



DRAFT SUMMARY MINUTES OF THE REGULAR MEETING
OF THE PLANNING COMMISSION
VENETIAN CENTER
THURSDAY, AUGUST 13TH, 2020 - 4:30 P.M.

The Planning Commission of the City of Leesburg held its regular meeting Thursday, August 13th, 2020, at Venetian Center.

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
Chris Wood

The following Commission members were absent:

Clell Coleman – Vic Chairman
Ze’Shieca Carter

City staff in attendance included Dan Miller, Planning & Zoning Manager, Dianne Pacewicz, Planner, Careylee Murray, Planner, Kandi Harper, Senior Planner and City Attorney Fred Morrison was also present.

The meeting opened with an invocation given by 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, JUNE 25TH, 2020

Commissioner Fitzpatrick moved to APPROVE the draft minutes from the JUNE 25TH, 2020 meeting. Commission Marshall SECONDED the motion, which PASSED by a vote of 6- 0.

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

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

OLD BUSINESS

1. 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 159 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, SEPTEMBER 14TH, 2020 AND SECOND READING IS SCHEDULED FOR MONDAY, NOVEMBER 23RD, 2020)** (Sunnyside Lake Land Holdings, LLC)

Dan Miller introduced case number PUD-19-222 – Sunnyside Landing – Planned Unit Development 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 current zoning.

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, there were no substantive comments received. Under public response we received two approvals, numerous disapprovals; public concerns: roads, traffic, land values, density, provision of infrastructure, wildlife, natural environment, and schools.

Mr. Miller read the Staff Recommendations into the record; Staff recommended approval, explained the PUD (Planned Unit Development); went over conditions of the Sunnyside Landing case: allows 159 single family residential units; prohibited uses, lot sizes, garage requirements, design and architecture standards, landscaping and buffering requirements, min. 25' planted buffer provided along the east and west Sunnyside Road boundary of the property, site access, all excess points are subject of review and approval which includes Lake County, transportation improvements; all necessary traffic improvements as required by Lake County must be completed, stormwater and drainage, wetlands, flood zones, wildlife management plan required, irrigation and water usage, recreational requirements, water and wastewater services are required to be provided; no septic tanks or wells on the property.

Greg Belliveau gave a detailed presentation of the subject property, explained the previous PUD and changes to the current PUD; 139 units and a few more lots which brought it to 159 units; additional 35 units, environmental assessments, verified; eagles, no eagles on site, gopher tortoises, transportation analysis (verified and reviewed); level of service, analyze intersections in the area, no negative impact on the service of the roads, land use, zoning, state residential approved, state approved Comprehensive Plan Amendment, four units per acre; asking for 1.1 unit per acre, design took into consideration; (PUD) Planned Unit Development, reviewed concept plan, County wants to mellow out curb; working with County; no design yet, donate right-of-way to County; eastern side, work with County to do road improvements, project in no way can bear the burden of fixing all of Sunnyside Drive; County road system, Sunnyside improvements; County wide; team effort of all the citizens of Sunnyside; road improvements, and this project does not qualify to fix those roads; no negative impact to the level of service.

Zack Broom attorney Bone & Troth in Eustis obtained by Mr. Murray Tucker on behalf of some of the residents, and gave a presentation regarding the law, code, some of the history, read Resolution 71-58 from June 28, 2004; annexed into the City of Leesburg into the record; City created a task force, staff report, fact findings proposed all of the developments consistent with this report, Sunnyside task force addressed transportation and density; 1 unit per 3 acres (very low) 1 unit per 1 acre (low), implementation being done through annexation agreements, restrictions of developers; transportation; page 10 of the report; read into the record; roads need to be upgraded; prior to new development, dedicated right-of-way, increased traffic as result of development, and 2005 formally annexed.

October 19, 2005; recorded in public records, PUD attached as a condition on page 1; read into the record, annexation agreement; 1 unit per acre; gross density; application before you 1.2 units gross unit per acre; miscellaneous conditions read into the record from 2005; requesting; modification of PUD that has been dead for thirteen years, conditions extension or reduction; no increase in PUD, vested rights; no discussion; more dense, facially looking

at the staff report and conditions; facially nothing to indicate whether all conditions of the Sunnyside task report was taken in account; rendering that opinion, request a greater density, report/annexation agreement, Planning Commission; keep same or go lower; nothing allowing it to go up, based on code, Sunnyside report, and PUD history for this property, allowing for great development; not allowed.

