



SUMMARY MINUTES OF THE REGULAR MEETING
OF THE PLANNING COMMISSION
CITY COMMISSION CHAMBERS, CITY HALL
THURSDAY, AUGUST 22ND, 2019 - 4:30 P.M.

The Planning Commission of the City of Leesburg held its regular meeting Thursday, August 22nd, 2019, in the Commission Chambers at City Hall.

Chairman Ted Bowersox called the meeting to order at 4:30 p.m.

The following Commission members were present:

Ted Bowersox - Chairman
Clell Coleman – Vice Chair
Frazier Marshall
Terry Miller
Chris Wood

The following Commission members were absent:

Charles Townsend

City staff in attendance included Dan Miller, Planning & Zoning Manager, Dianne Pacewicz, Planner, CareyLee Murray, Planner, Sabrina Mitchell, Administrative Assistant II, and Kandi Harper, Senior Planner. City Attorney Fred Morrison was also present.

The meeting opened with an invocation given by Commission Chairman Bowersox, followed by the Pledge of Allegiance to the Flag.

Dan Miller informed the audience of the rules of participation and the need to sign the speaker's registry. He also informed Commissioners and the audience that the City Commission meeting dates are tentatively scheduled.

**DRAFT SUMMARY MINUTES OF THE PLANNING COMMISSION MEETING
FOR THURSDAY, JULY 18TH, 2019**

Commissioner Marshall moved to APPROVE the draft minutes from the JULY 18TH, 2019 meeting. Vice-Chairman Wood SECONDED the motion, which PASSED by a vote of 5 to 0.

Sabrina Mitchell swore in staff as well as anyone in the audience wishing to speak.

Chairman Bowersox called for the first case under new business be brought forward.

NEW BUSINESS

1. PUBLIC HEARING CASE # CUP-19-165 – SIMON SEED – CONDITIONAL USE PERMIT

REQUEST FOR A CONDITIONAL USE PERMIT IN THE CBD (CENTRAL BUSINESS DISTRICT), PER SECTION 25-284 DISTRICT USE REGULATIONS, FOR AN AUTO BODY COLLISION REPAIR SHOP, LOCATED SOUTH OF WEST MAGNOLIA STREET, EAST OF SOUTH 1ST STREET, AND WEST OF SOUTH PALMETTO STREET, AS LEGALLY DESCRIBED IN SECTION 26, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. **(FINAL DECISION IS BY THE PLANNING COMMISSION)**

Dan Miller introduced case number CUP-19-165 for the record and entered the exhibits into the record with maps and photo exhibits including aerial, zoning, future and surrounding land use, wetlands/flood zone maps, CRA maps, conceptual site plan, staff summary, departmental review summary, and staff recommendations.

Kandi Harper utilized the power point presentation to demonstrate the area of the proposed site.

Mr. Miller gave a background of the property.

Commissioner Marshall questioned Mr. Miller regarding mitigation of the site if used as an auto body shop.

Mr. Miller described the commonly understood business practices of auto body shops and the negative impacts that type of business operation could have on surrounding businesses that have made significant investments in the area.

Commissioner Marshall questioned Mr. Miller regarding the process used to make the recommendation on this application.

Mr. Miller stated that based on the applicant's comments during a meeting to discuss the application, he believed the business operation could be mitigated so that it would not negatively impact the surrounding area; however the Downtown Master Plan does not support this proposed use, an auto body shop would be incompatible.

Commission Marshall asked if the Master Plan had been approved; Mr. Miller answered in the negative; did not know when the Master Plan would be approved; that the auto body shop work would be contained inside the building.

Commissioner Marshall asked if other entities located in the Master Plan would be asked to move if those businesses were found to be incompatible.

Fred Morrison, City Attorney, responded that businesses currently within the Master Plan area are grandfathered and would not be asked to move which is one reason for the disapproval from staff; that once a business is permitted, it is there in perpetuity as long as it is in operation; the next owner of the auto body shop may not use techniques or equipment to mitigate incompatible business practices.

