

AGENDA



City of Tavares Planning & Zoning Advisory Board

April 20, 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 March 16, 2023 Planning and Zoning Board Meeting Minutes (Deputy Clerk)

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

V. Public Hearings

1. S&S Holdings of Florida LLC / SHREE SAI 9 Inc. - Annexation & Rezoning of Approximately 0.44 Acres Located at 15226 & 15236 Old US Hwy 441.
Recommendation on Ordinance 2023-09
2. S&S Holdings of Florida LLC / SHREE SAI 9 Inc. - SSFLUM Amendment of Approximately 0.44 Acres Located at 15226 & 15236 Old US Hwy 441.
Recommendation on Ordinance 2023-10
3. TPO-FL, LLC - Rezoning of Approximately 01.05 Acres Located South of Madison Street, West of Orange Avenue.
Recommendation on Ordinance 2023-01
4. TPO-FL, LLC - SSFLUM Amendment of Approximately 01.05 Acres Located South of Madison Street, West of Orange Avenue.
Recommendation on Ordinance 2023-02

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
MARCH 16, 2023**

BOARD MEMBERS PRESENT

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

LAKE COUNTY SCHOOL BOARD

Helen LaValley - Absent

STAFF MEMBERS PRESENT

Antonio Fabre – Community Development Deputy Director
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 added that the “Election of Officers” would be held under Other Business.

Motion

Bruce Peterman moved to approve the addition of ‘Election of Officers’, seconded by Dian Joy. The motion carried unanimously 7-0.

APPROVAL OF MINUTES

Chairman Santoro asked if there are any additions or corrections to the October 20, 2022 Planning and Zoning Board Meeting minutes.

MOTION

James Sweezea moved to approve the minutes of the October 20, 2022 Planning and Zoning Board Meeting.

March 16, 2023 - Planning and Zoning Board Meeting

Board Member Joy stated there was a correction on page 1 under “Board Members Present” to remove “absent” from next to her name as she was present. Board Member Treadwell stated a correction on the last page where it notes the time the meeting is adjourned; a time needs to be added.

Seconded by Dara Treadwell. The motion carried unanimously 7-0.

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 Ordinance 2023-06 – Adventure Christian Church – Rezoning of Approximately 04.75 Acres Located North of Lane Park Cutoff, East of State Road 19.

Mr. Fitzgerald gave the following presentation:

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.

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 SR19 from Public Facilities District (PFD) to Industrial District (I).

Morry Osborn, 13701 Centralia Road, Brooksville, Florida, Executive Minister Adventure Christian Church, applicant, gave a history of the property and noted the suggested use is compatible with the surrounding area. He noted the church received a contract for the property last week and is available for questions.

Chairman Santoro asked if the building on the property will remain, and Mr. Osborn confirmed.

Board Member Sweeza asked which road will be used to access the property, Mr. Osborn stated it would be Lane Park Cutoff.

MOTION

James Sweeza moved to recommend approval of Ordinance 2023-06 seconded by Dian Joy. The motion carried unanimously 7-0.

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

Mr. Fitzgerald gave the following presentation:

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

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.

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

The property currently contains one (1) building.

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.

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)*

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.

MOTION

James Sweezea moved to recommend approval of Ordinance 2023-07 seconded by Deborah Murphy. The motion carried unanimously 7-0.

3) Recommendation on Ordinance 2023-05 – Land Development Regulation Amendment – Chapter 13 – Environmental

Mr. Fitzgerald gave the following presentation:

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.

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.

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

Chairman Santoro asked if this ordinance will change his current operations and what will happen to the current well.

Phil Clark, City of Tavares Utilities Director stated a new well location has been identified and noted the Public Works Facility is going away which is where two wells are located currently. Mr. Clark stated placing the well system at the new location is optimum and will do everything the city will need pertaining to water needs. He noted the current wells will be capped for possible future use.

MOTION

James Sweeza moved to recommend approval of Ordinance 2023-05 seconded by Dara Treadwell. The motion carried unanimously 7-0.

OTHER BUSINESS

Chairman Santoro opened the floor for nominations for Chairman.

Deborah Murphy nominated Gary Santoro for the position of Chairman. There were no other nominations.

MOTION

Deborah Murphy moved to nominate Gary Santoro as Chairman, seconded by James Sweeza. The motion carried unanimously 7-0

Chairman Santoro opened the floor for nominations for Vice-Chair.

Dara Treadwell nominated Deborah Murphy for the position of Vice-Chair. There were no other nominations.

MOTION

Dara Treadwell moved to nominate Deborah Murphy as Vice-Chair, seconded by Brooke Matthews. The motion carried unanimously 7-0.

