

**RESOLUTION NUMBER 24-58**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; APPROVING A PRELIMINARY SITE PLAN APPROVAL WITH WAIVERS FOR A 2,904 SQUARE FOOT RESTAURANT WITH DRIVE THROUGH ON APPROXIMATELY 2.14 ACRES SOUTH OF US HWY 441, BETWEEN KURT ST AND DILLARD ROAD (ALTERNATE KEY NUMBERS 1632501, 3777837, 3800670, AND 3800677).**

**WHEREAS**, Charles C Hiott, P.E., Halff Engineering Consultants has made an application, on behalf of MJ Eustis Properties, LLC and Jogn R Prickett, Jr. for site plan approval to permit a restaurant with a drive-through, on approximately 2.14 acres located South of US Highway 441, between Kurt St and Dillard Road, more particularly described as:

Alternate Key Number: 1632501, 3777837, 3800670, AND 3800677

Parcel Identification Number: 22-19-26-0305-000-00900, 22-19-26-0401-000-01400, 22-19-26-0401-000-01500, and 22-19-26-0401-000-01600

Legal Description:

EUSTIS, HALLEN'S SUB FROM SW COR OF NW 1/4 OF SEC 23-19-26 RUN N 64-02-24 W 334.76 FT TO N'LY LINE OF LAKE SAUNDERS SUB PB 4 PG 30, S 69-01-33 W 262.84 FT FOR POB, CONT S 69-01-33 W 266.93 FT, N 20-46-46 W 204.57 FT TO S'LY R/W OF US HWY 441, N 70-43-07 E ALONG S'LY R/W LINE 227.20 FT, S 66-24-0 E 25.07 FT AN IRON PIN, THENCE A NON RADIAL CURVE TO THE RIGHT CONCAVE E'LY WITH A CHORD BEARING OF N 18-06-35 E FOR A CHORD DIST OF 21.48 FT TO AN IRON PIN, THENCE A NON RADIAL CURVE TO THE RIGHT CONCAVE S'LY WITH A CHORD BEARING OF N 70-33-35 E FOR A CHORD DIST OF 7.76 FT TO AN IRON PIN, THENCE RUN S 20-58-26 E 196.75 FT TO POB PB 6 PG 20 ORB 4724 PG 9

EUSTIS, LAKE SAUNDERS SUB LOT 14--LESS S'LY 7 FT FOR RD R/W--PB 4 PG 30 ORB 1558 PG 1431

EUSTIS, LAKE SAUNDERS SUB LOT 15 PB 4 PG 30 ORB 5022 PG 2338

EUSTIS, LAKE SAUNDERS SUB LOT 16 PB 4 PG 30 ORB 5022 PG 2338

**WHEREAS**, the property described above has a Land Use Designation of General Commercial (GC) and a Design District Designation of Suburban Corridor; and

**WHEREAS**, a restaurant with a drive-through is a permitted use in the General Commercial (GC) land use designation; and

**WHEREAS**, the proposed site plan as submitted is generally consistent with the City's Comprehensive Plan and Land Development Regulations; and

**WHEREAS**, the proposed waivers to the Land Development Regulations meet the general intent of the regulations; do not jeopardize the health, safety, or welfare of the public; and include appropriate mitigation; and

**NOW, THEREFORE, BE IT RESOLVED BY THE EUSTIS CITY COMMISSION AS FOLLOWS:**

### **SECTION 1.**

That the Preliminary Site Plan for the restaurant with a drive-through, and attached hereto as Exhibit A is hereby approved with the following waivers:

1. Waiver to street setbacks to allow setbacks greater than the maximum setback of 75 feet but no more than 90 feet (Section 110-4.13);
2. Waiver to minimum 50% frontage buildout percentage providing a minimum of 32% frontage buildout along US Highway 441 (Section 110-4.13);
3. Waiver to allow the use of faux windows and awnings to meet minimum window fenestration of 40% along US Highway 441 (Section 115-6.1(e))
4. Waiver to allow drive-through lanes and order boards to be located in front of the commercial structure (Section 115-6.1.3)

### **SECTION 2.**

That the Site Plan Approval shall be subject to the owner/developer complying with the following conditions:

- a. Obtaining Final Construction and Engineering Plan approval within one year, and developing the property in accordance with the approved Site Plan as referenced in Section 1 and attached hereto as Exhibit A.
- b. Obtaining and providing copies of all applicable permits from other jurisdictional agencies.
- c. Meeting applicable concurrency requirements before approval of a final development order.

