



City of Eustis

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TO: EUSTIS CITY COMMISSION

FROM: Tom Carrino, City Manager

DATE: December 1, 2022

RE: Consideration of Ordinances for certain real property located along Lake Lincoln Lane (east side of Marshall Rd, Alternate Key Number 1039550)
Ordinance Number 22-32 – Voluntary Annexation
Ordinance Number 22-33 – Comprehensive Plan Map Amendment
Ordinance Number 22-34 – Design District Assignment

Introduction:

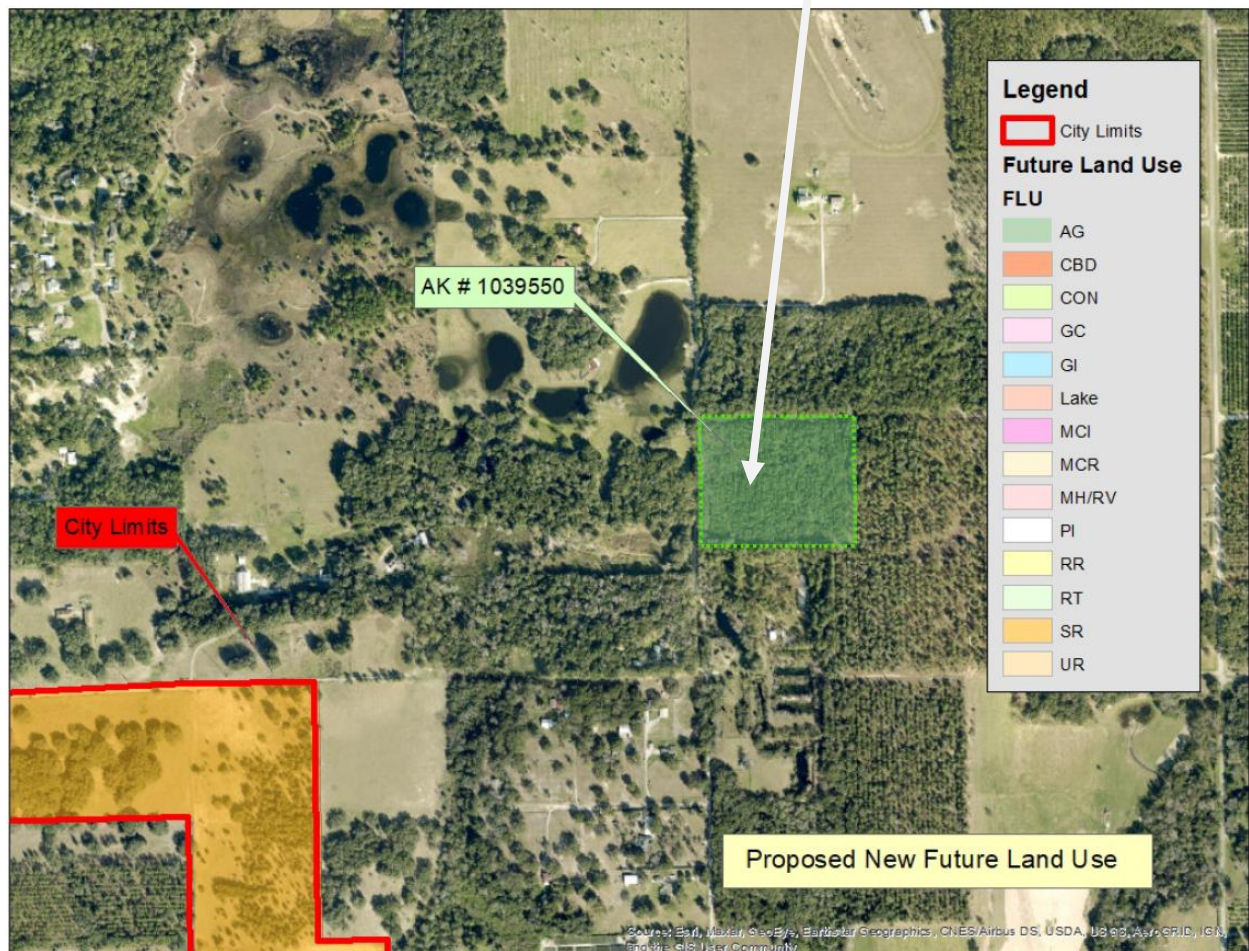
Ordinance Number 22-32 provides for the voluntary annexation of approximately 12 acres located on the east side of Marshall Road (Alternate Key Number 1039550). Provided the annexation of the subject property is approved, Ordinance Number 22-33 would change the future land use designation from Rural Transition in Lake County to **Agriculture (AG) in the City of Eustis**, and Ordinance Number 22-34 would assign the subject property a **design district designation of Rural Neighborhood**. If Ordinance Number 22-32 is denied, then there can be no consideration of Ordinance Numbers 22-33 and 22-34.