PUBLIC COMMENT

ADJOURNMENT

MOTION

James Sweezea moved to adjourn the meeting at 3:19 p.m., seconded by Bruce Peterman. The motion carried unanimously 7-0.

Respectfully submitted,

Jillian Roberts,
Deputy City Clerk

**AGENDA SUMMARY
TAVARES PLANNING & ZONING ADVISORY BOARD
4/20/2023**

AGENDA TAB NO.: 1.

**SUBJECT TITLE: S&S Holdings of Florida LLC / SHREE SAI 9 Inc. - Annexation & Rezoning of Approximately 0.44 Acres Located at 15226 & 15236 Old US Hwy 441.
Recommendation on Ordinance 2023-09**

OBJECTIVE:

To consider the annexation and rezoning to Highway Commercial (C-2) of approximately 0.44 acres of property located at 15226 & 15236 Old US Hwy 441.

SUMMARY:

The subject property is approximately 0.44 acres located at 15226 & 15236 Old US Hwy 441, south of Old US Hwy 441, east of David Walker Drive. Both parcels of property are presently zoned as Lake County Light Industrial District (LM). The applicant is proposing that the property be annexed and rezoned to City Highway Commercial (C-2).

The proposed zoning of Highway Commercial (C-2) is compatible with the surrounding zoning and accommodates pre-existing use of the property. The property is adjacent to parcels designated as industrial and is in close proximity to residential zoning. Both parcels are developed, and each parcel contains an existing commercial building that has operated as an auto repair shop and a convenience store.

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. City water and sewer service is available to the property, and the property owner has applied to connect to City utilities.

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 Commercial (COM) on the Future Land Use Map 2040.

OPTIONS:

1. The Planning & Zoning Board moves to recommend approval of Ordinance 2023-09 annexation and rezoning to Highway Commercial (C-2) approximately 0.44 acres of property located at 15226 & 15236 Old US Hwy 441.
2. The Planning & Zoning Board moves to recommend denial of Ordinance 2023-09.

STAFF RECOMMENDATION:

Staff recommends that the Planning & Zoning Board moves to recommend approval of Ordinance 2023-09 annexation and rezoning to Highway Commercial (C-2) approximately 0.44 acres of property

located at 15226 & 15236 Old US Hwy 441.

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 2023-09
2. Aerial Map
3. Zoning Map
4. Newspaper Ad - 4-9-23

ORDINANCE 2023-09

AN ORDINANCE OF THE CITY OF TAVARES AMENDING THE BOUNDARIES OF THE CITY BY ANNEXING APPROXIMATELY 0.44 ACRES OF LAND LOCATED AT 15226 OLD US HWY 441 AND 15236 OLD US HWY 441, REZONING SAID PROPERTY FROM LAKE COUNTY LIGHT INDUSTRIAL DISTRICT (LM) TO CITY OF TAVARES HIGHWAY COMMERCIAL (C-2); SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the 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 Light Industrial (LM), and the applicant has requested that said property be rezoned to a City designation of Highway Commercial (C-2); and,

WHEREAS, the City is concurrently processing an amendment to the City's Comprehensive Plan to re-designate the property from Lake County Urban High Density to City of Tavares Commercial (COM) on the Future Land Use Map 2040; and

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

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

WHEREAS, the City Council finds this amendment in compliance with the City of Tavares Land Development Regulations and the proposed amended Comprehensive Plan; now therefore

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

Section 1. Annexation

The 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 Light Industrial District (LM) to City of Tavares Highway Commercial (C-2) 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 _____, 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"

That part of Lots U and A in a Map of the Lands of the VIRGINIA LAND CORPORATION, a subdivision in Lake County, Florida, according to the plat thereof as recorded in Plat Book 2, Page 29, Public Records of Lake County, Florida, bounded and described as follows:

Begin at the intersection of the Southerly right of way line of Old U.S. Hwy. 441 and the West line of said Lot U and run thence South along said West line to the Northerly right of way line of the Railroad, thence Easterly along said Northerly right of way line 90 feet, thence Northerly to a point on the Southerly right of way line of Old U.S. Hwy. 441 which is 100 feet Easterly of the Point of Beginning as measured along said Southerly right of way line, thence Westerly along said Southerly right of way line 100 feet to the Point of Beginning.

ALSO:

Begin at the intersection of the Southerly right of way line of Old U.S. Hwy. 441 and the East line of said Lot A and run thence South 03°02'38" West 104.2 feet, more or less to a point on the Northerly right of way line of the Railroad which is 5 feet Westerly of the East line of said Lot A as measured along said Northerly right of way line, thence Easterly along said Northerly right of way line 5 feet to the East line of said Lot A, thence North along said East line to the Point of Beginning.