Murray Tucker III lives in the Sunnyside community expressed his concern at the subject property, discussed Sunnyside task force, density, traffic, environmental aspects; expired PUD thirteen years ago; conditions never met; doesn't meet criteria set for in the task force resolution, and respectfully asking to vote no on this project.

David Kolins lives in the Sunnyside community expressed concern regarding the environmental report; wants report if new one done, wildlife, survey, question report, eagle siting's; (no evidence), sand skink; (no evidence), eagle requirements, and in opposition of development.

Mark Arney lives in the Sunnyside community discussed eagle's nest report and stated he sent report to Dan Miller; he replied yes sir; sent to Dan Miller gopher turtle picture; Mr. Miller replied he received and forwarded it to the applicant; verification of acres, Mr. Miller clarified acres, wetlands, density, recommendation not compatible (future use plan), consistent with Sunnyside task force; still in force.

Julie O'Reilly lives in the Sunnyside community expressed concern regarding environmental impact study; wants copy of report, impact to Lake Harris, wildlife, lake, land (flat), water flow, and wants to review documents.

Charlson Hadden lives in the Sunnyside community expressed concern regarding bald eagles, panther, bobcats, family of turkeys, cost of sewer; (covered by 35 units), value, land, square footage of one acre; width of lot, traffic impact, quality of life; and in opposition of development.

Joe Olear purchased property in Sunnyside community expressed concern regarding development, impact fees, road (Lake Terrace); not adequate, not big enough, road improvements; upgraded; and in opposition of development.

Micheal Stowell lives in the Sunnyside community expressed concern regarding roads, increased commercial traffic, sets precedence; approval of zoning change, cleared lots of land, City to rural (South) development, doesn't make since to him.

Chairman Bowersox gave the applicant an opportunity to address comments.

Greg Belliveau gave a presentation to address comments from citizens regarding development, with exhibits for the record, transportation, new traffic analysis; more in depth, environmental impact study, eagle's nest; off site, off spray nest, Florida panthers, St. John's permit; environmental analysis, sand skinks analysis; (March), stormwater, PUD requires management plans; St. John's permitting process, density, lot sizes; open space,

wetlands, boundary analysis, buffer area; (green space), subdivision names; platted, equivalent density, and development patterns.

Commissioner Fitzpatrick expressed concern regarding acreage is actually wetlands and preserves, total gross acreage homes, roads, and infrastructure. Greg Belliveau gave a brief explanation of the master plan. Commissioner O'Kelley expressed concern regarding acreage, and number of lots. Greg Belliveau explained the acreage and lots.

Citizen wanted clarification on units per acre for wetlands.

Chairman Bowersox close the discussion to the public.

Dave Cauthen lives in Sunnyside community expressed concern on Sunnyside task force report; changes, agreement; addressed all the major issues, approved by the City; resolution passed by City council, addressing the future land use of Sunnyside, nothing changed since 2004; bad roads, too much growth, and not following in compliance agreed upon.

Chairman Bowersox replied the discretion changed.

Chairman Bowersox close the discussion to the public.

Chairman Bowersox stated if the Commissioners had any questions or discussion.

Commissioner Marshall expressed concern regarding the policy back in 2004 for Lake County. Fred Morrison replied he can't speak for Lake County regarding the policy in 2004. Commission Fitzpatrick expressed concern regarding Sunnyside task force. Fred Morrison explained that there is a proviso "except as otherwise determined by the City Commission" and they passed for first PUD (Planned Unit Development); there is a substantial body of law to the effect that a municipality cannot bind its police power including zoning authority by contract; no zoning issue or case sets precedence; although the study was adopted in 2004, it is not considered binding on future City Commissions.

Commissioner Marshall expressed concern regarding rezoning or just the 159 units. Fred Morrison replied this would be approval for all the units; old PUD expired. Commissioner O'Kelley wanted clarification of these properties committed to the density of the 120 units; Fred Morrison replied no it's not the old PUD that expired thirteen years ago, it has no effect; not bound by anything done back then. Commissioner O'Kelley stated they are not grandfathered in. Fred Morrison replied no they are not; there are no vested rights under an expired PUD.

