



# City of Eustis

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TO: EUSTIS CITY COMMISSION

FROM: TOM CARRINO, CITY MANAGER

DATE: AUGUST 17, 2023

RE: RESOLUTION NUMBER 23-54: PRELIMINARY SUBDIVISION PLAT FOR HIDDEN COVE COVE 43-LOT SUBDIVISION ON LAKEVIEW AVENUE (ALTERNATE KEY NUMBER 1216044)

## Introduction:

Resolution Number 23-54 approves a preliminary subdivision plat for the Hidden Cove preliminary subdivision plat with 43-lot detached single-family residential lots on approximately 13.18 acres located on the south side of East Lakeview Avenue, west of Fahnstock Street (Lake County Property Appraisers' Alternate Key Number 1216044).

This item was previously on the City Commission meeting agenda for July 6, 2023 and August 3, 2023, but was tabled until August 17, 2023, due to the applicant, property owner, and their team not being able to be present for the meeting on July 6 and failure to send out mail-outs for the first August meeting.



**Recommended Action:**

The administration recommends approval of Resolution Number 23-54.

**Background:**

**Pertinent Site Information:**

- a. The subject property comprises about 13.18 acres, which is currently vacant other than being wooded with several trees on site.
- b. The site is within the Suburban Residential (SR) land use district, which allows single-family detached residential homes.
- c. The property is within the Suburban Neighborhood Design District.
- d. The site and surrounding properties' land use, design district designations, and existing uses are shown below:

| <b>Location</b> | <b>Existing Use</b>         | <b>Future Land Use</b>    | <b>Design District</b> |
|-----------------|-----------------------------|---------------------------|------------------------|
| <b>Site</b>     | Undeveloped Wooded Property | Suburban Residential (SR) | Suburban Neighborhood  |
| <b>North</b>    | Single Family Residential   | Suburban Residential (SR) | Suburban Neighborhood  |
| <b>South</b>    | Single Family Residential   | Suburban Residential (SR) | Suburban Neighborhood  |
| <b>East</b>     | Single Family Residential   | Suburban Residential (SR) | Suburban Neighborhood  |
| <b>West</b>     | Undeveloped Wooded Property | Suburban Residential (SR) | Suburban Neighborhood  |

**Proposed Development:**

The proposed development is 43 house lot type (conforming with the Suburban Neighborhood design district and Section 110-4.2, House lot type) lots for single-family detached residences. The minimum lot dimensions will be 55 feet by 120 feet. Exhibit A shows the subdivision layout and other basic information, including the following development characteristics:

| <b>Subdivision Component</b>                      | <b>Code</b> | <b>Provided</b>                   |
|---|-------------|-----------------------------------|
| Gross Area  | n/a         | 13.18 acres / 574,264 square feet |
| Net Area (gross area less wetlands, water bodies) | n/a         | 12.97 acres                       |
| Lot Typology                                      | House Lot   | 43 lots, each minimum 55' by 120' |

|                   |  |                               |
|-------------------|--|-------------------------------|
| Density           | 5 dwelling units/acre maximum (66 dwelling units max permitted here) | 3.32 dwelling units/acre      |
| Open Space        | 25% minimum (3.30 ac)  | 33.6% (4.43 ac)               |
| Park Space        | 0.5 acres for 25-49 lots   | 1.68 acres                    |
| Landscape Buffers | 15-24 feet adjacent to public r/w                                    | 15 feet along Lakeview Avenue |

Waivers:

*No waivers are requested and this proposed preliminary subdivision plat is meeting all City requirements in the Code of Ordinances and Land Development Regulations as well as the Florida Statutes at this time.*

## **Analysis of Request According to Applicable Policies and Codes:**

Comprehensive Plan - Future Land Use Element Appendix; Land Development Regulations Section 109-2.3, 109-3, 109-4: Suburban Residential (SR) This designation is provided to accommodate the majority of residential development within the City. General Range of Uses: This designation is intended to provide for a mix of single-family detached, patio home, and townhouse dwellings in a suburban atmosphere and may also include ACLF, parks and recreation facilities, and schools. Apartments may be permitted through the PUD process. Public and utility services and facilities that are 2 acres or less in size are also permitted. Maximum Density/Intensity: Suburban Residential lands may be developed up to a maximum density of 5 dwelling units per net buildable acre. The maximum density may be exceeded through an affordable housing density bonus as provided in the Special Provisions. Maximum Impervious Surface Area 40%; Minimum open space required 25% or 35% if environmental analysis finds Wekiva-related vegetative species.

