



MINUTES

City Commission Workshop

5:00 PM - Thursday, July 29, 2021 - Community Building

CALL TO ORDER: 5:01 P.M.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

PRESENT: Commissioner Nan Cob, Commissioner Willie Hawkins, Vice Mayor Emily Lee, Commissioner Karen LeHeup-Smith and Mayor Michael Holland

1. WORKSHOP ITEMS WITH COMMISSION DISCUSSION AND DIRECTION

1.1 Review of Proposed Comprehensive Plan Amendment 2021-CPT-01 (Ordinance Number 21-10)

Lori Barnes, Development Services Director, reviewed the proposed comprehensive plan text amendment and the history of its consideration and cited the various specific amendments including: 1) Add a Property Rights Element as required by state law; 2) Add language to the Future Land Use Element to provide for a possible transfer of development rights program (TDR) for the Central Business District; 3) Eliminate the following: arbitrary and redundant language, unnecessary administrative policy provisions, specificity more appropriate for the LDRs; and financial commitments not in the best interest of the Eustis taxpayers; 4) Amend the Future Land Use Map Series; and 5) Reduce exposure in the event of litigation.

Ms. Barnes explained that the amendment to the Future Land Use would eliminate Map #19 – the Eustis - Lake County Future Land Use Joint Planning Area Map. She presented the City's future land use map and stated that the joint planning area map included in the Comprehensive Plan is an excerpt from the Lake County Future Land Use map and shows future land uses for properties outside the City limits. She stated that Map #19 is not required to be in the Comprehensive Plan, was not included as a result of any discussion or negotiation with Lake County and the land uses shown are Lake County land uses and it is inconsistent with the City's Future Land Use Element and FLU Element Appendix.

Ms. Barnes then explained the Future Land Use Element Appendix and the Future Land Use table have been amended to do the following: 1) Update impervious surface area maximums; 2) Clarify Mobile Home (MH/RV) land use; 3) Eliminate Rural Residential and Agricultural land use designations; and 4) Include references to allow the CBD TDR program in the future.

Ms. Barnes stated that the impervious surface area ratio is planned to increase from 40% to 50% but even at 50% Eustis will still have a lower impervious

surface area ratio than Mount Dora, Tavares, Lake County's Urban Low designation and Leesburg. She then explained the proposed elimination of the Rural Residential future land use stating that there are only about 30 properties designation as Rural Residential and added that Suburban Residential accommodates the majority of residential development within the City limits. She indicated that designation does allow up to five dwelling units per acre, not one to five. She added that, paired with a Suburban Neighborhood design district, an owner could have an estate lot of up to three acres. She also stated that paired with Rural Neighborhood designation, they could have an estate lot of up to three acres or a homestead lot with no maximum acreage.

Ms. Barnes stated that the amendment would assist the City apply densities that will allow for the provision of cost-effective public services. Basic planning principles indicate that lot sizes where water and sewer do not exist should be limited to no more than four units per acre so greater density is warranted for cost-effective provision of utility service where both water and sewer are provided.

Ms. Barnes then commented on the proposed elimination of the Agricultural future land use district and noted that there are only two properties within the City with that designation. She indicated that properties that meet the criteria for annexation should be suitable for urbanization and added that agricultural uses may still be allowed under a conditional use permit approved by the Commission. She added that properties annexed into the City from the County that have pre-existing agricultural uses are considered legally nonconforming and would be allowed to continue.

Ms. Barnes reviewed changes to the Conservation, Economic Development and Housing Element stating that redundant language and specificity more appropriate to the LDR's was removed, cross references to other elements were added and references to specific organizations were updated.

Regarding the Intergovernmental Coordination Element, Ms. Barnes noted the elimination of duplicative and redundant language and elimination of provisions related to financial commitments not clearly in the best interest of the Eustis taxpayers as well as elimination of provisions regarding the use of school facilities by the City as there is no interest on the part of the Lake County School Board to facilitate shared use. She indicated that doesn't mean the City can't pursue that in the future; however, it doesn't need to be in the Comprehensive Plan for that to occur.

