



**CITY COUNCIL MEETING  
MASCOTTE, FLORIDA**

**MONDAY, JUNE 19, 2017  
6:00 P.M.**

**COUNCIL CHAMBERS** **121 N. SUNSET AVE**  
**TEDDER-THOMAS MEMORIAL CIVIC CENTER** **MASCOTTE, FLORIDA**

**MINUTES**

**CALL TO ORDER:** Mayor Krull called the June 19, 2017, Regular Council Meeting to order at 6:02 p.m.

**INVOCATION/MOMENT OF SILENCE & PLEDGE OF ALLEGIENCE:** Mayor Krull gave the invocation followed by Mayor Krull leading the Pledge of Allegiance.

**ROLL CALL:**

**Present:** Council Member Louise Thompson  
Mayor Barbara Krull  
Council Member Sally Rayman  
Council Member Steven Sheffield- Arrived at 6:25PM

**Absent:** Mayor Pro Tem Brenda Brasher

**Also Present:** Jim Gleason, City Manager  
Dolly Miller, Deputy City Manager/Finance Director  
Randy Brasher, Fire Chief  
Larry Walker, Public Services Director  
Eric Pedersen, Police Chief  
Maxwell Spann, City Planner  
Stephanie Abrams, Assistant City Clerk  
Michelle Hawkins, City Clerk  
Andrew Hand, City Attorney

47 Mayor Krull closed the regular council meeting at 6.08PM, and began the Local Planning  
48 Agency Meeting.

49

50 **1. A. Local Planning Agency: Comprehensive Plan Consistency of Ordinance 2017-06-569**  
51 **(Comprehensive Plan Map Amendment, Changing Future Land Use Designation for 18601**  
52 **Tuscanooga Road).**

53

54 City Planner Spann approached the podium to discuss this item. City Planner Spann stated the  
55 following:

56

57 **Request:** Annexation (voluntary) into the City of Mascotte; Large Scale Comprehensive Plan Map  
58 Amendment, Changing Future Land Use Designation to "Agriculture".

59

60 **Applic./Agent:** Jason Baker                      **Owner(s):** Eagles Den, LLC  
61 (863) 670-3747    304 Maplewood Avenue  
62    Portsmouth, NH 03801

63 **Site Location:** 18601 Tuscanooga Road

64 **Acreage:** +/- 43 acres (39.7ac upland / 3.3ac wetland)

65 **PID & Legal:** 31-21-24-000300001600  
66 The East 3/4 OF Southeast 1/4 OF Southwest 1/4, Westerly 1/4 OF South 3/4 OF West  
67 1/2 OF Southeast 1/4 pursuant to that certain Final Summary Judgment recorded in OR  
68 book 4505, page 2073, Public Records of Lake County, Florida

69

70 **Exist'g/Prop'd Use:** Private Motocross Facility

71 **Exist'g FLU/Zoning:** LAKE COUNTY RURAL / AGRICULTURAL

72 **Prop'd FLU/Zoning:** AGRICULTURE / TBD

73

74 **Surrounding Land Uses**

	Existing FLU	Existing Zoning	Existing Land Use
<b>North</b>	(Lk Co.) RURAL	AGRICULTURAL	Single Family Residence & Ag.
<b>East</b>	(Lk Co.) RURAL	AGRICULTURAL	Vacant Agricultural
<b>South</b>	(Lk Co.) RURAL	AGRICULTURAL	Vacant Agricultural
<b>West</b>	(Lk Co.) RURAL	AGRICULTURAL	Vacant Agricultural

75

76 **II. Background**

77 The applicant is proposing to annex the above noted properties into the City Limits. The aggregated size of  
78 the parcel is +/- 43 acres in size and based on the Applicant(s) request, requires a future land use  
79 designation within the City. The procedure is deemed a large-scale comprehensive plan amendment  
80 pursuant to 163.3187 F.S. The parcel(s) has one existing structure, a garage, of 5,000sf. The property is  
81 not adjacent, but one parcel north of the existing Mascotte city limit. The Applicant plans to formalize the  
82 existing private motocross facility on the property and pursuant to lake County requests is taking this initial

83 step toward that intended process. There have been no previous applications to the City regarding this  
84 property.

85 The annexation (ANX) and future land use (FLU) reviews are completed to ascertain if the proposed  
86 designations are suitable for this location regardless of any proposed or assumed future plans. FLU  
87 designations give the property owner the right to develop at the highest intensity allowed by those  
88 designations as the environmental conditions can handle. Decisions made regarding property change  
89 requests must be made based upon the allowable uses and densities allowed by those designations, and  
90 the ability of the City to serve those properties with services and utilities.

91 **Consistent with the Comprehensive Policy Plan and Land Development Code:**

92 **FLU Policy A1-3.1** states that the Agricultural FLU designation is intended “to provide opportunities for  
93 agricultural activities and rural residential development to be located on the fringes of the urban areas.”

94  
95 General uses include a mixture of vegetable farms, livestock ranches, fruit groves, plant nurseries and  
96 silvicultural activities, as well as kennels, farm equipment storage and sales, and other more intensive uses  
97 based upon location criteria.

98 Based on this property being proposed as a motocross facility, the property is consistent with the general  
99 uses per the comprehensive plan. The application of the Agricultural FLU designation to this property will  
100 allow the property to maintain its uses and low density development for compatibility as well as allow the  
101 City to control any buffering due to expansion of use and meet the Policies of Objective A1-3.

- 102 • **The application is found to be consistent with the Comprehensive Plan**

103  
104 LPA Member Krull opened the floor for public comments:  
105 There were none.