AND

That part of the East 100 feet of Lot A in a Map of the Lands of the VIRGINIA LAND CORPORATION, a subdivision in Lake County, Florida, according to the plat thereof as recorded in Plat Book 2, Page 29, Public Records of Lake County, Florida, lying South of the Southerly right of way line of Old U.S. Hwy. 441 and North of the Northerly right of way line of the Railroad,

LESS and EXCEPT the following:

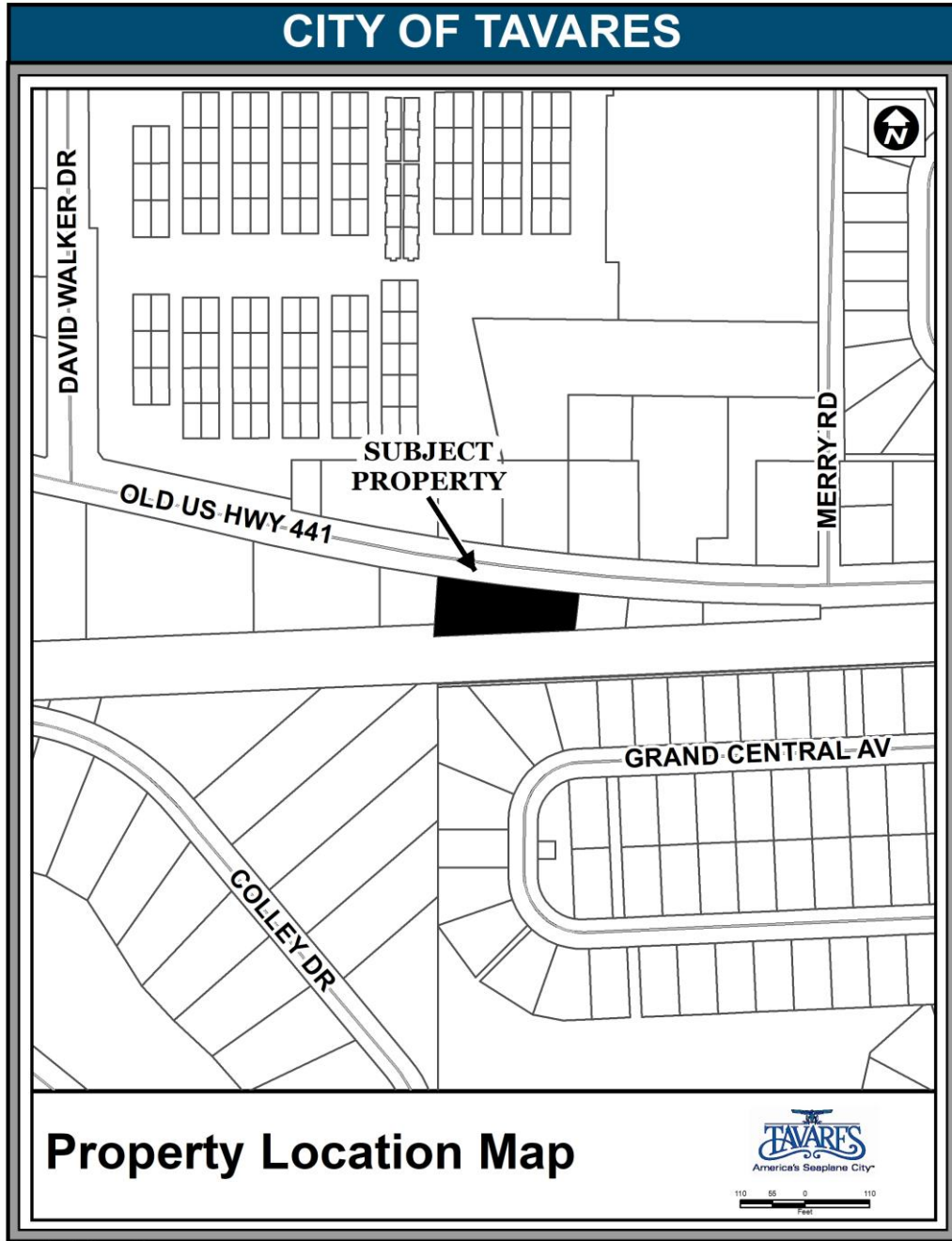
Begin at the intersection of the Southerly right of line of Old U.S. Hwy. 441 and the East line of said Lot A and run thence South 03°02'38" West 104.2 feet, more or less, to a point on the Northerly right of way line of the Railroad which is 5 feet Westerly of the East line of said Lot A as measured along said Northerly right of way line, thence Easterly along said Northerly right of way line 5 feet to the East line of said Lot A, thence North along said East line to the Point of Beginning.

