

AGENDA



City of Tavares Planning & Zoning Advisory Board

March 16, 2023 -- 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 the October 20, 2022 Planning and Zoning Board Meeting Minutes (Deputy Clerk)

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

V. Public Hearings

1. Adventure Christian Church - Rezoning of Approximately 04.75 Acres Located North of Lane Park Cutoff, East of State Road 19.
Recommendation on Ordinance 2023-06
2. Adventure Christian Church - Small Scale FLUM Amendment of Approximately 04.75 Acres Located North of Lane Park Cutoff, East of State Road 19.
Recommendation on Ordinance 2023-07
3. Land Development Regulation Amendment - Chapter 13 - Environmental
Recommendation on Ordinance 2023-05

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
October 20, 2022**

BOARD MEMBERS PRESENT

Gary Santoro, Chairman
Deborah Murphy, Vice-Chairman
Dian Joy, Board Member - Absent
Bruce Peterman, Board Member
Brooke Matthews, Board Member - Absent
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.

APPROVAL OF MINUTES

Chairman Santoro asked if there are any additions or corrections to the August 18, 2022 Planning and Zoning Board Meeting minutes. There were none.

MOTION

Debora Murphy moved to approve the minutes of the August 18, 2022 Planning and Zoning Board Meeting, seconded by James Sweezea. The motion carried unanimously 5-0.

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.

PUBLIC HEARING

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

Mr. Fitzgerald gave the following presentation:

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, The Modern Schoolhouse LLC, envisions what is referred to as a "micro-school" with an estimated enrollment of 40-45 students across various grade levels. The subject property is in close proximity to the Tavares Public Library, downtown museums, Wooton Wonderland, and the Splash Park. 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 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. City staff met with the applicant and conducted an evaluation of available public parking near the proposed site. City staff has determined that there are four (4) public parking areas consisting of a total of ninety (90) parking spaces that are in close proximity to the property with sidewalk access south of Maud Street. City staff has coordinated with the City's Engineer to design improvements to the crosswalk located at Maud Street and N. St Clair Abrams Avenue.

OPTIONS:

1. The Planning & Zoning Board moves to recommend approval of Resolution 2022-14, Special Use Permit for a school located at 203 N. St Clair Abrams Avenue.
2. The Planning & Zoning Board moves to recommend denial of Resolution 2022-14.

STAFF RECOMMENDATION:

Staff recommends that the Planning & Zoning Board moves to recommend approval of Resolution 2022-14, Special Use Permit for a school located at 203 N. St Clair Abrams Avenue.

FISCAL IMPACT:

N/A

Chairman Santoro asked if the intention for crossing the street will be at the crosswalk. Mr. Fitzgerald stated there is a crosswalk currently at Maud Street and St. Clair Abrams that will be upgraded.

Fawn Stam, 131 Madrona Dr, Eustis, and Sarah Classon, 1618 hilltop drive, Mount Dora – Applicants

Ms. Classon gave a brief overview of the Modern Schoolhouse:

- Serving Pre-k - 8th grade.
- Environment-based learning
- Small group education
- Overview of curriculum based on Florida Standards

Ms. Classon stated she is available for questions.

Board Member Joy asked if all families are going to cross at Maud Street. Ms. Classon stated all families will be directed to cross at the crosswalk at Maud Street and enter through the front door with a staff member supervising arrivals and drop-offs.

Board Member Peterman asked if the upgrades to the facility have been completed. Ms. Classon stated not all upgrades have been completed and are awaiting approval.

Board Member Sweeza asked about the anticipated start date and if the school plans to add additional grades. Ms. Classon stated the end of January or February of 2023 and noted it would be a different school as having higher grades would not coincide with the current model.

Captain Luckock, Tavares Fire Department, stated Modern Schoolhouse has been diligent in making the adjustments that were needed.

Chief Keith, Tavares Fire Department, noted the Modern Schoolhouse is working with Captain Luckock.

Chairman Santoro asked for questions or comments from the Board.

Board Member Sweeza asked which parking options are available. Mr. Fitzgerald noted the available parking lots in the area and noted the staggered drop-offs for the various grades.

MOTION

Bruce Peterman moved to recommend approval of Resolution 2022-14, seconded by James Sweeza. The motion carried unanimously 5-0.

OTHER BUSINESS

Mr. Fitzgerald noted no Planning and Zoning Board meeting in November. He mentioned upcoming events.