106  
107 *LPA Member Rayman motioned that Ordinance 2017-06-569 (Comprehensive Plan Map*  
108 *Amendment, Changing Future Land Use Designation for 18601 Tucanooga Road) is*  
109 *consistent with the City’s Comprehensive Plan. LPA Member Thompson seconded the*  
110 *motion.*

111  
112 *Motion Passed 3 to 0*

113  
114 *LPA Member Thompson “Aye”*  
115 *LPA Member Rayman “Aye”*  
116 *LPA Member Krull “Aye”*

117  
118 **1. B. Local Planning Agency: Comprehensive Plan Consistency of Ordinance 2017-07-570**  
119 **(Affordable Housing).**

120  
121 City Manager Gleason gave a quick overview of this item.

122  
123 City Planner Max Spann stated that this item will not be going forward as it’s not actually  
124 completed and this item will need to be brought back.

125 City Attorney Hand stated that the LPA has to give a motion, since it has been advertised  
126 to pull and table this item.

127

128 City Attorney stated and advise the LPA that any items that are under the LPA and it  
129 indicates that it is consistent the LPA motion should state that.

130

131 LPA Member Krull opened the floor for public comments:

132 There was none.

133

134 *LPA Member Thompson motion to table this item the Comprehensive Plan Consistency*  
135 *of Ordinance 2017-07-570 (Affordable Housing) to a later date. LPA Member Krull*  
136 *seconded the motion.*

137

138 *Motion Passed 3 to 0*

139

140 *LPA Member Thompson "Aye"*

141 *LPA Member Rayman "Aye"*

142 *LPA Member Krull "Aye"*

143

144 **1. C. Local Planning Agency: Comprehensive Plan Consistency of Ordinance 2017-07-571**  
145 **(Amending the City's Land Development Code Table 3-1 regarding set-backs).**

146

147 City Manager Gleason gave a brief overview regarding this item, and how this was  
148 brought about with the builders who bought the remaining lots at Shearwater.

149

150 City Planner Spann stated the following:

151

152 Narrative:

153 As housing construction has restarted in the City of Mascotte, a few developers have suggested  
154 to the Staff that various residential zoning criteria, such as minimum building setback lines,  
155 minimum living space, and descriptions of accessory structures are either inconsistent or too  
156 restrictive with the Land Development Code. The Staff completed a full and detailed review of  
157 these residential zoning criteria, most of which are part of Table 3-1 in Article III of the Land  
158 Development Code. This Ordinance is intended to amend these various zoning criteria in order  
159 to provide more flexibility to developers and allow for a wider range of housing options.

160

161 Consistency with Comprehensive Plan:

162 The Ordinance being presented is consistent with the Comprehensive Plan based on the  
163 following:

164

165 Policy B1-11.3 specifically states, "The City shall regularly review ordinances, codes,  
166 regulations, and the permitting process to eliminate excessive requirements and to encourage  
167 private sector participation in meeting housing needs, including affordable housing needs.

168 Various Policies with the Comprehensive Plan, such as Policy A1-5.4 and Policy A1-6.4, suggest  
169 that the City should enact various zoning criteria within residential development areas.

170 LPA Member Krull opened the floor for public comments:  
171  
172 Anthony Watson Myers approached the podium and he stated that his grandparents  
173 homesteaded all this property, he understood that they are building low income houses.  
174 City Manager Gleason stated; that is not correct.  
175  
176 Anthony Watson Myers questioned if there was a way to stop this from being built. LPA  
177 Member Krull stated no, unless you want to purchase the property.  
178  
179 Anthony Watson Myers questioned if this was originally for a motor cross race track,  
180 City Manager stated no this is for residential housing.  
181  
182 Anthony Watson Myers stated he was done.

183  
184 ***LPA Member Thompson motioned that Ordinance 2017-07-571 (Amending City's***  
185 ***Land Development Code Table 3-1 regarding set-backs) is consistent with the city's***  
186 ***comprehensive plan. LPA Member Rayman seconded the motion.***

187  
188 ***Motion Passed 3 to 0***

189  
190 ***LPA Member Thompson "Aye"***

191 ***LPA Member Rayman "Aye"***

192 ***LPA Member Krull "Aye"***

193

194 **1. D. Local Planning Agency: Comprehensive Plan Consistency of Ordinance 2017-07-572**  
195 **(Off Street Parking):**

196

197 City Manager Gleason stated that he doesn't really need to update the LPA as this has  
198 gone through a process back in December. Council didn't take action regarding this item,  
199 so it is being brought back through the process once again since no action was taken on  
200 the first go around.

201

202 Mayor Krull opened the floor for public comments:

203

204 Chris Roper approached the podium to address the LPA, he stated his name and that he is  
205 an attorney from Ackerman Law firm out of Orlando address is 420 S. Orange Avenue,  
206 Orlando, Florida.

207 Mr. Roper stated that he sees the Ordinance is on the agenda twice and he is not sure if he  
208 should speak now. LPA Member Krull stated that this is the Local Planning Agency and  
209 we are voting if the ordinance is consistent and then it is moved forward to council.

210 Mr. Roper stated that he represents the Geraci who owns a business on state road 50, and  
211 they were only notified of this ordinance by constant monitoring of the city's website.

212 They never received courtesy mail notices regarding this item.

213

214 Mr. Roper is asking the LPA not to approve this item, he stated that the ordinance is  
215 overly broad, it's the wrong ordinance for the problem, and he feels a landscaping  
216 ordinance would do a better job to address the issues.

217  
218 Mr. Roper stated that he feels the ordinance doesn't recognize vested rights especially for  
219 people who have been having the business since the 1960's.

220  
221 Mr. Roper went through his reasons why he felt the way he did, it's a broad ban. It  
222 would prohibit overnight parking.

