



DRAFT SUMMARY MINUTES OF THE REGULAR MEETING
OF THE PLANNING COMMISSION
CITY COMMISSION CHAMBERS, CITY HALL
THURSDAY, SEPTEMBER 19TH, 2019 - 4:30 P.M.

The Planning Commission of the City of Leesburg held its regular meeting Thursday, September 19th, 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
Charles Townsend
Frazier Marshall
Terry Miller

The following Commission members were absent:

Chris Wood
Craig Brown

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, Adrian Parker, Development Review Coordinator, as well as our City Manager Al Minner. 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, AUGUST 22ND, 2019**

Vice-Chairman Coleman moved to APPROVE the draft minutes from the AUGUST 22ND, 2019 meeting. Commissioner Miller SECONDED the motion, which PASSED by a vote of 4 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 # LSCP-19-182 – THE VILLAGES OF WEST LAKE – LARGE SCALE COMPREHENSIVE PLAN AMENDMENT

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF LEESBURG, CHANGING THE FUTURE LAND USE DESIGNATION OF CERTAIN PROPERTY CONTAINING 1,237 +/- ACRES FROM CITY OF LEESBURG NEIGHBORHOOD MIXED USE, CITY OF LEESBURG INDUSTRIAL, AND LAKE COUNTY RURAL TO AGE RESTRICTED DEVELOPMENT FOR A PROPERTY GENERALLY LOCATED SOUTH OF THE FLORIDA TURNPIKE, A PORTION NORTH OF COUNTY ROAD 470 AND EAST AND WEST OF COUNTY ROAD 48 IN SOUTHWEST LEESBURG AS LEGALLY DESCRIBED IN SECTIONS 5, 6, 7, 31; TOWNSHIPS 20 AND 21 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. **(CITY COMMISSION DATES ARE TENTATIVELY SCHEDULED FOR FIRST READING ON TUESDAY, NOVEMBER 12, 2019 AND SECOND READING ON MONDAY, JANUARY 13, 2020)** (Villages of West Lake (Southwest Leesburg) Area B)

Dan Miller introduced case number #LSCP-19-182 - The Villages of West Lake – Large Scale Comprehensive Plan Amendment 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.

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

Mr. Miller noted that case number LSCP-19-182 and the next case for the Rezoning, RZ-19-181 are for the same property and applicant and requested that the exhibits go for both cases.

Mr. Miller gave a background of the property. He stated this property was annexed and zoned for residential and commercial development in the city limits of Leesburg in 2006, under Ordinance 06-86, and the same time, under Ordinance 06-87, the zoning placed on the property allowed 2,238 residential units, along with 37 acres of commercial development that was to be located at or near the intersection of CR 48 and Austin Merritt Road; at that time, it was generally known as the Renaissance Trails property. The property was originally zoned for urban development 13 years

ago in 2006. There was one property and one zoning, then a transfer of ownership and the western area was rezoned, with the major difference being that multi-family was removed from the western area.

Mr. Miller read the two requests from the applicant into the record.

Department Review Summary – These cases were sent out to all the different departments for review and comment. Public Works noted that water and wastewater is not currently available. Lake County noted that the city and county would need to coordinate on project review for Access management on county roads, traffic impacts and flood zones. Lake County School board noted that exemption from school concurrency review would require the project to have recorded deeds/covenants that this is an age restricted community; received numerous approvals/disapprovals from the public.

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

Darrin Taylor representing the applicant, the Villages; stated that the property was zoned for urban development back in 2006, future land use map, how we are going to develop, property planned for development for many years, clarification of summary and identified three text amendments and gave explanation; term being added Master Developer to help clarify rights on the property and the rights of the Villages.

Commissioner Townsend expressed concern regarding mining.

City Attorney Fred Morrison stated that's a new concept for the City of Leesburg; we never allowed that and we need some discussion.

Marty Dzuro on behalf the Villages Land Company stated peat resources, would probably utilize that and take the peat out and do some reclamation, lime stone mines, deep cuts, and blasting; no resources identified, mine peat, and do some large scale excavation of removing dirt; this allows us to do that pathway.

Chairman Bowersox stated keep in mind the naval station as well.

Marty Dzuro replied that Villages had worked out an agreement between the City of Leesburg and The Navy and certain uses to be allowed, mining would require them to notify the Navy for approval; that Bugg Spring is sensitive to vibration.

Mr. Miller stated the City of Leesburg did establish with the Navy overlay zones and distances and stated that this development is well outside of those zones, and that ARD development is exempt per agreement with the Navy.

Chairman Bowersox expressed concern regarding mining guidelines. City Attorney, Fred Morrison replied we don't have any as of right now.

Marty Dzuro, Villages, outlined the various State regulatory agencies that review mining permits and noted that the developer has not identified anything requiring blasting; but that blasting is

governed by state law and the Fire Marshal and that the developer is not anticipating anything like that.

Commissioner Townsend expressed concern about approval for the mining requirements.

City Attorney Fred Morrison stated that the mining component contemplates that it will require a Chapter 163 agreement that Dan Miller mentioned before; and that Mr. Morrison is anticipating that the agreement will set out a mining ordinance, which has to be approved by the City Commission before any mining takes place and that the agreement will cover things like reclamation and water quality.

