



MINUTES OF THE REGULAR MEETING
OF THE PLANNING COMMISSION
CITY COMMISSION CHAMBERS, CITY HALL
THURSDAY, APRIL 20, 2006 3:30 P.M.

The Planning Commission of the City of Leesburg held its regular meeting Thursday, April 6, 2006, in the Commission Chambers at City Hall. Chairperson Micham called the meeting to order at 3:30 p.m. The following Commission members were present:

Marc Micham, Chairperson
Agnes Berry
Larry Taylor
Chryle Lowery
Jo Ann Heim
Roland Stults

Commissioner Clell Coleman was absent. City staff present included, Planning Director, Laura McElhanon, Senior Planner Julie Bruck, Bill Wiley, Planning Manager and Attorney Fred Morrison.

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

MINUTES OF PLANNING & ZONING COMMISSION MEETING - APRIL 6, 2006

Commissioner Jo Ann Heim moved to APPROVE the minutes as transcribed. Commissioner Agnes Berry seconded the motion, which PASSED by a unanimous voice vote of 5 to 0.

Mr. Wiley informed the audience of the rules of participation and the need to sign the speaker's registry.

Debra Galloway, Administrative Assistant II swore in staff, Julie Bruck, Laura McElhannon and Bill Wiley.

OLD BUSINESS:

Marc Micham, Chairman read into the record cases to continue until the May 4, 2006 meeting. Chairman Micham also informed Board members that items #1 & #2 of the New Business to be heard under Old Business due to the fact those cases also referenced RB-3 Associates.

Commissioner Larry Taylor made a motion to APPROVE the continuances. Commissioner Roland Stults SECONDED the motion, which PASSED by a unanimous voice vote of 6 to 0.

3. PUBLIC HEARING CASE #118-1-111005 - RB-3 ASSOCIATES & BENDERSON 85-1 TRUST PROJECT

REQUEST FOR A RECOMMENDATION TO THE CITY COMMISSION FOR REZONING OF APPROXIMATELY 85 ACRES FROM COUNTY HM (HEAVY INDUSTRY) AND COUNTY (PLANNED INDUSTRIAL) TO CITY PUD (PLANNED UNIT DEVELOPMENT DESIGN) DISTRICT, FOR PROPERTY GENERALLY LOCATED NORTH OF THE RONALD REAGAN TURNPIKE AND EAST OF COUNTY ROAD 33, AS LEGALLY DESCRIBED. SEC. 22, TWP. 20S, RGE 243E. (CITY COMMISSION MEETING DATES MAY 22, 2006 AND JUNE 12, 2006)

Mr. Wiley presented staff's case in support to the request. He presented Exhibit A, which included the application, general location map, staff summary, departmental review summary, staff recommendations, legal description, aerial photos, surrounding land use maps and property photos. He reviewed and summarized the staff summary, departmental review summary, noted any public responses or comments received, and staff recommendations of approval for the request.

Julie Bruck, Senior Planner presented the overhead visuals including the general location map, aerial photograph, surrounding zoning map, flood zone and wetlands map, photographs and conceptual site plan.

Bruce Duncan, representative for the applicant addressed the Board informing them of the provisions for water and addressed concerns of the Plantation Home Owners. The applicant was in agreement with staff's recommendation. Discussions ensued over the dedicating of the school site.

Concern citizens sworn in spoke in opposition; Linda Mailko, Peter Moeller, Richard Armalda, John Gato and Betty Gurany. There concerns were as follows:

- Property Notices
- Club House & Swimming Pool
- Impact of the Town homes
- Fencing – Privacy
- Amount of units
- Un-Named Road (located on the Plantation property)

Norman Commins, legal representative for the Plantations spoke in opposition to the requests with concern of density, school impact and the need for a fence on the south side of the property.

Laura McElhanon, Planning Manager informed the Board the school issues are being reviewed by School Concurrence members are currently and she stated the County owns the un-named road on the property.