### **Section 3.**

That should any section, phrase, sentence, provision, or portion of this Resolution be declared by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Resolution as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

### **Section 4.**

That this Resolution shall become effective upon filing.

**DONE AND RESOLVED** this 18th day of July, 2024, in regular session of the City Commission of the City of Eustis, Florida.

**CITY COMMISSION OF THE  
CITY OF EUSTIS, FLORIDA**

\_\_\_\_\_  
Michael L. Holland  
Mayor/Commissioner

**ATTEST:**

\_\_\_\_\_  
Christine Halloran, City Clerk

**CITY OF EUSTIS CERTIFICATION**

**STATE OF FLORIDA  
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 18th day of July, 2024, by Michael L. Holland, Mayor, and Christine Halloran, City Clerk, who are personally known to me.

\_\_\_\_\_  
Notary Public - State of Florida  
My Commission Expires:  
Notary Serial No:

**CITY ATTORNEY'S OFFICE**

This document is approved as to form and legal content, but I have not performed an independent Title examination as to the accuracy of the Legal Description.

\_\_\_\_\_  
City Attorney's Office

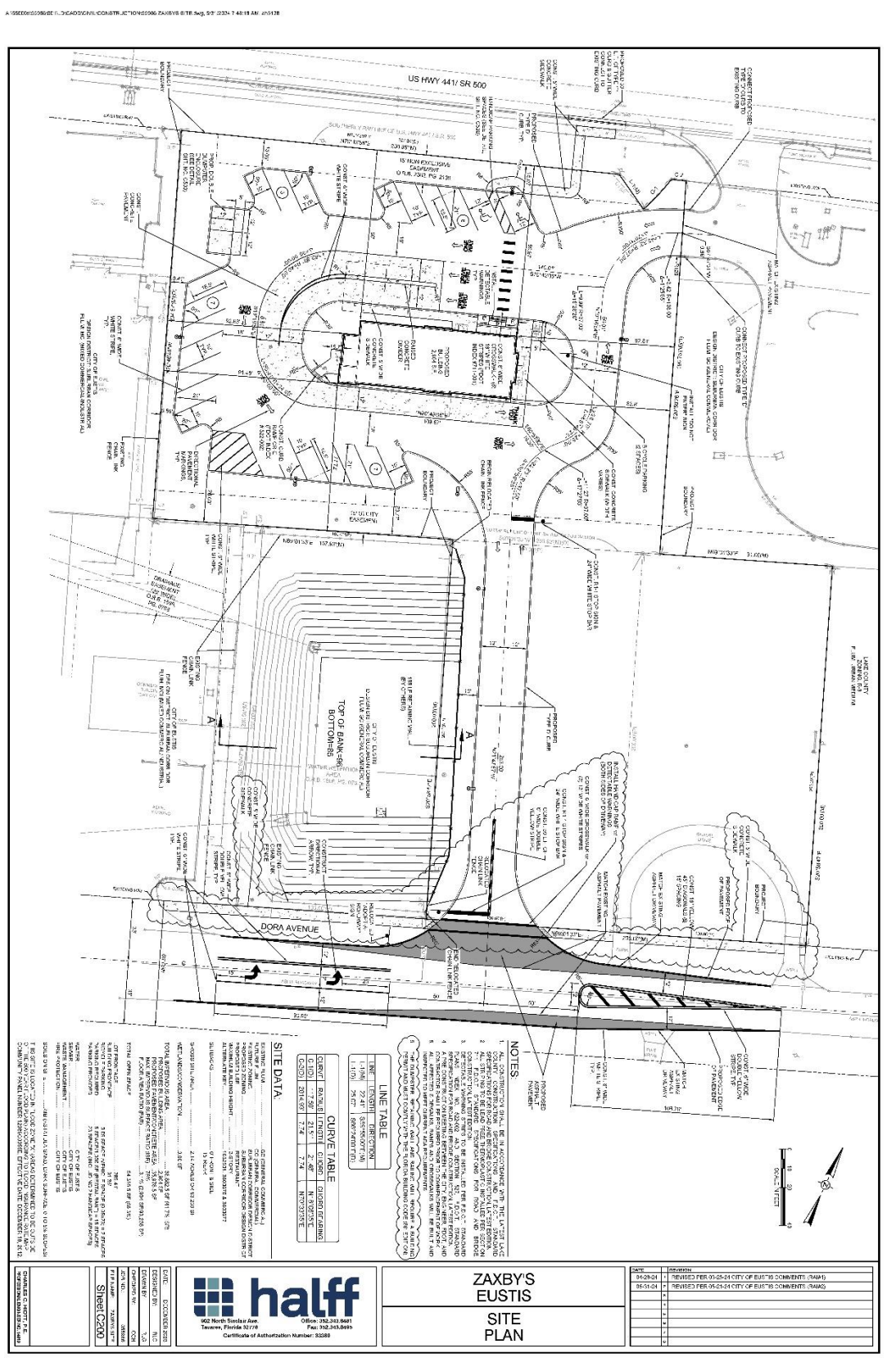
\_\_\_\_\_  
Date

**CERTIFICATE OF POSTING**

The foregoing Resolution Number 24-58 is hereby approved, and I certify that I published the same by posting one (1) copy hereof at City Hall, one (1) copy hereof at the Eustis Memorial Library, and one (1) copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

\_\_\_\_\_  
Christine Halloran, City Clerk

# EXHIBIT A: SITE PLAN



**NOTES**

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE LATEST EDITION OF THE INTERNATIONAL PLUMBING AND MECHANICAL CODE (IMC).
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE INTERNATIONAL FIRE AND SAFETY CODE (IFSC).
3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE (IECC).
