

**CITY OF TAVARES
PLANNING AND ZONING BOARD MEETING
TAVARES COUNCIL CHAMBERS
201 E. MAIN STREET, TAVARES
AUGUST 18, 2022**

BOARD MEMBERS PRESENT

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

LAKE COUNTY SCHOOL BOARD

Helen LaValley - Absent

STAFF MEMBERS PRESENT

Antonio Fabre – Planning Coordinator
Mike Fitzgerald, Community Development Director
Lindsay Holt, City Attorney
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.

Chairman Santoro suggested hearing Item 2, Code of Ordinance Amendment first and Item 2, 203 North Saint Clair Abrams Ave to be heard second.

MOTION

James Sweezea moved to approve switching items 1 and 2, seconded by Brooke Matthews. The motion passed unanimously 6-0.

APPROVAL OF MINUTES

Chairman Santoro asked if there are any additions or corrections for July 21, 2022 Planning and Zoning Board Meeting minutes. There were none.

MOTION

Deborah Murphy moved to approve the minutes of the July 21, 2022 Planning and Zoning Board Meeting, seconded by Bruce Peterman. The motion carried unanimously 6-0.

SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EX PARTE COMMUNICATIONS

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

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

2) Recommendation on Ordinance 2022-12 – Code of Ordinances Amendment – Establish Regulations Pertaining to Electronic Game Rooms

SUMMARY:

Pursuant to City Council's directive, the City of Tavares is proposing an amendment to the Code of Ordinances to establish regulations pertaining to electronic game rooms within the city limits. Ordinance 2022-12 creates Chapter 21 - Electronic Game Rooms in the Code of Ordinances regulating game rooms by limiting the number allowed, requiring operators to obtain permits and pay fees, limiting certain business operations, providing signage guidelines, providing safety and security requirements, and providing for enforcement and inspection of premises.

OPTIONS:

- 1. The Planning & Zoning Board moves to recommend approval of Ordinance 2022-12, a revision to the Code of Ordinances establishing regulations pertaining to electronic game rooms.*
- 2. The Planning & Zoning Board moves to recommend denial of Ordinance 2022-12.*

STAFF RECOMMENDATION: *Staff recommends that the Planning & Zoning Board moves to recommend approval of Ordinance 2022-12, a revision to the Code of Ordinances establishing regulations pertaining to electronic game rooms.*

FISCAL IMPACT: *Initial permit fee payable to the City of Tavares - \$10,000 Annual permit renewal fee payable to the City of Tavares - \$3,000*

LEGAL SUFFICIENCY:

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

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

Chairman Santoro asked for comments from the Board.

Board Member Sweeza asked what the hours of operation are for a gaming room. Attorney Holt stated there are no restrictions on business hours. She stated there is a constitutional right to property and operating a business.

Chairman Santoro asked when someone applies for a permit if the fire or police department have any input. Attorney Holt said pertaining to permitting, the ordinance does provide for an oversight for police or fire to make sure there is a permit and follow the regulations. Mr. Fitzgerald stated if a game room wants to open, they would go through a zoning clearance and Business Tax Receipt process. Community Development would verify the number of Gaming Room businesses in Tavares city limits to make sure it does not exceed the allowable amount. Board Member Treadwell asked if there are gaming facilities in the city. Mr. Fitzgerald stated there are currently six game rooms and one coming.

Attorney Holt stated that if there are currently more than the allowable amount and a set amount, there is a grandfathering clause, there would be grandfathered in, and would have to pay the fee. If those businesses choose not to renew then another business would be allowed to. All of those currently operating would be grandfathered in and would have to pay applicable fees.

Attorney Holt gave an overview of current regulations and an oversight that is connected to the current language and stated the new regulations and guidelines will be able to help regulations. She noted police power is more devoted to these establishments than to businesses as a whole.

Board Member Sweeza asked if there have been issues with local game rooms. Chief Coursey stated that there have been calls made pertaining to game rooms.

Lou Buigas, 110 E Ianthe St, Tavares, noted her concern about our law enforcement burdened with additional issues. She also noted the permit fee is much less than Lake County and consideration to limiting hours of operation.

Mr. Fitzgerald stated the dollar amount was agreed to by staff. Staff met with the City Attorney and was discussed what a fair and reasonable fee would be appropriate.

Board Member Sweeza asked for clarification on the fee and asked what Lake County is charging. Attorney Holt stated Lake County is charging an application fee of \$25,000 and amended to \$20,000 and the annual renewal is \$2,500. Sumpter County is charging \$6,000 permit fee and a \$3,500 annual renewal fee. Lake County limits the number of gaming rooms to 25 which is currently higher because of grandfathering.

Chairman Santoro stated he believes the fees should be addressed by City Council.