EXHIBIT "A" Continued

That part of Lot "U" according to the Map of Virginia Land Corporation, recorded in Plat Book 2, Page 29, Public Records of Lake County, Florida bounded and described as follows: From the Northwest corner of said Lot "U", run thence South along the West line of said Lot "U" a distance of 306.14 feet to a point on the Northerly line of the right-of-way of the Seaboard Coastline Railroad; run thence North 86°58'00" East along said Northerly right-of-way line 102.7 feet for a Point of Beginning; run thence North 05°58'00" East 83.57 feet to the Southerly right-of-way line of Old U.S. Highway No. 441, said point being hereby designated as Point "A", thence begin again at the Point of Beginning and run thence North 86°58'00" East along the Northerly line of the right-of-way of said Railroad 131 feet; run thence North 05°58'00" East 63.3 feet to the Southerly right-of-way line of Old U.S. Highway 441; run thence Northwesterly along said Southerly right-of-way line 129.38 feet, more or less to said designated Point "A".

Being more particularly described as follows:

That part of Lot "U" according to the Map of Virginia Land Corporation, recorded in Plat Book 2, Page 29, Public Records of Lake County, Florida bounded and described as follows: From the Northwest corner of said Lot "U", run thence South along the West line of said Lot "U" a distance of 306.14 feet to a point on the Northerly line of the right-of-way of the Seaboard Coastline Railroad; run thence North 86°58'00" East along said Northerly right-of-way line, a distance of 102.7 feet for a Point of Beginning; run thence North 05°58'00" East, a distance of 83.57 feet to the Southerly right-of-way line of Old U.S. Highway No. 441, said point being hereby designated as Point "A", said point also being a point on a curve, thence begin again at the Point of Beginning and run thence North 86°58'00" East along the Northerly line of the right-of-way of said Railroad, a distance of 131.00 feet; run thence North 05°58'00" East, a distance of 63.3 feet to the Southerly right-of-way line of Old U.S. Highway 441, said point being on a curve concave Southerly, having a radius of 4298.17 feet, a Delta of 01°43'40", and subtended by a chord bearing of North 84°07'55" West, with a chord distance of 129.39 feet; run thence Northwesterly along the Arc of said curve a distance of 129.39 feet, more or less to said designated Point "A". Said lands situate, lying and being in Lake County, Florida.



Created By: City of Tavares GIS

pzd\DATA\PROJECT FILES\Sanjay's 15226 & 15236 Old US HWY 441; Annex, Rezoning, SSFLUM - PZ20230-06\AD.mxd

Map Created on 3/20/23

AGENDA SUMMARY
TAVARES PLANNING & ZONING ADVISORY BOARD
4/20/2023

AGENDA TAB NO.: 2.

SUBJECT TITLE: S&S Holdings of Florida LLC / SHREE SAI 9 Inc. - SSFLUM Amendment of Approximately 0.44 Acres Located at 15226 & 15236 Old US Hwy 441. Recommendation on Ordinance 2023-10

OBJECTIVE:

To consider an application for a Future Land Use Map amendment from Lake County Urban High Density to City Commercial (COM) for 0.44 acres of property located at 15226 & 15236 Old US Hwy 441.

SUMMARY:

The subject property is located at 15226 & 15236 Old US Hwy 441, south of Old 441, east of David Walker Dr., and is approximately 0.44 acres in size. Each parcel of property has one (1) building and has a land use designation of Lake County Urban High Density. The property owner is requesting an amendment to the Tavares Comprehensive Plan Future Land Use Map 2040 to change the designation of said property from Lake County Urban High Density to City Commercial (COM).

Ordinance 2023-10 proposes a small-scale amendment to the Future Land Use Map 2040 of the Comprehensive Plan from Lake County Urban High Density to City Commercial (COM).

The subject property is adjacent to a mixture of industrial, commercial, and residential uses. An application to annex and rezone this property to a Highway Commercial (C-2) 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 Lake County Urban High Density. A Commercial (COM) designation is compatible with surrounding property and County Future Land Use.

Compatibility

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

Site Conditions

The property currently contains one (1) building on each parcel.

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 Commercial (COM) 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 any 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 2023-10, a Future Land Use Map amendment from Lake County Urban High Density to City Commercial (COM) for 0.44 acres of property located at 15226 & 15236 Old US Hwy 441.
2. That the Planning & Zoning Board moves to recommend denial of Ordinance 2023-10.

STAFF RECOMMENDATION:

Staff recommends that the Planning & Zoning Board moves to recommend approval of Ordinance 2023-10, a Future Land Use Map amendment from Lake County Urban High Density to City Commercial (COM) for 0.44 acres of property located at 15226 & 15236 Old US Hwy 441.

