



DRAFT SUMMARY MINUTES OF THE REGULAR MEETING
OF THE PLANNING COMMISSION
CITY COMMISSION CHAMBERS, CITY HALL
THURSDAY, JANUARY 23RD, 2020 - 4:30 P.M.

The Planning Commission of the City of Leesburg held its regular meeting Thursday, January 23rd, 2020, 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
Frazier Marshall
John O’Kelley
Michael Fitzpatrick
Alfred Haliday
Ze’Shieca Carter

The following Commission members were absent:

Clell Coleman
Chris Wood

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

The meeting opened with an invocation given by Commissioner Marshall, 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, DECEMBER 19TH, 2019

Commissioner Carter moved to APPROVE the draft minutes from the DECEMBER 19TH, 2019 meeting. Commissioner Fitzpatrick SECONDED the motion, which PASSED by a vote of 6 - 0.

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

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

OLD BUSINESS

1. PUBLIC HEARING CASE # LSCP-19-221 – SUNNYSIDE LANDING – LARGE 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 18.5 +/- ACRES FROM LAKE COUNTY RURAL TO CITY OF LEESBURG ESTATE RESIDENTIAL FOR A PROPERTY GENERALLY LOCATED SOUTH OF U.S. HIGHWAY 441 AND EAST OF SUNNYSIDE DRIVE (SOUTH) AS LEGALLY DESCRIBED IN SECTION 33, TOWNSHIP 19 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. **(CITY COMMISSION DATES ARE TENTATIVELY SCHEDULED FOR FIRST READING ON MONDAY, FEBRUARY 10TH, 2020 AND SECOND READING IS SCHEDULED FOR MONDAY, APRIL 27TH, 2020)**

Mr. Miller stated he would like to give an overview of these requests, then upon completion the Commission can do separate motions for each of the two cases.

Dan Miller introduced case number #LSCP-19-221 Sunnyside Landing Large Scale Comprehensive Plan Amendment and the next related case #PUD-19-222 Sunnyside Landing Planned Unit Development Zoning 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 of the subject property, and a detailed explanation on the types of cases. He stated this property is already in the City of Leesburg and was zoned in 2005 under Ord 05-124; the applicant requested 159 total units on 137 acres, which is an overall density of 1.16 units per acre, versus the previously approved one unit per acre.

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

Department Review Summary – This case was sent out to all the different departments for review. Lake County responded there will be significant upgrades required to the roadway along Sunnyside; the City will require connection to water/wastewater; significant public responses.

Mr. Miller read the Staff Recommendations into the record for both cases; staff recommendations and then went over the PUD (Planned Unit Development) zoning.

Mr. Greg Beliveau of LPG (Land Planning Group) on behalf of the applicant gave a presentation on the subject property.

Planning Commissioners and Mr. Miller discussed specifications on vacant acreage, wetland acreage, retention areas, open space, road, size of larger lots; Dan Miller stated that there are 80 acres of wetlands and open space, need for improved roads; Mr. Miller stated that a task force was created in 2004 and a resolution was approved in 2005; Mr. Miller stated that staff would research the 2004 cases to verify information.

Mr. Miller clarified zoning; Mr. Miller stated the requirements of the City water/sewer connection is only required if well/septic failed: sewer connection required if property is within 1000 feet of a sewer line and water connection if within 800 feet.

Mr. Miller, Fred Morrison, City Attorney, and the Commissioners continued discussion on the expired 2005 PUD and zoning; expiration requires action to be taken to correct expiration; still zoned PUD in 2005; expiration clause, density is not grand fathered in (1.0 to 1.16), wetlands considered; gross acreage; City Commission passed the PUD in 2005; Commission determined in 2005 that it was appropriate to have 120 homes on the westside of Sunnyside; Planning Commission will make a recommendation to the City Commission regarding this PUD; based on the merits, City Commission will make a determination.

Mr. Beliveau stated that Lake County Public Works advised that was no need to fix the roads as Level of Service was not adversely affected based on the assigned Level of Service (LOS) D; informed citizens to get with Lake County.

Fred Morrison City Attorney clarified the resolution; and stated that technically it meets the terms of the written resolution based on the wording.