223  
224 Mr. Roper continued to go through various parts of the ordinance expressing his thoughts  
225 and findings.

226  
227 Mr. Roper discussed the Community Redevelopment Area (CRA), which is expressed in  
228 the ordinance. This ordinance is for all zoning districts.

229  
230 Mr. Roper discussed how this ordinance doesn't address aesthetics.

231  
232 There was continued discussion from Mr. Roper regarding this ordinance.

233  
234 ***LPA Member Sheffield motioned that Ordinance 2017-07-572 (Off Street Parking) is***  
235 ***consistent with the city's comprehensive plan. LPA Member Krull seconded the***  
236 ***motion.***

237  
238 ***Motion Passed 4 to 1***

239  
240 ***LPA Member Thompson "Nay"***  
241 ***LPA Member Sheffield "Aye"***  
242 ***LPA Member Rayman "Aye"***  
243 ***LPA Member Krull "Aye"***

244  
245 6:35PM Mayor Krull closed the LPA Meeting and resumed the regular Council Meeting.

246  
247 **2. A. Public Hearing: Final Reading and Adoption of Ordinance 2016-12-554**  
248 **(Comprehensive Plan Amendment for Project #2016-09-120 Indigo Lakes applicant RFK**  
249 **Residential Development Properties):**

250  
251 City Attorney Hand read by title only Ordinance 2016-12-554:

252 **ORDINANCE 2016-12-554**

253  
254 **AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF THE**  
255 **CITY OF MASCOTTE, LAKE COUNTY, FLORIDA, CHANGING THE**  
256 **FUTURE LAND USE DESIGNATION FOR A PARCEL**  
257 **APPROXIMATELY 14.45 +/- ACRES IN SIZE, LOCATED NEAR THE**

258 INTERSECTION OF COUNTY ROAD 33 AND BAPTIST ISLAND ROAD  
259 LYING EAST OF COUNTY ROAD 33, FROM A DESIGNATION OF  
260 LAKE COUNTY "AGRICULTURE" TO A DESIGNATION OF "RURAL  
261 COMMUNITY MIXED-USE"; PROVIDING FOR REPEAL OF ALL  
262 CONFLICTING ORDINANCES; PROVIDING FOR THE FORWARDING  
263 OF THIS ORDINANCE TO THE STATE OF FLORIDA DEPARTMENT  
264 OF ECONOMIC OPPORTUNITY; PROVIDING FOR SEVERABILITY  
265 AND PROVIDING FOR AN EFFECTIVE DATE.

266  
267 City Planner Spann approached the podium to address council.

268  
269 City Planner Spann stated that the Local Planning agency found this to be consistent at  
270 the November 21, 2016 meeting, and that at the January 27, 2017 council meeting  
271 council approved the first reading and transmittal to the Department of Economic  
272 Opportunity (DEO).

273  
274 City Planner Spann stated that after the final review from DEO we are now able to  
275 proceed with the final reading and adoption of this ordinance.

276  
277 Mayor Krull opened the floor for public comments:  
278 There were none.

279  
280 *Council Member Thompson moved to approve the final reading and adoption of*  
281 *Ordinance 2016-12-554 (Comprehensive Plan Amendment for Project #2016-09-120*  
282 *Indigo Lakes applicant RFK). Council Member Rayman seconded the motion.*

283  
284 *Motion Passed 4 to 0*

285  
286 *Council Member Thompson "Aye"*  
287 *Council Member Sheffield "Aye"*  
288 *Council Member Rayman "Aye"*  
289 *Mayor Krull "Aye"*

290 **2. B. Public Hearing: First Reading of Ordinance 2017-06-569 (Comprehensive Plan Map**  
291 **Amendment, Changing Future Land Use Designation for 18601 Tuscanooga Road):**

292  
293 City Attorney Hand read by title only Ordinance 2017-06-569:

294 **ORDINANCE 2017-06-569**

295  
296  
297 **AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF THE**  
298 **CITY OF MASCOTTE, LAKE COUNTY, FLORIDA, CHANGING THE**  
299 **FUTURE LAND USE DESIGNATION FOR A PARCEL**  
300 **APPROXIMATELY 43 +/- ACRES IN SIZE, GENERALLY LOCATED**

301 NEAR THE INTERSECTION OF TUSCANOOGA ROAD AND PAINTED  
302 HORSE LANE, LYING SOUTH OF TUSCANOOGA ROAD, FROM A  
303 DESIGNATION OF LAKE COUNTY "RURAL" TO A DESIGNATION OF  
304 "AGRICULTURE"; PROVIDING FOR REPEAL OF ALL CONFLICTING  
305 ORDINANCES; PROVIDING FOR THE FORWARDING OF THIS  
306 ORDINANCE TO THE STATE OF FLORIDA DEPARTMENT OF  
307 ECONOMIC OPPORTUNITY; PROVIDING FOR SEVERABILITY AND  
308 PROVIDING FOR AN EFFECTIVE DATE.

309  
310 City Planner Spann approached the podium to address council:

311  
312 City Planner Spann stated that this item was just passed by the Local Planning Agency  
313 and the information that was discussed during that portion of the meeting applies to this  
314 item.

315  
316 City Planner Spann stated that he would like to add that council's motion should state the  
317 first reading and transmittal of this ordinance as this will have to be transmitted to the  
318 Department of Economic Opportunity (DEO).

319  
320 Mayor Krull opened the floor for public comments:

321  
322 City Clerk Hawkins stated that she listed this ordinance as 2017-12-554 on the agenda  
323 and it is actually 2016-12-554.

