



City of Eustis

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TO: Eustis City Commission

FROM: Rick Gierok, Interim City Manager

DATE: May 21, 2026

RE: Second Reading Ordinance Number 2026-17: Approval of a Development Agreement with W. D. of America, Inc.

Introduction:

The purpose of this agenda item is to consider Ordinance Number 2026-17, which approves and authorizes execution of a Development Agreement between the City of Eustis and W.D. of America, Inc., as the property owner.

The Agreement is proposed pursuant to the Florida Local Government Development Agreement Act (Sections 163.3220–163.3243, Florida Statutes) and establishes development parameters, permitted uses, and performance obligations for a commercial project located on Parcel ID 06-19-27-0200-000-00500.

The Ordinance authorizes the Mayor and City Manager to execute the Agreement and directs the City to record the Agreement in the Public Records of Lake County, Florida, with the Developer responsible for reimbursement of recording costs, pursuant to Section 163.3239, Florida Statutes.

Pursuant to City Commission direction and per the applicant's verbal stipulation at the first reading, revisions were made to the proposed voluntary Development Agreement, limiting the allowance of drive-throughs; amending prohibited uses to include the disallowance of Gas Stations, Convenience Stores, Retail Sale of Alcohol, and Vehicle-related uses, including Vehicle repair or service facilities, Vehicle sales or leasing, and Vehicle washing/car wash establishments.

Background:

W.D. of America, Inc. owns approximately 10 acres located in unincorporated Lake County at County Road 44A and County Road 44, more specifically described in Exhibit A of the Development Agreement. The property is proposed to be annexed into the City of Eustis with a General Commercial (GC) Future Land Use designation. The Developer has voluntarily elected to enter into a Development Agreement to establish predictable development standards and ensure compatibility with surrounding uses.

The City and the Property owner have negotiated a proposed Development Agreement that establishes development rights, obligations, infrastructure requirements, and voluntary compliance provisions in accordance with the Florida Local Government Development Agreement Act.

The proposed Development Agreement is subject to the requirements of Section 163.3225, Florida Statutes, which requires two (2) public hearings. The first public hearing is conducted with the City Commission sitting as the Local Planning Agency to review and make recommendations. The second public hearing is conducted by the City Commission to consider adoption of the ordinance approving the Development Agreement.

The Development Agreement functions as a voluntary covenant that imposes enhanced design and performance standards while preserving consistency with the Comprehensive Plan.

The Agreement includes:

- A commitment to develop the site consistent with the Preliminary Site Plan (Exhibit B).
- Voluntary design and operational standards that exceed current City requirements and are enforceable as contractual covenants.
- Two duly noticed public hearings are required and are being conducted in accordance with Section 163.3225, Florida Statutes, including a public hearing with the City Commission sitting as the Local Planning Agency and a subsequent public hearing for adoption.
- The Agreement also includes a 30-year term, recording requirements, and provisions ensuring consistency with the City's Comprehensive Plan.
- The Development Agreement does not create vested development rights or authorize development until all applicable conditions precedent, including annexation and the effective date of the agreement, have been satisfied.
- Approval of the Development Agreement promotes predictable and orderly development and serves a valid public purpose by establishing clear development standards for the property.

SUMMARY OF THE DEVELOPMENT AGREEMENT

The Development Agreement establishes permitted uses, development standards, and building intensities consistent with those described in the public notice published pursuant to Section 163.3225, Florida Statutes.

1. Permitted Uses

The Agreement allows a range of commercial uses, including:

- Neighborhood commercial
- Food and beverage store
- Restaurants (with or without drive-throughs), provided that the drive-through does not face north towards County Road 44A or face south towards the Spring Ridge Estates Subdivision
- Retail sales and service
- Professional services and general office
- Common open space
- A passive park

A list of **prohibited uses** is included as Exhibit D (e.g., adult uses, gas stations / convenience stores, vehicle repair and service, retail sales of alcohol, vehicle-related uses (including repair and service, sales and leasing, washing/carwash), outdoor storage, bars/nightclubs, self-storage, tattoo parlors, cannabis dispensaries, retail alcohol sales).

2. Development Standards & Design Requirements

The Agreement establishes detailed architectural and site design standards, including:

- Public entrances oriented to streets
- Massing relief for buildings over 150 feet
- Storefront character with 40–80% ground floor transparency
- At least three architectural features per elevation
- Perimeter buffers
- Conceptual architectural elevations (Exhibit C)

3. Open Space & Parks

The Developer must provide:

- **25% minimum open space**, including usable stormwater areas
- **At least one passive park** with benches, shade trees, and pedestrian pathways

4. Infrastructure Requirements

The Developer is responsible for:

- Water and wastewater extensions
- Stormwater management per SJRWMD and state requirements
- Internal road network (Standard Street, Commercial Drive, Commercial Street)
- Transportation improvements per the TIA
- Pedestrian and bicycle connectivity

5. Administration & Phasing

- Property may continue agricultural use until FECP approval or construction start
- Development may occur in one or multiple phases
- Certificates of Occupancy may be issued for completed phases

6. Term & Recording

- Agreement term: **30 years**, extendable by mutual consent
- City must record the Agreement within **14 days** of execution; Developer reimburses City for recording costs

CONSISTENCY WITH COMPREHENSIVE PLAN

The proposed Development Agreement is consistent with the City of Eustis Comprehensive Plan, including the applicable Future Land Use designation approved for the property, and is compatible with surrounding land uses.

Recommended Action:

Approval of Ordinance Number 2026-17, following the required two public hearings conducted in accordance with Section 163.3225, Florida Statutes, and subject to consistency with the City's Comprehensive Plan and Land Development Regulations.

Policy Implications:

The Agreement is consistent with the **General Commercial (GC)** Future Land Use designation and the City's LDRs. It provides enhanced design standards and ensures long term development certainty while preserving the City's regulatory authority under Section 163.3233, Florida Statutes.

Alternatives:

1. Approve Ordinance 2026-17 and authorize execution of the Development Agreement.
2. Deny the ordinance, which would prevent the Agreement from taking effect.
3. Modify the ordinance or Agreement and continue the item to a future meeting.

Budget/Staff Impact:

There is no direct fiscal impact associated with the adoption of Ordinance Number 2026-17. The Agreement does not authorize development or obligate City funds. Any future fiscal impacts related to infrastructure, utilities, or public services would be addressed through applicable impact fees, utility fees, and concurrency requirements at the time of platting and permitting.

Business Impact Estimate:

This ordinance is exempt from the Business Impact Estimate requirement pursuant to Section 166.041(4)(a), Florida Statutes, as it does not regulate business activity. The ordinance approves a site-specific Development Agreement applicable only to the subject property and does not impose generally applicable regulations on businesses, professions, or occupations.

Recommended Action:

Approval of Ordinance Number 2026-17, following the required two public hearings conducted in accordance with Section 163.3225, Florida Statutes, and subject to consistency with the City's Comprehensive Plan and Land Development Regulations.

Prepared By:

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Reviewed By:

Sasha Garcia, City Attorney

Miranda Burrowes, Deputy City Manager