Bruce Duncan addressed the concerns of the citizens speaking in opposition with the following:

- The density was approved
- The community will be owner occupied
- No rentals will be allowed

Discussions ensued over price range, square footage and final determination on the size of each unit, which Bill Murray, Owner addressed.

Commissioner Larry Taylor made a motion to APPROVE case #11B-1-111005 RB-3 Associates & Benderson 85-I Trust Project as presented by staff with the amended changes. Commissioner Jo Ann Heim SECONDED the motion which, PASSED by a unanimous voice vote of 5 to 1. Commissioner Chryle Lowery voted NO.

4. PUBLIC HEARING CASE #117-1-102005 – BENDERSON 85-I TRUST - PROJECT

REQUEST FOR A RECOMMENDATION TO THE CITY COMMISSION FOR REZONING OF APPROXIMATELY 149 ACRES FROM COUNTY A (AGRICULTURE) TO PUD/CDO (PLANNED UNIT DEVELOPMENT/CONTEMPORARY DESIGN OVERLAY), FOR RESIDENTIAL USES, FOR PROPERTY GENERALLY LOCATED SOUTH OF RONALD REAGAN TURNPIKE AND EAST OF CR 48 AS LEGALLY DESCRIBED. SEC. 21 & 28, TWP. 20S, RGE. 24E (CITY COMMISSION MEETING DATES MAY 22, 2006 AND JUNE 12, 2006)

Mr. Wiley presented staff's case in support to the request. He presented Exhibit A, which included the application, general location map, staff summary, departmental review summary, staff recommendations, legal description, aerial photos, surrounding land use maps and property photos. He reviewed and summarized the staff summary, departmental review summary, noted any public responses or comments received, and staff recommendations of approval for the request.

Julie Bruck, Senior Planner presented the overhead visuals including the general location map, aerial photograph, surrounding zoning map, flood zone and wetlands map, photographs and conceptual site plan.

Bruce Duncan, representative for the applicant was present without comments.

Commissioner Chryle Lowery made a motion to APPROVE case #117-1-102005 – Benderson 85-1 Trust - Project as presented by staff. Commissioner Roland Stults SECONDED the motion which, PASSED by a unanimous voice vote of 6 to 0.

NEW BUSINESS:

1. PUBLIC HEARING CASE #029-1-020906 – RB-3 ASSOCIATES, ET. AL.

REQUEST FOR A RECOMMENDATION TO THE CITY COMMISSION FOR REZONING OF APPROXIMATELY 4.18 ACRES FROM COUNTY A (AGRICULTURE) TO CITY R-1A (SINGLE FAMILY RESIDENTIAL) DISTRICT, FOR PROPERTY GENERALLY LOCATED APPROXIMATELY THREE MILES SOUTHWEST OF THE RONALD REAGAN TURNPIKE ON COUNTY ROAD 48, AS LEGALLY DESCRIBED. SEC. 32, TWOP. 20S, RGE 24E. (CITY COMMISSION MEETING DATES MAY 22, 2006 AND JUNE 12, 2006)

Mr. Wiley presented staff's case in support to the request. He presented Exhibit A, which included the application, general location map, staff summary, departmental review summary, staff recommendations, legal description, aerial photos, surrounding land use maps and property photos. He reviewed and summarized the staff summary, departmental review summary, noted any public responses or comments received, and staff recommendations of approval for the request.

Julie Bruck, Senior Planner presented the overhead visuals including the general location map, aerial photograph, surrounding zoning map, flood zone and wetlands map, photographs and conceptual site plan.

Bruce Duncan, representative for the applicant was present without comments.

Commissioner Jo Ann Heim made a motion to APPROVE case #029-1-020906 – RB-3 ASSOCIATES, ET AL. as presented by staff. Commissioner Chryle Lowery SECONDED the motion which, PASSED by a unanimous voice vote of 6 to 0.