Background:

The property owners (Eustis Isles LLC) have requested Voluntary Annexation through Major Stacy, P.E. with Avian Engineering as their applicant agent. The property consists of approximately 12 acres and is located within the Eustis Joint Planning Area. The property is currently vacant timber and wetland. *Source: Lake County Property Appraisers' Office Property Record Card Data.*

The property is not currently contiguous to the City of Eustis boundary; however, it becomes contiguous with the approval of the properties to the west being annexed. The properties to the west are also proposed for annexation, comprehensive plan land use assignment, and design district assignment under Ordinance Numbers 22-23, 22-24, and 22-25, and; Ordinance Numbers 22-26, 22-27, and 22-28, and; Ordinance Numbers 22-29, 22-30, and 22-31. The property would be consistent with Florida Statutes regarding contiguity provided that the previously listed Ordinances are adopted.

The analysis of this proposed request is conducted under the assumption of the City Commission's approval and adoption of Ordinance Numbers 22-23, 22-24, and 22-25, and; Ordinance Numbers 22-26, 22-27, and 22-28, and; Ordinance Numbers 22-29, 22-30, and 22-31.



The property is currently designated with a Rural Transition land use in unincorporated Lake County. Approval of Ordinance Number 22-33 would change the land use designation to Agriculture (AG) in the City of Eustis.

The Rural Transition future land use designation assigned by Lake County allows for base densities of 1 dwelling unit per 5 acres, with additional density incentives by utilizing the Lake County Rural Conservation Subdivision policies and regulations. The City of Eustis Agriculture (AG) future land use designation also allows for densities of 1 dwelling unit per 5 acres. The proposed future land use within the City of Eustis and the Lake County Rural Transition future land use are compatible.

Analysis of Annexation Request (Ordinance Number 22-32)

1. Resolution Number 87-34 – Joint Planning Area Agreement with Lake County:
“The City and the County agree that the unincorporated areas adjacent to the City might be appropriately served by urban services provided by the City, and might therefore be annexed into the City in accordance with State law.... The City agrees to annex property in accordance with State law and provide adequate urban services and facilities to serve those areas within the Joint Planning Area.”

The subject property is located within the Joint Planning Area. Urban services of adequate capacity are available to serve future development, consistent with the requested future land use designation.

2. Florida Statutes Voluntary Annexation - Chapter 171.044(1):
“The owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality and reasonably compact may petition the governing body of said municipality that said property be annexed to the municipality.”

The Joint Planning Area boundaries define the reasonably compact area where the City may provide services effectively and efficiently. The subject property lies within that planning area; it is contiguous to the City limits on the southern boundary, and the owner has petitioned for annexation.

3. Florida Statutes Voluntary Annexation - Chapter 171.044(2):
“...Said ordinance shall be passed after notice of the annexation has been published at least once each week for 2 consecutive weeks in some newspaper in such city or town...”

Development Services has caused to be published, public notice of this annexation in the Daily Commercial in accordance with the requirements on November 18, 2022, and December 2, 2022.

4. Florida Statutes Voluntary Annexation - Chapter 171.044(5):
“Land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves.”

Annexation of the subject property does not create an enclave.

5. Florida Statutes Voluntary Annexation - Chapter 171.044(6):

“Not fewer than 10 days prior to publishing or posting the ordinance notice required under subsection (2), the governing body of the municipality must provide a copy of the notice, via certified mail, to the board of the county commissioners of the county wherein the municipality is located...”

Development Services provided notice to the Lake County Board of County Commissioners via email (unofficial notice) on November 5, 2022, and via USPS Certified Mail (official notice) on November 7, 2022.

