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**CITY OF TAVARES  
PLANNING AND ZONING BOARD MEETING  
TAVARES CIVIC CENTER  
June 19, 2008**

**BOARD MEMBERS PRESENT**

**James Gardner, Vice Chairman  
Norman Hope  
John Tanner  
Dolores Russ**

**STAFF MEMBERS PRESENT**

**Jacques Skutt, Comm. Dev. Director  
Alisha Sullivan, Senior Planner  
Mike Fitzgerald, Zoning Technician  
Brad Hayes, Director of Utilities  
Bob Williams, City Attorney  
Pam Huckins, Administrative Assist.**

**BOARD MEMBERS ABSENT**

**John Adams, Chairman  
Sam Grist  
Jimmy Horner**

**CALL TO ORDER**

Vice Chairman James Gardner called the meeting to order at 3:00 p.m. and the pledge of allegiance was recited.

Mr. Gardner explained that, due to health problems, John Adams could not be in attendance for the meeting. Mr. Gardner then welcomed and introduced the two new Board members, Ms. Dolores Russ and Mr. Norman Hope. Bob Williams then proceeded to swear in the new members along with Mr. Gardner who was reappointed to the Board.

Mr. Gardner pointed out to all Board members the information provided by Jacques Skutt regarding Public Records Law and the Florida Commission on Ethics. Mr. Gardner advised the Board members to read the material and abide by the rules and regulations within the documents.

Mr. Gardner explained to the Board members that they must not speak to anyone outside about the cases brought before them nor to each other on an individual basis. Discussion of cases is only allowed when the Board is assembled for its regularly scheduled meetings. Also, Board members cannot abstain on voting unless they have a conflict of interest in the case and that must be declared to the Board before discussion begins. Mr. Gardner stated the P&Z Board meetings are regularly scheduled for the 3<sup>rd</sup> Thursday of each month.

**APPROVAL OF MINUTES OF MAY 15, 2008**

**Due to the fact there were only two Board members present at this meeting who also attended the May 15, 2008 meeting, James Gardner declared the minutes of the May 15, 2008 Planning and Zoning meeting as accepted.**

1  
2 **OLD BUSINESS**

3  
4 There was none.

5  
6 **SWEARING IN OF THOSE GIVING TESTIMONY**

7  
8 Attorney Williams gave the oath to those members of the audience who indicated they  
9 would be giving testimony.

10  
11 **CASES TO BE HEARD**

12  
13 1.) **Ordinance 2008-21 – Tummala Office Park – Annexation & Rezoning**

14  
15 **STAFF REPORT**

16  
17 Mr. Skutt presented the case. The subject vacant property is located on the northeast  
18 corner of Dora Avenue and David Walker Drive. The property is approximately 7.95  
19 acres in size. The Liberty Baptist Church presently owns this property and operates a  
20 church and school on lands adjacent to the east on Dora Avenue. Lands surrounding  
21 the subject property contain a mix of assisted-living, church, multi-family and office uses  
22 with zonings including Multi-Family, Planned Development, General Commercial and  
23 Community Facility (County). The applicant is requesting to annex the property into the  
24 city and to rezone the property from Lake County Residential Professional (County) to City  
25 of Tavares General Commercial (C-1). A future land use map amendment from County  
26 Urban to Commercial will be processed prior to the development of the property.

27  
28 The C-1 District is appropriate for the development of general retail and office uses  
29 located in the relative proximity to major thoroughfares and residential concentrations.  
30 Preliminary conceptual plans for the subject property include office uses and a future  
31 expansion of the existing church use. Both of these uses would be permitted in the C-1  
32 District. Any future development of this property would be in compliance with the city's  
33 land development regulations including the approval of a site plan and compliance with  
34 all concurrency legislation.

35  
36 An environmental study has been completed and no potential constraints have been  
37 identified.

38 A traffic methodology has been submitted and appropriate traffic studies will be  
39 conducted to determine traffic concurrency at the time of development.

40  
41 Considering the surrounding land uses and the growth patterns envisioned for this area,  
42 staff's opinion is that a C-1 zoning on this property would be the most appropriate and  
43 compatible designation.

44  
45 **FISCAL IMPACT:**

46  
47 N/A.

