



DRAFT SUMMARY MINUTES OF THE REGULAR MEETING
OF THE PLANNING COMMISSION
VENETIAN CENTER
THURSDAY, MAY 27TH, 2021 - 4:30 P.M.

The Planning Commission of the City of Leesburg held its regular meeting Thursday, May 27th, 2021, at Venetian Center.

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

The following Commission members were present:

Ted Bowersox – Chairman
John O’Kelley
Chris Wood
Michael Fitzpatrick
Alfred Haliday

The following Commission members were absent:

Tim Sennett
Frazier Marshall
Ze’shieca Carter
Nathaniel Sanders

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

The meeting opened with an invocation given by Commissioner, 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, APRIL 22ND, 2021.

Commissioner John O’Kelley moved to APPROVE the draft minutes from the APRIL 22, 2021 meeting. Commissioner Chris Wood SECONDED the motion, which PASSED by a vote of 5 - 0.

Dianne Pacewicz 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 # VAR-21-108 – TUTOR – VARIANCE

REQUEST FOR A VARIANCE FROM SECTION 25-280 TABLE 4-2 MINIMUM LOT AREA REQUIREMENT OF THE CITY OF LEESBURG CODE OF ORDINANCES, TO ALLOW A REDUCED MINIMUM LOT AREA REQUIREMENT FOR CERTAIN PROPERTY, AND A REQUEST FOR A VARIANCE FROM SECTION 25-280(b) CORNER LOTS OF THE CITY OF LEESBURG CODE OF ORDINANCES TO ALLOW A 5-FOOT SETBACK IN LIEU OF A 20-FOOT SETBACK ON THE WEST SIDE OF CERTAIN PROPERTY CONTAINING APPROXIMATELY 0.20 +/- ACRES, GENERALLY LOCATED AT THE INTERSECTION OF MOUND AVENUE AND SOUTH 8TH STREET, AS LEGALLY DESCRIBED IN SECTION 35, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA. **(WITHDRAWN BY APPLICANT)** (Tutor)

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

2. PUBLIC HEARING CASE # VAR-21-139 – ARES – VARIANCE

REQUEST FOR A VARIANCE FROM SECTION 25-280 TABLE 4-2 MINIMUM LOT WIDTH REQUIREMENT OF THE CITY OF LEESBURG CODE OF ORDINANCES, TO ALLOW A REDUCED MINIMUM LOT WIDTH REQUIREMENT FOR CERTAIN PROPERTY CONTAINING APPROXIMATELY 0.45 +/- ACRES, GENERALLY LOCATED SOUTH OF WEST LINE STREET AND EAST OF NORTH MOSS STREET AS LEGALLY DESCRIBED IN SECTION 27, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA. **(FINAL DECISION BY PLANNING COMMISSION)** (Ares)

Dan Miller introduced case number #VAR-21-139 - Ares – Variance 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 and explanation of the subject property, stating that the current minimum requirement for lots in this area is 50 feet. This property was platted in 1931 with 47-foot lot widths. The current use of the property is vacant residential. At some indeterminate point in the past, the subject property which consists of 2 lots, were combined into one.

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 or objections received from the departments, or Lake County Public Works School Board. There were no Public responses from the SPO letters sent out.

Mr. Miller read the Staff Recommendation into the record; Staff recommended approval for the following reasons:

1. The request does meet the criteria set forth in Chapter 25 “Zoning”, Section 94 “Variances” of the City of Leesburg Code of Ordinances for the granting of a variance. The conditions are listed, with staff comments following in bold.
 - a. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district. ***Such special conditions do exist. The subject property is comprised of two (2) platted lots which are included in the C.H. Archbell Subdivision plat as recorded in Plat Book 10, Page 5 dated May 4, 1931. At the time that the plat was created, current minimum lot width requirements did not exist.***
 - b. The special conditions and circumstances do not result from the actions of the applicant, owner or any predecessor in title. ***While the circumstance does appear to result from action by a previous owner, neither staff research nor research by the Lake County Property Appraiser’s office has revealed any legal recorded or non-recorded documentation to support the lot combination.***
 - c. The granting of this variance shall not confer on the applicant special privilege that is denied by the Zoning Ordinance to other lands, buildings, or structures in the same zoning district. ***This request would not necessarily grant a special privilege. While properties platted in the surrounding area do not meet current minimum lot width requirements of the R-2 (Medium Density Residential) zoning district, these lots were platted prior to the current code requirements and have been successfully developed with single family residences.***
 - d. That literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Zoning Ordinance and would work unnecessary and undue hardship on the applicant. ***While there is not a clear undue hardship on the applicant, the request would***

allow appropriate development of the lots that is consistent with surrounding properties.

