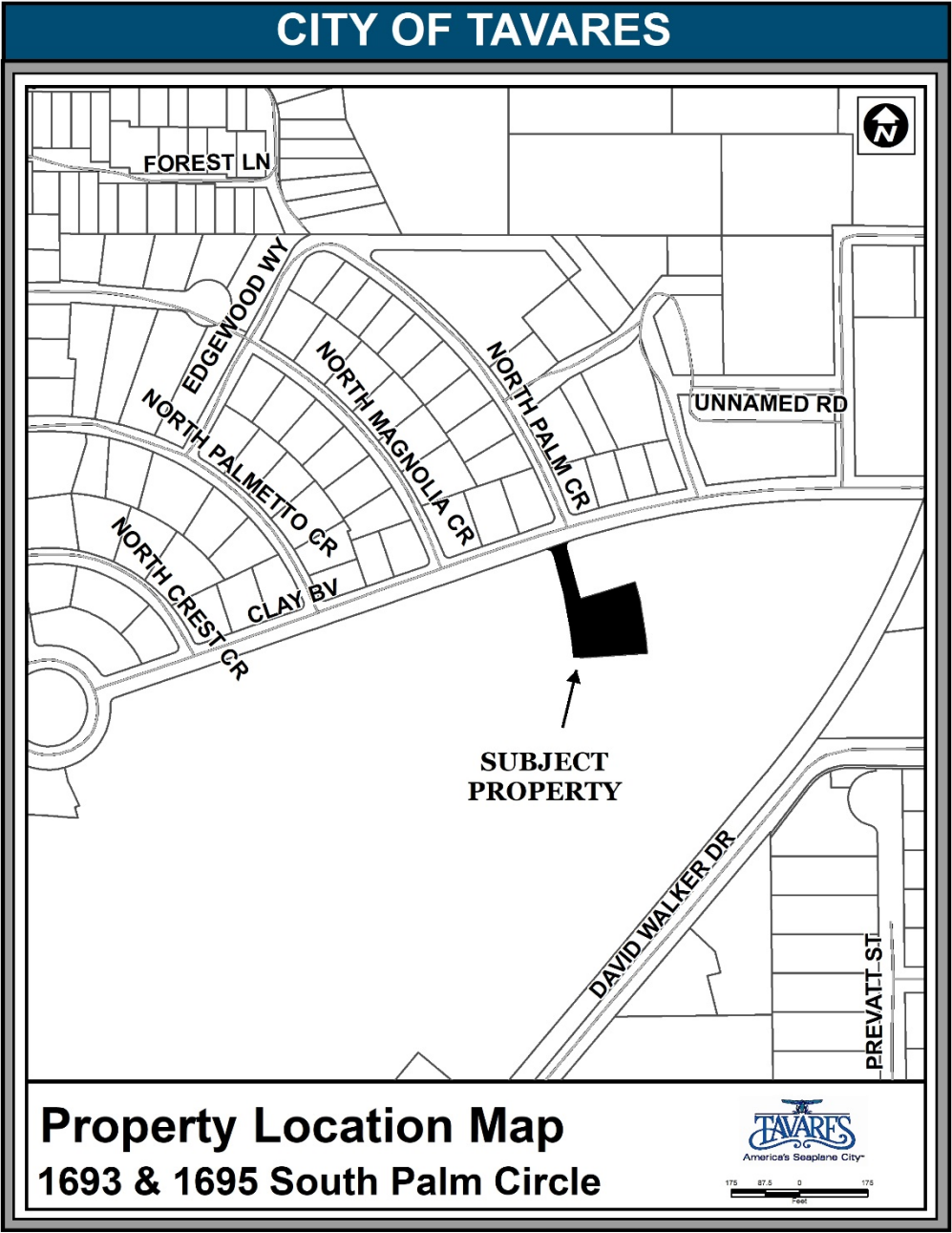
A part of Lot 23, Block 30 of Eustis Heights Subdivision according to the plat thereof as recorded in Plat Book 6, Page 84, Public Records of Lake County, Florida, described as follows: Begin at the NW corner of Lot 23 and run Southerly along the Westerly line of Lot 23 a distance of 40.0 ft.; thence Easterly in a straight line to the SE corner of said Lot 23, thence Northerly along the Easterly line of Lot 23 a distance of 65.0 ft. to the NE corner of Lot 23; thence Southwesterly along the northerly line of Lot 23 a distance of 147.0 ft. to the P.O.B.

Parcel per commitment # 1069459

A part of Lot 23, Block 30 of Eustis Heights Subdivision according to the plat thereof as recorded in Plat Book 6, Page 84, Public Records of Lake County, Florida, described as follows: Begin at the NW corner of Lot 23 and run Southerly along the Westerly line of Lot 23 a distance of 40.0 ft.; thence Easterly in a straight line to the SE corner of said Lot 23, thence Northerly along the Easterly line of Lot 23 a distance of 65.0 ft. to the NE corner of Lot 23; thence Southwesterly along the northerly line of Lot 23 a distance of 147.0 ft. to the P.O.B, ALSO that part of South Palm Circle described as follows: Begin at the NW corner of Lot 23; run thence Southerly along the Westerly line of Lot 23 a distance of 40.0 ft.; thence Westerly on an extension of a line running from the SE corner of Lot 23 to the center of South Palm Circle; thence Northerly along the centerline of said South Palm Circle to the intersection of the Northerly line of Lot 23 extended Westerly; thence Easterly along said extension of the North line of Lot 23 to the Point of Beginning.

-and-

Remainder of South Palm Circle 40' Wide Public R/W per P.B. 6, Pg. 84 and vacated by Resolution recorded in O.R. 289, Pg. 177



AGENDA SUMMARY
TAVARES PLANNING & ZONING ADVISORY BOARD
11/18/2021

AGENDA TAB NO.: 6.

SUBJECT TITLE: Lane Park Commons (Supervisor of Elections / Sheriff Site) - Rezoning of Approximately 13.19 Acres Located at the Northwest Corner of SR-19 & Lane Park Road Recommendation on Ordinance 2021-17

OBJECTIVE:

To consider the rezoning of approximately 13.19 acres of property located at the northwest corner of SR-19 & Lane Park Road from Residential Single Family (RSF-2) to Public Facilities District (PFD).

SUMMARY:

The subject property consists of approximately 13.19 acres of vacant property located at the northwest corner of SR-19 & Lane Park Road. The property is currently zoned as Residential Single Family (RSF-2), and the applicant, Lake County, is proposing that the property be rezoned to Public Facilities District (PFD).