Conditions of Approval in a Conditional Use Permit run with the land, not the owner, and would apply to subsequent business owners.

Chairman Bowersox asked for comment from the audience.

Steven Mueller of Beacon College, noted increased traffic in an area where their students walk to a college dormitory; noted concern for their investment in the area.

The applicant noted that cars will be picked up for delivery to the business by a wrecker, mitigating the traffic in the area.

Commissioner Coleman noted that the Master Plan's preferred uses will create more traffic than the auto body shop.

Jerry Galbreath noted that the Master Plan looks 20 to 30 years into the future where the economy is not certain; the current proposal will generate revenue now; be a good neighbor; be a part of the community; major investment in the community; architectural review of the building; completed a Phase 1 Environmental Study of the site; expenses have been incurred by the applicant.

Chairman Bowersox outlined the decisions that Board should consider: vote to approve; vote to deny; vote to table the application and come back to the Board at a later meeting.

Chairman Bowersox called for a motion on the application.

Commissioner Wood made a motion to move this agenda item to a subsequent meeting; the motion died for lack of a second.

Mr. Morrison noted that should the Commission choose to approve the application, there are no conditions of approval so that the Board does not know what is being approved; that approval at this meeting would be premature.

Robert Mangiamele noted the length of time that would pass before the business could open if the application were to be postponed to a subsequent agenda.

The applicant noted that his investors would be concerned if postponed.

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

Commissioner Coleman made a MOTION for APPROVAL of case # CUP-19-165 – SIMON SEED – CONDITIONAL USE PERMIT Commissioner Marshall SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 5 - 0.

Mr. Miller clarified the action of the Board; that the application was approved by the Board, the sale of the property would go through; and City staff will work with the Buyer regarding conditions under which the business will operate (establish Conditions of Approval).

Chairman Bowersox stated that this is a final decision by the Board.

Chairman Bowersox called for the next item on the agenda.

2. PUBLIC HEARING CASE # SSCP-19-147 – VAC-TRON EQUIPMENT LLC – SMALL SCALE COMPREHENSIVE PLAN AMENDMENT

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF LEESBURG, CHANGING THE FUTURE LAND USE DESIGNATION OF CERTAIN PROPERTY CONTAINING APPROXIMATELY 6 ACRES FROM LAKE COUNTY REGIONAL OFFICE TO CITY OF LEESBURG INDUSTRIAL FOR A PROPERTY GENERALLY LOCATED SOUTH OF COUNTY ROAD 470 AND WEST OF COUNTY ROAD 33 AS LEGALLY DESCRIBED IN SECTION 15, TOWNSHIP 20 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. **(CITY COMMISSION DATES ARE TENTATIVELY SCHEDULED FOR FIRST READING ON MONDAY, OCTOBER 14TH, 2019 AND SECOND READING ON MONDAY, OCTOBER 28TH, 2019)** (Vac-Tron Equipment LLC)

Dan Miller introduced case number SSCP-19-147 into the record and entered the exhibits into the record with maps and photo exhibits including aerial, zoning, future and surrounding land use, wetlands/flood zone maps, CRA maps, staff summary, departmental review summary, and staff recommendations. Mr. Miller noted that this case, SSCP-19-147 and the next case, RZ-19-148 are related; the presentation, comments and recommendations may be considered for both cases.

Kandi Harper utilized a power point presentation to demonstrate the area of the proposed site.

Mr. Miller gave a background of the property.

Department Review Summary did not reveal substantive comments, one approval from the public, no disapprovals.

Mr. Miller stated that staff is recommending approval of both cases.

Chairman Bowersox asked for a motion.

Commissioner Marshall made a MOTION for APPROVAL of case # SSCP-19-147 – VAC-TRON EQUIPMENT LLC – SMALL SCALE COMPREHENSIVE PLAN AMENDMENT Commissioner Miller SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 5 - 0.