- e. The requested variance is the minimum variance that shall make possible the reasonable use of the land, building, or structures. *The request is the minimum variance that makes possible the most reasonable use of the land.*
- f. That the granting of the variance will be in harmony with the general intent and purpose of the Zoning Ordinance, and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare. *Although this request does not meet the letter of the law, it does not appear to interfere with the general intent and purpose of the Code of Ordinances.*

Finding(s) and conclusion:

1. **APPROVAL** of this request is recommended based on the specific wording in the City of Leesburg Code of Ordinances and the conditions of the surrounding neighborhood. Returning this lot to the size on the existing original plat, in conformance with existing platted lots in the area, does not create a negative impact on surrounding properties.

Commission Fitzpatrick asked if the lots directly to the east and west are consistent with the 47 feet. Mr. Miller replied that the lots vary between 47 and 54 feet within that plat, so it would be consistent.

Chairman Bowersox stated if there weren't any questions from the Commissioners, and any comments from the Public, he would entertain a motion.

Commissioner Chris Wood made a MOTION for APPROVAL of case # VAR-21-139 – ARES – VARIANCE. Commissioner Alfred Haliday SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 5 - 0.

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

3. PUBLIC HEARING CASE # VAR-21-147 – SLEEPY HOLLOW ROAD – VARIANCE

REQUEST FOR A VARIANCE FROM SECTION 25-330 GARDEN WALLS, FENCES AND HEDGES OF THE CITY OF LEESBURG CODE OF ORDINANCES TO ALLOW A FRONT YARD FENCE THAT IS SIX FEET IN HEIGHT, WHICH EXCEEDS THE ALLOWED MAXIMUM FRONT YARD FENCE HEIGHT OF FOUR FEET, FOR CERTAIN PROPERTY CONTAINING APPROXIMATELY 9.04 +/- ACRES, GENERALLY LOCATED SOUTH OF U.S. HIGHWAY 441 AND WEST OF SLEEPY HOLLOW ROAD AS LEGALLY DESCRIBED IN SECTION 20, TOWNSHIP 19 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA. **(FINAL DECISION BY PLANNING COMMISSION)** (Sleepy Hollow)

Dan Miller introduced case number #VAR-21-147 – Sleepy Hollow Road – Variance 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 and explanation of the subject property, stating that the applicant has requested to allow a six (6) foot fence in the front of the property, which is general on the west side of Sleepy Hollow Road, south of U.S. 441 and CR 44, and directly adjacent to new single-family development which is currently being developed.

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

Department Review Summary: This case was sent out to all the different departments for review, no substantive comments or objections received from the departments, or Lake County Public Works School Board. There were no Public responses from the SPO letters sent out.

Mr. Miller read the Staff Recommendations for the case into the record; Staff recommended approval for the following reasons:

1. The request does meet the criteria set forth in Chapter 25 “Zoning”, Section 94 “Variances” of the City of Leesburg Code of Ordinances for the granting of a variance. The conditions are listed, with staff comments following in bold.
 - a. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district. ***The subject property is located directly fronting an urban collector road, which collects from roads within the Sunnyside area and disperses on CR44 and US 441.***
 - b. The special conditions and circumstances do not result from the actions of the applicant, owner or any predecessor in title. ***The applicant has not created special conditions or circumstances.***
 - c. The granting of this variance shall not confer on the applicant special privilege that is denied by the Zoning Ordinance to other lands, buildings, or structures in the same zoning district. ***It is common practice for staff to require a physical or visual buffer when a new subdivision is being constructed. In this case, a buffer option was not available due to the use of standard zoning district on the adjacent property.***
 - d. That literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Zoning Ordinance and would work unnecessary and undue hardship on the applicant. ***While the use and enjoyment of the property is not clearly connected to the increase in fence height, staff would agree that increasing the height by 2 feet would be an improvement in the conditions and security of the property.***

- e. The requested variance is the minimum variance that shall make possible the reasonable use of the land, building, or structures. ***The request is the minimum variance that creates an appropriate buffer and increases security.***
- f. That the granting of the variance will be in harmony with the general intent and purpose of the Zoning Ordinance, and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare. ***This request does not appear to interfere with the general intent and purpose of the Code of Ordinances.***

Finding(s) and conclusion:

1. **APPROVAL** of this request is recommended based on the conditions and location of the property and the need for an appropriate buffer and additional security.

