



# City of Eustis

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TO: Eustis Local Planning Agency

FROM: Tom Carrino, City Manager

DATE: May 16, 2024

RE: Ordinance Number 24-23: Comprehensive Plan Amendment  
2024-CPLUS-04 – 1436 Pine Groves LLC (RCM Utilities) – Future Land Use  
Assignment For Parcel with Alternate Key 1418360 And 1428386.

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## **Introduction:**

Ordinance Number 24-23 provides for the assignment of a future land use associated with the voluntary annexation of approximately 3.03 acres of land located at the intersection of W Atwater Ave and Pine Grove Road. (Alternate Key Numbers 1428360 and 1428386) Provided the annexation of the subject property is approved, via Ordinance Number 24-22, Ordinance Number 24-23 would change the future land use designation from Urban Low in Lake County to General Industrial (GI) in the City of Eustis.

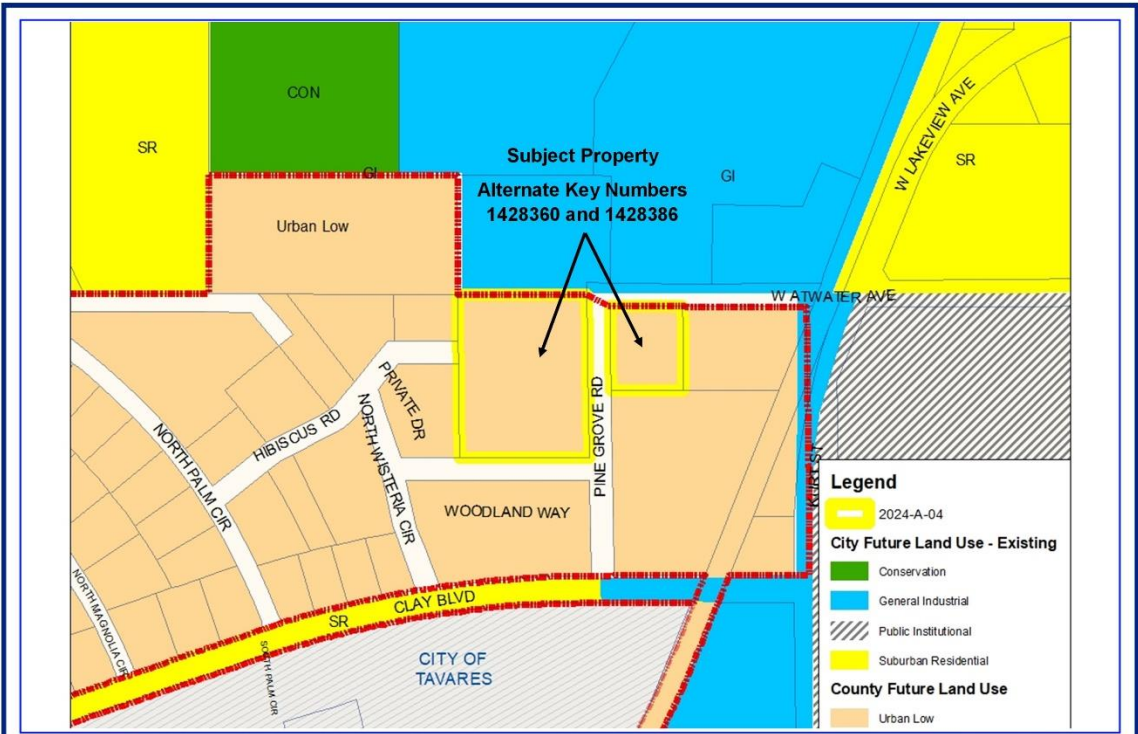
## **Background:**

1. The site contains approximately 3.03 acres and is located within the Eustis Joint Planning Area with Alternate Key Numbers 1428360 and 1428386. *Source: Lake County Property Appraisers' Office Property Record Card Data.*
2. The proposed annexation property is within an enclave area of the City and is contiguous to the City boundaries represented on the Location map.
3. The site has a Lake County Future Land Use Designation of Urban Low, but approval of Ordinance Number 24-23 would change the land use designation to General Industrial (GI) in the City of Eustis.
4. The proposed City Future Land Use is compatible with the adjacent and neighboring uses along Pine Grove Road and W Atwater Avenue.