Chairman Bowersox asked for the next case on the agenda.

Mr. Miller stated that these two cases could be considered together; that the recommendation for the rezoning is for approval and that the reason for the annexation is that applicant wants City utilities.

Chairman Bowersox asked for comment from the public.

Citizen comment seeking further explanation of proposed development.

Mr. Miller explained how the business is proposed to develop and use the land; included parking and buffering.

Chairman Bowersox noted that the proposed development is in an industrial park.

3. PUBLIC HEARING CASE # RZ-19-148 – VAC-TRON EQUIPMENT LLC – REZONING

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REZONING APPROXIMATELY 6 ACRES FROM LAKE COUNTY LM (LIGHT INDUSTRIAL DISTRICT) TO CITY M-1 (INDUSTRIAL) FOR A PROPERTY GENERALLY LOCATED SOUTH OF COUNTY ROAD 470 AND WEST OF COUNTY ROAD 33 AS LEGALLY DESCRIBED IN SECTION 15, TOWNSHIP 20 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. **(CITY COMMISSION DATES ARE TENTATIVELY SCHEDULED FOR FIRST READING ON MONDAY, OCTOBER 14TH, 2019 AND SECOND READING ON MONDAY, OCTOBER 28TH, 2019)** (Vac-Tron Equipment LLC)

Chairman Bowersox asked for a motion on the rezoning.

Commissioner Coleman made a MOTION for APPROVAL of case # RZ-19-148 – VAC-TRON EQUIPMENT LLC - REZONING Commissioner Wood SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 5 - 0.

Chairman Bowersox called for the next case on the agenda.

4. PUBLIC HEARING CASE # SSCP-19-155 – MCELYEA-VAN ARSDALE – SMALL SCALE COMPREHENSIVE PLAN AMENDMENT

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF LEESBURG, CHANGING THE FUTURE LAND USE MAP DESIGNATION OF CERTAIN PROPERTY CONTAINING 0.17 +/- ACRES FOR A PROPERTY GENERALLY LOCATED SOUTH OF COUNTY ROAD 48 AND WEST OF NUMBER TWO ROAD AS LEGALLY DESCRIBED IN SECTION 18, TOWNSHIP 20 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. **(CITY COMMISSION DATES ARE TENTATIVELY SCHEDULED FOR FIRST READING ON MONDAY, OCTOBER 14TH, 2019 AND SECOND READING ON MONDAY, OCTOBER 28TH, 2019)** (McElyea Subdivision)

Mr. Miller introduced the case into the record; provided background; explained the three cases and how they work together to create the proposed development.

Kandi Harper, Senior Planner, gave the presentation using the power point presentation consisting of maps and photographs of the area under review.

Mr. Miller discussed the utilities and Department Review Comments.

Mr. Miller read the Staff Recommendations into the record; staff recommended approval.

Chairman Bowersox asked for citizen comment; comments were regarding: traffic congestion and safety; transportation; physical condition of Number Two Road; school concurrency; sensory impaired individuals using an impaired road; degrading infrastructure in a failed development; access points for the proposed development; recent deaths at intersection; connection to CR-19; maintaining lifestyle; access sale to facilitate proposed development; growth should be rational; balance with rural nature of area; opposed to comprehensive plan amendment; do not disturb rural nature of the area, cranes, fox squirrels, gopher tortoise, eagle; no homes; object based on conformity with developments nearby; Number Two Road is used as a scenic drive; spray fields adjacent to site.

Mr. Miller spoke to some of the concerns raised above: school concurrency, roads, developers responsibility regarding upgrades, size of lots, density is comparable to Highland Lakes, buffers and landscaping standards are similar to Highland Lakes; FWC and County agency review.