Chairman Bowersox asked Mr. Miller if there was a visual problem with the traffic from the fence. Mr. Miller answered there was not, this fence is linear.

Commissioner Fitzpatrick asked if the fence meets the Leesburg Code for structural integrity. Mr. Miller responded that they would have to pull a permit for a fence, and that the Variance was for the height only.

Commissioner O’Kelley stated that there is a lot of traffic in this area and this was an appropriate request.

Chairman Bowersox stated if there weren’t any questions from the Commissioners, and any comments from the Public, he would entertain a motion.

Commissioner John O’Kelley made a MOTION for APPROVAL of case # VAR-21-147 – SLEEPY HOLLOW ROAD – VARIANCE. Commissioner Michael Fitzpatrick SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 5 - 0.

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

4. **PUBLIC HEARING CASE # PUD-21-100 – BANNING RANCH PUD – PLANNED UNIT REZONING**

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REZONING APPROXIMATELY 160 +/- ACRES FROM CITY OF LEESBURG PUD (PLANNED UNIT DEVELOPMENT) TO CITY OF LEESBURG PUD (PLANNED UNIT DEVELOPMENT), TO ALLOW FOR MIXED USE DEVELOPMENT FOR A PROPERTY GENERALLY LOCATED WEST OF COUNTY ROAD 33 AND SOUTH OF FLORIDA’S TURNPIKE, AS LEGALLY DESCRIBED IN SECTIONS 33 AND 34, 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, JULY 12, 2021 AND SECOND READING ON MONDAY, JULY 26, 2021) (Banning Ranch)

Dan Miller introduced case number #PUD-21-100 – Banning Ranch PUD – Planned Unit 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 and explanation of the subject property stating that this property is currently zoned PUD under City of Leesburg Ordinance 07-95. This was at the time of approval a much larger project, which consisted of 1375 residential units on 624 acres, which contained commercial, single-family, and townhouse units. This will be a reduction in size, density, and intensity.

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

Department Review Summary: This case was sent out to all the different departments for review, no substantive comments or objections received from the departments. Public responses staff received are one approval and two disapprovals.

Mr. Miller read the Staff Recommendations for the case into the record; Staff recommended approval for the following reasons:

1. The proposed Zoning designation of PUD (Planned Unit Development) is compatible with surrounding adjacent properties having a Zoning designation of Lake County A (Agriculture) City of Leesburg RE-1 (Estate Density Residential), and City of Leesburg PUD (Planned Unit Development).
2. The Future Land Use designation of Neighborhood Mixed Use is compatible with the surrounding adjacent properties having Future Land Use designations of Lake County Rural and City of Leesburg Neighborhood Mixed Use.
3. The proposed request is consistent with the City's Growth Management Plan, Future Land Use Element, Goal 1, Objective 1.6.

Action Requested:

1. Vote to approve the recommendation to amend the current PUD (Planned Unit Development) to allow mixed use development.

Mr. Miller stated that under the PUD zoning, it is a carbon copy of the previous PUD with the numbers reduced per the request. Under the previous zoning, it was 649 acres, the new PUD cuts it down to 160 acres. Under the previous zoning, it was 1325 units, the new PUD is 278 single family residential units. The new PUD also contains five (5) acres of commercial

development. Mr. Miller went through the PUD, highlighting certain conditions. Mr. Miller also stated that the City Commission just approved a 10-year window for PUD's, instead of the previous four.

Greg Beliveau, with the Land Planning Group of Mount Dora, went through various points in the PUD, noting certain changes that have been made from the conditions of the first PUD. Mr. Beliveau also indicated a difference in the design of the project that the various lot sizes are all mixed and not batched together. Mr. Beliveau is requesting that they are allowed to put the lots where they designed then on the conceptual site plan. Mr. Beliveau also asked for an amendment to the designs of 50, 60, and 70 square foot lots so one wouldn't be able to tell by the design of the house which size lot it is. Another amendment requested by Mr. Beliveau is the reduction of house sizes from 1,800 and 2,000 sq. ft. reduced to 1,700 and 1,800 sq. ft. Construction costs have gone up, especially lumber, which will raise the cost of the homes.