The proposed zoning of Public Facilities District (PFD) is compatible with Lake County's proposal to construct government facilities on the subject property. The surrounding zoning is a mixture of residential and commercial zoning. Lake County at this time envisions the construction of a fifty-thousand (50,000) square foot building to house operations for the Supervisor of Elections, and an eighty-thousand (80,000) square foot building for the Lake County Sheriff's office. The proposed use is consistent with the Comprehensive Plan by ensuring intergovernmental coordination between the City of Tavares and Lake County.

The environmental assessment submitted by Kleinfelder, Inc. states that no conditions were visually and/or physically observed on the property that would suggest the presence of conditions representative of environmental concerns that could impact the property. The assessment recommends soil sampling to confirm or dismiss the presence of residual agricultural products on the property. Prior to any development, the property owner must comply with all Florida Fish and Wildlife Conservation Commission provisions as they pertain to threatened species.

Lake County submitted a statement to City staff regarding traffic impact that the Supervisor of Elections will not require a traffic study as the trips will meet the Lake-Sumter MPO de minimis requirement with a very low number of staffed employees. Lake County is requesting that the traffic study for the Sheriff's office be deferred until the time of site plan submittal.

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

The City is concurrently processing a future land use map amendment to re-designate the property from Low Density (LOW) to Public Facility / Institutional (PUB) on the Future Land Use Map 2040.

OPTIONS:

1. That the Planning & Zoning Board moves to recommend approval of Ordinance 2021-17 rezoning of approximately 13.19 acres of property located at the northwest corner of SR-19 & Lane Park Road from Residential Single Family (RSF-2) to Public Facilities District (PFD).
2. That the Planning & Zoning Board moves to recommend denial of Ordinance 2021-17.

STAFF RECOMMENDATION:

Staff recommends that the Planning & Zoning Board moves to recommend approval of Ordinance 2021-17 rezoning of approximately 13.19 acres of property located at the northwest corner of SR-19 & Lane Park Road from Residential Single Family (RSF-2) to Public Facilities District (PFD).

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

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

ATTACHMENTS AVAILABLE TO THE PUBLIC UPON REQUEST:

1. Ordinance 2021-17
2. Aerial Map
3. Concept Plan
4. Zoning Map
5. Environmental Assessment
6. Environmental Assessment - Threatened Species
7. Newspaper Ad

ORDINANCE 2021-17

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, REZONING APPROXIMATELY 13.19 ACRES OF PROPERTY LOCATED ON THE NORTHWEST CORNER OF STATE ROAD 19 AND LANE PARK ROAD, FROM RESIDENTIAL SINGLE FAMILY (RSF-2) TO PUBLIC FACILITIES DISTRICT (PFD); SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; 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 Single-Family (RSF-2) to Public Facilities District (PFD); and

WHEREAS, the City is concurrently processing an amendment to the City’s Comprehensive Plan to re-designate the property from Low Density (LOW) to Public Facility / Institutional (PUB) on the Future Land Use Map 2040; 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 Single-Family (RSF-2) to Public Facilities District (PFD).

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 _____, 2021, by the City Council of the City of Tavares, Florida.

, Mayor
Tavares City Council

First Reading: _____

Passed Second Reading: _____

ATTEST:

Susie Novack, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Lindsay C. T. Holt, City Attorney

Exhibit "A"

PARCEL 1:

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, LYING WEST OF THE RIGHT-OF-WAY OF STATE ROAD 19, LESS RIGHT OF WAY FOR LANE PARK ROAD, LAKE COUNTY, FLORIDA.

AND

PARCEL 2:

BEGIN 30 FEET NORTH AND 276 YARDS EAST OF THE SOUTHWEST CORNER OF THE NORTH 1/2 OF GOVERNMENT LOT 9 OF SECTION 6, TOWNSHIP 20 SOUTH, RANGE 26 EAST, RUN EAST 143 YARDS, NORTH 265 YARDS, WEST 142 YARDS, SOUTH 265 YARDS TO BEGINNING, LESS THE SOUTH 53.6 FEET OF THE NORTH 555 FEET OF EAST 360 FEET OF GOVERNMENT LOT 9 OF SECTION 6, TOWNSHIP 20 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA; ALSO LESS THAT PORTION IF ANY WHICH LIES WITHIN THE PARCEL DESCRIBED IN THAT QUIT CLAIM DEED FROM WARREN GLOVER TO REGINALD C. WALKER, RECORDED IN OFFICIAL RECORDS BOOK 1476, PAGE 1571, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

AND

PARCEL 3:

BEGIN 30 FEET NORTH AND 1257 FEET EAST OF THE SOUTHWEST CORNER OF NORTH 1/2 OF LOT 9 OF SECTION 6, TOWNSHIP 20 SOUTH, RANGE 26 EAST, RUN EAST 63 FEET, NORTH 735, WEST 63 FEET, SOUTH 735 FEET TO POINT OF BEGINNING, LAKE COUNTY, FLORIDA.

AND

PARCEL 4:

BEGIN 462 FEET NORTH AND 348 FEET EAST OF THE SOUTHWEST CORNER OF NORTH 1/2 OF GOVERNMENT LOT 9 OF SECTION 6, TOWNSHIP 20 SOUTH, RANGE 26 EAST, RUN EAST 480 FEET, THENCE NORTH 306 FEET, THENCE WEST 270 FEET, THENCE SOUTHWEST TO POINT OF BEGINNING, LAKE COUNTY, FLORIDA.

} SEE SPECIAL BOUNDARY NOTE #2
REGARDING THIS "CALL". SEE ALSO
DEED BOOK 26, PAGE 103.

AND

PARCEL 5:

BEGIN 30.00 FEET NORTH AND 1320.00 FEET EAST OF THE SOUTHWEST CORNER OF THE NORTH 1/2 OF LOT 9 OF SECTION 6, TOWNSHIP 20 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, RUN EAST TO A POINT ON THE EAST LINE OF THE SAID NORTH 1/2 OF GOVERNMENT LOT 9; THENCE NORTH ALONG SAID EAST LINE OF THE NORTH 1/2 OF GOVERNMENT LOT 9 A DISTANCE OF 737.84 FEET TO A POINT 555.00 FEET SOUTH OF AND PARALLEL WITH, WHEN MEASURED AT RIGHT ANGLES THERETO, THE EAST-WEST MID SECTION LINE OF SAID SECTION 6; THENCE SOUTH 89 DEGREES 28 MINUTES 59 SECONDS WEST ALONG SAID PARALLEL LINE TO A POINT ON A LINE, SAID LINE HAVING A BEARING OF NORTH 0 DEGREES 00 MINUTES 00 SECONDS EAST FROM THE POINT OF BEGINNING; THENCE SOUTH 0 DEGREES 00 MINUTES 00 SECONDS WEST ALONG SAID LINE 737.77 FEET, MORE OR LESS, TO THE POINT OF BEGINNING AND POINT OF TERMINUS.