She noted the required addition of the Property Rights Element and reviewed the amendments to the Recreation and Open Space Element including elimination of duplicative and unnecessary language, addition of cross references to other element and addition of a provision that a Parks Master Plan and Bicycle and Pedestrian Master Plan shall be developed by 2035.

Ms. Barnes reviewed the amendments to the Transportation Element noting the elimination of unnecessary administrative policy provisions, duplicative and unnecessary language, elimination of the policies regarding two-way

conversion of Bay and Grove Streets, and clarification of the Rural Development Pattern. She added that the future land use map series would be updated to include the 2035 Future Land Use Map and Map #19 would be eliminated. She commented on previous discussion regarding the possibility of adopting a visionary plan for the unincorporated area but that is not required.

Ms. Barnes concluded stating that with the adoption of the text amendment the Comprehensive Plan will be more consistent internally, duplicative language would be removed, it will be more consistent with the City's long range plans, the City would no longer be at a competitive disadvantage with other communities regarding intensities, exposure to litigation would be reduced and the changes should help direct development to the municipality, reducing pressures outside of the Eustis Urbanized Area.

Commissioner Cobb acknowledged she asked for the workshop due to needing some additional information regarding Map #19. She stated she had asked the City Attorney to determine if the County had ever adopted Map #19 and was told "no".

Ron Neibert, City Manager, explained that the Map #19 is an excerpt of the Lake County Future Land Use Map as it was when adopted. He stated that after the City adopted its comprehensive plan, Lake County adopted their future land use joint planning area map. He indicated that the map is in conflict with the remainder of the City's comprehensive plan.

Commissioner Cobb commented on previous discussions regarding elimination of the rural residential and agricultural land uses. She suggested looking at allowing 3 units to 3.5 units per acre to the east.

Mr. Neibert responded that the City's current code already allows for that other than the livestock. He recommended adopting the amendment but including an authorization to allow some of the more agricultural uses.

Ms. Barnes stated that approving the amendment does not stop the City from continuing to negotiate or from adopting additional amendments in the future. She noted there is more flexibility in the Land Development Regulations stating they could add a new rural design district designation and change the lot typologies permitted. She indicated they could also provide in the permitted use table additional uses they may want to see allowed.

Commissioner Cobb expressed agreement with that. She confirmed that the City can amend the comprehensive plan at any time.

Commissioner Hawkins asked Ms. Barnes what she would do if it was just her responsibility and she responded that she would approve the amendment and continue to work with the County.

Commissioner Hawkins asked what she saw to the east of the City with Ms. Barnes responding she sees the City providing utilities and explained the importance of the City providing utilities to as much vacant land within the

City's joint planning area as possible to avoid the continuation of development with septic systems.

Commissioner Hawkins then asked what is the happy medium between the City and the residents to the east with Ms. Barnes responding that everyone has property rights. She indicated that the developers have one agenda and the surrounding property owners have another. She emphasized that she is not an elected official and it is not her place to talk about the vision of the City. She stated that there are opportunities for compromise and she would love to see the City work toward those.

Vice Mayor Lee asked if the proposed amendment would eliminate the ability of people to grow their own food or would there be opportunity for that.

Ms. Barnes responded that the City does not regulate home gardens and those are permitted under state law. She indicated that if someone wants to have livestock or fowl, they can submit a request for a conditional use permit. She commented on why prior Commissions may have maintained that requirement in the code.

Vice Mayor Lee asked if a certain area could be designated that would allow that type of lifestyle with Ms. Barnes responding that could be done. She explained how a developer could be granted that permission under a preliminary plat for an entire development.

Commissioner Cobb expressed concern about requiring people to have to come before the Commission to get permission all the time. She expressed support for having a designation for that rather than using the conditional use permit.

Mr. Neibert explained those things can be done without a wholesale change to the LDR's or the comprehensive plan. He stated that all of the issues discussed could be done legislatively without wholesale amendments.