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 2023-10
2. FLU Map

ORDINANCE 2023-10

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 0.44 ACRES OF PROPERTY FROM LAKE COUNTY URBAN HIGH DENSITY TO CITY COMMERCIAL (COM) FOR PROPERTY LOCATED AT 15226 OLD US HWY 441 AND 15236 OLD US HWY 441; 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 Lake County Urban High Density to City Commercial (COM); and

WHEREAS, the City of Tavares is concurrently processing the annexation of this property; and

WHEREAS, the property consists of less than ten acres;

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 Commercial Future Land Use designation is compatible with surrounding City of Tavares 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 Commercial (COM) 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 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"

That part of Lots U and A in a Map of the Lands of the VIRGINIA LAND CORPORATION, a subdivision in Lake County, Florida, according to the plat thereof as recorded in Plat Book 2, Page 29, Public Records of Lake County, Florida, bounded and described as follows:

Begin at the intersection of the Southerly right of way line of Old U.S. Hwy. 441 and the West line of said Lot U and run thence South along said West line to the Northerly right of way line of the Railroad, thence Easterly along said Northerly right of way line 90 feet, thence Northerly to a point on the Southerly right of way line of Old U.S. Hwy. 441 which is 100 feet Easterly of the Point of Beginning as measured along said Southerly right of way line, thence Westerly along said Southerly right of way line 100 feet to the Point of Beginning.

ALSO:

Begin at the intersection of the Southerly right of way line of Old U.S. Hwy. 441 and the East line of said Lot A and run thence South 03°02'38" West 104.2 feet, more or less to a point on the Northerly right of way line of the Railroad which is 5 feet Westerly of the East line of said Lot A as measured along said Northerly right of way line, thence Easterly along said Northerly right of way line 5 feet to the East line of said Lot A, thence North along said East line to the Point of Beginning.

AND

That part of the East 100 feet of Lot A in a Map of the Lands of the VIRGINIA LAND CORPORATION, a subdivision in Lake County, Florida, according to the plat thereof as recorded in Plat Book 2, Page 29, Public Records of Lake County, Florida, lying South of the Southerly right of way line of Old U.S. Hwy. 441 and North of the Northerly right of way line of the Railroad,

LESS and EXCEPT the following:

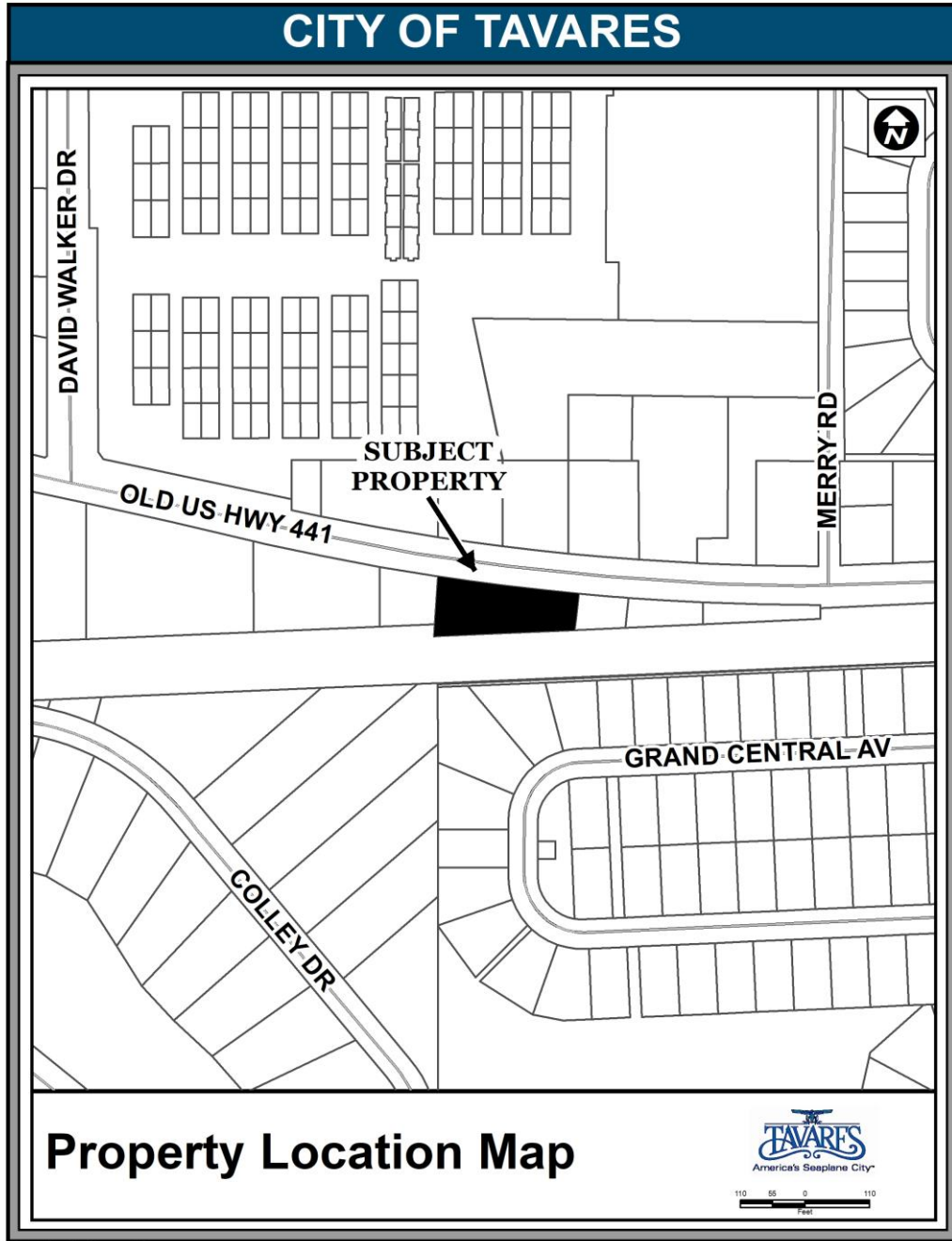
Begin at the intersection of the Southerly right of line of Old U.S. Hwy. 441 and the East line of said Lot A and run thence South 03°02'38" West 104.2 feet, more or less, to a point on the Northerly right of way line of the Railroad which is 5 feet Westerly of the East line of said Lot A as measured along said Northerly right of way line, thence Easterly along said Northerly right of way line 5 feet to the East line of said Lot A, thence North along said East line to the Point of Beginning.