Exhibit "A" Continued

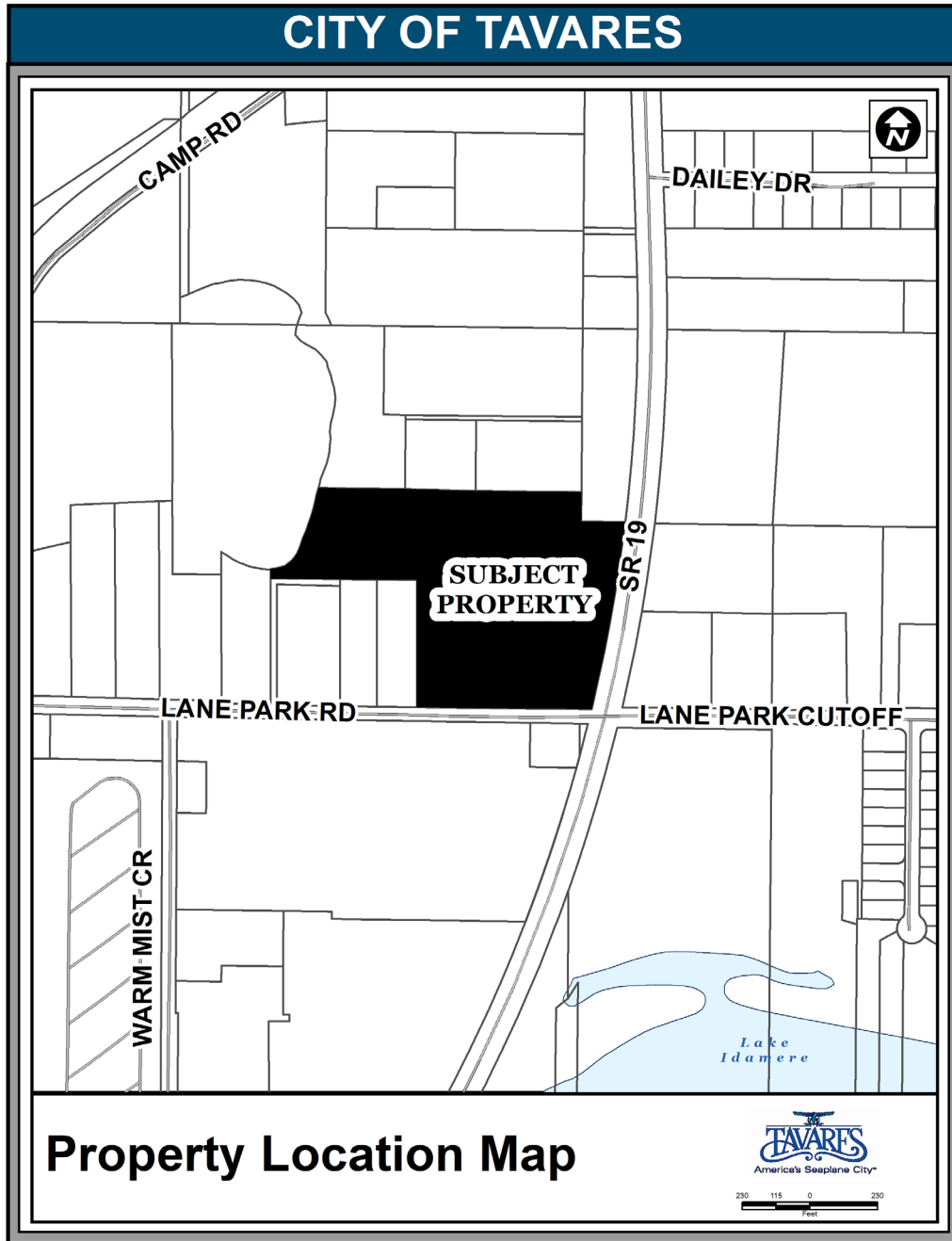
SPECIAL BOUNDARY NOTE #2:

THE WEST BOUNDARY OF PARCEL #4 AS DESCRIBED IN SCHEDULE "A" SHOWN HEREON IS CALLED AS BEING "SOUTHWEST TO THE POINT OF BEGINNING". IT IS UNCLEAR FROM THIS WORDING IF THE SCRIVENER MEANT FOR THE LINE TO BE A STRAIGHT LINE. UPON FURTHER RESEARCH, AN EARLIER DESCRIPTION OF PARCEL 4 CONTAINED IN DEED BOOK 26, PAGE 103, PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA WAS OBTAINED AND IN THIS EARLY DESCRIPTION THE WEST BOUNDARY LIMITS ARE CALLED AS BEING "THENCE ALONG HIGH WATER MARK TO POINT OF BEGINNING IN A SOUTHWESTERLY DIRECTION". THIS CALL INDICATES A DEFINITION FOR THE WEST BOUNDARY AND IS NOT A STRAIGHT LINE. ANOTHER DEED FROM THIS SAME TIME PERIOD AND ADJACENT PROXIMITY RECORDED IN DEED BOOK 107, PAGE 52, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA CALLS OUT "ALONG THE MARGIN OF LAKE".

IT IS APPARENT FROM EARLY DEEDS THAT THE GENERAL OUTLINE OF LAKE MARQUIS WAS BEING FOLLOWED. THE HIGH WATER MARK IN FLORIDA IS GENERALLY DEFINED AS THE ORDINARY HIGH WATER LINE (OHWL). THE ORDINARY HIGH WATER LINE IS DEFINED AS THE BOUNDARY BETWEEN STATE OWNED LANDS AND PRIVATE UPLAND OWNERSHIP. LAKE MARQUIS WAS SOLD AS A PART OF GOVERNMENT LOT 9 ACCORDING TO DEED NO. 779 BOARD OF EDUCATION OF FLORIDA (GRANTOR) TO GOULD H. NORTON (GRANTEE) DATED 1882.