PUBLIC COMMENT

ADJOURNMENT

October 20, 2022 - Planning and Zoning Board Meeting

MOTION

James Sweezea moved to adjourn the meeting at p.m., seconded by Dian Joy. The motion carried unanimously 5-0.

Respectfully submitted,

Jillian Roberts,
Deputy City Clerk

AGENDA SUMMARY
TAVARES PLANNING & ZONING ADVISORY BOARD
3/16/2023

AGENDA TAB NO.: 1.

**SUBJECT TITLE: Adventure Christian Church - Rezoning of Approximately 04.75 Acres Located North of Lane Park Cutoff, East of State Road 19.
Recommendation on Ordinance 2023-06**

OBJECTIVE:

To consider the rezoning of approximately 04.75 acres of property located north of Lane Park Cutoff, east of SR-19 from Public Facilities District (PFD) to Industrial District (I).

SUMMARY:

The subject property consists of approximately 04.75 acres of property addressed as 1650 Lane Park Cutoff, located north of Lane Park Cutoff, east of SR-19. The property is currently zoned as Public Facilities District (PFD) through Ordinance 1996-20 approved on July 10, 1996. The applicant, Adventure Christian Church, is proposing that the property be rezoned to Industrial District (I).

Ordinance 1996-20 limits the allowable uses of the subject property to a church, school, and daycare facility. The property currently contains one (1) existing building that was being used by Adventure Christian Church as a daycare. The applicant wishes to sell the property, and therefore is proposing a rezoning of the property to industrial to change the allowable uses and make it more marketable. The proposed zoning of Industrial District (I) is compatible with the surrounding zoning, which is a mixture of residential, commercial, industrial, and Public Facilities zoning. The proposed industrial zoning is consistent with the city's economic development initiatives.

Prior to any redevelopment of the property, the property owner must comply 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 Public Facility / Institutional (PUB) to Industrial (IND) on the Future Land Use Map 2040.

OPTIONS:

1. The Planning & Zoning Board moves to recommend approval of Ordinance 2023-06 rezoning of approximately 04.75 acres of property located north of Lane Park Cutoff, east of SR-19 from Public Facilities District (PFD) to Industrial District (I).

2. That the Planning & Zoning Board moves to recommend denial of Ordinance 2023-06.

STAFF RECOMMENDATION:

Staff recommends that the Planning & Zoning Board moves to recommend approval of Ordinance 2023-06 rezoning of approximately 04.75 acres of property located north of Lane Park Cutoff, east of SR-19 from Public Facilities District (PFD) to Industrial District (I).

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 2023-06
2. Aerial Map
3. Zoning Map
4. Newspaper Ad

ORDINANCE 2023-06

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, REZONING APPROXIMATELY 04.75 ACRES OF PROPERTY LOCATED NORTH OF LANE PARK CUTOFF, EAST OF STATE ROAD 19, FROM PUBLIC FACILITIES DISTRICT (PFD) TO INDUSTRIAL DISTRICT (I); SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owners of the property legally described in “**Exhibit A**” of this Ordinance have applied for the rezoning of this land from Public Facilities District (PFD) to Industrial District (I); and

WHEREAS, the City is concurrently processing an amendment to the City's Comprehensive Plan to re-designate the property from Public Facility / Institutional (PUB) to Industrial (IND) 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 Public Facilities District (PFD) to Industrial District (I).

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 _____, 2023, by the City Council of the City of Tavares, Florida.

Walter B. Price, Sr., Mayor
Tavares City Council

First Reading: _____

Passed Second Reading: _____

ATTEST:

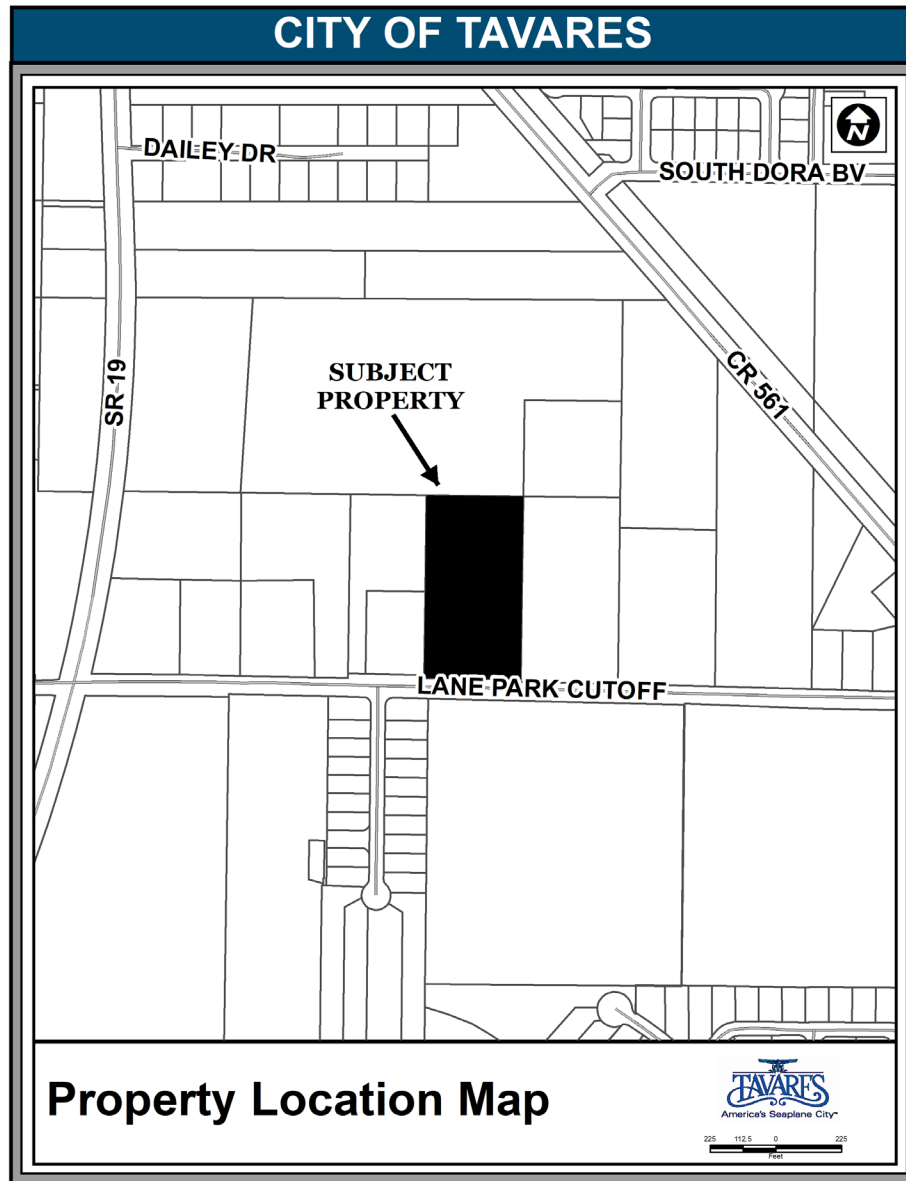
Susie Novack, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Lindsay C. T. Holt, City Attorney

Exhibit "A"

The South 1/2 of the West 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 6, Township 20 South, Range 26 East, Lake County, Florida.



Created By: City of Tavares GIS

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Map Created on 2/16/23

AGENDA SUMMARY
TAVARES PLANNING & ZONING ADVISORY BOARD
3/16/2023

AGENDA TAB NO.: 2.

**SUBJECT TITLE: Adventure Christian Church - Small Scale FLUM Amendment of Approximately 04.75 Acres Located North of Lane Park Cutoff, East of State Road 19.
Recommendation on Ordinance 2023-07**

OBJECTIVE:

To consider a Future Land Use Map amendment from Public Facility / Institutional (PUB) to Industrial (IND) for 04.75 acres located north of Lane Park Cutoff, east of State Road 19.

SUMMARY:

The subject property is located at 1650 Lane Park Cutoff, north of Lane Park Cutoff, east of State Road 19, and is approximately 04.75 acres in size. The land presently has one (1) building and has a land use designation of Public Facility / Institutional (PUB). 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 Public Facility / Institutional (PUB) to Industrial (IND).

Ordinance 2023-07 proposes a small-scale amendment to the Future Land Use Map 2040 of the Comprehensive Plan from Public Facility / Institutional (PUB) to Industrial (IND).

The subject property is adjacent to a mixture of a mixture of residential, commercial, industrial, and public facilities uses. An application to rezone this property to an Industrial District (I) designation is concurrently under consideration.

Future Land Use Amendment

The city is required to place a future land use designation on annexed property. The subject property is currently designated Public Facility / Institutional (PUB). An Industrial (IND) designation is compatible with surrounding property and County Future Land Use.