EXHIBIT "A" Continued

That part of Lot "U" according to the Map of Virginia Land Corporation, recorded in Plat Book 2, Page 29, Public Records of Lake County, Florida bounded and described as follows: From the Northwest corner of said Lot "U", run thence South along the West line of said Lot "U" a distance of 306.14 feet to a point on the Northerly line of the right-of-way of the Seaboard Coastline Railroad; run thence North 86°58'00" East along said Northerly right-of-way line 102.7 feet for a Point of Beginning; run thence North 05°58'00" East 83.57 feet to the Southerly right-of-way line of Old U.S. Highway No. 441, said point being hereby designated as Point "A", thence begin again at the Point of Beginning and run thence North 86°58'00" East along the Northerly line of the right-of-way of said Railroad 131 feet; run thence North 05°58'00" East 63.3 feet to the Southerly right-of-way line of Old U.S. Highway 441; run thence Northwesterly along said Southerly right-of-way line 129.38 feet, more or less to said designated Point "A".

Being more particularly described as follows:

That part of Lot "U" according to the Map of Virginia Land Corporation, recorded in Plat Book 2, Page 29, Public Records of Lake County, Florida bounded and described as follows: From the Northwest corner of said Lot "U", run thence South along the West line of said Lot "U" a distance of 306.14 feet to a point on the Northerly line of the right-of-way of the Seaboard Coastline Railroad; run thence North 86°58'00" East along said Northerly right-of-way line, a distance of 102.7 feet for a Point of Beginning; run thence North 05°58'00" East, a distance of 83.57 feet to the Southerly right-of-way line of Old U.S. Highway No. 441, said point being hereby designated as Point "A", said point also being a point on a curve, thence begin again at the Point of Beginning and run thence North 86°58'00" East along the Northerly line of the right-of-way of said Railroad, a distance of 131.00 feet; run thence North 05°58'00" East, a distance of 63.3 feet to the Southerly right-of-way line of Old U.S. Highway 441, said point being on a curve concave Southerly, having a radius of 4298.17 feet, a Delta of 01°43'40", and subtended by a chord bearing of North 84°07'55" West, with a chord distance of 129.39 feet; run thence Northwesterly along the Arc of said curve a distance of 129.39 feet, more or less to said designated Point "A". Said lands situate, lying and being in Lake County, Florida.



Created By: City of Tavares GIS

pzd\DATA\PROJECT FILES\Sanjay's 15226 & 15236 Old US HWY 441; Annex, Rezoning, SSFLUM - PZ20230-06\AD.mxd

Map Created on 3/20/23

AGENDA SUMMARY
TAVARES PLANNING & ZONING ADVISORY BOARD
4/20/2023

AGENDA TAB NO.: 3.