THE CLIENT MAY WANT TO EMPLOY THE SERVICES OF AN ENVIRONMENTAL PROFESSIONAL THAT CAN ASCERTAIN THE APPROXIMATE POSITION OF THE ORDINARY HIGH WATER LINE AND/OR A SAFE UPLAND BOUNDARY.

WITH THE CURRENT EVIDENCE AVAILABLE TO THIS SURVEYOR, AN AVERAGED DISTANCE BASED ON DEED BOOK 26, PAGE 103 WILL BE USED TO ESTABLISH THE WEST BOUNDARY OF PARCEL #4. LANDS LYING WEST OF THIS BOUNDARY MAY STILL BE TITLED TO THE ORIGINAL PATENT HOLDER LISTED ABOVE.



AGENDA SUMMARY
TAVARES PLANNING & ZONING ADVISORY BOARD
11/18/2021

AGENDA TAB NO.: 7.

SUBJECT TITLE: Lane Park Commons (Supervisor of Elections / Sheriff Site) - Small Scale FLUM Amendment of Approximately 13.19 Acres Located at the Northwest Corner of SR-19 & Lane Park Road
Recommendation on Ordinance 2021-18

OBJECTIVE:

To consider a Future Land Use Map amendment from Low Density (LOW) to Public Facility / Institutional for 13.19 Acres Located at the northwest Corner of SR-19 & Lane Park Road.

SUMMARY:

The subject property is located at the Northwest Corner of SR-19 & Lane Park Road, and is approximately 13.19 acres in size. The land is presently vacant and has a land use designation of Low Density (LOW). The property owner is requesting an amendment to the Tavares Comprehensive Plan Future Land Use Map 2040 to change the designation of said property from Low Density (LOW) to Public Facility / Institutional (PUB).

Ordinance 2021-18 proposes a small-scale amendment to the Future Land Use Map 2040 of the Comprehensive Plan from Low Density (LOW) to Public Facility / Institutional (PUB).

The subject property is adjacent to a mixture of residential and commercial uses. An application to rezone this property to Public Facilities District (PFD) 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 Low Density (LOW). A City Public Facility / Institutional (PUB) designation is compatible with surrounding property and County Future Land Use.

Compatibility

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

Site Conditions

The property is currently vacant.

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 waste water utility service available for the subject parcel. The City's Concurrency Management System will ensure that Levels of Service (LOS) will not be degraded beyond the adopted levels of service for all regulated public facilities. Adverse impacts on Levels of Service are not

implicated.

FINDINGS

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

1. A Public Facility / Institutional (PUB) 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, and Intergovernmental Coordination policy 7-2.3.

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 the Planning & Zoning Board moves to recommend approval of Ordinance 2021-18, a Future Land Use Map amendment from Low Density (LOW) to Public Facility / Institutional for 13.19 Acres Located at the northwest Corner of SR-19 & Lane Park Road.
2. That the Planning & Zoning Board moves to recommend denial of Ordinance 2021-18.

STAFF RECOMMENDATION:

Staff recommends that the Planning & Zoning Board moves to recommend approval of Ordinance 2021-18, a Future Land Use Map amendment from Low Density (LOW) to Public Facility / Institutional for 13.19 Acres Located at the northwest Corner of SR-19 & Lane Park Road.

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

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

ATTACHMENTS AVAILABLE TO THE PUBLIC UPON REQUEST:

1. Ordinance 2021-18
2. FLU Map
3. Newspaper Ad

ORDINANCE 2021-18

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE TAVARES COMPREHENSIVE PLAN FUTURE LAND USE MAP 2040, PROVIDING FOR A CHANGE OF FUTURE LAND USE DESIGNATION ON APPROXIMATELY 13.19 ACRES OF PROPERTY FROM LOW DENSITY (LOW) TO PUBLIC FACILITY / INSTITUTIONAL (PUB) FOR PROPERTY LOCATED ON THE NORTHWEST CORNER OF STATE ROAD 19 AND LANE PARK ROAD; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of property described in Exhibit "A" attached hereto, is requesting an amendment to the Tavares Comprehensive Plan Future Land Use Map 2040 to change the designation of said property from Low Density (LOW) to Public Facility / Institutional (PUB); and

WHEREAS, the property consists of less than fifty acres; 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 Public Facility / Institutional 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 Low Density (LOW) to Public Facility / Institutional (PUB) 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 _____, 2021 by the City Council of the City of Tavares, Florida.

, Mayor
Tavares City Council

First Reading: _____

Second Reading & Final Adoption: _____

ATTEST:

Susie Novack, City Clerk

Approved as to form:

Lindsay C. T. Holt, City Attorney

EXHIBIT "A"

PARCEL 1:

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, LYING WEST OF THE RIGHT-OF-WAY OF STATE ROAD 19, LESS RIGHT OF WAY FOR LANE PARK ROAD, LAKE COUNTY, FLORIDA.

AND

PARCEL 2:

BEGIN 30 FEET NORTH AND 276 YARDS EAST OF THE SOUTHWEST CORNER OF THE NORTH 1/2 OF GOVERNMENT LOT 9 OF SECTION 6, TOWNSHIP 20 SOUTH, RANGE 26 EAST, RUN EAST 143 YARDS, NORTH 265 YARDS, WEST 142 YARDS, SOUTH 265 YARDS TO BEGINNING, LESS THE SOUTH 53.6 FEET OF THE NORTH 555 FEET OF EAST 360 FEET OF GOVERNMENT LOT 9 OF SECTION 6, TOWNSHIP 20 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA; ALSO LESS THAT PORTION IF ANY WHICH LIES WITHIN THE PARCEL DESCRIBED IN THAT QUIT CLAIM DEED FROM WARREN GLOVER TO REGINALD C. WALKER, RECORDED IN OFFICIAL RECORDS BOOK 1476, PAGE 1571, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

AND

PARCEL 3:

BEGIN 30 FEET NORTH AND 1257 FEET EAST OF THE SOUTHWEST CORNER OF NORTH 1/2 OF LOT 9 OF SECTION 6, TOWNSHIP 20 SOUTH, RANGE 26 EAST, RUN EAST 63 FEET, NORTH 735, WEST 63 FEET, SOUTH 735 FEET TO POINT OF BEGINNING, LAKE COUNTY, FLORIDA.

AND

PARCEL 4:

BEGIN 462 FEET NORTH AND 348 FEET EAST OF THE SOUTHWEST CORNER OF NORTH 1/2 OF GOVERNMENT LOT 9 OF SECTION 6, TOWNSHIP 20 SOUTH, RANGE 26 EAST, RUN EAST 480 FEET, THENCE NORTH 306 FEET, THENCE WEST 270 FEET, THENCE SOUTHWEST TO POINT OF BEGINNING, LAKE COUNTY, FLORIDA.