Analysis of Comprehensive Plan/Future Land Use Request (Ordinance Number 22-33)

In accordance with Florida Statutes Chapter 163.3177.9.:

Discourage Urban Sprawl:

Primary Indicators of Sprawl:

The future land use element and any amendment to the future land use element shall discourage the proliferation of urban sprawl. The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment:

Review of Indicators

1. Low-Intensity Development:

Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.

This indicator does not apply. The densities requested equate to existing unincorporated densities.

2. Urban Development in Rural Areas:

Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.

This indicator does not apply. The properties will not receive a change in density from the existing densities in Unincorporated Lake County, therefore no change is occurring.

3. Strip or Isolated Development:

Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.

This indicator does not apply. There is no change in allowable densities from the status in Unincorporated Lake County. The proposed designation is consistent with the character of the surrounding area.

4. Natural Resources Protection:

Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge

areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.

This indicator does not apply. The property is not proposed for development with the future land use change not increasing the allowable Unincorporated Lake County densities.

5. Agricultural Area Protection:

Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.

This indicator does not apply. The future land use designation assigned with the annexation allows for the continuation of agricultural use of the property. The densities to be assigned with the Agriculture (AG) land use are consistent with agricultural uses.

6. Public Facilities:

Fails to maximize the use of existing public facilities and services.

This indicator does not apply. City water is available to serve the property. Sanitary sewer may be available to serve the site, if not available, any on-site septic systems may continue to be utilized.

7. Cost Effectiveness and Efficiency of Public Facilities:

Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.

This indicator does not apply. Adequate capacity is available to serve existing and future development within the area.

8. Separation of Urban and Rural:

Fails to provide a clear separation between rural and urban uses.

This indicator does not apply. The land use assigned to the properties is Agriculture (AG).

9. Infill and Redevelopment:

Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.

This indicator does not apply.

10. Functional Mix of Uses:

Fails to encourage a functional mix of uses.

This indicator does not apply.

11. *Accessibility among Uses:*

Results in poor accessibility among linked or related land uses.

This indicator does not apply.

12. *Open Space:*

Results in the loss of significant amounts of functional open space.

This indicator does not apply. The site does not contain functional open space and is not connected to regionally important open space.

13. *Urban Sprawl:*

The future land use element or plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of the following:

a. *Direction of Growth:*

Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.

The action for the property is a continuation of agricultural uses.

b. *Efficient and Cost-Effective Services:*

Promotes the efficient and cost-effective provision or extension of public infrastructure and services.

Water service is available. Sanitary sewer is available from Lake Lincoln Lane.

c. *Walkable and Connected Communities:*

Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.

Not applicable as the properties are having their use altered.

d. *Water and Energy Conservation:*

Promotes the conservation of water and energy.

No Change from current uses on the property.

e. *Agricultural Preservation:*

Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.

The allowed agricultural use of the property will continue with the annexation and assigned future land use.

- f. Open Space:
Preserves open space and natural lands and provides for public open space and recreation needs.

This is not applicable. The site does not provide functional open space or natural areas.

- g. Balance of Land Uses:
Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.

This does not apply. The proposed change is a continuation of agricultural uses.

- h. Urban Form Densities and Intensities:
Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in s. 163.3164.

Not applicable.

In accordance with the Comprehensive Plan Future Land Use Element Appendix: All applications for a Plan amendment relating to the development patterns described and supported within the Plan including, but not limited to, site-specific applications for changes in land use designations, are presumed to involve a legislative function of local government which, if approved, would be by legislative act of the City and shall, therefore, be evaluated based upon the numerous generally acceptable planning, timing, compatibility, and public facility considerations detailed or inferred in the policies of the Plan. Each application for an amendment to the Map #1: 2035 Future Land Use Map by changing the land use designation assigned to a parcel of property shall also be reviewed to determine and assess any significant impacts to the policy structure on the Comprehensive Plan of the proposed amendment including, but not limited to, the effect of the land use change on either the internal consistency or fiscal structure of the Plan.