Vice Mayor Lee asked why they should eliminate the Rural Residential and Agricultural designations with Ms. Barnes responding that cities are intended to be urban and dense. She explained that Rural Residential designation within the City provide for large lot development at one unit per acre. She emphasized that one unit per acre makes it difficult for the City to provide cost effective public services. She added that the City has very few properties within a Rural Residential land use designation and some of those do not meet the minimum requirements for Rural Residential at one unit per acre. She indicated she was unsure how those were designated as such in the past. She then stated that under the Suburban Residential land use designation someone can have one unit per acre or one unit to three acres or five acres if you are in a rural design district. She stated the Rural Residential land use designation is little used and is unnecessary because someone can do the same type of development under Suburban Residential.

Regarding the Agricultural designation, Ms. Barnes indicated there are only two properties in the City designated Agricultural. She cited the two properties and stated that neither needs to be designated Agricultural in order to have an agricultural use or to receive an agricultural tax exemption. She summarized stating that cities are intended to be urban in nature. She added there are areas in Lake County way to the east that are more appropriate for agricultural uses and would not have a detrimental impact on the City's residents. She further stated that the City could consider providing a special design district area to be set aside on the periphery on the Eustis urbanized area for those types of uses without retaining the two designations in the Comprehensive Plan.

Mayor Holland stated public comment would not be allowed during the workshop but they may attend the next Commission meeting and provide input. He then explained why the Commission and staff are currently wearing masks due to certain staff members having contracted Covid. He asked members of the public to leave the building prior to the Commission for their own safety.

1.2 Review of Code Enforcement Process

Ms. Barnes provided an overview of the City's code enforcement process. She explained the purpose of code enforcement and stated the intent is to obtain voluntary compliance to the extent possible by educating the public and utilizing informal methods first including courtesy letters. She then reviewed the formal code enforcement process if the violator does not come into compliance voluntarily. She commented on the CRA Board citing state statute that establishes the makeup of the board.

Ms. Barnes noted that the Board chair is present at the meeting - Alan Paczkowski. She then reviewed the state statute pertaining to maximum fines. She explained that the Board generally only applies the maximum fines to the more egregious violations such as building code violations, unsafe structures, work without permits, public nuisances, façade violations and severely overgrown properties. If compliance is not achieved by the deadline, the order imposing fine is recorded in the public record, constituting a lien against the property. She explained after three months, the Board can authorize the City Attorney to seek foreclosure which must go to the Commission for approval. She noted that the City cannot foreclose on homestead property. She explained that assessed fines may be reduced to increase the chances of collection to help recover expenses, to avoid legal expenses and to create goodwill. She then reviewed code enforcement statistics from the past calendar year. She compared the number of violations coming from citizen complaints versus those from staff surveillance. She stated that the Code Enforcement staff has achieved an 88.5% voluntary compliance rate and a 96% overall compliance rate. She noted that only 174 out of 1520 violations were elevated to the Code Enforcement Board.

Ms. Barnes commented that sometimes Code Enforcement staff can be stern but that can be necessary to obtain compliance. She urged Commissioners and residents to contact the Code Enforcement Supervisor with any questions and they can provide the history of a property's violations. She then reported

that, effective July 1st, state statutes require anyone that reports a violation to provide their name and address in order for staff to investigate the complaint.

1.3 Review of Site Plan Approval Processes and Fees

Ms. Barnes presented an overview of the City's site plan review process and application fees including administrative site plan approval, site plan approval, preliminary plat and modifications to an already approved plan. She reviewed the options for site plan approval and related fees.

The Commission asked what would constitute a modification with Ms. Barnes explaining it could mean many things including an addition, addition of a parking lot or change in the site conditions.

She explained that the administrative site plan review and approval process was adopted to facilitate minor redevelopment.

Commissioner Cobb asked if a change of use is governed by the state or city.

Ms. Barnes explained that the Florida Administrative Code and Florida Building Code requires that a new certificate of occupancy be issued if there is a change of use so that is under state law. She further explained that the administrative site plan approval process may not be imposed depending on the intensity of the change.