324  
325 *Council Member Sheffield moved to approve the first reading and transmittal of*  
326 *Ordinance 2016-06-569 (Comprehensive Plan Map Amendment, Changing Future*  
327 *Land Use Designation for 18601 Tuscanooga Road). Council Member Thompson*  
328 *seconded the motion.*

329  
330 *Motion Passed 4 to 0*

331  
332 *Council Member Sheffield "Aye"*

333 *Council Member Thompson "Aye"*

334 *Council Member Rayman "Aye"*

335 *Mayor Krull "Aye"*

336 **2. C. Public Hearing: First Reading of Ordinance 2017-07-570 (affordable Housing).**  
337

338  
339 Mayor Krull stated that this ordinance was tabled under the LPA portion of the meeting  
340 and therefore is tabled in this portion of the meeting.

341  
342 **2. D. Public Hearing: First Reading of Ordinance 2017-07-571 (Amending City's LDC**  
343 **Table 3-1 regarding set-backs):**  
344

345 City Attorney Hand ready by title only Ordinance 2017-07-571:

346

347

**ORDINANCE 2017-07-571**

348

349

**AN ORDINANCE OF THE CITY OF MASCOTTE, FLORIDA;  
PROVIDING FOR AMENDMENTS TO LOT SIZE, SETBACKS, AND  
OTHER ZONING CRITERIA IN TABLE 3-1 WITHIN ARTICLE III OF  
THE LAND DEVELOPMENT CODE; PROVIDING FOR AMENDMENTS  
TO THE REGULATION OF ACCESSORY STRUCTURES IN SECTION  
3.13 WITHIN ARTICLE III OF THE LAND DEVELOPMENT CODE;  
PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION;  
AND PROVIDING AN EFFECTIVE DATE.**

350

351

352

353

354

355

356

357

358 City Manager Gleason stated that this was in the LPA meeting this is just the first  
359 reading.

360

361 Mayor Krull opened the floor for public comments:

362 There were none.

363

364 *Council Member Thompson moved to approve the first reading of Ordinance 2017-07-  
365 571 (Amending City's LDC Table 3-1 regarding set-backs). Council Member Rayman  
366 seconded the motion.*

367

368 *Motion Passed 4 to 0*

369

370 *Council Member Sheffield "Aye"*

371 *Council Member Thompson "Aye"*

372 *Council Member Rayman "Aye"*

373 *Mayor Krull "Aye"*

374 **2. E. Public Hearing: First Reading of Ordinance 2017-07-572 (Off Street Parking):**

375

376

377 City Attorney Hand read by title only Ordinance 2017-07-572:

378

379

**ORDINANCE 2017-07-572**

380

381

**AN ORDINANCE OF THE CITY OF MASCOTTE, FLORIDA,  
AMENDING CHAPTER 22, "OFF-STREET PARKING  
REQUIREMENTS" AND CREATING OFF-STREET PARKING  
REGULATIONS IN NON-RESIDENTIAL DISTRICTS; AMENDING  
SECTION 2.1 OF THE LAND DEVELOPMENT CODE REGARDING  
DEFINITIONS OF PRINCIPAL AND ACCESSORY USES AND  
STRUCTURES, PARKING AREAS, AND COMMERCIAL MOTOR  
VEHICLES; AMENDING SECTION 3.11 OF THE LAND**

382

383

384

385

386

387

388

389           **DEVELOPMENT CODE CLARIFYING THAT PARKING OF**  
390           **COMMERCIAL VEHICLES AS A PRINCIPAL USE AND**  
391           **COMMERCIAL ENTERPRISE IS PROHIBITED; PROVIDING**  
392           **LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY,**  
393           **CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.**  
394

395 Mayor Krull opened the floor for public comments:  
396

397 Chris Roper attorney with Ackerman out of Orlando, Florida approached the podium to  
398 address council.  
399

400 Mr. Roper stated that he is here on behalf of Mr. & Mrs. Geraci who own property on  
401 highway 50, which has a restaurant, retail space, and overnight parking. He will not  
402 rehash what was stated earlier, but he will highlight a few items since Council Member  
403 Sheffield arrived late and didn't hear what he stated earlier.  
404

405 Mr. Roper stated that the ordinance is too broad and it is inconsistent with the  
406 Community Redevelopment Area (CRA) plan. He stated that the ordinance doesn't have  
407 exceptions for police vehicle parking at police department, what about parking at a hotel  
408 or a hospital for more than a day.  
409

410 Mr. Roper continued to go through his findings with the ordinance and what is in the  
411 current city code.  
412

413 Mr. Roper stated that if the issue has to do with aesthetics then a simple landscape  
414 ordinance can alleviate those issues. He stated that the Geraci's have a vested right since  
415 they have had overnight truck parking since the 1960's. This would be a taking of  
416 private property without vesting rights compensation.  
417

418 Mr. Roper stated based on what he has stated this evening his is asking council not to  
419 approve the first reading of this ordinance. He thanked council for their time.  
420

421 Council Member Rayman stated that she feels like it would be difficult to landscape that  
422 property.  
423

424 Council Member Sheffield questioned if our city attorney can address some of the items  
425 that was brought up by Mr. Roper. City Attorney Hand stated that he could not address  
426 those comments since he wasn't part of the creation of this ordinance and he would need  
427 some time to review those items that were brought up this evening.

428 Council Member Sheffield questioned what the city attorney recommends for us to do,  
429 should we table this item. City Attorney Hand stated that this is up to council it's a  
430 legislative decision.  
431

432 Mayor Krull questioned if council can have the owner come back with a plan for council  
433 to review. Council Member Sheffield stated that he doesn't like that idea, he is more

434 concern to making sure that the city is doing the right thing as he is still for this  
435 ordinance.

436  
437 Jane Geraci from the audience approached the podium to address council. She stated her  
438 name and address for the record.