} SEE SPECIAL BOUNDARY NOTE #2
REGARDING THIS "CALL". SEE ALSO
DEED BOOK 26, PAGE 103.

AND

PARCEL 5:

BEGIN 30.00 FEET NORTH AND 1320.00 FEET EAST OF THE SOUTHWEST CORNER OF THE NORTH 1/2 OF LOT 9 OF SECTION 6, TOWNSHIP 20 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, RUN EAST TO A POINT ON THE EAST LINE OF THE SAID NORTH 1/2 OF GOVERNMENT LOT 9; THENCE NORTH ALONG SAID EAST LINE OF THE NORTH 1/2 OF GOVERNMENT LOT 9 A DISTANCE OF 737.84 FEET TO A POINT 555.00 FEET SOUTH OF AND PARALLEL WITH, WHEN MEASURED AT RIGHT ANGLES THERETO, THE EAST-WEST MID SECTION LINE OF SAID SECTION 6; THENCE SOUTH 89 DEGREES 28 MINUTES 59 SECONDS WEST ALONG SAID PARALLEL LINE TO A POINT ON A LINE, SAID LINE HAVING A BEARING OF NORTH 0 DEGREES 00 MINUTES 00 SECONDS EAST FROM THE POINT OF BEGINNING; THENCE SOUTH 0 DEGREES 00 MINUTES 00 SECONDS WEST ALONG SAID LINE 737.77 FEET, MORE OR LESS, TO THE POINT OF BEGINNING AND POINT OF TERMINUS.

Exhibit "A" Continued

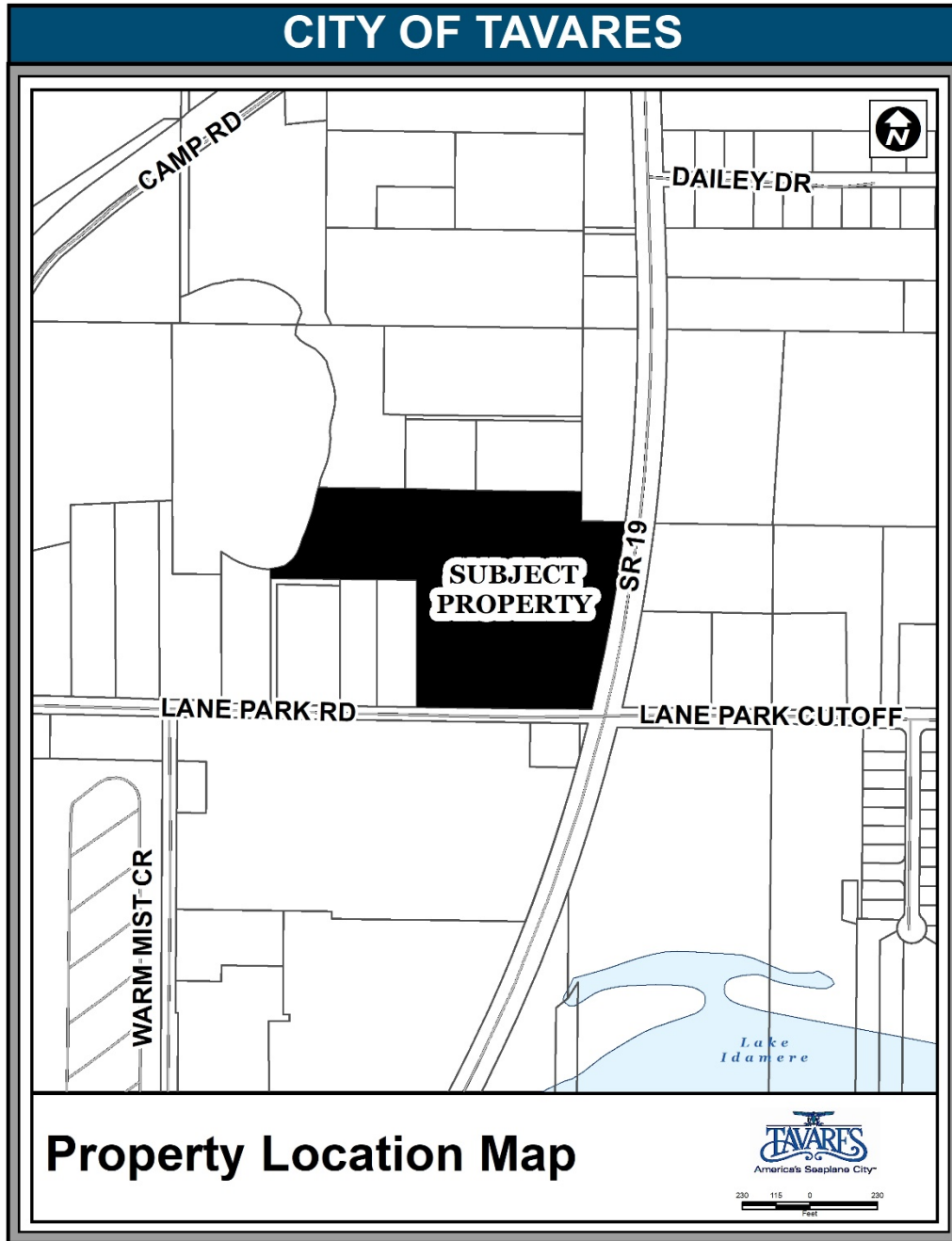
SPECIAL BOUNDARY NOTE #2:

THE WEST BOUNDARY OF PARCEL #4 AS DESCRIBED IN SCHEDULE "A" SHOWN HEREON IS CALLED AS BEING "SOUTHWEST TO THE POINT OF BEGINNING". IT IS UNCLEAR FROM THIS WORDING IF THE SCRIVENER MEANT FOR THE LINE TO BE A STRAIGHT LINE. UPON FURTHER RESEARCH, AN EARLIER DESCRIPTION OF PARCEL 4 CONTAINED IN DEED BOOK 26, PAGE 103, PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA WAS OBTAINED AND IN THIS EARLY DESCRIPTION THE WEST BOUNDARY LIMITS ARE CALLED AS BEING "THENCE ALONG HIGH WATER MARK TO POINT OF BEGINNING IN A SOUTHWESTERLY DIRECTION". THIS CALL INDICATES A DEFINITION FOR THE WEST BOUNDARY AND IS NOT A STRAIGHT LINE. ANOTHER DEED FROM THIS SAME TIME PERIOD AND ADJACENT PROXIMITY RECORDED IN DEED BOOK 107, PAGE 52, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA CALLS OUT "ALONG THE MARGIN OF LAKE".