1 **OPTIONS:**  
2

- 3 1. Move to approve Ordinance 2008-21 as presented.  
4 2. Deny the proposed annexation and rezoning.  
5

6 **STAFF RECOMMENDATION:**  
7

8 Staff recommends the Planning & Zoning Board move to recommend to City Council  
9 approval of Ordinance 2008-21 as presented.  
10

11 John Tanner asked what the density is on the existing county residential professional.  
12 Mr. Skutt stated it is 7 units per acre.  
13

14 Mr. Tanner asked if this would be called a Large Scale Amendment if the City Council  
15 did not approve the Amendment. Mr. Skutt responded we are holding back on a Future  
16 Land Use map amendment.  
17

18 Dolores Russ asked if there is an ordinance regarding removing large trees or are they  
19 planning to try and save the trees. Mr. Skutt responded that as part of the site plan  
20 approval process, that a tree inventory will be done of the existing trees and as part of  
21 the site plan process, they must try to save as many trees as possible.  
22

23 Ms. Amber Dickerson, a Planner with Green Consulting Group, offered to answer any  
24 questions. There were none.  
25

26 **MOTION**  
27

28 **John Tanner moved to recommend approval of Ordinance 2008-21, seconded by**  
29 **Norman Hope. The motion carried unanimously 4-0.**  
30  
31

32 **2.) Ordinance 2008-23 – Comprehensive Plan Text Amendment**  
33 **Reduction of Residential Density within Commercial Designation**  
34

35 James Gardner asked Bob Williams if the P&Z Board is sitting as the Local Planning  
36 Agency. Mr. Williams responded that he believed the P&Z Board have been designated  
37 as the Local Planning Agency.  
38

39 Mr. Gardner explained this case was brought before the Board passed on this case last  
40 Spring and submitted to the DCA as a small scale amendment. The DCA claimed it  
41 was not small scale, but large scale in that we had a potential for more than 10 dwelling  
42 units. The case has come back to the P&Z Board.  
43

44 Mr. Skutt stated at the front counter there were Comprehensive Plan Citizen Courtesy  
45 Information forms available to the audience. Anyone in the audience who wished to fill  
46 one out and make any comments was welcome to do so. The forms would be  
47 submitted to the DCA and the audience would be kept informed of the outcome.  
48

1 Mr. Skutt presented the case. Recently, a Future Land Use Map amendment (Gene  
2 Smith property) was rejected by DCA because they viewed the amendment as large  
3 scale. Generally, with a few exceptions, DCA classifies all Land Use amendments, to a  
4 designation that allows a residential density of greater than 10 dwelling units per acre,  
5 as a "large Scale Amendment." Large scale amendments are subject to the twice per  
6 year amendment cycle and may take nearly a year to completely process. These types  
7 of amendments are reviewed by a number of government agencies, may be challenged  
8 by affected parties and DCA may issue objections, recommendations and comments  
9 that could result in a final order that denies the amendment.

10  
11 Small scale amendments are generally defined as those Future Land Use Map changes  
12 that involve 10 acres or less with a residential density of not more than 10 dwelling units  
13 per acre. Also, small scale amendments may be adopted by local governments without  
14 the approval of DCA. Our Commercial Land Use category allows a density of 12  
15 dwelling units per acre. Although the amendment recently rejected was only 1.5 acres  
16 in size and zoned to allow only commercial uses, DCA recognized that a high density  
17 residential use could be approved in the future by the city without the benefit of reviews  
18 from senior governments.

19  
20 The City encourages compatible residential and commercial uses through Mixed Use  
21 Neighborhood (12DU/acre), Mixed Use Commercial (25 DU/acre) and Commercial  
22 Downtown (12-25 DU/acre) designations. The general Commercial designation,  
23 situated mainly along 441 and SR 19, is intended to allow intense commercial  
24 development such as department and grocery stores. It would be a disincentive to  
25 economic development along these corridors if all future land use amendments to a  
26 Commercial designation were required to be processed as large scale.

27  
28 To correct this problem, Staff is recommending that the maximum residential density for  
29 the Commercial land use designation be reduced to 10 dwelling units per acre. Staff is  
30 not aware of any existing or future developments that would be impacted by this  
31 change. This text change itself is considered by DCA to be a large scale amendment to  
32 our plan. If approved, staff will transmit this amendment as part of our 08-02 submittal.  
33 Since this amendment proposes a reduction in potential dwellings and demands on  
34 levels of service, objections from DCA are not anticipated.

35  
36 Mr. Gardner asked if this issue had been going on for years. Mr. Skutt responded that  
37 he has counted 7 instances in the last 2 years that were similar in nature.

38  
39 Mr. Tanner stated they tried to change the designations a few years ago. Mr. Skutt  
40 responded we had proposed a designation that increased it to 12-25. DCA agreed, but  
41 stated we had to bring the height down to limit density.