**SUBJECT TITLE: TPO-FL, LLC - Rezoning of Approximately 01.05 Acres Located South of Madison Street, West of Orange Avenue.
Recommendation on Ordinance 2023-01**

OBJECTIVE:

To consider the rezoning of approximately 01.05 acres of property located south of Madison Street, west of Orange Avenue from Residential Single Family (RSF-1) to Highway Commercial (C-2).

SUMMARY:

The subject property consists of approximately 01.05 acres of property located south of Madison Street, west of Orange Avenue. The property is currently zoned as Residential Single Family (RSF-1), and the applicant is proposing that the property be rezoned to Highway Commercial (C-2).

The proposed zoning of Highway Commercial (C-2) is compatible with the commercial zoning that abuts the subject property and US Hwy 441. The applicant at this time envisions the demolition of existing structures, and the construction of a new convenience store with fuel pumps. The proposed use is allowable under the Highway Commercial (C-2) zoning. The site will be designed with access points on US Hwy 441 and Orange Avenue and will include landscape buffering per the City's Land Development Regulations. The total site construction area is 01.99 acres, which includes property abutting US Hwy 441 already zoned as Highway Commercial (C-2) and the 01.05 acres of property under consideration for rezoning.

The environmental assessment submitted by ECS Florida, LLC 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 traffic analysis submitted by Stonefield Engineering & Design, LLC does not indicate an adverse impact on the level of service for surrounding roadways with the inclusion of certain roadway improvements such as modifications to the turn lanes on US Hwy 441 and Orange Avenue.

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 Residential Low Density (LOW) to Commercial (COM) on the Future Land Use Map 2040.

OPTIONS:

1. The Planning & Zoning Board moves to recommend approval of Ordinance 2023-01 rezoning approximately 01.05 acres of property located south of Madison Street, west of Orange Avenue

from Residential Single Family (RSF-1) to Highway Commercial (C-2).

2. The Planning & Zoning Board moves to deny Ordinance 2023-01.

STAFF RECOMMENDATION:

Staff recommends that the Planning & Zoning Board moves to recommend approval of Ordinance 2023-01 rezoning approximately 01.05 acres of property located south of Madison Street, west of Orange Avenue from Residential Single Family (RSF-1) to Highway Commercial (C-2).

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 2023-01
2. Aerial Map
3. Zoning Map
4. Conceptual Plan
5. Site Construction Area Map
6. Newspaper Ad - 4-9-23

ORDINANCE 2023-01

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, REZONING APPROXIMATELY 01.05 ACRES OF PROPERTY LOCATED SOUTH OF MADISON STREET, WEST OF ORANGE AVENUE, FROM RESIDENTIAL SINGLE FAMILY (RSF-1) TO HIGHWAY COMMERCIAL (C-2); SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owners of the property legally described in “**Exhibit A**” of this Ordinance have applied for the rezoning of this land from Residential Single-Family (RSF-1) to Highway Commercial (C-2); 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 Commercial (COM) 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-1) to Highway Commercial (C-2).

Section 2. Severability.

Upon a determination by a court of competent jurisdiction that a portion of this ordinance is void, unconstitutional, or unenforceable, all remaining portions shall remain in full force and effect.

Section 3. Effective Date.

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

PASSED AND ORDAINED this _____ of _____, 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:

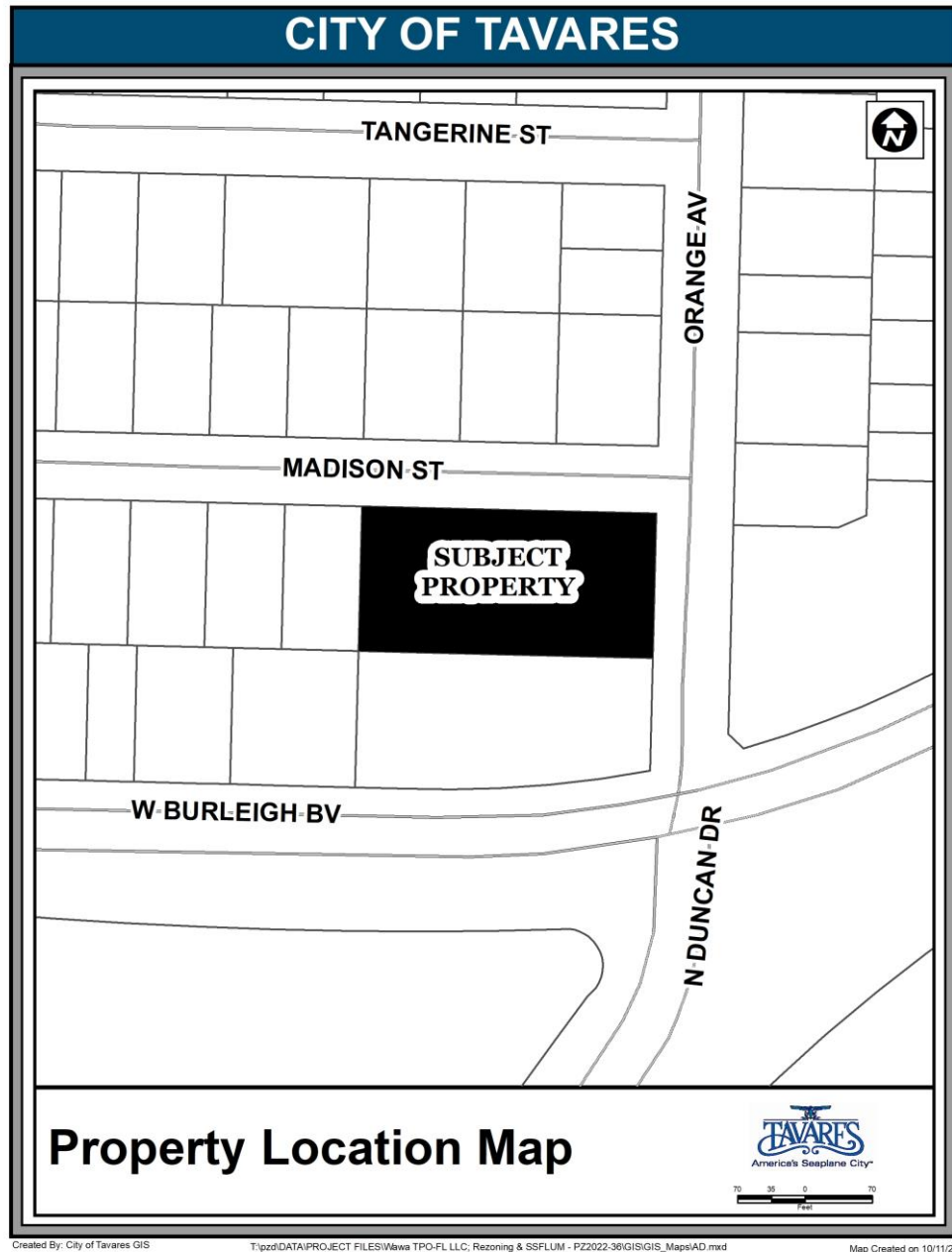
Susie Novack, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Lindsay C. T. Holt, City Attorney

Exhibit "A"

LOTS 13, 14, 15, 16, 17 AND 18, BLOCK E, MAP OF LAKEWOOD PARK ADDITION TO THE CITY OF TAVARES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE 1, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.



AGENDA SUMMARY
TAVARES PLANNING & ZONING ADVISORY BOARD
4/20/2023

AGENDA TAB NO.: 4.

**SUBJECT TITLE: TPO-FL, LLC - SSFLUM Amendment of Approximately 01.05 Acres Located South of Madison Street, West of Orange Avenue.
Recommendation on Ordinance 2023-02**

OBJECTIVE:

To consider a Future Land Use Map amendment from Low Density (LOW) to Commercial (COM) for 01.05 acres located south of Madison Street, west of Orange Avenue.

SUMMARY:

The subject property is located south of Madison Street, west of Orange Avenue, and is approximately 01.05 acres in size. The land presently has one (1) building 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 Commercial (COM).

Ordinance 2023-02 proposes a small-scale amendment to the Future Land Use Map 2040 of the Comprehensive Plan from Low Density (LOW) to Commercial (COM).

The subject property is adjacent to a mixture of residential and commercial uses. An application to rezone this property to a Highway Commercial (C-2) 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 Commercial (COM) 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 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. A Commercial (COM) 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 2023-02, a Future Land Use Map amendment from Low Density (LOW) to Commercial (COM) for 01.05 acres located south of Madison Street, west of Orange Avenue.
2. The Planning & Zoning Board moves to deny Ordinance 2023-02.

STAFF RECOMMENDATION:

Staff recommends that the Planning & Zoning Board moves to recommend approval of Ordinance 2023-02, a Future Land Use Map amendment from Low Density (LOW) to Commercial (COM) for 01.05 acres located south of Madison Street, west of Orange Avenue.

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 2023-02
2. FLU Map

ORDINANCE 2023-02

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 01.05 ACRES OF PROPERTY FROM LOW DENSITY (LOW) TO COMMERCIAL (COM) FOR PROPERTY LOCATED SOUTH OF MADISON STREET, WEST OF ORANGE AVENUE; 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 Commercial (COM); 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 Commercial 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 Commercial (COM) 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"

LOTS 13, 14, 15, 16, 17 AND 18, BLOCK E, MAP OF LAKEWOOD PARK ADDITION TO THE CITY OF TAVARES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE 1, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