Citizen comments were based on: PUD, Lakefront property, task force; approve signage, zoning, eagles nesting, gopher turtles, traffic study, staff recommendations; another year or two before the roads get done; hold up development until the roads get fixed, joint agreement, triple density around it; Sleepy Hollow light, traffic issues, dense housing, let's keep Sunnyside interior a rural area, questioned when the property became part of the City; when/why; annexed, questioned notice, investigate history

Citizen comments continued; City water and sewer, forced to join in, negative effect on drinking water, sewer systems setup, switch to following City and County ordinances; concern (volume of people), road issues, environmental impact study, wetlands, wild life issues, buffers; federal regulations, electric issues, sidewalks plans along Sunnyside, 2004 agreement changed; 2004-2005 things can be changed drastically, needs to be reviewed again, crime issues, property value, smaller lots, emergency services; impact, Police Dept; doesn't cover zone, schools; roads.

Fred Morrison City Attorney stated under current State of Florida law you could not be involuntarily annexed; you're too big, annexations are voluntary; on the water and sewer the ordinances would require that you connect, in the real world nobody is required to do that, unless your package plants fail and you need water, substantial upgrade to your well or treatment package plant, then you might be required to connect; as long as your well is functioning properly and permitted – no requirement to connect.

Greg Belliveau gave a detailed explanation of subject property; reviewed density, housing need in Lake County is critical, not a high density project, not in rural Lake County, smaller lots relate to the historical development pattern; not abnormal along the Sunnyside area, based on a study in 2005, adopted PUD; done by previous property owners; housing needs, hospital/school board recruitment; no places for people to live, new job and employment, environmental assessment was performed by a Professional Environmentalist that visited the site on more than one occasion; Leesburg schools have plenty of capacity; (public school systems).

Chairman Bowersox closed the public comment portion of the meeting; asked for Commission questions.

Commissioner Marshall questioned the proposed density, City services such as Police and Fire; Mr. Miller explained the proposed density.

Michael Rankin Deputy City Manager stated it is his assumption that as growth occurs in the area needs will be assessed to provide services.

Fred Morrison asked Dan Miller if the 2005 PUD have the normal expiration clause – and if the PUD expired.

Dan Miller replied that the 2005 PUD, Ordinance 05-124, had expired; Section 6.F, 24 months. Fred Morrison asked Mr. Miller if construction had begun on the site; Mr. Miller replied in the negative.

Fred Morrison stated the PUD is essentially expired; Mr. Miller confirmed.

Mr. Greg Beliveau stated it has R-1 zoning, allow one unit per acre; which is equivalent of 120 units per acre.

Fred Morrison stated that the prior PUD is irrelevant; this is a new PUD; the PUD

entitlements have expired; citizens questioned previous public notice from cases in 2004/2005.

Dan Miller stated miscellaneous conditions clause ordinance 05-124 there is an expiration within 24 months of the approval; as City Attorney indicated that will be 2007, at that point you would either need to do a new PUD as Mr. Beliveau is representing tonight or the property could be rezoned based on the wording presented; doesn't automatically default to RE-1.

Fred Morrison stated this is a new case unrelated to the former PUD; Mr. Morrison proceeded to give clarification on the zoning (PUD) expiration; and mentioned what Greg Beliveau is presenting is a new PUD.

Commissioner Carter questioned expired zoning and current proposal; if the current proposal is in opposition to the former, approved PUD.

Chairman Bowersox asked for a motion on the LSCP (18.5 acres).

Commissioner Haliday made a MOTION for APPROVAL of case # LSCP-19-221–SUNNYSIDE LANDING – LARGE SCALE COMPREHENSIVE PLAN AMENDMENT.

Chairman Bowersox asked for Second on the Motion for Approval; there was none. Chairman Bowersox stated that the **motion died** for lack of a second.

Fred Morrison stated that since this is a recommendation to the City Commission, it would be appropriate at this point, if the approval didn't get a second, to entertain a motion to disapprove, if anybody was inclined to make that motion, because there has to be something on the record that the Planning Commission disposed of the case.

Commissioner Haliday made a MOTION for DISAPPROVAL of case # LSCP-19-221 – SUNNYSIDE LANDING – LARGE SCALE COMPREHENSIVE PLAN AMENDMENT, Commissioner Marshall SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 6 - 0.

Chairman Bowersox asked for the next case on the agenda.