439  
440 Jane Geraci stated that she is puzzled just as much as council. She doesn't understand  
441 why the City of Mascotte is trying to get rid of business. She stated she had no idea this  
442 was coming back up, she is willing to work with the city.

443  
444 Jane Geraci stated that truck parking has been on this property since the late 1940's when  
445 the packing house was opened, trucks parked there all the time. She thanked council for  
446 their time.

447  
448 ***Council Member Sheffield moved to approve the first reading of Ordinance 2017-07-***  
449 ***572 (Off Street Parking). Council Member Rayman seconded the motion.***

450  
451 ***Motion Passed 4 to 1***

452  
453 ***Council Member Thompson "Nay"***  
454 ***Council Member Sheffield "Aye"***  
455 ***Council Member Rayman "Aye"***  
456 ***Mayor Krull "Aye"***

457  
458 **3. A. Resolution: Adoption of Resolution 2017-06-604 (Street Lighting Services and**  
459 **Facilities Assessment Fee Preliminary Rate):**

460  
461 City Attorney Hand read by title only Resolution 2017-06-604:

462

463 **RESOLUTION NO. 2017-06-604**

464

465 **Preliminary Rate Resolution for Street Lighting Services and Facilities**

466

467 **A RESOLUTION OF THE CITY OF MASCOTTE, FLORIDA, RELATING**  
468 **TO THE FUNDING OF STREET LIGHTING SERVICES AND**  
469 **FACILITIES IN THE CITY OF MASCOTTE, FLORIDA; DESCRIBING**  
470 **THE METHOD OF ASSESSING STREET LIGHTING SERVICES AND**  
471 **FACILITIES THROUGHOUT THE CITY; DIRECTING THE**  
472 **PREPARATION OF AN UPDATED ASSESSMENT ROLL;**  
473 **AUTHORIZING A PUBLIC HEARING AND DIRECTING THE**  
474 **PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICTS,**  
475 **SEVERABILITY, AND AN EFFECTIVE DATE.**

476

477 City Manager Gleason explained this item. He explains how every year the assessments  
478 have to be re-confirmed with the rate.

479  
480 Mayor Krull opened the floor for public comments:  
481 There were none.

482  
483 ***Council Member Rayman moved to adopt Resolution 2017-06-604 (Street Lighting***  
484 ***Services and Facilities Assessment Fee Preliminary Rate). Council Member***  
485 ***Thompson seconded the motion.***

486  
487 ***Motion Passed 4 to 0***

488  
489 ***Council Member Sheffield "Aye"***  
490 ***Council Member Thompson "Aye"***  
491 ***Council Member Rayman "Aye"***  
492 ***Mayor Krull "Aye"***

493 **3. B. Resolution: Adoption of Resolution 2017-06-605 (Fire Assessment Fee Preliminary**  
494 **Rate):**

495  
496 City Attorney Hand read by title only Resolution 2017-06-605:

497  
498 **RESOLUTION NO. 2017-06-605**  
499  
500 **Preliminary Rate Resolution for Fire Assessment Fees**

501  
502 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY**  
503 **OF MASCOTTE, FLORIDA, RELATING TO THE**  
504 **PROVISION OF FIRE PROTECTION SERVICES,**  
505 **FACILITIES, AND PROGRAMS IN THE CITY OF**  
506 **MASCOTTE; DESCRIBING THE METHOD OF**  
507 **ASSESSING FIRE PROTECTION ASSESSED COSTS**  
508 **AGAINST ASSESSED PROPERTY LOCATED WITHIN**  
509 **THE CITY OF MASCOTTE; DIRECTING THE**  
510 **PREPARATION OF AN UPDATED ANNUAL**  
511 **ASSESSMENT ROLL; AUTHORIZING A PUBLIC**  
512 **HEARING AND DIRECTING THE PROVISION OF**  
513 **NOTICE THEREOF; PROVIDING FOR CONFLICTS,**  
514 **SEVERABILITY, AND PROVIDING AN EFFECTIVE**  
515 **DATE.**

516  
517 City Manager explained this item.

518  
519 Mayor Krull opened the floor for public comments:  
520 There were none.

521 *Council Member Thompson moved to approve and Adopt Resolution 2017-06-605*  
522 *(Fire Assessment Fee Preliminary Rate). Council Member Rayman seconded the*  
523 *motion.*

524  
525 *Motion Passed 4 to 0*

526  
527 *Council Member Thompson "Aye"*  
528 *Council Member Sheffield "Aye"*  
529 *Council Member Rayman "Aye"*  
530 *Mayor Krull "Aye"*

531 **3. C. Resolution: Adoption of Resolution 2017-06-606 (Solid Waste Assessment Fee**  
532 **Preliminary Rate):**

533  
534 City Attorney Hand read by title only Resolution 2017-06-606:

535  
536 **RESOLUTION NO. 2017-06-606**

537  
538 **Preliminary Rate Resolution for Solid Waste**

539  
540 **A RESOLUTION OF THE CITY OF MASCOTTE, FLORIDA, RELATING**  
541 **TO THE COLLECTION AND DISPOSAL OF SOLID WASTE AND**  
542 **RECYCLABLE MATERIALS IN THE CITY OF MASCOTTE, FLORIDA;**  
543 **ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR SOLID**  
544 **WASTE SERVICE ASSESSMENTS AGAINST RESIDENTIAL**  
545 **PROPERTY LOCATED WITHIN THE CITY OF MASCOTE, FLORIDA,**  
546 **FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017; DIRECTING**  
547 **THE PREPARATION OF AN UPDATED ASSESSMENT ROLL;**  
548 **AUTHORIZING A PUBLIC HEARING AND DIRECTING THE**  
549 **PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICTS,**  
550 **SEVERABILITY, AND AN EFFECTIVE DATE.**

551  
552 City Manager Gleason explained this item.

