



MINUTES OF A SPECIAL CALLED MEETING  
OF THE PLANNING COMMISSION  
CITY COMMISSION CHAMBERS, CITY HALL  
THURSDAY, MAY 29, 2014, 4:30 P.M.

The Planning Commission of the City of Leesburg held a Special Called meeting Thursday, May 29, 2014, in the Commission Chambers at City Hall. Chairman James Argento called the meeting to order at 4:30 p.m. The following Commission members were present:

James Argento  
Clell Coleman  
Charles Townsend  
Ted Bowersox  
Donald Lukich  
Frazier J. Marshall  
Agnes Berry

City staff that was present included Bill Wiley, Community Development Director, Dan Miller, Senior Planner, and Dianne Pacewicz, Administrative Assistant II. City Attorney Fred Morrison was also present.

The meeting opened with an invocation given by Commissioner Ted Bowersox and the Pledge of Allegiance to the Flag.

Bill Wiley, Community Development Director, informed the audience of the rules of participation and the need to sign the speaker's registry. He also informed Commissioners and the audience of the City Commission meeting dates tentatively scheduled.

Dianne Pacewicz swore in staff as well as anyone wishing to speak.

**MINUTES OF PLANNING & ZONING COMMISSION MEETING FOR APRIL 17, 2014.**

**Commissioner Donald Lukich moved to APPROVE the minutes from the APRIL 17, 2014 meeting. Commissioner Frazier J. Marshall SECONDED the motion, which was PASSED by a vote of 6 to 0.**

(Agnes Berry arrived at 4:33pm)

**NEW BUSINESS**

**1. PUBLIC HEARING CASE # RZ-14-41 – A-LINE FIRE & SAFETY INC – PLANNED DEVELOPMENTS REZONING**

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REZONING APPROXIMATELY 1.28 ACRES FROM CITY R-2 (MEDIUM DENSITY RESIDENTIAL) TO CITY SPUD (SMALL PLANNED UNIT DEVELOPMENT) TO ALLOW FUTURE BUSINESS EXPANSION FOR A PROPERTY LOCATED SOUTH OF THE INTERSECTION OF SOUTH STREET AND FLORIDA AVENUE, AS LEGALLY DESCRIBED IN SECTION 27, TOWNSHIP 19, RANGE 24, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. **(CITY COMMISSION DATES - 1<sup>st</sup> READING ON JUNE 23<sup>rd</sup>, 2014 AND A 2<sup>ND</sup> READING ON JULY 14<sup>TH</sup>, 2014).**

Commissioner Ted Bowersox declared a Conflict of Interest and did not participate in the case because the owner is his son and because of his prior associations with the business.

Bill Wiley entered the exhibits into the record. Dan Miller presented the overhead exhibits. The exhibit items included the staff summary, departmental review summary, staff recommendations, general location/aerial map, land use and zoning maps, wetlands and flood zone map, site photos, and conceptual site plan.

There were no substantive comments received from the departments. There were three public responses received for approval and no responses received for disapproval.

Mr. Wiley gave a brief background stating that the applicant approached the staff with an interest in purchasing the piece of property to the rear of their existing business for future expansion. They are not intending to change the use now, but in the future they may want to remove the existing house and build a garage for additional storage. The house is a part of multi-family apartments that are on the rear parcel that they are not buying at this point, but they may in the future. Because the multi-family parcel will have one part of it cut off and joined to the applicant's property, we really needed to do a SPUD on the whole site including the multi-family to the south. In order to address these issues, staff recommended that the applicant apply for a SPUD. The applicant will also be completing a lot-split application but he needed to get the zoning done first.

The Planning & Zoning staff recommended the approval of the request for the following reasons:

1. The proposed zoning district of SPUD (Small Planned Unit Development) is compatible with adjacent properties zoning districts, as conditioned.
2. The proposed zoning district SPUD (Small Planned Unit Development) as conditioned and shown in the attached "Exhibit A" is compatible with the existing City Future Land Use designation of High Density.
3. The rezoning of the subject properties is consistent with the City's Growth Management Plan, Future Land Use Element, Goal I, and Objective 1.6.

with the following condition(s):

Vote to approve the recommendation to rezone the subject property to PUD (Planned Unit Development) district per "A-Line Fire & Safety Planned Development Conditions" attached hereto as Exhibit A, dated May 29, 2014, and forward to the City Commission for consideration.

Mr. Wiley highlighted the following in the PUD conditions to expedite.

3. LAND USES

The above-described property shall be used for SPUD (Small Planned Unit Development) uses as limited herein, and pursuant to City of Leesburg development codes and standards.