42  
43 Mr. Tanner stated he did not want high rise condos on Rte. 19 and changing the  
44 designation helped in that regard. Mr. Tanner proposed looking at medium density. Mr.  
45 Skutt stated medium density should be a large scale amendment.

46  
47 Mr. Tanner asked if someone comes in and wants to put a high density in, will they have  
48 to do a PD. Mr. Skutt responded we have other designations, for instance our mixed

1 use residential allow 12 units per acre, our mixed use commercial allow 25 units per  
2 acre, commercial downtown allows 12-25 units per acres.

3  
4 Mr. Skutt stated this amendment should not impact any existing or future development  
5 and since this amendment proposes a reduction in dwelling units and a reduction in the  
6 demands of level for services, he cannot foresee any rejections from the DCA.

7  
8 Dolores Russ asked if when the density is changed are the owners of the property  
9 notified. Mr. Skutt stated this has been advertised in the newspaper. Ms. Russ asked if  
10 the owners live out of town how they would know of the change. Mr. Skutt stated they  
11 would probably not know of the change.

12  
13 Norman Hope asked Jacques Skutt if this is advantageous to what we are trying to  
14 accomplish in Tavares or does it slow down the process we are looking at. Mr. Skutt  
15 responded he did not feel it would affect it one way or the other. There are land use  
16 designations other than this one.

17  
18 Mr. Tanner asked Mr. Skutt about Inn on the Green putting in some apartments and  
19 whether they were done. Mr. Skutt stated he is not aware of it.

20  
21 James Gardner asked Mr. Skutt to explain the difference between small and large scale  
22 amendment. Mr. Skutt stated large scale amendments go through a preliminary  
23 process where the City proposes and amendment and it goes to DCA and a large  
24 number of other state agencies and it is reviewed. A large scale amendment can only  
25 be processed 2 cycles per year – every 6 months. The process normally takes about a  
26 year. Large scale amendments can be challenged by state agencies, interested parties  
27 and the DCA could issue objections and not allow a large scale amendment.  
28 Small scale amendments can be adopted completely by local government without DCA  
29 approval. It is a much quicker process and there are no time limits.

30  
31 Mr. Tanner stated someone currently zoned C1 would not be affected as this is not  
32 affecting the zoning but only the future land use. This will still allow someone to develop  
33 C1 and not slow the process done. Mr. Skutt stated that was correct.

34  
35 **FISCAL IMPACT:**

36  
37 N/A.

38  
39 **OPTIONS:**

- 40  
41 3. Move to recommend approval of Ordinance 2008-23 as presented.  
42 4. Move to recommend denial of the proposed ordinance.

43  
44 **STAFF RECOMMENDATION:**

45  
46 Staff recommends that the Planning & Zoning Board move to recommend to City  
47 Council approval of Ordinance 2008-23 as presented.

1 **MOTION**

2  
3 **Norman Hope moved to recommend approval of Ordinance 2008-23, seconded by**  
4 **Dolores Russ. The motion carried unanimously 4-0.**

5  
6  
7 **3.) Ordinance 2008-20 – Comprehensive Plan Amendment –**  
8 **10 Year Water Supply Plan**

9  
10  
11 Mr. Gardner pointed out a typo on page 1 of the Ordinance, 5<sup>th</sup> paragraph, 1<sup>st</sup> line; the  
12 word public is spelled incorrectly and needs to be changed. Mr. Skutt stated he would  
13 make the correction.

14  
15 Mr. Gardner asked if anyone was present from SMW GeoSciences, Inc. the company  
16 who prepared the report. There was no one present from SMW GeoSciences, Inc. Mr.  
17 Gardner asked Mr. Skutt if he had asked for a representative to be present from the firm  
18 and Mr. Skutt stated he had not but Brad Hayes, Director of Utilities, had worked closely  
19 with the firm in the report preparation and was very familiar with the work plan. Mr.  
20 Skutt stated Mr. Hayes was present to answer any questions with regards to the report.

21  
22 Mr. Gardner stated we pay these firms a substantial fee to prepare the reports and  
23 since it is highly technical, it would help to have someone from the firm available to  
24 answer questions regarding the report.

25  
26 Mr. Skutt stated he would provide the Board members and City Council with a version of  
27 the reports indicating where changes were made in the reports.

