



DRAFT SUMMARY MINUTES OF THE REGULAR MEETING
OF THE PLANNING COMMISSION
VENETIAN CENTER
THURSDAY, JUNE 24TH, 2021 - 4:30 P.M.

The Planning Commission of the City of Leesburg held its regular meeting Thursday, June 24th, 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
Frazier Marshall
John O’Kelley
Michael Fitzpatrick
Nathaniel Sanders
Tim Sennett
Alfred Haliday
Ze’ Shieca Carter

The following Commission members were absent:

Chris Wood

City staff in attendance included Dan Miller, Planning & Zoning Manager, Sabrina Mitchell, Administrative Assistant II, Dianne Pacewicz, Planner, Careylee Simonds, Planner, Christine Rock, Senior 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, MAY 27TH, 2021.

Vice-Chairman O’Kelley moved to APPROVE the draft minutes from the MAY 27TH, 2021 meeting. Commissioner Haliday SECONDED the motion, which PASSED by a vote of 7-0.

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 # VAR-21-162 – TALLADEGA HOMES – VARIANCE

REQUEST FOR A VARIANCE FROM SECTION 25-280 DEVELOPMENT DISTRICT STANDARD 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 CONTAINING APPROXIMATELY 0.29 +/- ACRES, GENERALLY LOCATED EAST OF TALLADEGA STREET AND SOUTH OF WAITMAN AVENUE AS LEGALLY DESCRIBED IN SECTION 22, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA.
(FINAL DECISION BY PLANNING COMMISSION) (Talladega)

Dan Miller introduced case number #VAR–21-162 – Talladega Homes – 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, location, current zoning, requests, six criteria’s, and went over aerial map.

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 – we received one positive public response to the surrounding property letters.

Mr. Miller read the Staff Recommendations 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 Liberia T.W. Waitman's Subdivision plat as recorded in Plat Book 9, Page 13-14 dated September 14, 1929. 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, staff research has not 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 multiple properties platted in the surrounding area do not meet current minimum lot area 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.

Chairman Bowersox stated if the Commission has any questions of the applicant.

Commissioners, and Mr. Miller discussed building plans, size; homes, single family garage; conforms to the lots across the streets.

Debra Vallier gave a brief presentation to address comments from Commissioners and stated we plan on building as soon as possible; upon approval, building; (2) three-bedroom, two bath, one car garage single-family residence, total square ft. under roof; 1,597, include single family garage, 1200 square ft. living area, and one car garage.

Citizen comments and concerns were based on: owns property on Waitman; will these homes face Talladega, sides; face Waitman; everything facing Talladega.

Debra Vallier gave a brief presentation to address comments from citizens and replied yes ma'am and gave an explanation on the plans for the homes; everything facing Talladega.

Chairman Bowersox called for any other questions from the Staff or the applicant.

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

Vice-Chairman Sennett made a MOTION for APPROVAL of case # VAR-21-162 – TALLADEGA HOMES – VARIANCE Commissioner Sanders SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 7-0.

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

2) PUBLIC HEARING CASE # VAR-21-171 – OLD COLONY ROAD – VARIANCE

REQUEST FOR A VARIANCE FROM SECTION 25-330(1) & (3) 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 AND TO ALLOW A SIDE YARD FENCE ABUTTING A SECONDARY STREET OF A CORNER LOT THAT IS SIX FEET IN HEIGHT, FOR CERTAIN PROPERTY CONTAINING APPROXIMATELY 0.14 +/- ACRES, GENERALLY LOCATED WEST OF OLD COLONY ROAD AND SOUTH OF HOUSTON PLACE AS LEGALLY DESCRIBED IN SECTION 28, TOWNSHIP 19 SOUTH, RANGE 45 EAST, LAKE COUNTY, FLORIDA. **(FINAL DECISION BY PLANNING COMMISSION)** (Old Colony Road)

Dan Miller introduced case number #VAR-21-171 – Old Colony 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, location current zoning, requests, conditions for a variance, and went over aerial map.

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, we did have a substantive comment from the Electric Department they had an issue; utilities run on the south side and rear of the lot that feeds other units; if were approved wants to meet with the applicant so the fence does not interfere with that. Public responses – this request produced a significant negative public response to the signs, and SPO mailouts in the form of phone calls and written comments to the mailouts as well as office visits from neighbors.