Surrounding properties have the following land use designations:

Location	Existing Use	Future Land Use	Design District
<b>Subject Property</b>	Industrial Warehouse	Urban Low (Lake County)	N/A
<b>North</b>	Industrial/Warehouse	General Industrial	Suburban Neighborhood
<b>South</b>	Storage	Urban Low (Lake County)	N/A
<b>East</b>	Industrial and Warehouse	Urban Low (Lake County)	N/A
<b>West</b>	Storage	Urban Low (Lake County)	N/A



1436 Pine Grove RE, LLC (Chris Creech)  
Future Land Use (Current)



1436 Pine Grove RE, LLC (Chris Creech)  
Future Land Use (Proposed)





## **Applicant's Request**

Chris Creech, the applicant and the property owner of 1436 Pine Grove RE, LLC, wishes to annex the referenced property, change the future land use to General Industrial (GI), and assign a design district of Suburban Neighborhood.

The current Lake County Future Land Use Designation for the subject property is Urban Low. The Lake County land use designation allows for residential uses of up to 4 dwelling units per net buildable acre.

The property owner has requested the City of Eustis General Industrial (GI) Future Land Use Designation with the annexation. The GI future land use provides for industrial uses matching the existing use of the property and is compatible with adjacent uses along Pine Grove Road and W Atwater Avenue.

### **Analysis of Annexation Request (Ordinance Number 24-22)**

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 Eustis-Lake County Joint Planning Area. The responsibility for extension/ construction of the drive access and utilities including the water and sewer system will remain with owner of the property.***

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 Eustis-Lake County Joint Planning Area boundaries define the reasonably compact area where the City could provide services effectively and efficiently. The subject property lies within that planning area; the property is part of a partial enclave, it is contiguous to the City limits on the northern boundaries, and the owner petitioned for annexation.***

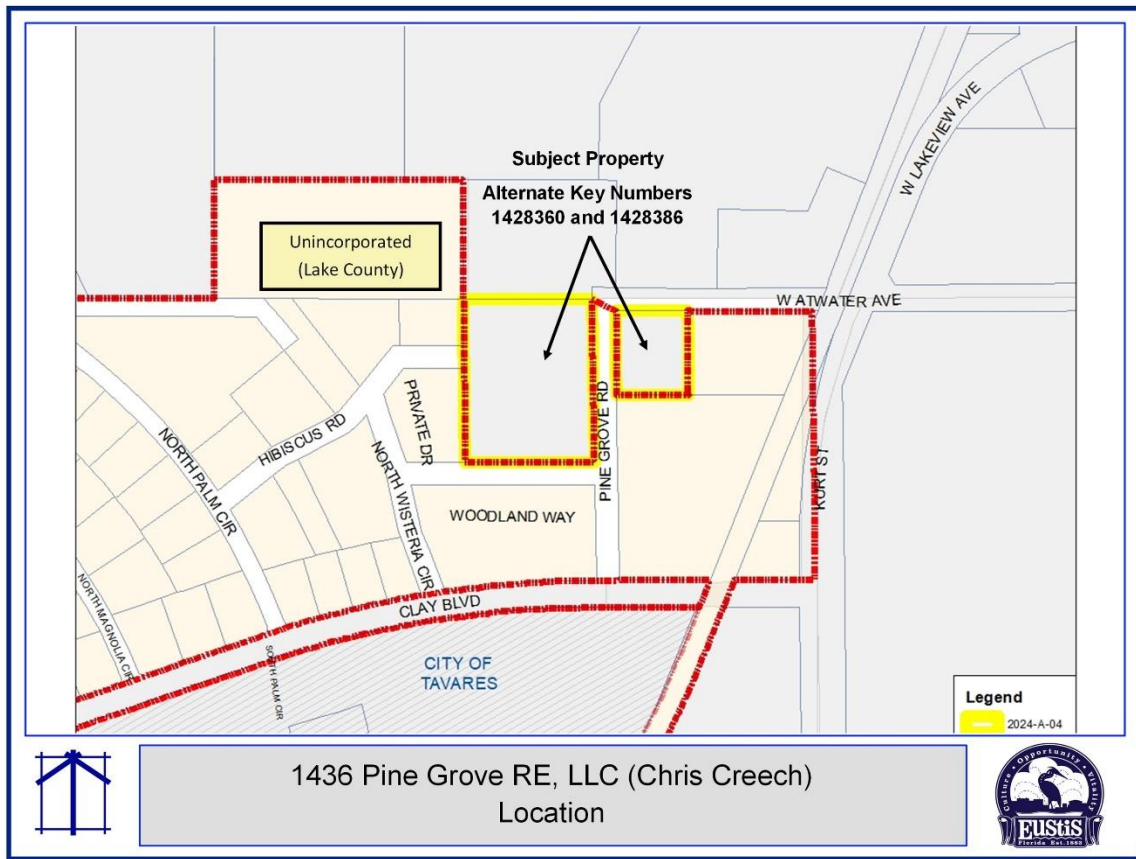
3. Florida Statutes Voluntary Annexation - Chapter 171.044(2):

“...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...”

