



MINUTES

APPROVED: 12/2/2021

Local Planning Agency Meeting

5:30 PM - Thursday, September 9, 2021 - Community Building

CALL TO ORDER: 6:29 P.M.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

PRESENT: Vice Chair Emily Lee, Karen LeHeup-Smith, Nan Cobb, Willie Hawkins and Chairman Holland

1. CONSIDERATION WITH BOARD DISCUSSION, PUBLIC HEARING AND RECOMMENDATION

1.1 2021-CPT-02 Comprehensive Plan Text Amendment

Lori Barnes, Development Services Director, provided a review of the 2021-CPT-02 comprehensive plan text amendment. She noted that the changes have been discussed at a number of workshops and meetings. She stated they were originally presented under 2021-CPT-01; however, at that meeting, the Board opted to only transmit the addition of the Property Rights Element to the State for review.

Ms. Barnes stated the intent of the amendment is to make changes to reflect the vision of the City Commission according to the Strategic Plan and other long-range planning documents, to provide municipal densities and intensities, thereby discouraging true urban sprawl and to provide internal consistency of the Comprehensive Plan Element and with the Land Development Regulations (LDR's). She explained that many of the changes eliminate duplicative and redundant language or language that is more appropriate in specificity for the LDR's. She indicated that one of the changes involves the future possible adoption of a transfer of development rights program for the Central Business District. She added that it does not establish the program and it does not mandate the Commission ever approving such a program but provides language so that, if the Commission decides to move forward in the future, it will not require another comprehensive plan amendment.

Ms. Barnes then explained that the amendment will make some changes to the Future Land Use Map Series including the current future land use map for Eustis and elimination of Map #19 which is the County's future land use map. She summarized stating that a number of elements are being proposed for amendment. She noted that the Infrastructure Element is not proposed at that time for amendment; however, it will be coming up for amendment as the St. John's River Water Management District works on their ten-year plan; after which the City will modify its ten-year plan. She stated that, if the LPA transmits the amendment to the Commission, a full presentation would be provided at that time.

Vice Chair Lee stated that the Board previously asked to have a two to three unit per acre designation be added to the plan but it has never been acted on. She stated opposition to adopting the amendment without that.

Member Hawkins expressed agreement with Vice Chair Lee.

Member Cobb expressed support for a designation allowing 2.5 to 3 units per acre.

Chairman Holland asked about Map #19 with Ms. Barnes responding that Map #19 shows the County land use designations, not City. She explained the issue is that the County's land use designations are not consistent with the City's form-based code. She stated the City's land use designations provide flexibility and the design district designations add on a layer of regulations which reduces densities in certain design districts. She noted that in a corridor district, they will naturally obtain a higher density because they are permitted a multi-family lot type; however, in neighborhood designations the lot types are limited to estate lots, single family detached lots and duplex lots unless the Commission grants a PUD or a waiver. She further explained that the City's design districts paired with the land use districts naturally bring down the density. She explained the County's land use designations have a set maximum so they are inconsistent with the City's comprehensive plan.

The Board asked when Map #19 was incorporated into the City's Comprehensive Plan with Ms. Barnes responding it was part of the Comprehensive Plan re-write which began in 2006-2007 and which was adopted in 2009. She stated there is nothing in the minutes that explains why it was included. She added that it was marked as "draft" and had not even been adopted by the County Commission at that time.

Member LeHeup-Smith acknowledged she was on the Commission during that time; however, she did not remember discussing it.

Ms. Barnes stated she found that, in the past, the City's Comprehensive Plan included a future land use map that provided designations for the City's entire joint planning area. There seemed to be some concern that would create confusion and imply that the City had control over unincorporated areas within the JPA that had not yet been annexed. She stated that, at that time, the City's future land use map stopped showing unincorporated properties within the JPA and the County's land use map became a part of the City's plan. She acknowledged that the County did eventually adopt their future land use map.

The Board questioned whether or not any of the City's projects have been denied by the State because of Map #19 with Ms. Barnes responding negatively. She then explained that the City did have some issues with some lawsuits and land use designations in 2014-2015 based on the implication that all of the maps were regulatory when they were intended to be for reference. She further explained that the previous Development Services Director submitted a comprehensive plan amendment to address a number of issues and specifically mentioned that the only regulatory maps were the City's future land use map and the County's future land use map.

Member LeHeup-Smith stated that the City has a designation that allows from 1 to 5 units per acre and questioned why they would now need a separate designation for 2 to 3.