553  
554 Council brought up some service issues, City Manager Gleason explained that there were  
555 issues, but he and Public Services Director Walker spoke with the area manager  
556 discussing the issues that residents were having.

557  
558 Mayor Krull opened the floor for public comments:  
559 There were none.

560  
561 *Council Member Thompson moved to approve and Adopt Resolution 2017-06-606*  
562 *(Solid Waste Assessment Fee Preliminary Rate). Council Member Rayman seconded*  
563 *the motion.*

564

565 *Motion Passed 4 to 0*  
566  
567 *Council Member Thompson “Aye”*  
568 *Council Member Sheffield “Aye”*  
569 *Council Member Rayman “Aye”*  
570 *Mayor Krull “Aye”*

571 **3. D. Resolution: Adoption of Resolution 2017-06-607 (Updating the City’s Fee Schedule):**  
572

573 City Attorney Hand ready by title only Resolution 2017-06-607:

574 **RESOLUTION 2017-06-607**

575 **A RESOLUTION OF THE CITY OF MASCOTTE, LAKE COUNTY,**  
576 **FLORIDA, AMENDING THE CITY OF MASCOTTE “FEE SCHEDULE”**  
577 **REGARDING MISCELLANEOUS FEES TO BE CONSISTENT WITH**  
578 **CURRENT COSTS OF THE CITY AND ORDINANCES PASSED BY**  
579 **THE CITY COUNCIL OF MASCOTTE; PROVIDING FOR CONFLICTS**  
580 **AND SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE.**

581  
582 City Manager Gleason stated that the main changes are on page five which has to do with  
583 water utility, it has to do with new meters rates. Page 15 there was a wording change that  
584 has to do with the impact fees for the connection of the Groveland sewer. There was also  
585 a change on page 17 that has to do with gas permit.

586  
587 Mayor Krull stated she doesn’t see the streetlight assessment fee on the fee schedule.  
588 City Clerk Hawkins stated that she didn’t add the assessments, and that the reason that  
589 the sanitation fee was on the fee schedule was at one time it was on the utility bill and so  
590 I just put under that item that it is billed on the property tax bill.

591  
592 Council Member Sheffield stated that we should just do away with page seven not listing  
593 any of the assessment fees.

594  
595 Council Member Sheffield questioned if the civic center rental fees will be added to the  
596 fee schedule. City Manager Gleason stated that he plans on bringing those fees back to  
597 council before updating the fee schedule.

598  
599 *Council Member Sheffield moved to approve and adopt Resolution 2017-06-607*  
600 *(Updating the City’s Fee Schedule), with the removal of page seven. Council Member*  
601 *Thompson seconded the motion.*

602  
603 *Motion Passed 4 to 0*

604  
605 *Council Member Sheffield “Aye”*  
606 *Council Member Thompson “Aye”*  
607 *Council Member Rayman “Aye”*

609

610 **4. A. Planning: Minor Site Plan Modification Code Compliance- (A Complete Assembly**  
611 **located at 140 W. Myers Blvd.):**

612

613 City Planner Spann approached the podium to address council; he stated the following  
614 the owner is present along with the agent Guy Sanders.

615

616 **Project #2017-04-125**

617

618 140 W. Myers Blvd. Proposed Expansion - A Complete Assembly (AltKey 1358167)

619

620 **I. General Information**

621

622 Request: Minor Site Plan Modification / Code Compliance Review to add storage/office space and  
623 approve an overall site plan for a site that has been in continual use for a similar  
624 use.

625

626 **Applic./Agent:** Guy Sanders **Owner(s):** Stephen & Sherry Daugherty  
627 (407) 721-0828 P.O.Box 40 (5600 Maryo Villa Rd., Groveland)  
628 gsanders@getreallife.com Mascotte, FL 34753

629

630 **Site Location:** 140 W. Myers Blvd.

631 **Acreage:** +/- 2.99 acres (130,244.4sf)

632 **Exist'g/Prop'd Use:** Commercial Manufacturing (no outside sales)

633 **Exist'g FLU/Zoning:** DOWNTOWN MIXED USE / PUD-DM (Within the City's CRA)

634

**Surrounding Land Uses**

	Existing FLU	Existing Zoning	Existing Land Use
<b>North</b>	DOWNTOWN MIXED USE	PUD-DM	Open Water
<b>East</b>	DOWNTOWN MIXED USE	PUD-DM	Vacant Undeveloped
<b>South</b>	DOWNTOWN MIXED USE	PUD-DM	Shopping Center
<b>West</b>	DOWNTOWN MIXED USE	PUD-DM	Vacant Undeveloped

635

636

637 **II. Background**

638 The applicant is proposing to add storage and/or office space utilizing shipping containers with  
639 existing approximately 7,140sf multi-use building on the property. The site is currently almost  
640 completely unpaved with gravel parking areas on the south side of the property near W. Myers  
641 Blvd. The site has a chain-link fence along W. Myers Blvd. for security and property definition  
642 purposes. The fence was previously installed and at the time was in compliance with the City's  
643 fence code. The building on the site meets the minimum commercial setback standards for the  
644 City and no work is planned to be completed on the building as a portion of this application. The

645 site has been in use as a manufacturing and general offices property prior to this application. It is  
646 unknown whether a previous, formal approval process for the Site Plan took place.

647 Specific issues regarding this applications current and historical issue shall be reviewed pursuant  
648 to the City's current codes and the following issues:

- 649 1. Is the use allowed in the PUD-DM FLU and Zoning designation with this size of a  
650 change?
- 651 2. What site modifications are required for this request to be approved for permit?
- 652 3. Are there any current violations of the City's code on-site?
- 653 4. Are shipping containers allowed by the City's code or Florida Building Code.