Citizen comments based on proximity to proposed development, narrow road (Number Two Road), drawn to the area by the feel, proposed development is not in character with the area; flooding in area may be altered because of this development, drainage, preservation, scenery, road, schools.

Chairman Bowersox explained the development and review process; length of time of process; that the Planning Commission is a recommending body and acts as a filter.

Citizen questioned details of the Planned Unit Development; access into the development and alternative access; density.

Mr. Miller discussed alternatives.

Ben Snyder, Hanover, spoke to the concerns mentioned above: transportation, school concurrency, density of proposed development, vegetative buffer, proposed development cannot create adverse conditions on adjacent properties.

Sara Maier, Dewberry spoke on behalf of Hanover and the proposed development; provided background information about Hanover, explained the applications under review, made a presentation of the proposed development in detail.

Commission discussion followed: size of lots in adjacent subdivision, market value homes, Hanover developments already in Lake County.

Commissioner Coleman spoke to details of the proposal.

Chairman Bowersox called for a motion on the case.

Commissioner Coleman made a MOTION for APPROVAL of case # SSCP-19-155 – MCELYEA-VAN ARSDALE – SMALL SCALE COMPREHESIVE PLAN AMENDMENT Commissioner Miller SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 5 - 0.

Chairman Bowersox called for the next item on the agenda.

5. PUBLIC HEARING CASE # PUD-19-156 – MCELYEA – PLANNED UNIT DEVELOPMENT

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, CHANGING THE ZONING ON APPROXIMATELY 164.56 +/- ACRES FROM CITY OF LEESBURG R-1-A (SINGLE FAMILY RESIDENTIAL), CITY OF LEESBURG A (AGRICULTURE) AND LAKE COUNTY R-1 (RURAL RESIDENTIAL) TO CITY OF LEESBURG PUD (PLANNED UNIT DEVELOPMENT) TO ALLOW FOR RESIDENTIAL DEVELOPMENT FOR A PROPERTY GENERALLY LOCATED SOUTH OF COUNTY ROAD 48 AND WEST OF NUMBER TWO ROAD AS LEGALLY DESCRIBED IN SECTIONS 18 AND 19, TOWNSHIP 20 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. **(CITY COMMISSION DATES ARE TENTATIVELY SCHEDULED FOR FIRST READING ON MONDAY, OCTOBER 14TH, 2019 AND SECOND READING ON MONDAY, OCTOBER 28TH, 2019)**
(McElyea Subdivision)

Dan Miller introduced the item into the record.

Kandi Harper, Senior Planner, gave the presentation using the power point presentation consisting of maps and photographs of the area under review.

Mr. Miller noted that there were no substantial Department Comments; citizen's general comments were read into the record.

Mr. Miller read the Staff Recommendation into the record. Staff is recommending approval of the project.

Mr. Miller noted some changes to the language of the Planned Unit Development and read them into the record; noted specific changes asked for the by applicant.

Mr. Miller stated that staff is recommending approval of the item.

Citizen comment regarding public notice length of time.

Public discussion followed regarding lot size, security, density, life style impact.

Chairman Bowersox called for a motion on the case.

Commission discussion followed. Commissioner Coleman asked for further information to be included in the Small Packet.

Commissioner Miller made a MOTION for DENIAL of case # PUD-19-156 – MCELYEA – PLANNED UNIT DEVELOPMENT Commissioner Marshall SECONDED the MOTION which CARRIED by a vote of 3 - 2.

Mr. Miller clarified the vote was for denial by a vote of 3 to 2; the City commission will hear these cases in October.