IT IS APPARENT FROM EARLY DEEDS THAT THE GENERAL OUTLINE OF LAKE MARQUIS WAS BEING FOLLOWED. THE HIGH WATER MARK IN FLORIDA IS GENERALLY DEFINED AS THE ORDINARY HIGH WATER LINE (OHWL). THE ORDINARY HIGH WATER LINE IS DEFINED AS THE BOUNDARY BETWEEN STATE OWNED LANDS AND PRIVATE UPLAND OWNERSHIP. LAKE MARQUIS WAS SOLD AS A PART OF GOVERNMENT LOT 9 ACCORDING TO DEED NO. 779 BOARD OF EDUCATION OF FLORIDA (GRANTOR) TO GOULD H. NORTON (GRANTEE) DATED 1882.

THE CLIENT MAY WANT TO EMPLOY THE SERVICES OF AN ENVIRONMENTAL PROFESSIONAL THAT CAN ASCERTAIN THE APPROXIMATE POSITION OF THE ORDINARY HIGH WATER LINE AND/OR A SAFE UPLAND BOUNDARY.

WITH THE CURRENT EVIDENCE AVAILABLE TO THIS SURVEYOR, AN AVERAGED DISTANCE BASED ON DEED BOOK 26, PAGE 103 WILL BE USED TO ESTABLISH THE WEST BOUNDARY OF PARCEL #4. LANDS LYING WEST OF THIS BOUNDARY MAY STILL BE TITLED TO THE ORIGINAL PATENT HOLDER LISTED ABOVE.



AGENDA SUMMARY
TAVARES PLANNING & ZONING ADVISORY BOARD
11/18/2021

AGENDA TAB NO.: 8.

**SUBJECT TITLE: Land Trust Service Corporation Trustee - Annexation and Rezoning of Approximately 0.21 Acres Located at 31325 David Walker Drive
Recommendation on Ordinance 2021-19**

OBJECTIVE:

To consider the annexation and rezoning to Residential Multi-Family (RMF-3), of approximately 0.21 acres of property located at 31325 David Walker Drive.

SUMMARY:

The subject property is located at 31325 David Walker Drive, approximately 0.21 acres in size, and contiguous to the City boundary. The land is presently zoned as County Mobile Home Rental Park District (RMRP), and the applicant is proposing that the property be annexed and rezoned to Residential Multi-Family (RMF-3).

This property is in close proximity to a mixture of single family, multi-family, and commercial uses. The proposed zoning of Residential Multi-Family (RMF-3) is compatible with surrounding property. There is an existing mobile home located on the property, and the use of the property for a mobile home residence may continue until the time that the property is developed for multi-family purposes.

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 on the City. The City of Tavares has municipal water and waste water utility services available for the subject parcel.

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

OPTIONS:

1. That the Planning & Zoning Board moves to recommend approval of Ordinance 2021-19 annexation and rezoning to Residential Multi-Family (RMF-3), of approximately 0.21 acres of property located at 31325 David Walker Drive.

2. That the Planning & Zoning Board moves to recommend denial of Ordinance 2021-19.

STAFF RECOMMENDATION:

Staff recommends that the Planning & Zoning Board moves to recommend approval of Ordinance 2021-19 annexation and rezoning to Residential Multi-Family (RMF-3), of approximately 0.21 acres of property located at 31325 David Walker Drive.

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

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

ATTACHMENTS AVAILABLE TO THE PUBLIC UPON REQUEST:

1. Ordinance 2021-19
2. Aerial Map
3. Zoning Map
4. Newspaper Ad

ORDINANCE 2021-19

AN ORDINANCE AMENDING THE BOUNDARIES OF THE CITY OF TAVARES BY ANNEXING APPROXIMATELY 0.21 ACRES OF PROPERTY LOCATED AT 31325 DAVID WALKER DRIVE; REZONING THE PROPERTY FROM COUNTY MOBILE HOME RENTAL PARK DISTRICT (RMRP) TO CITY RESIDENTIAL MULTI-FAMILY (RMF-3); SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; 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 Mobile Home Rental Park District (RMRP) and the applicant has requested that said property be rezoned to a City designation of Residential Multi-Family (RMF-3); and,

WHEREAS, the City is concurrently processing a small scale future land use map amendment to re-designate the property from Lake County Urban High Density to a City of Tavares High Density (HD) 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 Mobile Home Rental Park District (RMRP) to City of Tavares Residential Multi-Family (RMF-3) 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 _____, 2021, by the City Council of the City of Tavares, Florida.

, Mayor
Tavares City Council

First Reading: _____

Passed Second Reading: _____

ATTEST:

Susie Novack, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Lindsay C. T. Holt, City Attorney

EXHIBIT "A"