***The department published notice of this annexation in the Daily Commercial following the established requirements on May 6, 2024, and again on May 13, 2024.***

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 as defined by the Florida Statutes. The subject property is included in a portion of the city that can be considered a partial enclave wedged between the City of Eustis and the City of Tavares. Annexation of the subject properties will begin to close this 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...”

***The department provided notice to the Lake County Board of County Commissioners on April 25, 2024, via email and by Certified Mail with and accompanying email sent on April 26, 2024.***

Analysis of Comprehensive Plan/Future Land Use Request (2024-CPLUS-04) Ordinance Number 24-23)

In accordance with the 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 properties proposed for annexation are under industrial uses and will be annexed allowing for the continuation of those industrial uses.***

#### 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 subject property is located in an enclave area and the City will be requiring city services. The immediate enclave area is predominantly similar industrial uses.***

#### 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. The subject property is located in an enclave area and the City will be requiring city services.***

#### 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 subject property is not subject to floodplain impact, and does not contain wetland areas. The property is currently developed with industrial warehouses and parking. The Comprehensive Plan and the Land Development Regulations include standards for the protection of environmentally sensitive lands that would apply should the conditions at the time of development warrant such protection.***

#### 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. This site and adjacent areas do not support active agricultural or silvicultural activities. The site is within an existing developed and further developing area.***

#### 6. Public Facilities:

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

***This indicator does not apply. City utilities are available from north of the property, water service may be provided to the property.***

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 the existing and future development. City utilities are available from north side of the property, water service may be provided to the property.***

8. Separation of Urban and Rural:

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

***This indicator does not apply. No nearby properties contain active agricultural activities or use. The surrounding area is developed or has development entitlements attached to the land. These developments have densities and intensities that are clearly urban/suburban uses.***

9. Infill and Redevelopment:

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

***This indicator does not apply. This property will promote infill development by allowing access to public facilities and filling in an existing enclave area.***

10. Functional Mix of Uses:

*Fails to encourage a functional mix of uses.*

***This indicator does not apply. The site is surrounded by similar developments consistent with permitted industrial uses in the area.***

11. Accessibility among Uses:

*Results in poor accessibility among linked or related land uses.*

***This indicator does not apply. The Land Development Regulations include provisions to provide adequate access and linkage between related uses. City Departments will ensure compliance with these standards at the time of development review.***

12. Open Space:

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

***This indicator does not apply. The subject property is an existing industrial property with established buildings and facilities.***

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 site is adjacent to existing urban/suburban development patterns and is a logical infill of the urban development boundary. The Comprehensive Plan and Land Development Regulations have provisions to protect natural resources and ecosystems at the time of site plan approval, when required.***

b. Efficient and Cost-Effective Services:

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

***City facilities are available from the north side of the property.***

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. The proposed use is industrial on a property already developed for such uses.***

d. Water and Energy Conservation:

Promotes the conservation of water and energy.

***The development of the site must meet City development and Florida Building Code standards that will require energy-efficient and water-efficient appliances.***

e. Agricultural Preservation:

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

***Not applicable; this site and adjacent areas do not support active agricultural or silvicultural activities. The site is within an existing developed industrial area.***

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 on a regional basis.***

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.

***Not applicable. The proposed use is industrial on a property already developed for such 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 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:

***Eustis Emergency Services already provides emergency response to other properties in the area. The existing industrial development and any development consistent with the General Industrial future land use designation would not have a significant negative impact on the operations of Eustis emergency services.***

##### b. Parks & Recreation:

***Not applicable. The current development of and proposed use of the property are non-residential. The proposed annexation and assignment of land use to the property will place no additional burden on parks and recreation facilities.***

##### c. Potable Water & Sanitary Sewer:

***City facilities are available from the north and the proposed use of the property will place no additional burden on the utility systems.***

##### d. Schools:

***The current use of the property and the proposed use of the property are non-residential. The proposed change will not negatively impact school capacities.***

##### e. Solid Waste:

***The City contracts with Waste Management for the hauling of solid waste. The company already services properties in the general area of the subject***

**property. Serving this property will increase efficiency in the delivery of services. The property owners may require additional private contracting for additional waste removal services.**

f. Stormwater:

**The Comprehensive Plan and Land Development Regulations include the level of service standards to which new development must adhere. Projects designed to meet these standards will not negatively affect the existing facilities and services.**

g. Transportation Network Analysis:

**This potential annexation and the subsequent development of the property will not add additional impacts as the parcels being annexed include existing platted lots.**

## 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 the 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:

**The site may be within a low recharge area, and a site-specific geotechnical and hydrologic study will be needed to determine the site-specific impact at the time of development. At this time further development or redevelopment of the property has not been proposed. Source: Lake County Comprehensive Plan 2030 Floridian Aquifer Recharge Map.**

b. Historical or archaeological sites:

**The City does not have any record of Florida Master Site Files related to this property and no known historical or cultural resources exist.**

c. Flood zones:

**The subject property is not impacted by a 100-year flood zone area. Source - Lake County GIS - 2012 Flood Zones.**

d. Soil and topography:

**The site soils are primarily Candler sands.**

**Candler fine sand, 0 to 5 percent slopes – This nearly level to gently sloping, excessively drained soil is in the deep, sandy uplands. Slopes are nearly smooth to convex. This Candler soil has low available water capacity. Permeability is rapid. Natural fertility of the soil is low. The organic matter content of the surface layer is low to very low. Surface runoff is very slow. The water table is at a depth of more than 72 inches. (Source: Florida Department of Environmental Protection)**

### 3. Comprehensive Plan Review:

Additional criteria and standards are also included in the Plan that describe 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 existing Lake County future land use designation of the property is Urban Low, which provides for residential uses at up to 4 dwelling units per acre as well as supporting commercial and institutional uses.

#### ***Proposed Land Use According to the Eustis Comprehensive Plan:***

The General Industrial land use designation is provided to accommodate businesses that have one or more objectionable uses such as noise, dust, or odor. The purpose of this district is to provide a method whereby industries necessary to the area, but with inherent characteristics that could prove obnoxious or detrimental to a different type of industrial operation, may be located in the most suitable and advantageous spots to minimize inconvenience to the general public. This district also offers greater economy and freedom to the industrial developer by the relaxation of certain standards and screening requirements within the district itself.

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. At the time of additional development, there will be further review for compliance.***

c. *Inconsistent with Surrounding Uses:*

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

***The existing land uses in the immediate area are industrial and the proposed use of the land is continued industrial.***

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. Upon annexation, the subject property will have a full array of municipal services, including central water. These changed conditions warrant a change in the land use designation.***

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.

***City facilities are available from north side of the property, water service may be provided to the property.***

***Upon annexation, the City will also provide other services such as fire and police protection. The City provides these services to other properties in the area therefore, efficiency will improve.***

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.

***The site is contiguous to the City limits. Similar development already exist in the area will not cause incompatibilities with those development patterns.***

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 lifestyle.”

***The requested designation of G1 land use will provide for orderly growth and development.***

*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.***

**Applicable Policies and Codes**

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.”

2. Florida Statutes Chapter 171.044: Voluntary Annexation:

- a. “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.”
- b. “Land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves.”

3. Comprehensive Plan – General Industrial (GI)

This land use designation is provided for those businesses that have one or more objectionable uses such as noise, dust or odor. The purpose of this district is to provide a method whereby industries necessary to the area, but with inherent characteristics which could prove obnoxious or detrimental to a different type of industrial operation, may locate in the most suitable and advantageous spots to minimize inconvenience to the general public. This district also offers greater economy and freedom to the industrial developer by the relaxation of certain standards and screening requirements within the district itself.

General Range of Uses: General Industrial development includes existing industrial development of light-to-heavy nature along the rail line both north and south of downtown. Outdoor recreation, schools, and public and utility services and facilities that are 5 acres or less in size are also permitted.

Intensity Range: up to 2.5 FAR subject to restrictions in Section 109-3 of the Land Development Regulations.

Special Provisions:

- (1) New development within GI areas shall continue to be required to:
  - a. Provide adequate setbacks and buffering from residential areas and public roads;
  - b. Comply with all federal and state environmental regulations and local performance standards contained in the Land Development Regulations; and
  - c. Limit effluent discharges to the municipal sewer system to approved pretreated industrial wastes and domestic wastes only.
- (2) Developments within the Wekiva Protection Overlay that include longleaf pine, sand hill,



sand pine, and xeric oak communities shall protect these areas as dedicated open space or conservation easements, with total open space equal to at least 35% of the net buildable area.

**Recommended Action:**

Development Services recommends that the City of Eustis LPA transmit 2024-CPLUS-04 to the City Commission for consideration of Ordinance Number 24-23.

**Policy Implications:**

None

**Alternatives:**

1. Vote to transmit 2024-CPLUS-04 to the City Commission for consideration of Ordinance Number 24-23.
2. Vote to not transmit 2024-CPLUS-04 to the City Commission for consideration of Ordinance Number 24-23.

**Budget/Staff Impact:**

There would be no direct costs to the City beyond the normal City services. There would be no additional staff time beyond the normal review process.

**Prepared By:**

Jeff Richardson, AICP, Deputy Development Services Director

**Reviewed By:**

Mike Lane, AICP, Development Services Director

Sherri Takaloo, Senior Planner