6. PUBLIC HEARING CASE # LSCP-19-157 – WINDSONG PHASE II – LARGE SCALE COMPREHENSIVE PLAN AMENDMENT

AN ORDINANCE AMENDING FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF LEESBURG, CHANGING THE FUTURE LAND USE MAP DESIGNATION OF CERTAIN PROPERTY CONTAINING 38.6 +/- ACRES FROM INSTITUTIONAL TO ESTATE RESIDENTIAL FOR A PROPERTY GENERALLY LOCATED EAST OF U.S. HIGHWAY 27 AND SOUTH OF HIGHLAND LAKES BOULEVARD AS LEGALLY DESCRIBED IN SECTION 24, TOWNSHIP 20 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. **(CITY COMMISSION DATES ARE TENTATIVELY**

SCHEDULED FOR FIRST READING ON MONDAY, OCTOBER 14TH, 2019 AND SECOND READING ON MONDAY, DECEMBER 16TH, 2019)

(Windsong)

Dan Miller introduced case number LSCP-19-157 and PUD-19-158 into the record and entered the exhibits into the record with maps and photo exhibits including aerial, zoning, future and surrounding land use, wetlands/flood zone maps, CRA maps, staff summary, departmental review summary, and staff recommendations. Mr. Miller noted that this case, LSCP-19-157 and the next case, PUD-19-158 are related; the presentation, comments and recommendations may be considered for both cases.

Kandi Harper utilized the power point presentation to demonstrate the area of the proposed site.

Mr. Miller gave a background of the property.

Department Review Summary did not reveal substantive comments, 10 approval from the public, 12 disapprovals and citizen comment.

The applicant's representative, Sarah Maier, Dewberry, made the presentation for the applicant; provided background of the area, the project and Hanover Development.

Commissioner discussion followed seeking further information on lot sizes, location of houses next to U.S. Highway 27, density.

Applicant's representative responded that market conditions guide sales, will provide buffers, topography on site dictate placement of houses, if guidelines are too restrictive projects are not viable.

Mr. Miller stated that staff is recommending approval of both cases; read the recommendations of both cases into the record; changed conditions noted in the previous case be changed on these cases regarding boulevard entrance, tree requirements – consistent with previous cases, McElyea.

Discussion with the developer followed regarding lots on U.S. Highway 27; density; road noise; similar subdivisions lot and house sizes and placement of houses.

Commissioner Coleman asked questions of the developer; the developer gave details of market price homes and primary market (not age restricted); looking for diverse neighborhood.

Citizen comment followed; proximity of houses near U.S. Highway 27; public notice/community meeting; lot sizes (too small); increased noise; keep mature trees in the buffer; area is getting crowded; lose green space and nature; traffic; density; water pressure in existing development will be impacted; church sharing entrance with subdivision is chaotic; by Ordinance 11-68, Church is to have access off of U.S. Highway 27, it is time to address access of church.

Chairman Bowersox stated that homes are needed for working families; buffer of 150-feet is needed next to U.S. Highway 27.

Discussion followed regarding road noise, home affordability, amenities more desirable than large yards.

Chairman Bowersox asked for commission comment or a motion on the case.

Commissioner Marshall made a MOTION for DENIAL of case # LSCP-19-157 – WINDSONG PHASE II – LARGE SCALE COMPREHENSIVE PLAN AMENDMENT Commissioner Miller SECONDED the MOTION which CARRIED by a vote of 3 - 2.

Chairman Bowersox confirmed motion for denial by a vote of 3 – 2.

Chairman Bowersox called for the next case on the agenda.

Fred Morrison, City Attorney, clarified the discussion of the Comprehensive Plan application and the Planned Unit Development application; that the site plan went with the rezoning and the first case was the change the Comprehensive Plan (future land use) from institutional to estate residential; that case has been voted down (denied); this case is the zoning; Concept Plan could change through the review cycle, what is being reviewed is the land use and the density.

Mr. Miller inquired as to the possibility of delaying these cases to allow the applicant to revise their plan; that the issue seems to be density; inquired regarding procedures.

Mr. Morrison responded that a commissioner on the winning side of the former motion could make a motion to reconsider that motion; over-turn former motion and delay at that point.

Commissioner Coleman asked if the motion could stand and the applicant could take the cases to the City Commission for their vote.