4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE INTERNATIONAL MECHANICAL AND ELECTRICAL PLUMBING CODE (IMC).
5. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE INTERNATIONAL PLUMBING AND MECHANICAL CODE (IMC).
6. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE INTERNATIONAL FIRE AND SAFETY CODE (IFSC).
7. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE (IECC).
8. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE INTERNATIONAL MECHANICAL AND ELECTRICAL PLUMBING CODE (IMC).
9. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE INTERNATIONAL PLUMBING AND MECHANICAL CODE (IMC).

**SITE DATA**

PROJECT NAME: ZAXBY'S RESTAURANT  
 PROJECT ADDRESS: 1100 S. DORA AVENUE, TAMPA, FL 33606  
 PROJECT OWNER: ZAXBY'S RESTAURANT  
 PROJECT ARCHITECT: [Firm Name]  
 PROJECT ENGINEER: [Firm Name]  
 PROJECT PERMIT NUMBER: [Number]  
 PROJECT START DATE: [Date]  
 PROJECT COMPLETION DATE: [Date]

**LINE TABLE**

LINE	DESCRIPTION
1.000	EXISTING SITE BOUNDARY
2.000	PROPOSED SITE BOUNDARY
3.000	PROPOSED DRIVEWAY
4.000	PROPOSED PARKING LOT
5.000	PROPOSED BUILDING FOOTPRINT
6.000	PROPOSED UTILITY LINES
7.000	PROPOSED LANDSCAPING
8.000	PROPOSED SIGNAGE
9.000	PROPOSED FENCE
10.000	PROPOSED DRIVEWAY
11.000	PROPOSED PARKING LOT
12.000	PROPOSED BUILDING FOOTPRINT
13.000	PROPOSED UTILITY LINES
14.000	PROPOSED LANDSCAPING
15.000	PROPOSED SIGNAGE
16.000	PROPOSED FENCE

**CURVE TABLE**

STATION	ANGLE	LENGTH	CHORD	CHORD BEARING
1+00.00	27.43°	11.10'	11.00'	N 27.43° E
2+11.10	21.5°	2.48'	2.48'	N 21.5° E
2+13.58	7.4°	7.74'	7.60'	N 7.4° E

**REVISIONS**

NO.	DATE	DESCRIPTION
1	04-29-21	ISSUED FOR PERMIT
2	05-11-21	REVISED PER 05-21-21 CITY OF BUSBY COMMENTS (SHAP)
3	05-11-21	REVISED PER 05-21-21 CITY OF BUSBY COMMENTS (SHAP)
4		
5		
6		
7		
8		
9		
10		

100 North Timber Lane  
Tampa, Florida 33607  
Office: 813.343.8841  
Fax: 813.343.8849  
Certificate of Authorization Number: 32086

**ZAXBY'S  
EUSTIS**

**SITE  
PLAN**

# EXHIBIT B: BUILDING ELEVATIONS