***The preliminary subdivision plat provides for single-family detached homes at a maximum density of 3.32 dwelling units per acre in a Suburban Residential land use district, which permits up to 5 dwelling units per acre.***

***The preliminary subdivision plat is consistent with the Comprehensive Plan and Land Development Regulations, and provides for roadway, sidewalks, and maximum on-site impervious coverage of 5.27 acres equating to a 40% impervious surface area (maximum 40%).***

***The environmental report by Ray and Associates submitted for the project stated that a review of the USFWS IPaC resource list has determined there are “No Critical Habitats At This Location”. The subject project does not propose development of any identified “higher value habitats”.***

***No Bald Eagle Nests were observed on the subject site. A review of the Bald Eagle Nest Location data base maintained by the Florida Wildlife Commission (FWC) does not identify any Bald Eagle Nest location within 1/4 Mile of the subject site.***

***Within the Conclusions and Recommendations of the Environmental Report, it is stated: “The subject site is within the City limits of Eustis. The Project Site is bounded on the north, south, and east by medium density housing, and upland mixed coniferous forest to the west. The site runs adjacent to East Lakeview Ave to the north. The site is not connected to any large or regionally significant natural habitat, and borders West Crooked Lake to the southwest.***

***Property Owner is proposing to develop the subject site compatible with surrounding development patterns.***

***After a review of available information, field investigations, consultation with regulatory agencies, and analysis of the subject site it is the conclusion of Ray and Associates that the subject site should be approved and allow development as proposed provided there is demonstration of compliance with Federal, State and Local environmental regulations.”***

***The proposed plan is consistent with the Suburban Residential land use per the Future Land Use Element Appendix of the Comprehensive Plan and the Land Development Regulations.***

- b. Land Development Regulations – Design Districts Section 109-5.5 Suburban development patterns: Intent. The suburban development pattern relies primarily on a pattern of residential development that provides the majority of property owners with substantial yards on their own property. The street layout, comprised of streets with fewer vehicular connections, helps to

reduce cut-through traffic and establishes distinct boundaries for residential communities/subdivisions. Nonresidential uses are primarily located on corridors, districts and a mix of uses is prominent in centers. Each land use provides for pedestrian and bicycle connections.

***The subdivision layout meets the intent of the Suburban Neighborhood development district. One subdivision entrance is provided on Lakeview Avenue, and there's an emergency fire access on the south side of the subdivision. Sidewalks are provided throughout the subdivision and there is an existing 5' sidewalk along the entrance at Lakeview Avenue.***

- . Land Development Regulations – Building Lot Types – Section 110-4.2 House Lot  
Minimum house lot requirements in Suburban design districts include the following: Width of 55 feet; Depth of 120 feet; Square Footage of 6,600 feet

Minimum setback requirements for House Lots in Suburban design districts include the following: Street setback of 25 feet; Common lot setback of 5 feet; Rear setback of 10 feet.

***The subdivision plat proposes House Lot typologies. Under Section 109-5.6, the Suburban Neighborhood Design District, Estate Lots, House Lots, and Duplex lots are permitted.***

***The lot type in an area with nearby community service and shopping uses will provide housing options for a niche market (those pursuing home ownership versus apartment living yet seeking access to amenities). Providing diverse housing options is consistent with the goals and objectives of the Comprehensive Plan Housing Element in meeting projected demand and accommodating the needs of the various household types and income groups characteristic of the city and planning area. (HOUSING GOAL HSG 1 & OBJECTIVE: HSG 1.1).***

- d. Land Development Regulations – Chapter 115 General Building and Site Design Standards

***Section 115-3.2. (a), (b) and (c) address suburban districts and residential compatibility as follows:***

Sec. 115-3.2. - Suburban districts.

(a) *Suburban residential compatibility.* The maximum residential density permitted within any suburban design district shall be consistent with the maximum density of the applicable land use district assigned to each property.

***The maximum residential density of the Suburban Residential future land use district is 5 dwelling units per acre, the subdivision proposes a density of 3.32 dwelling units per acre.***

(b) When any suburban design district abuts an existing development in a suburban district, and proposed new residential lots will share a common boundary with existing or platted lots:

(1) The width of the new lots may be no more than 150 percent of the width of the existing or platted lots, unless:

(a) The existing or platted lots are non-conforming to the suburban design district standards;

(b) Central sewer service is not available.

(c) When any suburban design district abuts a rural design district, and proposed new residential lots will share a common boundary with existing or platted lots:

(1) The width of the new lots may be no less than 75 percent of the width of the existing or platted lots; unless:

(a) A landscape buffer (10 to 15 feet wide) is provided between the new lots and existing or platted lots; or

(b) Park space as permitted by Section 115-8.3. is provided between the new lots and existing or platted lots.

***The surrounding properties are all within a suburban design district.***

Section 115-4.2.1. (and Comprehensive Plan Policies FLU 5.2.1 and 5.2.9) includes general site design criteria to respect the natural topography of the site and follow the outlined four-step design process. Compliance as is demonstrated as follows:

Sec. 115-4.2.1. - All districts.

(a) General site design criteria. Proposed development plans must be organized into three components: 1) wetlands and water bodies; (2) open space; and (3) developed areas. The plan design must respect the natural topography of the site and generally follow the four-step design process described below:

(1 ) Step 1 - Delineate open space areas as outlined below: a. Create or add to a larger contiguous off-site network of interconnected open space, particularly existing habitats and opportunities for restoring native habitats. b. Create connected and integrated open space within the development to the maximum extent practicable based on the context-sensitive site design standards and priorities below: 1. Protect listed species. 2. Create/enhance connectivity. 3. Protect native habitat. 4. Restore native habitat.