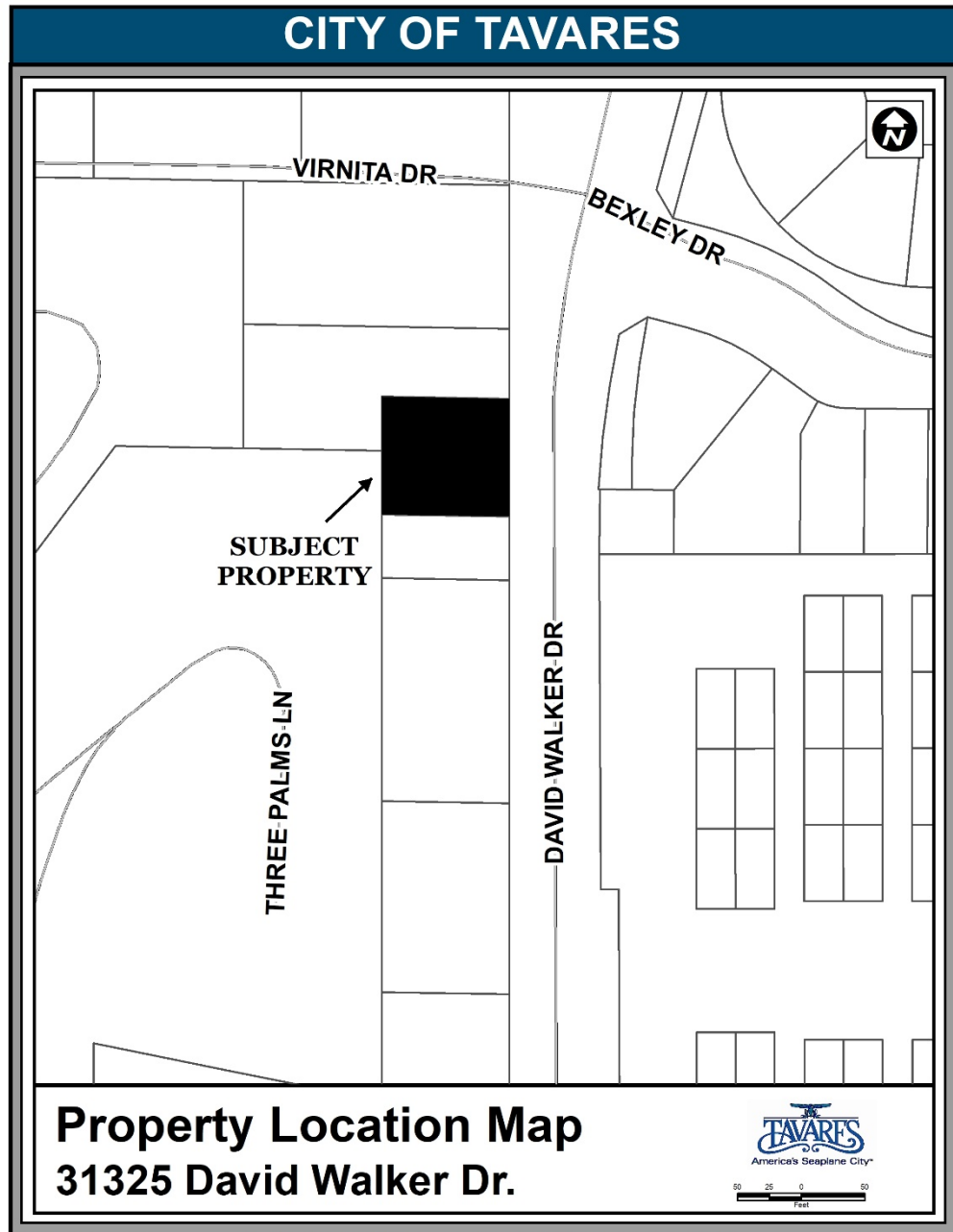
That part of Lot 9, Plat of Land of James M. Conner, according to the plat thereof, as recorded in Plat Book 1, Page 32, of the Public Records of Lake County, Florida, being more particularly described as follows:

From the Northwest corner of Southwest 1/4, said Section 27, run thence South 0°08' East along the West line of said Southwest 1/4 a distance of 377.6 feet, thence South 89°33' East 447.47 feet, thence South 0°08' East 210 feet, thence South 89°33' East 100 feet to Point of Beginning; thence North 0°08' West 42.5 feet, thence South 89°33' East 108.7 feet, thence South 0°08' East 42.5 feet, thence North 89°33' West 108.7 feet to Point of Beginning.

Also

The North 1/2 of the following described tract of land:

From the West 1/4 corner of Section 27, Township 19 South, Range 26 East, run South 89°33' East along the North line of Lots 13 and 14 of S.B. Hewitt's Land, according to the plat thereof, as recorded in Plat Book 1, Page 52, of the Public Records of Lake County, Florida, a distance of 672.67 feet, thence South 0°08' East parallel to the West line of said Lot 13 and along the East line of Lot 9, Plat of Land of James M. Conner, according to the plat thereof, as recorded in Plat Book 1, Page 32, of the Public Records of Lake County, Florida, a distance of 588.46 feet to Point of Beginning; run thence South 0°08' East along the East line of said Lot 9, 100 feet, thence North 89°33' West parallel to the North line of said Lot 13 of S.B. Hewitt's Land, a distance of 116.5 feet, thence North 0°08' West parallel to the East line of said Lot 9, Plat of Land of James M. Conner, a distance of 100 feet, thence South 89°33' East parallel to the North line of said Lot 13 of S.B. Hewitt's Land, a distance of 116.5 feet to Point of Beginning, less the East 16.5 feet thereof.



Created By: City of Tavares GIS

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Map Created on 10/28/21

AGENDA SUMMARY
TAVARES PLANNING & ZONING ADVISORY BOARD
11/18/2021

AGENDA TAB NO.: 9.

**SUBJECT TITLE: Land Trust Service Corporation Trustee - Small Scale FLUM Amendment of Approximately 0.21 Acres Located at 31325 David Walker Drive
Recommendation on Ordinance 2021-20**

OBJECTIVE:

To consider a Future Land Use Map amendment from County Urban High Density to City High Density (HD) for 0.21 Acres Located at 31325 David Walker Drive.

SUMMARY:

The subject property is located at 31325 David Walker Drive, and is approximately 0.21 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 2040 to change the designation of said property from Lake County Urban High Density to City High Density (HD).

Ordinance 2021-20 proposes a small-scale amendment to the Future Land Use Map 2040 of the Comprehensive Plan from County Urban High Density to City High Density (HD).

The subject property is adjacent to a mixture of residential and commercial uses. An application to annex and rezone this property to Residential Multi-Family (RMF-3) 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 High Density (HD) designation is most compatible with surrounding property and the existing County Future Land Use.

Compatibility

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

Site Conditions

The property currently contains one mobile home.

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 waste water utility services 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 Comprehensive Plan Goals, Objectives and Policies with the following findings:

1. A High Density (HD) 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)

OPTIONS:

1. That the Planning & Zoning Board moves to recommend approval of Ordinance 2021-20, a Future Land Use Map amendment from County Urban High Density to City High Density for 0.21 acres of property located at 31325 David Walker Drive.
2. That the Planning & Zoning Board moves to recommend denial of Ordinance 2021-20.

STAFF RECOMMENDATION:

Staff recommends that the Planning & Zoning Board moves to recommend approval of Ordinance 2021-20, a Future Land Use Map amendment from County Urban High Density to City High Density for 0.21 acres of property located at 31325 David Walker Drive.