2. **PUBLIC HEARING CASE # PUD-19-222 – SUNNYSIDE LANDING – PLANNED UNIT DEVELOPMENT**

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REZONING APPROXIMATELY 137.35 +/- ACRES FROM CITY PUD (PLANNED UNIT DEVELOPMENT) AND LAKE COUNTY R-1 (RURAL RESIDENTIAL) TO CITY PUD (PLANNED UNIT DEVELOPMENT) TO ALLOW FOR THE DEVELOPMENT OF 231 DETACHED SINGLE FAMILY UNITS FOR A PROPERTY LOCATED SOUTH OF U.S. HIGHWAY 441 AND EAST AND

WEST OF SUNNYSIDE DRIVE (SOUTH) AS LEGALLY DESCRIBED IN SECTIONS 29, 32 AND 33, TOWNSHIP 19 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. **(CITY COMMISSION DATES ARE TENTATIVELY SCHEDULED FOR FIRST READING ON MONDAY, FEBRUARY 10TH, 2020 AND SECOND READING IS SCHEDULED FOR MONDAY, APRIL 27TH, 2020)**

Commissioner O' Kelley asked for further discussion on case# PUD-19-222 – Sunnyside Landing Planned Unit Development. He also suggested staff do research, to table this case tonight.

Chairman Bowersox asked for a motion.

Commissioner O'Kelley made a MOTION to POSTPONE case # PUD-19-222 – SUNNYSIDE LANDING – PLANNED UNIT DEVELOPMENT TO THE NEXT MONTH PLANNING COMMISSION MEETING; Commissioner Carter SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 6 - 0.

Dan Miller asked that with this case being tabled and the first case which is the Comprehensive Plan being recommended for disapproval, as we want to keep these cases all together; on the scheduling, so instead of moving forward with City Commission portion of this review; hold all the cases together at next month's meeting or as soon as possible; we will have the information that you are requesting available; then all these cases would be scheduled for City Commission.

Chairman Bowersox agreed that the cases should be heard by City Commission at the same time.

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

NEW BUSINESS

1. PUBLIC HEARING CASE # PUD-19-300 – LAKE GRIFFIN PRESERVE – PLANNED UNIT DEVELOPMENT REZONING

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, AMENDING THE ZONING ON APPROXIMATELY 18.87 +/- ACRES TO ALLOW FOR FIFTY SINGLE FAMILY RESIDENTIAL LOTS IN A PUD (PLANNED UNIT DEVELOPMENT) ZONING FOR A PROPERTY GENERALLY LOCATED EAST OF U.S. HIGHWAY 441 AND SOUTH OF PARK HOLLAND ROAD, AS LEGALLY DESCRIBED IN SECTION 14, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. **(CITY COMMISSION DATES ARE TENTATIVELY SCHEDULED FOR FIRST READING ON MONDAY, MARCH 9TH, 2020 AND SECOND READING ON MONDAY, MARCH 23RD, 2020** (Lake Griffin Preserve / f.k.a: Woodrell)

Dan Miller introduced case number #PUD-19-300 Lake Griffin Preserve PUD Zoning 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 read into the record the general location of the subject property, gave a background of the subject property, current zoning, requested zoning, and phasing requirements.

Mr. Miller stated he met with the surrounding property owners regarding the Right-Of-Way and the issues are resolved, and discussed the PUD, also added on the first page of the PUD document under #2 Land Use, Item A4 corner side set back needs to be included to read 15-feet.

Staff Summary/Department Review Summary: This case was sent out to all the different departments for review and no substantive comments.

Mr. Miller read the Staff Recommendations into the record.

Chairman Bowersox asked to add the change to the PUD (15-foot side setback) into the motion.

Frank Stivender, 1407 Park Holland Road, asked about the plat as proposed changing to single-family dwellings; preferred the boat launching facility be moved to where the canal is wider; assume you have to meet all codes regarding boat docks; build wall to the canal, and wall and gated as in the original PUD; vegetative buffer would be acceptable.

Angel Rivera, Engineer of Record, representing the developer explained the boat ramp location was a strategic decision; would talk with developer to discuss other location alternatives, reduced a number of units from 75 to 50; wider lots; project plans a fence or solid wall that not transparent; not fully gated at beginning of water front lots; limited use boat ramp to meet HOA restrictions; retention ponds, docks built by lot owners; unsure if developer would agree to lose a lot; 6-foot high fence or another option of a 4-foot high split rail fence.

