



MINUTES

Local Planning Agency Meeting

5:30 PM – Thursday, March 16, 2023 – City Hall

CALL TO ORDER: 5:35 P.M.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

PRESENT: Mr. Gary Ashcraft, Ms. Nan Cobb, Mr. Willie Hawkins, Vice Chair Emily Lee and Chairman Michael Holland

1. APPROVAL OF MINUTES

1.1 Approval of Minutes

January 19, 2023 LPA Meeting

Motion was made to approve the Minutes as submitted. Motion made by Mr. Hawkins, Seconded by Vice Chair Lee. Motion passed on the following vote:

Voting Yea: Mr. Ashcraft, Ms. Cobb, Mr. Hawkins, Vice Chair Lee and Chairman Holland

2. CONSIDERATION WITH DISCUSSION, PUBLIC HEARINGS AND RECOMMENDATION

2.1 Ordinance Number 23-06: Assignment of Future Land Use District for Annexation of Requested Parcels Alternate Key Numbers 1784077, 1784140, 1444756, 2585153 and 2535628

Tom Carrino, City Manager, explained the proposed annexation of five parcels before the LPA for consideration noting two are owned by one group and contiguous to the City and three are owned by a separate group and not contiguous until the first two parcels are annexed. He stated State Statute requires the single ownership of the parcels to be annexed as a group. He clarified that all five parcels are actually owned by the same people, but they are two separate legal entities. He further explained that the three parcels are owned by a trust that wholly owns the first two parcels. He suggested that, out of an abundance of caution, the Local Planning Agency (LPA) may choose to pull these items and re-advertise them as two separate annexations and then bring back the items at a separate date. Mr. Carrino deferred to the City Attorney. He stated staff's confidence that all parcels are owned by the same people and the same overarching entity. He commented that the staff was confident in moving forward but it was an LPA decision for the next steps.

Attorney Sasha Garcia responded they had reviewed the items and the statute requiring contiguity on a boundary with the municipality is satisfied on the North end. She commented that the two legal entities are wholly owned by the same entity and the boundaries are touching. Ms. Garcia noted that she did not find any case law that would provide assurance either way. She stated it is a decision for the LPA regarding if they comfortable proceeding knowing that it is wholly owned by one entity.

The LPA asked about case law forbidding the action with Attorney Garcia responding that the statute requires for voluntary annexation that there is a boundary and the City has that. She noted that two of the parcels are owned by a separate legal entity;

however, it was determined they are actually owned by the same person. She noted that there could be a legal challenge as to the ownership because of the trust. She concluded that, otherwise, the annexation component satisfies the requirements of the statute.

Mr. Carrino confirmed the ownership and location of the parcels stating three of the parcels are owned by the trust and then the MC Group owns the other two parcels. The MC Group parcels are contiguous and the three parcels owned by the trust are not until the airport is annexed. All are collectively owned by the trust.

Discussion was held regarding annexing the two contiguous parcels and then bringing back the other three.

CONSENSUS: It was a consensus of the Board to proceed with annexation of the two parcels and then bring back the other three parcels.

Mr. Carrino explained the presentation is based on annexation of all five parcels. He stated staff would have to amend the ordinances to divide out the parcels.

Jeff Richardson, Deputy Development Services Director, reviewed the proposed annexation and change in the future land use designation from Public Facilities and Infrastructure and Urban Low in Lake County to Mixed Commercial Residential (MCR) in the City. He explained the division in the properties noting that it is historically known as the Eustis Airport property. He stated the majority of the property is clear with trees on the eastern boundary.

Mr. Carrino clarified that the large parcels that run north south are the ones that are currently contiguous and the three to the west are the ones that may have to wait.

Mr. Richardson stated staff has determined that the property meets the statutory requirements and is consistent with the future land use requirements and with the City's procedural chapters. He explained the proposed future land use change to City Mixed Commercial Residential. He indicated the proposal is consistent with the surrounding properties assuming the other three properties are annexed and commercial would be located along the highway.

Mr. Carrino explained that the Commission has asked that staff bring plans regarding any proposed annexations; however, this project was in the process prior to that request being made. He stated staff did ask the owner to address the Board regarding their plans. He emphasized that staff were cognizant of the Commission's wishes. He cautioned that he had discussed with the City Attorney what the City can and can't ask pertaining to annexation requests. He indicated staff may be bringing back more information regarding that issue.

Mr. Richardson noted that SR 44 is an urbanizing area between Hwy. 441 and Orange Avenue (also known as State Route 44); therefore, annexation and the proposed land use would be consistent with the development patterns in the area although it would be more intense as expected. He provided an overview of staff's analysis of the request. He noted that there is an isolated wetland on the property. He added that the property is wedged between two municipalities in an urbanizing area so it will most likely be annexed to one or the other. He stated staff's recommendation for transmittal to the Commission for consideration.

Mr. Carrino indicated the owner could also do a "unity of title" quit claim deed and ask the Board to not move forward to allow them time to place all of the property under one ownership before proceeding.

The Board asked to hear from the owner before opening the floor to public comment.