***The proposed subdivision plan provides for 1.68 acres of open space and park space in Tract C, which is along the eastern side of the project as well as pedestrian connections that provide an opportunity to create contiguous interconnected open space as parcels develop/redevelop along Lakeview Avenue. Attention was given to providing for tree preservation, to the extent possible.***

***The plan provides for the retention of native trees that would remain viable post-development, and the landscape plan provides for the planting of new native species.***

(2) Step 2 - Define development areas in such a way as to preserve the function, purpose and integrity of the natural features of the land, the on-site natural resources, and the environmental systems to the maximum extent practicable.

***The engineer designed the site to match the existing grade as much as possible.***

(3) Step 3 - Align streets and trails to avoid or at least minimize adverse impacts on designated open space. The streets and trails shall provide external and internal connectivity and the street layout of subsequent phases shall be coordinated with the street system of previous phases.

***The site is currently wooded and does not provide functional open space. The street layout and greenway have been designed to provide both external and internal connectivity. Subsequent phases are not proposed, but the street layout is designed to accommodate connectivity to the north or west should a future development occur.***

(4) Step 4 - Lots lines and building placement should be added as the last step in the design process.

***Sections 115-7, 8, and 9 outline standards for transportation, parks, and landscaping. A trip generation statement and request for an exemption from a tier 1 traffic analysis (TIA) were prepared by Griffey Engineering for the subdivision and submitted for review by the city's transportation consultant, Kimley-Horn. The traffic impact is de-minimis and exempt from a full TIA.***

### **Recommended Action:**

Staff recommends approval of the Preliminary Subdivision Plat for the Hidden Cove Subdivision. The minimum required 55 feet wide by 120 feet deep House Lot is consistent with the Suburban Residential Future Land Use and the Suburban Neighborhood Design District. While the City is experiencing much growth and urbanizing in some areas, the majority of other residential development in the City is consistent with the proposed lot size and density. This proposed subdivision also meets or exceeds all other requirements in the City's Land Development Regulations and Comprehensive Plan.

### **Policy Implications:**

If approved, the City would be showing support for development that meets the codes and ordinances set in place. This would show consistency, fairness, and predictability for future potential development.

If denied, City would be denying something that is meeting all requirements, which would set a precedent for future developers to be unsure of what the City is looking for in applications if they do not approve something meeting the Code.

### **Community Input:**

The department has properly advertised the Resolution in the newspaper; notified surrounding properties within 500 feet, and posted the property. To date, there have been a few correspondences with members of the public in opposition to this proposed subdivision, and a couple has also conveyed support for the project.

Community members have expressed opposition with regard to property values, safety, security, traffic, lot sizes, rental potential, and density.

Florida Statutes 760.23 state that It is unlawful to discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, national origin, sex, disability, familial status, or religion.

The City of Eustis does not regulate rentals, whether short or long-term or price point. The City staff do not require the submittal of nor review subdivisions with consideration of price points, home styles, home sizes, or rental or ownership statuses.

The City of Eustis Police and Fire services will serve new development and can handle the additional developed area to be serviced.

Griffey Engineering, Inc. reviewed the traffic for this proposed subdivision with 43 single-family detached dwelling units and requested an exemption for a Tier 1 Traffic Analysis, which was reviewed, and no concerns were found by Kimley-Horn, who serves as the City's traffic review consultant. Traffic studies are completed and reviewed with consideration of standards from the Institute of Transportation Engineers (ITE), Trip Generation, 11<sup>th</sup> Edition. In general, standards are also put in place by Lake Sumter Metropolitan Planning Organization and Lake County as well as the Florida Department of Transportation for traffic study reviews.

The proposed lots in this subdivision meet the minimum requirements per the City of Eustis Land Development Regulations (LDR), which the Commission may consider amending if they wish to attract and receive different development than such as this.

The proposed density is less than the maximum permitted in the Suburban Residential (SR) land use, per the City's Comprehensive Plan and LDRs. If designed differently, the density would allow as many as 66 dwelling units on this property, but the applicant is only proposing 43 dwelling units.

The community has also expressed concerns regarding aesthetics and additional users of the lake. These items are not part of what the City can consider generally in their review.

Some community members express concerns about tree removal, but the proposed plan is saving a number of existing trees, and planting more new trees than required by the City's codes.

As listed in Section 163.3177(6)(i), Florida Statutes, a local government may adopt its own property rights element or use the following statement of rights:

The following rights shall be considered in local decision-making:

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

Amongst community members in support of this development, comments have been made such as this being a great, fitting location, and being good for property values. Some also state they don't see it as being high density whereas others feel it is high density.

**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.

**Prepared By:**

Originally prepared by Heather Croney, Senior Planner  
Revised by Mike Lane, Development Services Director