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

Dan Miller announced dates for City Commission for the record.

Commissioner Haliday made a MOTION for APPROVAL of case # PUD-19-222 – SUNNYSIDE LANDING – PLANNED UNIT DEVELOPMENT. There was no SECOND. The motion died for a lack of a second.

Chairman Bowersox stated that the motion dies for lack of a second.

Commissioner Marshall made a MOTION for APPROVAL of case # PUD-19-222 – SUNNYSIDE LANDING to change PUD to one unit per acre – PLANNED UNIT DEVELOPMENT.

Commissioner Marshall stated he wanted to withdraw his motion.

Motion was withdrawn.

Commissioner Haliday made a MOTION for DENIAL of case # PUD-19-222 – SUNNYSIDE LANDING – PLANNED UNIT DEVELOPMENT. Commissioner Wood SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 5- 1.

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

NEW BUSINESS

1. PUBLIC HEARING CASE # PUD-20-86 – JAMES LANDING – REZONING

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REZONING APPROXIMATELY 30.53 ACRES FROM P (PUBLIC) AND R-3 (HIGH DENSITY RESIDENTIAL) TO PUD (PLANNED UNIT DEVELOPMENT) FOR A PROPERTY GENERALLY LOCATED EAST OF PICCIOLA ROAD AND NORTH AND SOUTH OF PARK HOLLAND ROAD AS LEGALLY DESCRIBED IN SECTIONS 14 AND 15, 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, SEPTEMBER 14TH, 2020 AND SECOND READING IS SCHEDULED FOR MONDAY, SEPTEMBER 28TH, 2020)** (James Landing)

Dan Miller introduced case number PUD-20-86 – James Landing – 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 of the subject property, and current zoning. Mr. Miller explained the (PUD) Planned Unit Development.

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, no substantive comments. Under public responses five public responses to this request; all approvals with one no comment.

Mr. Miller read the Staff Recommendations into the record; Staff in favor.

Chairman Bowersox stated if the Commissioners have any questions of the applicant.

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

Commissioner Fitzpatrick made a MOTION for APPROVAL of case # PUD-20-86 – JAMES LANDING – REZONING Commissioner Wood SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 6- 0.

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

2. PUBLIC HEARING CASE # VAR-20-142 – LAKE DENHAM SUBDIVISION ENTRANCE SIGN – VARIANCE

REQUEST FOR A VARIANCE FROM SECTION 25-426 OFF-SITE SIGNS OF THE CITY OF LEESBURG CODE OF ORDINANCES, TO ALLOW AN OFF-SITE SUBDIVISION ENTRANCE SIGN ON A PARCEL THAT IS APPROXIMATELY 3.44 +/- ACRES, GENERALLY LOCATED WEST OF U.S. HIGHWAY 27 AND SOUTH OF ARMOYAN BOULEVARD AS LEGALLY DESCRIBED IN SECTION 02, TOWNSHIP 20 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA. **(FINAL DECISION BY PLANNING COMMISSION)** (Lake Denham Subdivision Sign)

Dan Miller introduced case number VAR-20-142 – Lake Denham Subdivision Entrance Sign - Variance in 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 gave a background of the subject property.

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; there were no substantive comments.

Mr. Miller read the Staff Recommendations into the record; staff recommends denial, however there are no harm done in allowing this variance based on code have to recommend denial.

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

Commissioner O'Kelley made a MOTION for APPROVAL of case # VAR-20-142 – LAKE DENHAM SUBDIVISION ENTRANCE SIGN– VARIANCE Commissioner Fitzpatrick SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 6 - 0.

DISCUSSION

None

ANNOUNCEMENTS

Mr. Miller announced that we will be advertising in this weekend's paper for additional Planning Commissioners; terms Mr. Wood and Mr. Coleman at the end of September and encourages the members to reapply.

ADJOURNMENT

Approximately 6:28 p.m.



Ted W. Bowersox, Chairman



Sabrina Mitchell, Administrative Assistant II