



City of Eustis

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TO: Eustis City Commission

FROM: Tom Carrino, City Manager

DATE: August 3, 2023

RE: Ordinance Number 23-21: **FIRST READING** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, APPROVING A CONDITIONAL USE PERMIT FOR A SCHOOL IN THE CENTRAL BUSINESS DISTRICT (CBD) FUTURE LAND USE DISTRICT LOCATED AT 50 W. ORANGE AVENUE.

Introduction:

Ordinance Number 23-21 approves a Conditional Use Permit for allowance of a school in the Central Business District (CBD) future land use district for property located at 50 West Orange Avenue, Unit 2 (Alternate Key Number 1188432).

Background:

- a. The site is developed with a commercial building of 2,747 square feet, within the Central Business District (CBD). The site is surrounded by three different future land uses: Public/Institutional (P/I) to the north, which is Ferran Park, Mobile Home/Recreational Vehicle (MH/RV) to the west as Sharp's Mobile Home Park, and the Central Business District (CBD) which is to the east including this property. There are also three adjacent Design Districts: Urban Neighborhood (UN) to the north, Urban Corridor (UC) to the south, and Urban Center (UCE) to the east including this property.



Applicant’s Request:

The applicant requests a Conditional Use Permit to allow a school within Unit 2 of the building located at 50 W. Orange Avenue and in the Central Business District (CBD) future land use district.

Analysis:

The standards of review must show the conditional use is consistent with the City’s Comprehensive Plan, Land Development Regulations and City Code. Accordingly, staff has reviewed this conditional use request with consideration of the following:

Section 109-4 (Use Regulations Table) allows a mixed use area encompassing downtown Eustis where a combination of commercial, institutional, office and residential uses are allowed. Those uses which require conditional use permit approval in the Central Business District (CBD) land use district include hospitals, wireless communications towers and all schools.

The standards of review must show the conditional use is consistent with the City’s Comprehensive Plan, Land Development Regulations, and City Codes, which are shown below.

This request for allowance of a school in the Central Business District (CBD) is generally consistent with the goals and objectives of the City’s Comprehensive Plan, which has schools identified in the General Range of Uses within the Central Business District. The exterior appearance would not vary as it was previously occupied as the ModPod location.

Additional Applicable Policies and Codes:

Staff has reviewed this conditional use request with consideration of the following.

The Comprehensive Plan: The Central Business District (CBD) land use applies to a combination of commercial, institutional, office and residential uses. The purpose is designed to support this mixed use area at comparatively high densities. As previously stated, the category accommodates the mixture of uses including commercial, residential, institutional, industrial, office and schools.

Section 102-30 (Conditional Uses) of the Land Development Regulations (LDRs) provides for uses that are generally compatible with the use characteristics of a future land use district, but which require individual review of:

“Location, design, intensity, configuration, and public facility impact in order to determine the appropriateness of the use of any particular site in the district and their compatibility with adjacent uses.”

The Conditional Use review allows the City Commission to attach conditions, limitations, and requirements to a conditional use permit to prevent or minimize adverse effects upon other properties in the neighborhood. These conditions can include limitations on size, intensity of use, bulk and location, landscaping, lighting, provision of adequate ingress and egress, duration of the permit, and hours of operation.

Section 109-4 (Use Regulations Table) allows a school as a conditional use within the CBD land use district.

Policy Implications:

Approval or denial of this waiver request to grant approval of a conditional use to permit a school at 50 West Orange Avenue (within Unit 2) could set a precedent for the review of similar requests in

the future; however, this could be an opportunity as well to show flexibility and also offer a variety of options within the CBD.

Alternatives:

1. Approve Ordinance Number 23-21.
2. Deny Ordinance Number 23-21.

Discussion of Alternatives:

Alternative 1 approves Ordinance Number 23-21.

Advantages:

1. The project may move forward with site modifications.
2. A new private school will be available in Eustis.
3. The structure will be occupied and maintained.
4. The proposed use will be compatible with the surrounding uses as the type of activity proposed should be low impact.

Disadvantages:

1. Approval of a private school in the area could prompt other requests for other types of schools in this area, which could change the character of the area.

Alternative 2 denies Resolution Number 23-21.

Advantages:

1. No private school will exist in this plaza, primarily occupied by more business oriented tenants.

Disadvantages:

The City could lose the opportunity of having a new private school in the city limits.

Community Input:

The department has properly advertised the Ordinance in the newspaper; notified surrounding properties within 500 feet, and posted the property. To date, there has been no opposition received to the proposed development, nor any feedback at all related to this Conditional Use request.

Budget/Staff Impact:

There would be no direct cost to the City associated with the action other than providing standard City services to the development. There would be no additional staff time beyond the normal plan review process and building inspection.

Conclusion:

Staff recommends approval of the conditional use request based upon the above discussion which outlines that the proposed use will be compatible with the surrounding uses because of its location, no change to the existing building, which will not affect the intensity of the property or tax the capacity of any public facilities. Upon approval of this request, the planning department would still expect to see a sign permit application and a Business Tax Receipt (BTR) for this unit from the applicant, as well as, allowing the Building Official and Fire Marshal to determine if this application is considered a change-of-use and review whether this use will increase the unit's occupancy load.

Prepared By:

Mike Lane, AICP , Director, Development Services Department

Attachment:

Proposed Ordinance Number 23-21