Yasamin Rahmanparast stated her family has owned the property since 2005. She explained they have always shared a boundary with the City and, when one of the neighboring properties recently annexed, they felt annexing at that time was a logical continuation of the growth in the area. She added that the City's annexation incentive program was also a contributing factor. She noted the increasing costs of operating the airport and with the annexation it would give them the ability to do different things with the property. She noted that the airport has been functioning since sometime in the 1950's. She cited the phone calls they receive from neighbors regarding noise from the airport. She indicated that the airport may not be as compatible with the surrounding area as it used to be. She added that they have always been supportive of the City even though they were located in unincorporated Lake County. She noted they dedicated part of their land to Lift Station #29 and there is a 12" water line running through the property. She complimented the City on its recent growth and progress and stated they want to be part of that. She concluded stating they are fine with either annexing the properties separately or combining and annexing at one time. She clarified the entities owning each portion of the property.

Chairman Holland questioned whether or not the Board would prefer to consider the property as a whole or proceeding with the first two parcels. Ms. Rahmanparast stated they are fine with proceeding with the first two parcels and then the remaining parcels.

Chairman Holland opened the public hearing at 5:58 p.m.

Ron Davis, representing the Lakes of Mount Dora, stated they have about 3,000 feet contiguous with the property and noted they have not been notified regarding the hearing.

It was confirmed that the residents of Lakes of Mount Dora were notified of the hearing.

Mr. Davis then questioned whether or not they have considered converting the airport to a municipal airport. He cited the benefits to the airport and the City in doing that. He indicated that there are at least fifty residents of the Lakes of Mount Dora that moved there due to the proximity to the airport. He cited the funding available from the FAA for improvements to and operating costs for the airport. He suggested they look at the Umatilla Airport as an example.

Mark Mullen, resident of Lakes of Mount Dora, spoke about the importance of the tree-lined area as a natural barrier for sound and aesthetics. He noted that the Lakes of Mount Dora does own a large portion of the treed area.

Brian Brooks questioned the contiguity of the property with the City. He cited issues for the New Hope Presbyterian Church pertaining to traffic, access, and the sewer line. He indicated that the plans for improvements to the roadway by FDOT are currently on an indefinite hold according to Elizabeth Barteale, the PE engineer for the FDOT project. He also commented on the desirability of a gravity sewer line for the church.

Dennis Spivey cited his enjoyment of the airport area and expressed the hope that it stays as well as the tree-lined area.

Tom Pauls noted he is a retired city planner and is pleased that the proposal is consistent with the comprehensive plan. He suggested they insure the public facilities are adequate and expressed concern regarding the traffic impact analysis. He suggested the adjoining properties enter into an interparcel agreement to provide an easement to consolidate the access onto SR 44 which might allow FDOT to warrant a traffic signal.

Orin Owen stated he lives on Eustis Airport Road and that he bought his house because of the airport. He emphasized that 44B will not support any additional traffic. He expressed opposition to allowing any development along 44B until the road is improved to support the growth. He stated he would support commercial development but not residential.

Cindy Newton asked the attorney to address whether or not Alternate Key 2612525 would create a pocket.

Attorney Garcia indicated it would not create a pocket or enclave as there is access to that road.

Bob Vinassa, Lakes of Mount Dora, expressed support to maintaining the tree-lined area. He expressed concern regarding the MCD zoning noting that anything could be placed in that designation. He suggested utilizing different designations for the property along the road versus the property adjacent to the residential areas.

Mr. Carrino explained that the Mixed Commercial Residential designation does allow a variety of uses; however, it is the designation that is the most consistent future land use designation with what is already in the area. He indicated, while it is what is requested, it is also what is most consistent with what is already in the City in that area and is a good transition.

Ms. Rahmanparast explained that with the Huddle annexation there is now a contiguous boundary. She stated that a traffic engineer will be required to do a formal report prior to any development in order to determine what is best for the neighborhood. Regarding the tree line with the Lakes of Mount Dora, she indicated that the Lakes of Mount Dora owns most of the boundary so they can do what they want. She stated otherwise it would be addressed during development review. Regarding the suggestion that the airport be converted to a municipal airport, she stated it has always been privately owned and they have never taken funds from any entity so they have never considered it. She acknowledged that the MCR land use is very broad. She stated that they are being annexed into the City so that the Commission will have the ability to review whatever is submitted.

Ms. Rahmanparast provided the Alternate Key numbers for the two parcels under consideration - AK# 1784077 and AK# 1784140.

Motion was made to transmit to the City Commission Ordinance 23-06 amended to pertain to Alternate Key Numbers 1784077 and 1784140. Motion made by Ms. Cobb, Seconded by Vice Chair Lee. Motion passed on the following vote:

Voting Yea: Mr. Ashcraft, Ms. Cobb, Mr. Hawkins, Vice Chair Lee and Chairman Holland

3. ADJOURNMENT: 6:20 P.M.

**These minutes reflect the actions taken and portions of the discussion during the meeting. To review the entire discussion concerning any agenda item, go to www.eustis.org and click on the video for the meeting in question. A DVD of the entire meeting or CD of the entire audio recording of the meeting can be obtained from the office of the City Clerk for a fee.*

CHRISTINE HALLORAN
City Clerk

MICHAEL L. HOLLAND
Chairman