Compatibility

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

Site Conditions

The property currently contains one (1) building.

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. An Industrial (IND) 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. The Planning & Zoning Board moves to recommend approval of Ordinance 2023-07, a Future Land Use Map amendment from Public Facility / Institutional (PUB) to Industrial (IND) for 04.75 acres located north of Lane Park Cutoff, east of State Road 19.
2. That the Planning & Zoning Board moves to recommend denial of Ordinance 2023-07.

STAFF RECOMMENDATION:

Staff recommends that the Planning & Zoning Board moves to recommend approval of Ordinance 2023-07, a Future Land Use Map amendment from Public Facility / Institutional (PUB) to Industrial (IND) for 04.75 acres located north of Lane Park Cutoff, east of State Road 19.

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 2023-07
2. FLU Map
3. Newspaper Ad

ORDINANCE 2023-07

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 04.75 ACRES OF PROPERTY FROM PUBLIC FACILITY / INSTITUTIONAL (PUB) TO INDUSTRIAL (IND) FOR PROPERTY LOCATED NORTH OF LANE PARK CUTOFF, EAST OF STATE ROAD 19; 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 Public Facility / Institutional (PUB) to Industrial (IND); 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, an Industrial Future Land Use designation is compatible with surrounding designations and such designation is compatible with both City of Tavares and Lake County surrounding future land use designations; and

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

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

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

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

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

Section 1. Future Land Use Amendment

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

Section 2. Severability and Conflicts

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

Section 3. Transmittal

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

Section 4. Effective Date

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development

permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

PASSED AND ADOPTED this _____ day of _____, 2023 by the City Council of the City of Tavares, Florida.

Walter B. Price, Sr., Mayor
Tavares City Council

First Reading: _____

Second Reading & Final Adoption: _____

ATTEST:

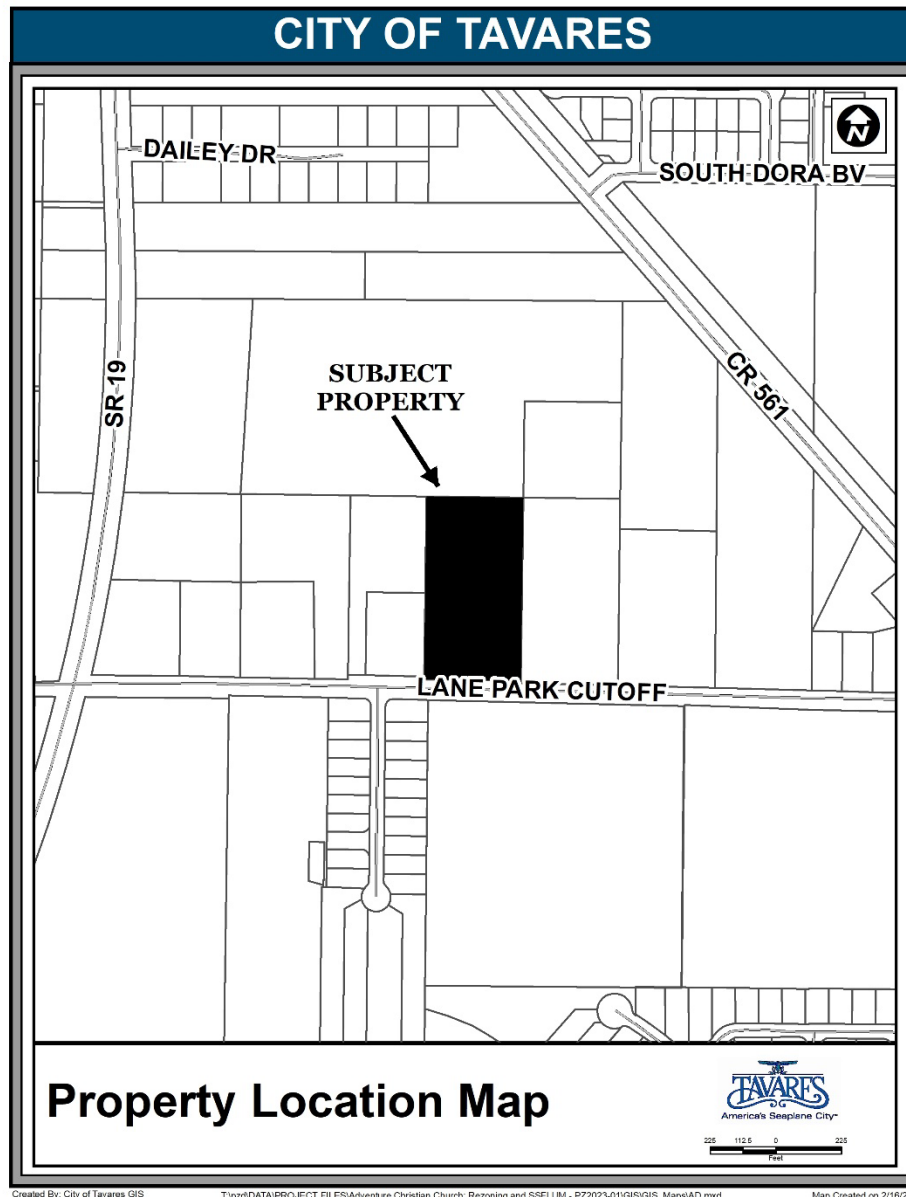
Susie Novack, City Clerk

Approved as to form:

Lindsay C. T. Holt, City Attorney

EXHIBIT "A"

The South 1/2 of the West 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 6, Township 20 South, Range 26 East, Lake County, Florida.



**AGENDA SUMMARY
TAVARES PLANNING & ZONING ADVISORY BOARD
3/16/2023**

AGENDA TAB NO.: 3.

SUBJECT TITLE: Land Development Regulation Amendment - Chapter 13 - Environmental Recommendation on Ordinance 2023-05

OBJECTIVE:

To consider approval of the revision of Land Development Regulations - Chapter 13 Environmental.

SUMMARY:

Chapter 13 of the City of Tavares Land Development Regulations provides protective measures to ensure environmental preservation as well as safeguards for the city's principal source of water.

Pursuant to the Florida Department of Environmental Protection (FDEP) Ground Water Protection Measures in Wellhead Protection Areas and Water Well Permitting and Construction Requirements, Chapter 13 Sections 13-30, 13-31, 13-32, 13-33 are proposed to be amended. Some key highlights include amending the wellfield protection area, expanding restrictions on types of development within the wellfield protection area, amending restrictions on the siting of new public water wells, and expanding certain exemptions. The proposed changes to Chapter 13 of the city's Land Development Regulations shall bring the chapter into compliance with Florida Administrative Code Chapter 62-521.4 and Chapter 62-532.

OPTIONS:

1. The Planning & Zoning Board moves to recommend approval of Ordinance 2023-05 approval of the revision of Land Development Regulations - Chapter 13 Environmental

2. The Planning & Zoning Board moves to recommend denial of Ordinance 2023-05.

STAFF RECOMMENDATION:

Staff recommends that the Planning & Zoning Board moves to recommend approval of Ordinance 2023-05 approval of the revision of Land Development Regulations - Chapter 13 Environmental

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 2023-05
2. Exhibit A - Well Head Protection Amendments
3. Newspaper Ad

ORDINANCE 2023-05

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA AMENDING THE FOLLOWING SECTIONS OF THE CITY LAND DEVELOPMENT REGULATIONS; CHAPTER 13 ENVIRONMENTAL, SECTION 13-30 DETERMINATION OF THE ZONE OF EXCLUSION AND WELLFIELD PROTECTION AREA, SECTION 13-31 RESTRICTIONS ON DEVELOPMENT, SECTION 13-32 RESTRICTIONS ON SITING OF NEW PUBLIC WATERWELLS, SECTION 13-33 EXEMPTIONS; SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 21, 2022, the City of Tavares adopted the Land Development Regulations, specifying therein standards and regulations governing land development within the city; and

WHEREAS, the Land Development Regulations are designed to put forth requirements to ensure that development occurs in a manner that preserves and protects the health, safety, welfare and property values of the community while encouraging economic growth; and

WHEREAS, the City of Tavares has proposed these changes and has determined that these are appropriate and in accordance with protecting the health, safety and welfare of the community; therefore;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAVARES, FLORIDA:

Section 1. Text Amendments.

The revised City of Tavares Land Development Regulations Chapter 13 attached hereto as Exhibit "A" and incorporated herein by reference are hereby adopted.

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. Effective Date

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

PASSED AND ADOPTED this ____ day of _____, 2023 by the City Council of the City of Tavares, Florida.

Walter B. Price, Sr., Mayor
Tavares City Council

Passed First Reading _____

Passed Second Reading _____

ATTEST:

Susie Novack, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Lindsay C. T. Holt, City Attorney