A. Uses

- 1) Uses shall be those listed as permitted uses in this document and shall occupy the approximate area as shown on the Conceptual Plan.
- 2) Permitted Uses shall be as follows:
  - a. C-2 Community Commercial, residential, light industrial and associated uses.
- 3) Uses prohibited shall be as follows:
  - a. medical patience facilities
  - b. rehab centers (drug and alcohol)
  - c. group homes
  - d. entertainment/recreation including cinema or theater

- e. places of worship
- f. crematoriums
- g. educational facilities
- h. community services
- i. social services
- j. package store (alcohol)
- k. gas station or convenience stores
- l. car wash
- m. restaurants
- n. transient accommodations
- o. truck stops
- p. animal hospitals and kennels
- q. heavy industrial uses
- r. stockpiling
- s. all waste related services
- t. Any other similar uses which are not considered office, commercial or light industrial in character or intensity which may adversely impact the adjoining properties do to traffic, noise, dust, etc.

4. SITE ACCESS

- A. Access to the property is currently available from South Street on the north (SR 44) and to the southern Parcel A from the 10 foot easement along the eastern boundary of the property.

5. DEVELOPMENT STANDARDS

- A. The minimum development standards shall be those required for the SPUD district except as amended by these conditions including the Conceptual Plan.
- B. All operations shall be carried on entirely within an enclosed structure, except as permitted under accessory uses of Section 25-284, City of Leesburg Code of Ordinances, as amended.

Commissioner Lukich asked how the apartment behind gets in and out of the property. Mr. Wiley answered through the existing easement on the eastern boundary of the property.

Commissioner Lukich asked if they have any plans, they will have to come through Planning & Zoning. Mr. Wiley answered that in the future if they want to take the house down in the future and put up a storage garage or something like that, they will have to go through the normal site plan and building permit process.

This was the end of the discussion and the voting then took place.

**Commissioner Donald Lukich made a motion to APPROVE case # RZ-14-41 – A-LINE FIRE & SAFETY INC – PLANNED DEVELOPMENTS REZONING. Commissioner Agnes Berry SECONDED the motion which, PASSED by a unanimous voice vote of 6 to 0.**

2. **PUBLIC HEARING CASE # VAC-14-49 – ROBUCK EASEMENT – VACATE**

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, VACATING A TEN (10) FOOT UTILITY EASEMENT ADJACENT TO THE PROPERTY LINE BETWEEN LOT 4 AND LOT 5 IN LOVE'S POINT ESTATES, AS RECORDED IN PLAT BOOK 13 PAGE 48, TO RESOLVE A TITLE DEFECT FOR A PROPERTY LOCATED ON THE NORTH SIDE OF FAIRFAX STREET NORTH OF SPARTAN DRIVE, AS LEGALLY DESCRIBED IN SECTION 35, TOWNSHIP 19, RANGE 24, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. (CITY COMMISSION DATES - 1<sup>ST</sup> READING ON JUNE 23<sup>RD</sup>, 2014 AND A 2<sup>ND</sup> READING ON JULY 14<sup>TH</sup>, 2014).

Bill Wiley entered the exhibits into the record. Dan Miller presented the overhead exhibits. The exhibit

items included the staff summary, departmental review summary, staff recommendations, general location/aerial map, land use and zoning maps, wetlands and flood zone map, site photos, and conceptual site plan.

There were no substantive comments received from the departments. There was one public response received for approval and no responses received for disapproval.

The Planning & Zoning staff recommended the approval of the request for the following reasons:

1. The area to be vacated is currently an unused utility easement under an existing house and its reservation for the proposed use is no longer needed and is creating a cloud on the title. The impacted areas are situated totally within the boundaries of the property that is currently owned by the applicants (See Exhibit A).

with the following condition(s):

1. Utility easements, as required by the City of Leesburg, are provided in other areas to serve this property.
2. The granting of this vacation does not exempt the applicant from all other applicable regulations of the City of Leesburg and other governmental agencies.

Action Requested:

1. Vote to approve the recommendation to vacate these utility easements as proposed by staff and forward to the City Commission for consideration.

Commissioner Lukich asked how the easement got there in the first place. Mr. Wiley answered that when the lots are platted, per code, the City requires easements along the property line. In this case, there were two lots that were put together to build this house.

This was the end of the discussion and the voting then took place.

**Commissioner Donald Lukich made a motion to APPROVE case # VAC-14-49 – ROBUCK EASEMENT – VACATE. Commissioner Clell Coleman SECONDED the motion which, PASSED by a unanimous voice vote of 7 to 0.**

## **DISCUSSION ITEM**

Staff wishes to thank the Planning Commission for holding a Special Called Meeting to deal with these cases.

## **ANNOUNCEMENTS**

The next scheduled meeting date is June 19, 2014.

The meeting adjourned at 5:05 p.m.

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James Argento, Chairperson

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Clell Coleman, Vice Chairperson