Major Categories of Plan Policies:

This Plan amendment application review and evaluation process will be prepared and presented in a format consistent with the major categories of Plan policies as follows:

1. General Public Facilities/Services:
Since the Plan policies address the continuance, expansion and initiation of new government service and facility programs, including, but not limited to, capital facility construction, each application for a land use designation amendment shall include a description and evaluation of any Plan programs (such as the effect on the timing/financing of these programs) that will be affected by the amendment if approved. This analysis shall include the availability of, and actual and anticipated demand on, facilities and services serving or proposed to serve the subject property. The facilities and services required for analysis include emergency services, parks and recreation, potable water, public transportation if and when available, sanitary sewer, schools, solid waste, stormwater, and the transportation network.

- a. *Emergency Services Analysis:*
Continuation of the allowable use of the property for agriculture and homestead under the City's AG land use does not increase the impact on Emergency Services.
- b. *Parks & Recreation:*
Not applicable
- c. *Potable Water & Sanitary Sewer:*
Water is available to serve the subject property.
Sanitary sewer, to serve the properties, is available to the south of Lake Lincoln Lane, should the property choose to avail themselves of the service.
- d. *Schools:*
No change
- e. *Solid Waste:*
No change.
- f. *Stormwater:*
No change
- g. *Transportation Network Analysis:*
No Change

2. Natural Resources/Natural Features:

The policies of the Plan also contain general regulatory guidelines and requirements for managing growth and protecting the environment. These guidelines will be used to evaluate the overall consistency of the land use amendment with the Comprehensive Plan. Specifically, each amendment will be evaluated to 1) determine the existence of groundwater recharge areas; 2) the existence of any historical or archaeological sites; 3) the location of flood zones and demonstration that the land uses proposed in flood-prone areas are suitable to the continued natural functioning of flood plains; and 4) the suitability of the soil and topography to the development proposed.

- a. *Groundwater recharge areas:*
No change
- b. *Historical or archaeological sites:*
No Change
- c. *Flood zones:*
No indication of designated flood zone
- d. *Soil and topography:*
With this application for annexation, comprehensive plan land use assignment, and design district assignment, there is no change in the use of the property proposed.

3. Comprehensive Plan Review:

Additional criteria and standards are also included in the Plan that describes when, where and how development is to occur. Plan development policies will be used to evaluate the appropriateness of the compatibility of the use, intensity, location, and timing of the proposed amendment.

Existing Land Use According to the Lake County Comprehensive Plan:

"The Rural Transition Future Land Use Category is intended to address —edgell conditions where Rural Future Land Use Categories abut Urban Future Land Use Categories. These edges represent areas where lower rural densities may be increased for Rural Conservation Subdivisions that utilize clustering techniques.

This Future Land Use Category provides for residential development at densities equal to or less than one (1) dwelling unit per five (5) net buildable acres, agricultural operations, civic uses compatible with a rural community, and Rural Support functions where appropriate...

Proposed Land Use According to the Eustis Comprehensive Plan:

“Agricultural (AG)

This land use designation is designed to limit the premature spread of urban growth and conversion of productive agricultural lands until such time as urban growth is contiguous and agricultural activities can no longer be economically sustained.

General Range of Uses: Single-family residential dwelling units, ranching, crop farming including citriculture, silviculture, aquaculture, row crops, and public and utility services and facilities.

Maximum Density: Residential densities in Agricultural may not exceed one dwelling unit per five net buildable acres...

There is no proposed change in the use of the property from its current use status in unincorporated Lake County and after annexation into the City of Eustis.

4. Transportation:

Each application for a land use designation amendment will be required to demonstrate consistency with the Transportation Element of the adopted Comprehensive Plan.

There is no proposed change in the use of the property from its current use status in unincorporated Lake County and after annexation into the City of Eustis.

5. Water Supply:

Each application for a land use designation amendment will be required to demonstrate that adequate water supplies and associated public facilities are (or will be) available to meet the projected growth demands.

There is no proposed change in the use of the property from its current use status in unincorporated Lake County and after annexation into the City of Eustis.

In accordance with Chapter 102-16(f), Land Development Regulations

Standards for Review:

In reviewing the application of a proposed amendment to the comprehensive plan, the local planning agency and the city commission shall consider:

a. *Consistent with Comprehensive Plan:*

Whether the proposed amendment is consistent with all expressed policies in the comprehensive plan.

The proposed amendment is consistent with the Comprehensive Plan.

b. *In Conflict with Land Development Regulations:*

Whether the proposed amendment is in conflict with any applicable provisions of these land development regulations.