Ms. Barnes continued reviewing the administrative site plan review process and described what might be allowed under that process. She explained that the Development Review Committee (DRC) has the authority to grant some waivers under the administrative site plan review process. She stated that the DRC committee is very careful with the granting of waivers. She stated there is a table in the code to determine if a modification is minor or will require Commission approval. She presented the modification table and explained what constitutes a major modification.

Ms. Barnes then reviewed the site plan and preliminary plat process. She explained how staff addresses a development application with an applicant and waive those items that may be unnecessary for various reasons. She cited those waiver requests that must be addressed by the Commission and noted that staff may request some type of mitigation for some waivers. She then compared the City's fees with Mount Dora, Leesburg and Tavares.

Ms. Barnes then commented on the Development Review Committee and explained which departments are part of the Committee. She explained that plans are routed to all of the departments for review prior to the meeting and they then provide comments back to Development Services who prepares comments for the applicant. She commented on the amount of staff time required for the review of plans.

Commissioner Hawkins commented that Ms. Barnes should have the ability to make a decision on the downtown Conex boxes.

Commissioner Cobb expressed concern about the waiver process and the need for it to be simpler with Mr. Neibert stating that the recent changes did make the process simpler for Conex boxes. However, the situation that was brought forward did not meet the criteria for the Administrative Review.

Ms. Barnes commented on the information she presented when the change to the code pertaining to the Conex boxes was considered. She explained that, on the subject property, the boxes are clearly visible from the right-of-way and she did not feel the code gave her the authority to approve a waiver. She explained the request could be considered in one of two ways: 1) A site plan modification with a waiver brought to the Commission and they could request a fee waiver; or 2) They could revisit that section of the code to allow a different type of enclosure. She stated that, if the Commission wants to change the requirements, they can do that.

Commissioner Hawkins expressed concern that staff should be bringing to the Commission changes that make things easier with Mr. Neibert explaining that is how and why the original change to the code was made.

Ms. Barnes explained that the code does not allow slats and a chain link fence as an alternate material. She stated that if the Commission wants to allow a fence with screening rather than a brick or concrete wall then they can change the code in two meetings.

Mr. Neibert commented that the Commission can provide more authority to staff to review certain items but, in the past, other Commissions have wanted to retain that authority.

Ms. Barnes commented that, previously, she was hearing from the Commission that the Conex boxes look awful and they wanted to get rid of them so she acted according. She then suggested that they could be added to the facade code so the rusted and overgrown boxes can be corrected.

Further discussion was held regarding how to address the look of the Conex boxes through code enforcement.

Ms. Barnes explained that Code Enforcement can address the overgrowth but they do not have a mechanism to address the boxes themselves. She noted staff had backed off on enforcement after the last meeting but she would direct code enforcement to look at the downtown boxes.

CONSENSUS: It was a consensus of Commission for staff to bring back some proposed changes to address their concerns and for staff to proceed with enforcement of overgrowth and trash. It was also a consensus to bring it back to a 5:00 workshop prior to a Commission meeting.

Mr. Neibert explained that the Conex boxes were not addressed previously as they do not fall under the Florida Building Code but they can address any trash

and overgrowth around the boxes. He cited the possibility that they will eventually be addressed under the Florida Building Code.

Commissioner Hawkins asked how they can address the downtown Conex boxes with Ms. Barnes explaining that staff cannot enforce the pre-existing, nonconforming boxes; however, if they add them under the facade code, then they can require them to be painted or otherwise cleaned up.

Vice Mayor Lee questioned why the City's development fees are so much lower than everyone else's with Ms. Barnes explaining those are set by the Commission and were last addressed in or around 2015.

Mr. Neibert announced that that the Atrium Group has requested individual meetings with the Commissioners.

CONSENSUS: It was a consensus of the Commission to have them make a presentation to the entire Commission at once.

Mayor Holland noted that the Commissioners had received a packet of information regarding the post office property and that would be discussed at the August 19th meeting.

2. ADJOURNMENT: 6:14 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
Mayor/Commissioner