Vice Chair Lee responded that the residents see the one to five and believe that a developer would get five units per acre so there is a lack of trust.

Ms. Barnes stated that the City's SR designation does not say 1 to 5, it allows "up to five" units per acre. She explained that the Suburban Neighborhood district with Suburban Residential land use allows estate lots that can be sized up to three acres. In the Rural Neighborhood design district with Suburban Residential land use district (up to five) can also have an estate lot with up to three acres or a homestead lot with no maximum lot size assigned. She emphasized the flexibility built-in to the City's plan. She commented on the amount of misunderstanding about how the City's form-based code works and how the design district designations naturally bring down the densities. She noted the Oakmere and Lake Lincoln Subdivisions which came in around three units per acre and had Suburban Neighborhood designations. She emphasized that in a Rural Neighborhood designation there are more stringent site design standards that apply which further reduces densities. She further discussed the flexibility in the plan, use of waivers and Commission discretion in what it approves as well as additional regulations that affect the densities.

The Board questioned how they can get away from the perception that a developer will automatically get five units per acre since the designation states "up to five" with Ron Neibert, City Manager, responding that they can do that by making the concept plan review process mandatory prior to annexation. He noted that the consideration of an annexation has to be based strictly on whether or not the property may be annexed.

Derek Schroth, City Attorney, stated that the concept plan is not binding and that a developer is not going to invest a lot of money in a concept plan, engineering and architecture unless they are vested in it. He indicated the Commission could change the comprehensive plan to eliminate the "up to five" units per acre.

The Board questioned whether there are any properties being held up by the pending amendment with Ms. Barnes responding that there are some properties listed for sale that would be impacted by some of the changes especially those related to flood zones and one concept plan submitted that could be affected.

Ms. Barnes emphasized that the proposed changes are broad and are intended to be Citywide, not just applicable to certain properties.

Discussion was held regarding the possible effects and pending development projects with Ms. Barnes explaining that the Commission cannot waive anything contained in the plan. She stated that a developer would have to request a comprehensive plan amendment. She explained that a minor amendment would take four or five months but something more comprehensive could take many months.

Further discussion was held regarding changing the Rural Residential designation to up to three units per acre or to add a new designation with a limit of up to three

and the effect of any changes on the pending Thrill Hill annexations with Mr. Neibert indicating those applications have to be considered under the existing comprehensive plan.

The Board questioned when the comprehensive plan was last re-written with Ms. Barnes indicating it was completely re-written and adopted in 2009.

Discussion was held regarding holding a workshop on the amendment with the Members to individually contact Ms. Barnes to discuss what they want to see in the amendment.

Discussion was held regarding Agricultural with Ms. Barnes indicating the City does not have an Agricultural design district only a land use designation. She stated the City only has two properties in the City with that designation - one of which has single family homes on small lots on the south side of Pine Meadows Golf Course Road and the other is a single family home on Old Mount Dora Road with some orange trees. She indicated that the agricultural exemption is based on a bonafide agricultural use not the land use designation. She added that there are provisions in the land development regulations that allows someone to apply for a conditional use permit from the Commission to have an agricultural use within any residential district.

Ms. Barnes explained how a developer could have an agricultural use within a development either by using a planned unit development overlay or with a preliminary subdivision plat and conditional use permit for the project as a whole. She further explained that if a property with an existing agricultural use annexed into the City, it would be assigned some other land use designation; however, their agricultural use would continue as a pre-existing legally nonconforming use.

Chairman Holland opened the floor to public comment at 7:03 p.m.

Egor Emory addressed the Commission regarding the comprehensive plan, the need for the City to grow in a planned manner and how confusing the form-based code is.

Sean Parks, Lake County Commission Chairman, expressed support for the City continuing consideration of the amendment to allow further joint planning negotiations between the City and the County.

Jeremy Brown expressed concern regarding lack of availability of information.

Public comment was closed at 7:09 p.m.

CONSENSUS: It was a consensus of the Board to schedule a workshop on the amendment for Thursday, October 14th.

Moved by Member Cobb, seconded by Vice Chair Lee, to continue Comprehensive Plan Amendment 2021-CPT-02 to October 21st. Motion carried by the following votes:

Ayes: Vice Chair Lee, Member Cobb, Member Hawkins, and Chairman Holland

Nays: Member LeHeup-Smith

2. ADJOURNMENT: 7:13 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.



MARY C. MONTEZ
City Clerk



MICHAEL L. HOLLAND
Chairman