The proposed amendment is not in conflict with the Land Development Regulations.

c. *Inconsistent with Surrounding Uses:*

Whether, and the extent to which, the proposed amendment is inconsistent with existing and proposed land uses.

There is no proposed change in the use of the property.

d. *Changed Conditions:*

Whether there have been changed conditions that justify an amendment.

The applicant wishes to annex the property into the City limits of Eustis. Assignment of a City of Eustis future land use designation is required. The actual use of the property is not proposed to change.

e. *Demand on Public Facilities:*

Whether, and the extent to which, the proposed amendment would result in demands on public facilities, and whether, or to the extent to which, the proposed amendment would exceed the capacity of such public facilities, infrastructure, and services, including, but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools, and fire and emergency medical facilities.

There is no proposed change in the use of the property from its current use status in unincorporated Lake County and after annexation into the City of Eustis.

f. *Impact on Environment:*

Whether, and the extent to which, the proposed amendment would result in significant impacts on the natural environment.

The site contains no apparent natural resources and is not connected to significant open space.

g. *Orderly Development Pattern:*

Whether, and the extent to which, the proposed amendment would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern.

There is no proposed change in the use of the property from its current use status in unincorporated Lake County and after annexation into the City of Eustis.

h. *Public Interest and Intent of Regulations:*

Whether the proposed amendment would be consistent with or advance the public interest, and in harmony with the purpose and intent of these land development regulations.

The purpose and intent of the Land Development Regulations is as follows:

“The general purpose of this Code is to establish procedures and standards for the development of land within the corporate boundaries and the planning area of the city, such procedures and standards being formulated in an effort to promote the public health, safety and welfare and enforce and implement the city's comprehensive plan, while permitting the orderly growth and development with the city and Eustis planning area consistent with its small-town community character and life style”

There is no proposed change in the use of the property from its current use status in unincorporated Lake County and after annexation into the City of Eustis.

i. Other Matters:

Any other matters that may be deemed appropriate by the local planning agency or the city commissioners, in review and consideration of the proposed amendment.

No other matters.

Analysis of Design District Request (Ordinance Number 22-34):

Form-Based Code:

The City's Land Development Regulations are a form-based code. Design districts are unique to form-based codes. Lake County still uses traditional Euclidean zoning, so there are no design districts for parcels in unincorporated Lake County. When a parcel annexes into the City of Eustis, the City must assign a consistent design district that follows the urban, suburban, and rural transect

1. Standards for Review:

The Land Development Regulations include the following standards for review of an amendment to the Design District Map. In approving a change in the designation, the City Commission shall consider: Whether the amendment is in conflict with any applicable provisions of the Code.

a. Section 102-17(a) "...Section 109-3 Design Districts:

identifies the definition, structure, and form of each design district. The assignment of design district must follow the district pattern and intent."

The requested amendment assigns a newly annexed parcel a designation that meets the district pattern and intent (Rural Neighborhood). There is no proposed change in the use of the property from its current use status in unincorporated Lake County and after annexation into the City of Eustis.

Sec. 109-5.7. - Rural development pattern intent statements.

(a) Intent. The rural development pattern relies primarily on a pattern of clustered residential development that provides substantive open space that serves to preserve and enhance the rural view shed and character of the community. Nonresidential uses are primarily located in centers and may contain a mix of uses.

(b) *Design districts.*

(1) *Rural neighborhood.*

- a. *Definition.* Predominately residential uses where a portion of the land is designated as undivided, permanent open space of a site in an effort to preserve the existing natural resource areas while providing a significant amount of open space.
- b. *Structure.* Developable land is subdivided into buildable lots. This development option provides an opportunity for communities to meet both their development and conservation goals by concentrating homes in a small portion of a site in an effort to preserve the existing natural resource areas on a larger scale.
- c. *Form.* Preservation of natural landscape organizes development to make a place.

This is the current development pattern for the area north of Lake Lincoln Land and East of Estes Road. For this property, there is no proposed change in the use of the property from its current use status in unincorporated Lake County and after annexation into the City of Eustis.

b. *Section 102-17(a)*

The following guidelines must be followed when proposing the reassignment of design district:

Compatible intensities should face across streets. Changes in design districts should occur along rear alleys or lanes or along conservation edges.