MOTION

James Sweeza moved to recommend approval of Ordinance 2022-12, seconded by Dara Treadwell. The motion carried unanimously 6-0.

1) Recommendation on Resolution 2022-14 – 203 N. St Clair Abrams Avenue – Special Use Permit for School

Mr. Fitzgerald provided the following staff report:

SUMMARY:

An application for a Special Use Permit has been received to operate a school at 203 N. St Clair Abrams Avenue. The subject property is located on the northwest corner of the intersection of N. St Clair Abrams Avenue and Maud Street. The building located on the site was most recently occupied by a law firm. The property is within the Mixed Use (MU) zoning district, and a school is allowed only with the issuance of a Special Use Permit from the City Council.

The applicant envisions what is referred to as a "micro-school" with an estimated enrollment of 40 students across various grade levels. The subject property is in close proximity to the Tavares Public Library. The property includes an empty lot that will be utilized for student recess. The building has been evaluated by the Tavares Fire Department and Building Official, and no major issues were found. However, the applicant will be required to obtain permits for some plumbing and electrical improvements.

The subject property has limited on-site parking. It is the intention of the school operator to have parents use available public and private parking and walk children to and from the school. There will be no car drop off or pickup permitted to block any public right-of-way.

Ms. Sara Classin, 1618 Hilltop Dr, Mount Dora, and Ms. Fawn Stam 131 Madrona Dr, Eustis,

Ms. Classin stated they currently have a micro-school in Eustis and are looking to expand civic education and stated the community is used as their learning environment and wanted a location with those amenities. She gave a personal background and a presentation with the following highlights:

- A close-knit group of parents and students that would like to use this location
- Parking plan
- No more than 40-44 students
- Public parks and trails
- Public Library
- Community Education
- Site Location
- 15 minutes morning and afternoon for pick up and drop off
- Staggered drop off and pick up
- Conditional approval from First Baptist Church parking for pick up and drop off
- Fawn noted public parking around the city

Chairman Santoro asked for comments from the Board.

Board Member Peterman asked if any families currently live in Tavares, the criteria to attend, how parking will be enforced, and safety regulations. Ms. Classin stated they do not currently have families living in Tavares. Attending families currently live in Sorrento, Mount Dora, and Eustis. She stated their micro-school is inclusive and has 3 students that are on the autism spectrum, 4 with diagnosed learning disabilities, and a number of students that are identified as gifted. The school is considered private. Tuition is charged and certain scholarships are accepted. She stated parents will sign and agree to all protocols pertaining to parking, drop-off, and pick-up. Ms. Classin stated the school goes by the guidelines of the Health Department and Department of Education and stated all security measures will be taken to ensure the safety of the students.

Board Member Treadwell asked why this location was chosen and noted her concern of the safety of walking children to school. Ms. Classin said the school has a large emphasis on civic education, experiential learning, and project-based learning. She stated this is the perfect location because of the proximity to libraries, museums, and other amenities that Tavares has and noted the large emphasis on community service and community involvement, all of which are walkable.

Board Member Sweeza asked about the student-to-teacher ratio if the school is ADA-compliant and noted his concern about the parking for drop-off and pick-up. Ms. Stam stated the school currently has 40 students, three full-time teachers, and one full-time assistant. An art teacher and theater teacher come in one day a week. She noted the school is ADA-compliant.

Board Member Matthews asked what the parking conditions are at the Baptist Church. Ms. Classin and MS Stam met with the pastor and he was open to the parking plan once the Planning

and Zoning Meeting and City Council Meeting had occurred and was approved. No terms were discussed.

Chairman Santoro asked for Public Comments.

Vance Jochum, 12619 Milwaukee Ave, Lake County, stated the project is well thought out and asked who owns the property. Mr. Fitzgerald stated the owner is Like a Lazer Beam LLC. He asked if neighbors were notified. Mr. Fitzgerald stated neighbors were notified 150 feet in proximity.

John Drury, Tavares City Administrator, noted an excellent presentation and stated it fits well with the downtown master plan that calls for vibrance, families, growth, and for people to be in the downtown.

Chairman Santoro closed Public Comment.

Chairman Santoro noted his concern about no crosswalks near the school and parking across is dirt and grass and noted his concern of safety for everyone.

Board Member Murphy and Board Member Treadwell noted their concerns of safety when crossing the street with no crosswalks.

Board Member Sweeza asked Mr. Drury if the Boards concern is the parking/drop-off/pick-up if it would be feasible for the parents to use the former police parking lot behind City Hall. Mr. Drury stated if the only issue is the parking, a motion approving it is subject to an acceptable parking program for the City Council and noting that it is a concern will get staff working diligently with the school to develop options.