Planning Commissioners and Mr. Miller discussed boat ramp, resident access only; not public access, HOA agreement, wetlands, retention ponds, docks, landscape buffer, and fence requirements.

Chairman Bowersox entertained a motion, and then the voting took place.

Commissioner Marshall made a MOTION for APPROVAL of case # PUD-19-300 – LAKE GRIFFIN PRESERVE – PLANNED UNIT DEVELOPMENT

REZONING as AMENDED WITH FIFTEEN FOOT CORNER SETBACK; Commissioner Haliday SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 6 - 0.

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

2. PUBLIC HEARING CASE # SSCP-19-305 – GABRIEL COMMERCIAL PROPERTY – 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 9.36 ACRES FROM LAKE COUNTY URBAN LOW DENSITY TO CITY OF LEESBURG GENERAL COMMERCIAL FOR A PROPERTY GENERALLY LOCATED SOUTH OF UNIVERSITY AVENUE AND WEST OF U.S. HIGHWAY 27 AS LEGALLY DESCRIBED IN SECTION 25, 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, MARCH 9, 2020 AND SECOND READING ON MONDAY, MARCH 23, 2020)** (Gabriel Commercial Property)

Mr. Miller wants to consider these two cases together for the same size acreage.

Dan Miller introduced case number #SSCP-19-305 Gabriel Commercial Property Small Scale Comprehensive Plan Amendment the next case #SPUD-19-306 Gabriel Commercial Property 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 read into the record the general location of the subject property.

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

Mr. Miller gave a background of the subject property, current zoning, requested zoning, Small Planned Unit Development (SPUD) uses, standard PUD language, architectural standards, landscaping required, also he stated there was a significant number of wetlands; PUD will assist in design of the site, basic site plan, and at the time of development they will provide a full-scale site plan; staff has no concerns.

Department Review Summary: this case was sent out to all the different departments for review and no substantive comments. Public comments someone wanted more information.

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

Chairman Bowersox asked an abutting property owner if she had plans for her property.

Citizen stated she didn't have plans presently, waiting to see if the commercial zoning would be approved; concerned about the property being annexed into the City, would annexation effect utilities; and has no objections on the project.

Mr. Miller replied he recommend the citizen wait to see how development comes out, properties are appreciating; stated he will be glad to go over some drawings; conceptual site plan.

Chairman Bowersox entertained a motion, and then the voting took place.

Commissioner O'Kelley made a MOTION for APPROVAL of case # SSCP-19-305 – GABRIEL COMMERCIAL PROPERTY – SMALL SCALE COMPREHENSIVE PLAN AMENDMENT; Commissioner Carter SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 6 - 0.

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

3. **PUBLIC HEARING CASE # SPUD-19-306 – GABRIEL COMMERCIAL PROPERTY – REZONING**

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REZONING APPROXIMATELY 9.36 ACRES FROM LAKE COUNTY PUD (PLANNED UNIT DEVELOPMENT) TO CITY SPUD (SMALL PLANNED UNIT DEVELOPMENT) TO ALLOW FOR RETAIL COMMERCIAL, MEDICAL SERVICES AND OFFICE USES FOR A PROPERTY GENERALLY LOCATED SOUTH OF UNIVERSITY AVENUE AND WEST OF U.S. HIGHWAY 27 AS LEGALLY DESCRIBED IN SECTION 25, 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, MARCH 9, 2020 AND SECOND READING ON MONDAY, MARCH 23, 2020)** (Gabriel Commercial Property)

Chairman Bowersox entertained a motion, and then the voting took place.

Commissioner Fitzpatrick made a MOTION for APPROVAL of case # SPUD-19-306 – GABRIEL COMMERCIAL PROPERTY – REZONING; Commissioner Carter SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 6 - 0.

DISCUSSION

None

ANNOUNCEMENTS

Dan Miller announce that Mr. Coleman was not going to be here, due to health issues.

Mr. Miller announced Kandi Harper's birthday.

Motion made to adjourn meeting by Commissioner Marshall and seconded by Commissioner Carter.

ADJOURNMENT

Approximately 7:22 p.m.

Ted W. Bowersox, Chairman

Sabrina Mitchell, Administrative Assistant II