Chairman Bowersox asked if Staff have any further comments and anyone on behalf of the Villages wants to complete their presentation.

Darrin Taylor on behalf of the applicant stated that they wish to reserve the right to provide any clarification as far as comments made, to make sure the Board has the best available information.

Chairman Bowersox stated that the Planning Commission makes recommendations to the City Commission but that they will make the final decision.

Chairman Bowersox asked for comment from the citizens.

Citizens comments followed; dirt road, how many cars going through road, electric grid plans, television cables, cellular lines, how the rezoning will benefit the community and the people in the community, time frame, concerns about water, roads, traffic, widening U.S. Highway 27, during construction big problems, lot of wetlands, drainage, sewage, trash, mining concern, impact fees burdened by developer not by the people that live outside or live in the Villages, family concern, our generation, situation we are in right now, agriculture, homeland, effects on water, next generation can't afford to live in these places, property value up but for how long; not sustainable, landscape concern; is this type of development really necessary, school impact fees; if don't approve age restricted developments will the impact fees go back into the public schools system, plants, natural vegetation concern, fungus run-off from golf course; contaminate the lake, recommend not developing at subject property, gopher turtles (tortoise), fox squirrels, hogs, land developed; just got to figure out which way and how is going to be developed.

Planning Commissioners and Mr. Miller discussed rezoning approved in 2006; they can develop without asking permission, electric grid plans, paved road, better access, property value is going to go up, Mr. Miller replied if it is a certified 55+ development than those are waived by the Lake County School Board; question that has to be dealt with at the School Board level because the City has no control over the school impact fees, if not the Villages, it will probably be some other developer; talking about the zoning and what's been approved.

City Manager, Al Minner stated the electric territory in that area is Duke Energy; the Florida Substation.

Chairman Bowersox entertained a motion for case number LSCP-19-182 - Comp Plan Amendment and stated a separate vote will be taken for the rezoning.

Vice-Chair Coleman stated a lot of the concerns are very legitimate, and what it should do is really make us look if it's rezoned, be allowed to do what in the future; for all the future before it's done needs to be considered a little more close than it has in the past, and understand it's been approved.

Chairman Bowersox asked if the Commission have any further comments.

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

Chairman Bowersox stated we have a motion to accept the Comprehensive Plan Amendment.

Commissioner Townsend made a MOTION for APPROVAL of case # LSCP-19-182 – THE VILLAGES OF WEST LAKE – LARGE 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.

2. PUBLIC HEARING CASE # RZ-19-181 – THE VILLAGES OF WEST LAKE – REZONING

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REZONING APPROXIMATELY 1,237 +/- ACRES FROM CITY OF LEESBURG PUD (PLANNED UNIT DEVELOPMENT), CITY OF LEESBURG CIP (COMMERCIAL/INDUSTRIAL PLANNED), AND LAKE COUNTY A (AGRICULTURE) TO ARD (AGE RESTRICTED DEVELOPMENT) TO ALLOW FOR A MIXED USE COMMUNITY FOR A PROPERTY GENERALLY LOCATED SOUTH THE FLORIDA TURNPIKE, A PORTION NORTH OF COUNTY ROAD 470 AND EAST AND WEST OF CR-48 IN SOUTHWEST LEESBURG AS LEGALLY DESCRIBED IN SECTIONS 5, 6, 7, 31, TOWNSHIPS 20 AND 21 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. **(CITY COMMISSION DATES ARE TENTATIVELY SCHEDULED FOR FIRST READING ON TUESDAY, NOVEMBER 12, 2019 AND SECOND READING ON MONDAY, JANUARY 13, 2020)** (Villages of West Lake (Southwest Leesburg) Area B)

Mr. Miller stated that the exhibits for the Rezoning are the same as for the Comprehensive Plan Amendment and proceeded to read the Staff Recommendations into the record; staff recommended approval.

Chairman Bowersox entertained a motion on the rezoning.

Chairman Bowersox stated we have a motion to approve the Rezoning.

Mr. Miller stated the City Commission dates are tentatively scheduled first reading Tuesday, November 12, and second reading on Monday, January 13, but are subject to change.

Commissioner Miller made a MOTION for APPROVAL of case # RZ-19-181 — THE VILLAGES OF WEST LAKE – REZONING Commissioner Marshall SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 5-0.

Chairman Bowersox stated that he understands that the applicant for item # 3 asked for a continuance. Mr. Miller replied in the affirmative.

3. PUBLIC HEARING CASE # PUD-19-186 – SPRING CREEK – PLANNED UNIT DEVELOPMENT

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REZONING APPROXIMATELY 51.97 +/- ACRES FROM CITY PUD (PLANNED UNIT DEVELOPMENT) TO CITY PUD (PLANNED UNIT DEVELOPMENT) TO ADD FIVE LOTS TO THE CURRENTLY APPROVED 124 LOTS FOR SINGLE FAMILY DEVELOPMENT FOR A PROPERTY LOCATED EAST OF U.S. HIGHWAY 27 AND SOUTH OF COUNTY ROAD 48 AS LEGALLY DESCRIBED IN SECTIONS 13 AND 14, TOWNSHIP 20 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. **(CITY COMMISSION DATES ARE TENTATIVELY SCHEDULED FOR FIRST READING ON TUESDAY, NOVEMBER 12, 2019 AND SECOND READING ON MONDAY, NOVEMBER 25, 2019)**
(Spring Creek)

Mr. Miller stated that staff was contacted by the applicant's representative asking for a continuance on the Spring Creek application. Mr. Miller stated that staff is comfortable respectfully requesting that the Planning Commission continue this case into the October meeting.