Reassignment is not being proposed; a Eustis design district designation must be assigned to annexed property; the proposed design district is compatible with the surrounding design districts.

c. *Consistent with Comprehensive Plan:*

Whether the proposed amendment is consistent with all elements of the comprehensive plan.

The requested amendment is consistent with the Future Land Use element (including Policy FLU 1.2.4, Development Patterns and FLU 1.3.2. Maintain Residential Compatibility), as well as all other elements of the Comprehensive Plan.

d. *Consistent with Surrounding Uses:*

Whether, and the extent to which, the proposed design district is consistent with existing and proposed land uses.

The Rural Neighborhood definition, structure and form are compatible with the existing uses and any proposed uses permitted under the Agriculture (AG) future land use designation.

e. *Changed Conditions:*

Whether there have been changed conditions that justify amending the design district.

The subject property is proposed for annexation and a design district assignment is necessary. There is no proposed change in the use of the

property from its current use status in unincorporated Lake County and after annexation into the City of Eustis.

f. Public Facilities.

Whether, and the extent to which, the proposed redistricting would result in demands on public facilities, and whether, or to the extent to which, the proposed change would exceed the capacity of such public facilities, including, but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools, and fire and emergency medical facilities.

A redistricting is not proposed. This amendment will not change the demand for public facilities. Assigning a design district to an annexation property will not change the demand for public facilities.

g. Impact to Environment:

Whether, and the extent to which, the redistricting would result in significant impacts on the natural environment.

The proposed Design District designation for this property does not change the development potential of the parcel. Design Districts control the form and function of any development that does occur. The Future Land Use designation controls the density, intensity, and minimum open space permitted on the site, so the Design District amendment would not result in additional impacts on the natural environment. As building permit approval must be obtained before development can begin, the Comprehensive Plan and the Land Development Regulations include standards for the protection of environmentally sensitive lands that would apply should conditions at the time of development warrant such protection.

h. Property Values:

Whether, and the extent to which, the proposed redistricting would affect the property values in the area.

Redistricting is not being proposed; a Eustis design district designation must be assigned to the annexed property. This request should not affect property values, because the proposed Design District designation is consistent with the surrounding development patterns and design districts.

i. Orderly Development Pattern:

Whether, and the extent to which, the proposed redistricting would result in an orderly and logical development pattern.

The request is the assignment of a design district to an annexation parcel, not redistricting. There is no proposed change in the use of the property from its current use status in unincorporated Lake County and after annexation into the City of Eustis, therefore the Rural Neighborhood Design District is most appropriate.

j. Public Interest and Intent of Regulations:

Whether the proposed redistricting would be in conflict with the public interest, and in harmony with the purpose and intent of these regulations.

The request is the assignment of a design district to an annexation parcel, not redistricting. The proposed Design District is not in conflict with the public interest and reflects the purpose and intent of the regulations.

k. Other Matters:

Any other matters that may be deemed appropriate by the city commission, in review and consideration of the proposed redistricting.

The request is the assignment of a design district to an annexation parcel, not redistricting. The City's Land Development Regulations are a form-based code. The Design District designations define the development form, but not the types of land use, densities, intensities, or required open space. The districts, therefore, must be consistent and follow the urban, suburban, and rural transects. This request assigns a Rural Neighborhood design district designation to an annexation parcel, which is consistent with the existing transect.

Findings Summary:

The proposed annexation is not in conflict with Florida Statutes. The proposed Future Land Use for the subject property is found to be consistent with the City of Eustis Comprehensive Plan and Land Development Regulations. The change of land use to the City of Eustis Agriculture (AG) designation, as associated with the voluntary annexation, is found to be consistent and equivalent to the current Lake County Future land Use designation. The Rural Design District is compatible with and compliments the Agriculture (AG) Future Land Use District.

Recommended Action:

Providing recommendations for approval of Ordinance Numbers 22-32, 22-33, and 22-34.

Policy Implications:

None

Alternatives:

1. Approval of Ordinance Numbers 22-32 (Annexation), 22-33 (Comp. Plan Amendment), and 22-34 (Design District Designation).
2. Deny of Ordinance Number Ordinance Numbers 22-32 (Annexation). Then Ordinance Numbers 22-33 (Comp. Plan Amendment) and 22-34 (Design District Designation) become void.

Budget/Staff Impact:

None

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Reviewed By:

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