28  
29  
30 Mr. Skutt presented the case. Recognizing the importance of adequate water supply,  
31 the Florida Legislature established a process for water supply planning through the  
32 Florida Growth Management Act (F.S. Chapter 163). Under this system, the state's five  
33 water management districts must periodically evaluate whether adequate water supplies  
34 exist to meet the needs of their areas. If a district finds that the water supply will not be  
35 adequate, it must prepare regional water supply plans for those areas, identifying how  
36 water supply needs will be met for the next 20 years. Local governments that fall within  
37 the area of a regional water supply plan are required to ensure that adequate water  
38 supplies will be available to meet future demand, by developing a 10-year water supply  
39 facilities' work plan. These work plans include alternative water supplies, water reuse  
40 and conservation programs and they are incorporated into the local governments'  
41 comprehensive plans. In addition, all local governments must address water supply in  
42 their concurrency managements programs.

43  
44 In an effort to meet this state mandate and to promote the City of Tavares' identified  
45 priority for managing water supply concurrency, the Public Works Department and its  
46 consultant have prepared the amendments updating the Comprehensive Plan's Public  
47 Facilities Element, Capital Improvement Element, Conservation Element and the  
48 Intergovernmental Coordination Element including adopting the 10-year water supply  
49 plan by reference. Ordinance 2008-20 adopts these amendments.

1  
2 **FISCAL IMPACT:**

3  
4 N/A.

5  
6 **OPTIONS:**

- 7  
8 1. Move to approve Ordinance 2008-20 as presented.  
9 2. Deny the proposed Ordinance.

10  
11 **STAFF RECOMMENDATION:**

12  
13 Staff recommends that the Planning & Zoning Board move to recommend to City  
14 Council approval of Ordinance 2008-20 as presented.

15  
16 Dolores Russ asked for clarification on the table located in the Public Facilities Element,  
17 Page 4-2 in that did it mean we cannot have any new development if it creates  
18 deficiency. Mr. Skutt responded that was correct. There can be no new development if  
19 it creates a water deficiency. Mr. Skutt stated we cannot issue a final development  
20 order, site plan, approval or anything unless it's been determined there is capacity in our  
21 CUP for allowing the development.

22  
23 Ms. Russ asked if this has already been done for the Tummala Office Park. Mr. Skutt  
24 responded this has not been done for Tummala Office Park. We have not done a  
25 comprehensive plan amendment yet. Mr. Skutt stated the years quoted in the table are  
26 historical and projected data.

27  
28 Mr. Williams stated the table is an old table, part of the old plan and it doesn't look right,  
29 but this is an amendment to the existing document. Mr. Williams explained the approval  
30 of an annexation or rezoning is not a final development order that vests that  
31 development for purpose of concurrency to reserve water, wastewater, traffic or any of  
32 the other concurrent infrastructure which the City requires. The P&Z Board is looking at  
33 the desirability of annexing the property, if it is the correct land use for the property, if  
34 the development should be allowed, but not reserving water or wastewater capacity for  
35 the development. When the developer wants to develop the property, they need to  
36 acquire a permit and they must buy capacity via impact fees. The determination is  
37 made when they pay the impact fees and the water is then reserved for the developer.  
38 If we determine the water is not available, a building permit is not allowed. The State  
39 ensures capacity by requiring Comprehensive Plans.

40  
41 Mr. Tanner asked Mr. Skutt about the CUP allocation study and if it is complete. Mr.  
42 Williams responded we are in process of working with consultants to apply for the new  
43 one and that is the information SJWMD will want to see.

44  
45 Mr. Tanner asked if we have 3M gallons a day we are authorized to pull. Brad Hayes  
46 responded we are currently authorized to pull 3.52M gallons a day.

47  
48 Mr. Williams stated that it takes money to reserve water capacity and it is currently  
49 being done if a developer is assured the water will be available when they develop the

1 property. Mr. Williams stated the City Council wants to ensure that water is available  
2 and would like to explore alternative water resources and make sure there is no  
3 interruption in the ability of people developing their property. Alternative water sources  
4 will make water costly.

5  
6 Mr. Tanner stated Staff did a very good job of re-writing the Ordinance.

7

8 **MOTION**

9

10 **John Tanner moved to recommend approval of Ordinance 2008-20, seconded by**  
11 **Dolores Russ. The motion carried unanimously 4-0.**

12

13 **OTHER BUSINESS**

14

15 There was none.

16

17 **ADJOURNMENT**

18

19 **Norman Hope moved to adjourn the meeting, James Gardner**  
20 **seconded the motion. The motion carried unanimously 4-0. The meeting**  
21 **adjourned at 3:48 p.m.**

22

23

24 Respectfully submitted,

25

26

27

28

\_\_\_\_\_  
Pamela Huckins  
Administrative Assistant

29