Chairman Santoro asked about the possibility of a crosswalk to cross the street. Mr. Drury stated the City has total control of crosswalks.

MOTION

Deb Murphy moved to recommend approval, with an acceptable plan for parking and crosswalks, of Resolution 2022-14, seconded by James Sweeza. The motion carried unanimously 6-0.

3) Recommendation on Ordinance 2022-14 – Land Development Regulation Amendments – Revision of Land Development Regulations in Accordance with Smart Growth Initiatives and the Comprehensive Plan.

SUMMARY:

On November 18, 2020, City Council adopted a new Comprehensive Plan for the City of Tavares entitled Taking Flight - Comprehensive Plan 2040. City staff subsequently conducted a full review of the City's Land Development Regulations to ensure consistency with the Comprehensive Plan. The review process included multiple Smart Growth Horizon Team workshops providing the public with the opportunity to collaborate with staff and share ideas regarding how the regulations may be improved. City staff compiled the input received and made revisions to the Land Development Regulations with the intention of promoting quality development standards within the City. Some key highlights include increasing lot sizes, increasing the size of required landscape buffers, adding a residential estate zoning category for

rural areas of the City, updating parking regulations to account for golf carts, and amending development application fees.

OPTIONS:

1. The Planning & Zoning Board moves to recommend approval of Ordinance 2022-14 revision of Land Development Regulations in accordance with smart growth initiatives and the Comprehensive Plan.
2. The Planning & Zoning Board moves to recommend denial of Ordinance 2022-14.

STAFF RECOMMENDATION: Staff recommends that the Planning & Zoning Board moves to recommend approval of Ordinance 2022-14 revision of Land Development Regulations in accordance with smart growth initiatives and the Comprehensive Plan.

FISCAL IMPACT: Increase in development application fees paid to the City of Tavares.

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

Chairman Santoro read the title for each chapter with the following recommendations as follows:

- Chapter 1: General Provisions
- Chapter 3: Definitions for Gaming
- Chapter 4: Application Procedures and Permitting
- Chapter 7: Non-Conforming Situations
- Chapter 8: Zoning Regulations
- Chapter 9: Historic Preservation Overlay District and Architectural and Site Design Standards
- Chapter 10: Concurrency Review and Determination
- Chapter 11: Landscaping and Buffering Regulations Protections and Removal of Trees – Board Member Treadwell suggested in 11.16.1 to take “maximum” out of the language. Mr. Fitzgerald stated the regulations pertaining to trees. Maintenance for the trees is per code and enforced by code enforcement and education is needed for all regulations.

Attorney Holt noted the City of Tavares is a code enforcement complaint-driven city.

Vance Jochum, 12619 Milwaukee Ave, Tavares, noted being unable to file a complaint anonymously.

- Chapter 12: Performance Standards
- Chapter 13: Environmental – Chairman Santoro recommended changing “pattern” to “path”.
- Chapter 15: Stormwater Regulations
- Chapter 16: Subdivision Regulations
- Chapter 17: Utilities – Board Member Treadwell noted grammatical errors.
- Chapter 19: Streets and Sidewalks
- Chapter 20: Parking Regulations – Board Member Treadwell noted grammatical errors in Chapter 20-3 E, “confirms” should be singular.
- Chapter 21: Sign Regulations
- Chapter 22: Buildings and Building Regulations
- Chapter 23: Community Economic Development Initiatives

- Chapter 24: Community Development Fee Schedule – Chairman Santoro inquired why a person would be able to use their own inspector. Mr. Fitzgerald stated a person or developer is able to use a private provider for inspections and plan reviews. He stated the city is required per Florida Statutes to offer a discount to those persons if they choose to use private provider services. Results of those inspections are still required to be reported to the City. Chairman Santoro noted his concern about persons hiring their own inspector.

Attorney Holt noted the particular verbiage is discretionary, not compulsory and says “may” not “shall” pertaining to Chapter 24 and noted the verbiage is legally sufficient.

Mr. Fitzgerald noted that Land Development Regulations (LDR) do not have to mirror Florida Statutes. Florida Statutes are still applicable including when not codified in the City of Tavares LDR's.

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

Chairman Santoro asked for comments from the Board. There was none.

MOTION

James Sweeza moved to recommend approval of Ordinance 2022-14 with recommendations by PZ Board, seconded by Dara Treadwell. The motion carried unanimously 6-0.

OTHER BUSINESS

None.

PUBLIC COMMENT

None.

ADJOURNMENT

MOTION

James Sweeza moved to adjourn the meeting at 4:54 PM, seconded by Dara Treadwell. The motion carried unanimously 6-0.

Respectfully submitted,

Jillian Roberts,
Deputy City Clerk