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

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

ATTACHMENTS AVAILABLE TO THE PUBLIC UPON REQUEST:

1. Ordinance 2021-20
2. FLU Map
3. Newspaper Ad

ORDINANCE 2021-20

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE TAVARES COMPREHENSIVE PLAN FUTURE LAND USE MAP 2040, PROVIDING FOR A CHANGE OF FUTURE LAND USE DESIGNATION ON APPROXIMATELY 0.21 ACRES OF PROPERTY FROM COUNTY URBAN HIGH DENSITY TO CITY HIGH DENSITY (HD) FOR PROPERTY LOCATED AT 31325 DAVID WALKER DRIVE; 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, the City of Tavares is concurrently processing the annexation of this property; and

WHEREAS, the property consists of less than fifty acres; 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 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 High Density to City of Tavares High Density (HD) 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 _____, 2021 by the City Council of the City of Tavares, Florida.

, Mayor
Tavares City Council

First Reading: _____

Second Reading & Final Adoption: _____

ATTEST:

Susie Novack, City Clerk

Approved as to form:

Lindsay C. T. Holt, City Attorney

EXHIBIT "A"

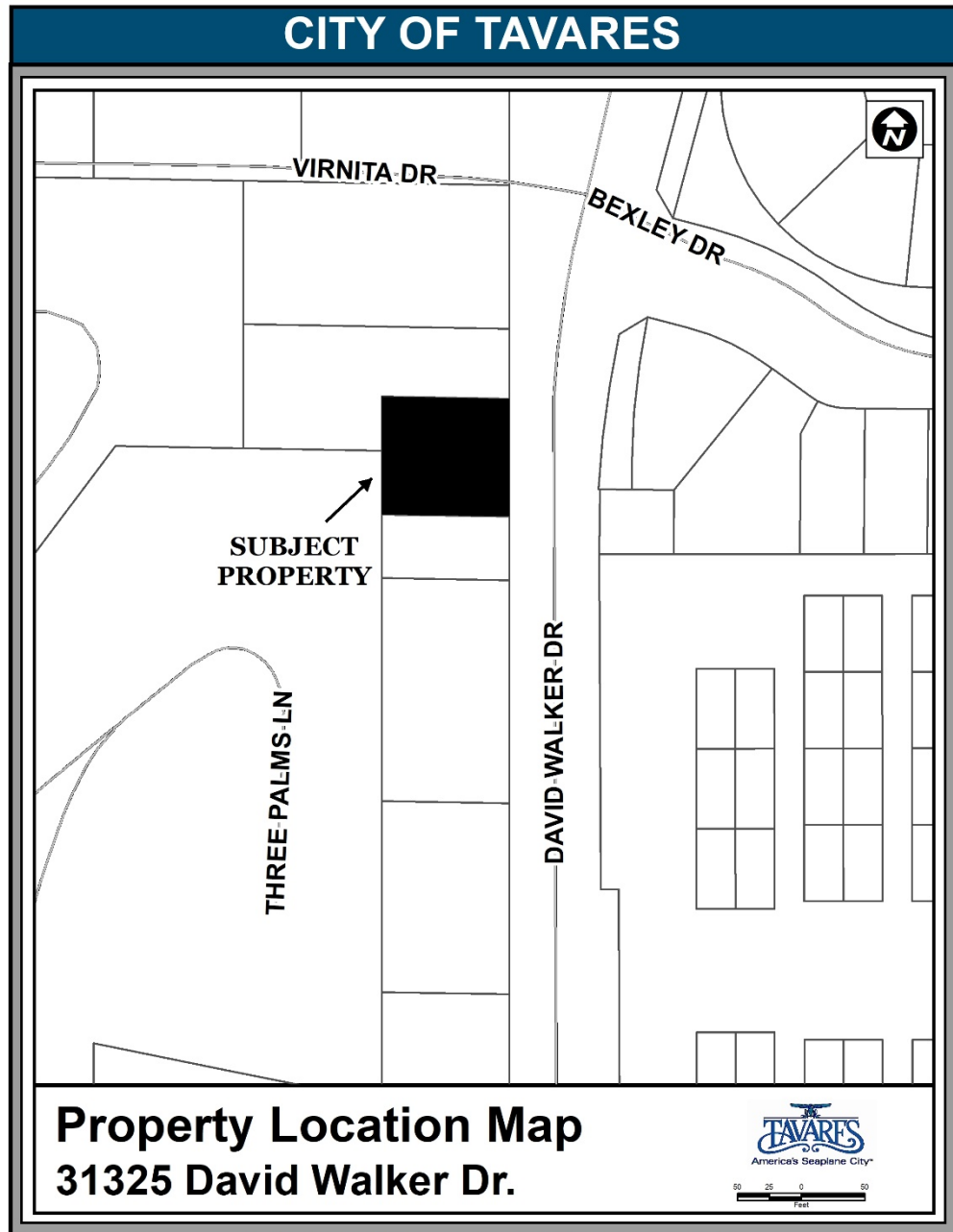
That part of Lot 9, Plat of Land of James M. Conner, according to the plat thereof, as recorded in Plat Book 1, Page 32, of the Public Records of Lake County, Florida, being more particularly described as follows:

From the Northwest corner of Southwest 1/4, said Section 27, run thence South 0°08' East along the West line of said Southwest 1/4 a distance of 377.6 feet, thence South 89°33' East 447.47 feet, thence South 0°08' East 210 feet, thence South 89°33' East 100 feet to Point of Beginning; thence North 0°08' West 42.5 feet, thence South 89°33' East 108.7 feet, thence South 0°08' East 42.5 feet, thence North 89°33' West 108.7 feet to Point of Beginning.

Also

The North 1/2 of the following described tract of land:

From the West 1/4 corner of Section 27, Township 19 South, Range 26 East, run South 89°33' East along the North line of Lots 13 and 14 of S.B. Hewitt's Land, according to the plat thereof, as recorded in Plat Book 1, Page 52, of the Public Records of Lake County, Florida, a distance of 672.67 feet, thence South 0°08' East parallel to the West line of said Lot 13 and along the East line of Lot 9, Plat of Land of James M. Conner, according to the plat thereof, as recorded in Plat Book 1, Page 32, of the Public Records of Lake County, Florida, a distance of 588.46 feet to Point of Beginning; run thence South 0°08' East along the East line of said Lot 9, 100 feet, thence North 89°33' West parallel to the North line of said Lot 13 of S.B. Hewitt's Land, a distance of 116.5 feet, thence North 0°08' West parallel to the East line of said Lot 9, Plat of Land of James M. Conner, a distance of 100 feet, thence South 89°33' East parallel to the North line of said Lot 13 of S.B. Hewitt's Land, a distance of 116.5 feet to Point of Beginning, less the East 16.5 feet thereof.



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Map Created on 10/28/21