Mr. Morrison responded in the affirmative; that the applicant could still change their plan and go before the City Commission with a different plan at City Commission.

Mr. Miller stated that the applicant could still change the plan at City Commission; give the applicant an opportunity to change the plan, come back before the Planning Commission; look at affordability of housing for hospital employees; determine density; possibility of going to the City Commission with a Planning Commission recommendation of approval.

Commission discussion of over-turning former motion for denial.

Mr. Morrison directed that a commissioner who voted “yes” on the first motion would have to make a motion to reconsider that motion; if the motion to reconsider passes, there will have to be a motion to postpone.

Commissioner Wood made a MOTION to RECONSIDER the MOTION of DENIAL of case # LSCP-19-157 – WINDSONG PHASE II – LARGE SCALE COMPREHENSIVE PLAN AMENDMENT Commissioner Miller SECONDED the MOTION which CARRIED by a vote of 3 - 2.

The applicant stated that they are willing to work with staff.

Mr. Miller asked if they were willing to redesign lots to nothing smaller than the current Windsong development – minimum width of 50-feet by 120-feet; double buffer; applicant asked for guidance from the Board regarding desired density, look and feel of the development; comment that this portion of Windsong was not developed originally because of the proximity to the highway, not conducive to residential uses.

Commissioner Miller stated that if the plan were redesigned to provide a minimum 150-foot buffer and to match lot sizes of 50-foot lots; would reconsider his vote.

Applicant needs to re-evaluate analytics to determine feasibility of the project.

Mr. Miller stated that staff believes this area will sell quickly, that young families will want to live there; compatible with Windsong.

Commissioner Wood stated that young people want tiny houses and no tie-down.

Mr. Morrison reiterated that a commissioner who voted in favor of denying case number LSCP-19-157 would have to make a motion to reconsider that vote, the motion would have to be seconded and approved; next step would be a motion to delay both cases.

Commission discussion regarding the desire of the Board and motions.

Mr. Morrison stated that case number 6 stands now as if no vote has been taken; options for the Planning Commissioners are move to approve, move to deny, move to delay.

Commissioner Marshall made a MOTION to DELAY case # LSCP-19-157 – WINDSONG PHASE II – LARGE SCALE COMPREHENSIVE PLAN AMENDMENT, Commissioner Wood SECONDED the MOTION which CARRIED by a vote of 5 - 0.

7. PUBLIC HEARING CASE # PUD-19-158 – WINDSONG PHASE II – PLANNED UNIT DEVELOPMENT ZONING

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, CHANGING THE ZONING ON APPROXIMATELY 38.6 +/- ACRES FROM PUD (PLANNED UNIT DEVELOPMENT) TO PUD (PLANNED UNIT DEVELOPMENT) TO ALLOW FOR SINGLE FAMILY RESIDENTIAL DEVELOPMENT FOR A PROPERTY GENERALLY LOCATED EAST OF U.S. HIGHWAY 27 AND SOUTH OF HIGHLAND LAKES BOULEVARD AS LEGALLY DESCRIBED IN SECTION 24, TOWNSHIP 20 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. **(CITY COMMISSION DATES ARE TENTATIVELY SCHEDULED FOR FIRST READING ON MONDAY, OCTOBER 14TH, 2019 AND SECOND READING ON MONDAY, DECEMBER 16TH, 2019)**
(Windsong)

Chairman Bowersox asked for a motion on the rezoning.

Commissioner Marshall made a MOTION to DELAY case # PUD-19-158 – WINDSONG PHASE II – LARGE SCALE COMPREHENSIVE PLAN AMENDMENT, Commissioner Wood SECONDED the MOTION which CARRIED by a vote of 5 - 0.

DISCUSSION

None

ANNOUNCEMENTS

None

ADJOURNMENT

Approximately 8:07 p.m.

Ted W. Bowersox, Chairman

Sabrina Mitchell, Administrative Assistant II