2. PUBLIC HEARING CASE #062-0-020906 – RB-3 ASSOCIATES, ET. AL.

REQUEST FOR A RECOMMENDATION TO THE CITY COMMISSION FOR A SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT TO THE FUTURE LAND USE MAP DESIGNATION FROM COUNTY A (AGRICULTURE) TO CITY ESTATE OF APPROXIMATELY THREE MILES SOUTHWEST OF THE RONALD REAGAN TURNPIKE ON COUNTY ROAD 48, AS LEGALLY DESCRIBED. SEC. 32, TWP. 20S, RGE. 24E (CITY COMMISSION MEETING DATES MAY 22, 2006 AND JUNE 12, 2006)

Mr. Wiley presented staff's case in support to the request. He presented Exhibit A, which included the application, general location map, staff summary, departmental review summary, staff recommendations, legal description, aerial photos, surrounding land use maps and property photos. He reviewed and summarized the staff summary, departmental review summary, noted any public responses or comments received, and staff recommendations of approval for the request.

Julie Bruck, Senior Planner presented the overhead visuals including the general location map, aerial photograph, surrounding zoning map, flood zone and wetlands map, photographs and conceptual site plan.

Bruce Duncan, representative for the applicant was present without comments.

Commissioner Chryle Lowery made a motion to APPROVE case #062-0-020906 – RB-3 ASSOCIATES, ET AL, as presented by staff. Commissioner Larry Taylor SECONDED the motion which, PASSED by a unanimous voice vote of 6 to 0.

OLD BUSINESS (CONTINUED):

7. PUBLIC HEARING CASE #075-1-070705 – DREW PASTURES, LLC – MICHAEL DINKEL –DREW MEADOWS

REQUEST FOR A RECOMMENDATION TO THE CITY COMMISSION FOR REZONING OF APPROXIMATELY 513 ACRES FROM PUD (PLANNED UNIT DEVELOPMENT) AND R-2 (MEDIUM DENSITY RESIDENTIAL) TO PUD (PLANNED UNIT DEVELOPMENT), FOR SINGLE AND MULTI-FAMILY RESIDENTIAL, FOR PROPERTY GENERALLY LOCATED SOUTH OF COUNTY ROAD 48, WEST OF COUNTY ROAD 33, AND NORTH OF THE RONALD REAGAN TURNPIKE, AS LEGALLY DESCRIBED. SEC 21, 22, 27 & 28, TWP. 20S, RGE. 24E (CITY COMMISSION MEETING DATES MAY 22, 2006 AND JUNE 12, 2006)

Mr. Wiley presented staff's case in support to the request. He presented Exhibit A, which included the application, general location map, staff summary, departmental review summary, staff recommendations, legal description, aerial photos, surrounding land use maps and property photos. He reviewed and summarized the staff summary, departmental review summary, noted any public responses or comments received, and staff recommendations of approval for the request.

Mr. Wiley also informed the Board the case previously heard with a recommendation and then a week later the developer called and needed to make changes because of more wetlands on the property than they thought. He also stated the School Board comments did not change, which the developer requested 20 acres of school site.

Michael Bahor, representative for the applicant addressed the Board regarding the building height and school site. Discussions ensued.

Commissioner Agnes Berry made a motion to APPROVE case #075-1-070705 – Drew Pastures, LLC – Michael Dinkel – Drew Meadows as presented by staff with amendments and stipulations. Commissioner Jo Ann Heim SECONDED the motion which, PASSED by a unanimous voice vote of 6 to 0.

OTHER BUSINESS:

Laura McElhannon, Director of Planning informed the Board she had spoken with Fred Morrison Esq., City Attorney to address the concern of the Sunshine Law regarding adjournment of meetings with continued discussion of any case with the public.

The meeting adjourned at 5:35 p.m.

Marc Micham, Chairperson

Clell Coleman, III, Vice-Chairperson



Debra Galloway, Administrative Assistant II