Chairman Bowersox called for the next case on the agenda.

4. PUBLIC HEARING CASE # PDO-18-248 – ICE VENDING – PLANNED DEVELOPMENT OVERLAY

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REZONING APPROXIMATELY 0.219 +/- ACRES FROM M-1 (INDUSTRIAL) TO PDO (PLANNED DEVELOPMENT OVERLAY) TO ALLOW STAND-ALONE ICE VENDING FOR A PROPERTY LOCATED WEST OF U.S. HIGHWAY 27 AND NORTH OF SUMTER STREET AS LEGALLY DESCRIBED IN SECTION 27, TOWNSHIP 19, RANGE 24, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. **(CITY COMMISSION DATES ARE TENTATIVELY SCHEDULED FOR FIRST READING ON TUESDAY, NOVEMBER 12, 2019 AND SECOND READING ON MONDAY, NOVEMBER 25, 2019)** (Ice Vending)

Dan Miller introduced case number PDO-18-248 – Ice Vending – Planned Development Overlay 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 gave a background summary of the property. He stated the request is to add an ice machine, developed under the same requirements as any other construction that would include access, parking, and landscaping.

Dan Miller gave a detailed description of the zoning and the property location.

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

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

Mr. Miller gave a detailed background of the PDO requirements, site plan process, parking, landscaping, and access of the subject property.

Mr. William (Bill) Polk introduced himself for the record and spoke on behalf of the subject property and made a presentation, gave a description of the ice machine, and stated stand-alone ice vending is the best use for this site.

Dianne, a realtor representing the owner of the adjacent property, stated that her client has no objection to the ice machine but did not want anyone using his access from U.S. Highway 27.

Mr. Miller replied that ingress/egress is controlled by FDOT; that FDOT will make that determination at a later date.

Vice-Chairman Coleman expressed concern that the ingress/egress had not been determined.

Mr. Miller replied that's correct; they would have to go to FDOT to finalize the location.

Chairman Bowersox asked for any questions from the Commissioners or anyone in the audience wishing to participate.

Chairman Bowersox entertained a motion on the Ice Vending Machine.

Commissioner Townsend made a MOTION for APPROVAL of case # PDO-18-248 ICE VENDING – PLANNED DEVELOPMENT OVERLAY – Vice-Chairman Coleman SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 5 -0.

Chairman Bowersox called for the next case on the agenda.

5. PUBLIC HEARING CASE # RZ-19-169 – ROGER MOOSE – REZONING

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REZONING APPROXIMATELY 18.3 +/- ACRES FROM CITY PUD (PLANNED UNIT DEVELOPMENT) TO CITY R-1-A (SINGLE FAMILY RESIDENTIAL) FOR A PROPERTY LOCATED NORTHWEST OF THE INTERSECTION OF WILD HARBOR LANE AND COUNTY ROAD 25A AS LEGALLY DESCRIBED IN SECTION 34, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. (CITY COMMISSION DATES ARE TENTATIVELY SCHEDULED FOR FIRST READING ON

TUESDAY, NOVEMBER 12, 2019 AND SECOND READING ON MONDAY, NOVEMBER 25, 2019 (Roger Moose)

Dan Miller introduced case number RZ-19-169 – Roger Moose – Rezoning 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 gave a background history of the property.

Mr. Miller stated the current zoning for this approximately 18 acre site is PUD, the new zoning will R1-A (Single Family Residential).

Department Review Summary no substantive comments.

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

Chairman Bowersox asked for anyone here wishing to speak.

Chairman Bowersox asked for any questions from the Commissioners.

Vice-Chairman Coleman expressed concern regarding the current PUD. Mr. Miller replied that back in 2006 the site was approved as a PUD for an assisted living facility.

Chairman Bowersox entertained a motion.

Chairman Bowersox stated we have a motion to approve the Rezoning.

Commissioner Marshall made a MOTION for APPROVAL of case # RZ-19-169 – ROGER MOOSE – REZONING Vice-Chairman Coleman SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 5- 0.

DISCUSSION

None

ANNOUNCEMENTS

Chairman Bowersox stated he won't be here for the October Commission Meeting, and introduced the new members of the Planning Commission Board; also announced Commissioner Townsend and Commissioner Miller will be leaving the Planning Commission Board and thanked them for their service.

Chairman Bowersox entertain a motion to adjourn.

Motion to adjourn made by Commissioner Marshall.

ADJOURNMENT

Approximately 5:54 p.m.

Ted W. Bowersox, Chairman

Sabrina Mitchell, Administrative Assistant II

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