654  
655 **III. Analysis**<sup>11</sup>

- 656  
657 1. The current commercial use is allowed in Light Industrial and Heavy Industrial zoning  
658 designations pursuant to Table 3-2A. Due to the Applicant having a Business Tax  
659 License prior to the development of the use table and continuing the use with no  
660 interruption the Code directs us to Section 3.20 NonConformance.

661  
662 *Section 3.20(H) Changes in Use:*

- 663 1) The volume, intensity, or frequency of use of property where a nonconforming  
664 situation exists may be increased and the equipment or processes used at a  
665 location where a nonconforming situation exists may be changed if these or  
666 similar changes amount only to changes in the degree of activity rather than  
667 changes in kind and no violations of other subsections of this section occur.

668 **The changes proposed at the site regarding expansion of the equipment and processes relate to a change in  
669 the degree of activity only. A Complete Assembly is expanding in response to the economy.**

- 670  
671 2. Based on reviewable records, the site was originally improved 1986. The following is an  
672 excerpt from the City's Code Table 3-1 regarding the PUD-DM district standards:

673  
674 *4 du/ac to 12 du/1 ac and 4.0 FAR. Setbacks are determined by the PUD process in the plan,  
675 elevations and developer's agreement approval. Because there is flexibility in a PUD for  
676 setbacks, no specific setbacks are delineated in this table. However, the City will use the  
677 residential and commercial applicable non-PUD setbacks as a guide for development projects in  
678 a PUD. A market study is required for commercial projects in excess of 10,000 square feet.*

679  
680 Since the project was constructed quite some time prior to the current codes adoption, and since  
681 the request is to utilize shipping containers for additional office and storage space the site  
682 modification review will be focused only to the area where the additional is requested. There are  
683 currently four (4) existing structures on-site which house an office, manufacturing and enclosed  
684 storage. The following table gives the pertinent site specifications

685

	Allowed	Existing	Total Remaining
FAR	4.0FAR	6.1%	N/A
Impervious Surface Area	N/A	0.0	N/A
ISR	N/A	9.8%	N/A
Height	50'	21'-0"	N/A

686  
687  
688

The following site modifications are required for this request:

- 689 A) Article V Development & Design Standards Section 5.4 Parking:  
690 a) Parking shall be provided per Section 5.4(G) Table 5-2 at 1 space per 400 sq.  
691 ft. for sales and 1 space for every 2 employees on the maximum shift for manufacturing. A  
692 3,000sf +/- expansion is being proposed.  
693 b) Accessible spaces shall be provided per the Florida Building Code  
694 c) Loading areas shall be required per Section 5.4 (F)  
695 d) Parking areas should be designed pursuant to Section 5.4(C) and (D).  
696 B) The amount of hard surface being (and required to be added with the parking area)  
697 added to the site requires an Environmental Resource Permit from SJRWMD. During the permit  
698 process the Applicant will be required to forward a final site plan to SJRWMD for a  
699 determination.  
700 C) Adequate restroom facilities are required for expansion of office space pursuant to  
701 the Florida Building Code

702  
703  
704

**Conditions of approval have been offered relating to these requirements above.**

- 705 3. Based on a review of the site, storage is conducted in the front of the building for the excess  
706 material and items ready to be delivered. Section 5.15 of the City's LDC prohibits visual  
707 outside storage from Myers Blvd. If the Applicant would like to add the improvements to the  
708 property, the visual storage should be brought into compliance. Relief is offered in Section  
709 5.15(6) relating to Staging where landscape can be provided in lieu of fence modifications.

710  
711  
712

**Conditions of approval have been offered relating to the issue above.**

- 713 4. The City of Mascotte code does not directly address shipping containers used as buildings. There are  
714 sections of the code which call for conformity to the code of this application including Section 5.15  
715 Nonresidential-Commercial Architectural Design Standards for development in the Community  
716 Redevelopment Area (CRA Overlay Area) and All Other Nonresidential development outside the CRA.  
717 This application deals with the gray area between Section 5.15 and Section 5.23 Residential and  
718 Nonresidential-Commercial Portable (temporary) Storage Units for on-site Storage. The applicant does not  
719 specify whether the storage is temporary or permanent that is proposed. That is the current extent of the  
720 City's code relating to this application.

721 The 2014 Florida Building Code defines "building" as "Any structure used or intended for supporting or  
722 sheltering any use or occupancy." It defines "Occupiable Space" as "A room or enclosed space design for  
723 human occupancy ... in which occupants are engaged at labor, and which is equipped with a means of  
724 egress and light and ventilation facilities meeting the requirements of this code."  
725

726 **Conditions of approval have been offered relating to the issue above.**  
727

728 **IV. Staff Recommendation:**  
729

730 Based on the information above, the Staff finds the application for Minor Site Plan modification  
731 technically sufficient and recommends approval subject to the following conditions:

- 732 1. The Applicant shall provide a plan that delineates adequate ADA access and parking on  
733 the site pursuant to all portions of Article V Development & Design Standards Section  
734 5.4 Parking prior to receipt of a building permit from the Building Official.  
735
- 736 2. The Applicant shall forward a final site plan to SJRWMD for an ERP permit  
737 determination.  
738
- 739 3. The Applicant shall provide a plan delineating the adequate restroom facilities pursuant  
740 to the anticipated employee load, confirmed by the Fire Marshall, and pursuant to the  
741 Florida Building Code.  
742
- 743 4. The Applicant shall modify the visual outside storage pursuant to the definition provided  
744 by Section 5.15 prior to receipt of a building permit from the Building Official.  
745
- 746 5. The Applicant shall provide building elevations for the proposed "office" portions of the  
747 building denoting how the proposed Storage Containers will be modified to meet the  
748 requirements of Section 5.15. - Nonresidential-Commercial Architectural Design  
749 Standards for development in the Community Redevelopment Area (CRA Overlay Area)  
750 and All Other Nonresidential development outside the CRA.  
751
- 752 6. The Applicant shall provide a plan that denotes whether the proposed building and  
753 building additions are meant to be "occupied" or "unoccupied", and how any occupied  
754 space will meet the requirements of the Florida Building Code.  
755
- 756 7. The Applicant shall provide a plan that denotes whether the proposed storage additions  
757 are meant to be "permanent" or "temporary", and how any storage space will meet the  
758 requirements of the City of Mascotte LDC Section 5.15 or Section 5.23.  
759

760 Guy Sanders the agent acting on behalf of the owner approached the podium to address council.  
761 He explained the shipping containers, and how they will be using this container as far as a  
762 business office. They want to show that it is a working container for business offices.  
763

764 Council Member Sheffield questioned how it will not look like a tractor trailer. Mr. Sanders  
765 stated that they can make it look like a home they can paint it or even add siding.  
766

767 Council Member Sheffield questioned is this a permanent structure or non-permanent. Mr.  
768 Sanders stated it is a non-permanent structure.

769  
770 Mr. Sanders stated that they will be having solar panels, and this is just a model for us to sell  
771 them to other businesses.

772  
773 Mayor Krull opened the floor for public comments:

774 There was none.

775  
776 ***Council Member Sheffield motioned to approve the Minor Site Plan for 140 W. Myers as***  
777 ***presented. Council Member Rayman seconded the motion.***

778  
779 ***Motion Passed 4 to 0***

780  
781 ***Council Member Thompson “Aye”***

782 ***Council Member Sheffield “Aye”***

783 ***Council Member Rayman “Aye”***

784 ***Mayor Krull “Aye”***

785

786 **5A. Public Services: Awarding of Bidder for the Laurel Street Storm water project:**

787  
788 Public Services Director Walker discussed this item to council.

789  
790 Mayor Krull opened the floor for public comments:

791 There were none.

792  
793 Council Member Sheffield questioned if the other bidders were able to renegotiate the  
794 cost. Public Services Director Walker stated no we just took the lowest bidder. Council  
795 Member Sheffield was concerned that the other bidders may come back and try to sue the  
796 city. City Attorney Hand stated that he doesn't see that there was an issue on how this  
797 process was done.

798  
799 Mayor Krull opened the floor for public comments:

800 There were none.

801  
802 ***Council Member Rayman motioned to award the Laurel Street Storm water project to***  
803 ***Traverse Group, Inc. in the amount of \$49,445.05. Council Member Thompson***  
804 ***seconded the motion.***

805 ***Motion Passed 3 to 1***

806

807 ***Council Member Thompson “Aye”***

808 ***Council Member Sheffield “Nay”***

809 ***Council Member Rayman “Aye”***

810 ***Mayor Krull “Aye”***

811

812 **6. A. Public Comments:**

813  
814 There were none.

815  
816 **7. A. City Manager: Broker Contract to List three (3) City Parcels in the Community**  
817 **Redevelopment Area (CRA) - Town Center Property):**

818  
819 City Manager Gleason explained this item to council in trying to see if the city can re-list the  
820 property across from city hall for sale. The previous company that the city listed with has  
821 expired, so he wanted to renew with another broker.

822  
823 There were discussions among council; Council Member Sheffield had some concerns regarding  
824 the highway 50 re-alignment and could the city sell it to the Florida Department of  
825 Transportation. City Manager Gleason stated that if the property isn't sold then maybe we can  
826 look at that.

827  
828 Council Member Sheffield stated that city shouldn't have the property priced low, we shouldn't  
829 take a loss, he wants us to list it at a higher price, city Manager Gleason stated that the  
830 recommended list price would be 875,000.

831  
832 City Attorney Hand stated that if offers come in there will be a 30 days wait as the city would  
833 have to advertise that it is being sold.

834  
835 City Manager Gleason stated that all offers would have to come to council for approval, so it will  
836 be council's decision. He just wants to go ahead and list the property for sale.

837  
838 *Council Member Sheffield moved to approve the contract to list the city's property on highway*  
839 *50 across from city hall as noted subject to the attorney's review of the contract. Council*  
840 *Member Rayman seconded the motion.*

841  
842 *Motion Passed 4 to 0*

843  
844 *Council Member Sheffield "Aye"*

845 *Council Member Thompson "Aye"*

846 *Council Member Rayman "Aye"*

847 *Mayor Krull "Aye"*

848  
849 City Manager Gleason stated that earlier there was an attorney discussing the item  
850 regarding off street parking, and he wants to apologize for cutting the attorney, but he  
851 was creating a debate on this item and he didn't want that to happen.

852  
853 City Manager Gleason stated that the property owner has never come to the city as they  
854 would have been instructed to fill out the development planning application.

855

856 City Manager Gleason stated that he didn't want the council to think that what was being  
857 told is correct as this will need to be reviewed by our city attorney.

858  
859 There were continued discussions regarding the off street parking between council, city  
860 manager, staff, and the audience.

861

862 **8. A. City Attorney:**

863

864 City Attorney Hand had nothing to report at this time.

865

866 **9. A. Council:**

867

868 There was nothing to report at this time.

869

870 **Council Meeting Adjourned at 7:57PM.**

871

872

873

874

875

876

877

878 ATTEST:

879

880

881

  
Michelle Hawkins, City Clerk

  
Barbara Krull, Mayor