TJ Bryant, who lives on Hammock Road, inquired if the presentations from staff and Mr. Beliveau would be available. Mr. Miller answered that they would, depending on if the Planning Commission decided to approve or disapprove the request. Mr. Bryant also inquired as to what the mixed use would be for this development. Mr. Miller answered that a mixed use is generally commercial and residential in one development.

Sherman Roberts, who lives in the Clearwater Reserve (north of the proposed development), has concerns about the water run-off and if the lots were going to be raised up. He was concerned that the water run-off would now require him to have flood insurance. Mr. Roberts also inquired about what the types of commercial use will be, which may add more traffic to road that are deteriorating. Mr. Roberts also asked about where the 8-foot fence would be. Mr. Miller answered that regarding the flood issues, under Florida law, all run off in a new development has to be contained on that property. The types of permissible commercial has not changed from what was previously allowed, neighborhood commercial which is lighter commercial uses. Regarding the fence, in the PUD, the wording says an 8-foot is required, but if Mr. Roberts, or any homeowner does not want it, staff would not have an issue with that request.

Commissioner O'Kelley inquired as to the previous PUD and if it has been withdrawn because it had more land. Greg Beliveau stated that LPG was only contracted to address the 164 acres.

Chairman Bowersox closed the discussion to the public and entertain a motion.

Commissioner Haliday made a MOTION for APPROVAL of case # PUD-21-100 – BANNING RANCH PUD – PLANNED UNIT REZONING giving the Planning & Zoning staff flexibility as to where the fence will be placed along the northern border and leaving the lot design as it is. Commissioner Fitzpatrick SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 5 - 0.

Chairman Bowersox called for the fifth and sixth cases under new business be brought forward.

5. PUBLIC HEARING CASE # LSCP-21-77 – SUNNYSIDE LAKE LAND HOLDING, LLC – LARGE 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 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, 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, JULY 12, 2021 AND SECOND READING ON MONDAY, SEPTEMBER 27, 2021)** (Sunnyside Lake Land Holding, LLC)

Commissioner O’Kelley made a MOTION to POSTPONE case # LSCP-21-77 – SUNNYSIDE LAKE LAND HOLDING, LLC – LARGE SCALE COMPREHENSIVE PLAN AMENDMENT to the Thursday, August 19, 2021 Planning Commission Meeting. Commissioner Wood SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 5 - 0.

6. PUBLIC HEARING CASE # PUD-21-78 – SUNNYSIDE LAKE LAND HOLDING, LLC – PLANNED UNIT DEVELOPMENT REZONING

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REZONING APPROXIMATELY 139 +/- ACRES FROM LAKE COUNTY R-1 (RURAL RESIDENTIAL) AND CITY OF LEESBURG PUD (PLANNED UNIT DEVELOPMENT) TO CITY OF LEESBURG PUD (PLANNED UNIT DEVELOPMENT), TO ALLOW FOR RESIDENTIAL DEVELOPMENT FOR A PROPERTY GENERALLY LOCATED SOUTH OF U. S. HIGHWAY 441 AND EAST AND WEST OF SUNNYSIDE DRIVE 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, JULY 12, 2021 AND SECOND READING ON MONDAY, SEPTEMBER 27, 2021)** (Sunnyside Lake Land Holding, LLC)

Commissioner O’Kelly made a MOTION to POSTPONE case # PUD-21-78 – SUNNYSIDE LAKE LAND HOLDING, LLC – PLANNED UNIT

DEVELOPMENT REZONING to the Thursday, August 19, 2021 Planning Commission Meeting. Commissioner Wood SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 5 - 0.

DISCUSSION

1. Some discussion occurred about having a more natural landscaping buffers for the fence line.
2. Commissioner O'Kelley asked why Sunnyside was coming back to Planning Commission now and why it was postponed. Attorney Morrison answered City Commission approved the annexation of the 18 acres, and because of public opposition, declined the Comp Plan Amendment, and then rescinded the annexation. The applicant decided to put it off until August because the last Planning Commission recommendation was in August, 2020, one year ago.

ANNOUNCEMENTS

No announcements were made.

ADJOURNMENT

Approximately 5:28 p.m.

Ted W. Bowersox, Chairman

Dianne Pacewicz, Planner