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

1. The request does not 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.
 - b. 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. ***There are no special conditions, circumstances or peculiar conditions for the property or buildings at this location.***
 - c. The special conditions and circumstances do not result from the actions of the applicant, owner or any predecessor in title. ***The circumstances and request result from action by the owner.***
 - 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 grant a special privilege. No other six-foot fences exist within the front or side yards within the area, which would create an inconsistency in the neighborhood.***
 - 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. ***Because no other properties have a six-foot side yard corner lot fence, in this area, no specific right would be denied. No evidence of a clear undue hardship on the applicant is shown.***
 - e. The requested variance is the minimum variance that shall make possible the reasonable use of the land, building, or structures. ***A four-foot fence is permitted under code; the extra two feet is the actual request.***
 - 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. ***The intent of the law is to***

provide a harmonious environment and consistency within the neighborhood.

Finding(s) and conclusion:

2. **DENIAL** 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. Staff recommends that the Homeowners Association institute a regulation within the covenants and restrictions of the subdivision, which would control this issue within the neighborhood.

Chairman Bowersox stated if the Commission have any questions from Staff, and if anybody here have any questions we need to discuss among ourselves.

Commissioners, Fred Morrison, and Mr. Miller discussed any deed restriction; within Coachwood Colony, guidance, any other fences around the side/front of house; four-foot fence; could be approved; proper approval from Coachwood, clarification; subdivision bylaws, fence not allowed; approval from HOA, City of Leesburg does allow 4' fence; permit. Mr. Miller replied he did apply for a building permit; that's how we found out, starting building fence, don't know; if HOA notified, Code Enforcement; sent him to Planning & Zoning; applied for Bldg. permit; due to height. Mr. Miller asked the City Attorney if he applies for a 4' fence; staff has to allow that, HOA; doesn't allow it, require; letter of approval from HOA. Fred Morrison replied that's correct and each subdivision is tasked with enforcing it's on restrictive covenants; City does not enforce those and Lake County doesn't enforce them in the County either.

Chairman Bowersox stated that means hiring an attorney; enforcing them in court; Fred Miller replied yes; Chairman Bowersox stated as far as making him take the 6' fence down; take legal action. Fred Morrison replied he will have to remove the 6' fence; out of compliance with the Code; new permit for 4' fence; Mr. Miller stated he prefer if legal of us to do a letter of approval from the HOA; before issuance of permit; creates conflict. Fred Morrison stated he don't think the City have jurisdiction to enforce those private covenants; notify the HOA; explain situation, 6' fence removed; Code Enforcement; notified. Fred Morrison replied he will be given a notice of violation, they will give him a responsible quote on quote time, he will be summoned, and impose a daily fine until removed.

Citizen comments and concerns were based on: HOA should institute something; homeowners bylaws read into the record, applicant; building fence; illegally, pictures of surrounding area, four-foot fence; Fred Morrison stated the City does not enforce private restrictive covenants within subdivisions that's the responsibility of the residence or HOA as maybe prescribed within the restrictions for enforcement; if he applies for permit; permit; issued, restrictions bar that then you able to go to court; make him stop; or whatever else your restrictions say you could do; in park; no fence; secondary/fronting road, he destroying the neighborhood, devaluing property, retired; community, limited income, we don't need our homes devalued; he never applied for a site plan or a permit; before or after he started the fence, and how long does the applicant have to remove the 6' fence.

Chairman Bowersox stated any other questions from the Commission to Council or Staff.

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

Commissioner Haliday made a MOTION for DENIAL of case # VAR-21-171 – OLD COLONY ROAD – VARIANCE Vice-Chairman Sennett SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 7- 0.

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

- 3) **PUBLIC HEARING CASE # PUD-21-141 – SALVATION ARMY PUD AMENDMENT – PLANNED UNIT DEVELOPMENT REZONING (POSTPONED TO JULY 22, 2021 PLANNING COMMISSION MEETING)**

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REZONING APPROXIMATELY 12.94 +/- ACRES FROM CITY OF LEESBURG PUD (PLANNED UNIT DEVELOPMENT) AND CITY OF LEESBURG SPUD (SMALL PLANNED UNIT DEVELOPMENT) TO CITY OF LEESBURG PUD (PLANNED UNIT DEVELOPMENT), TO ALLOW FOR SENIOR HOUSING AND FOR CHURCH/SOCIAL SERVICE AND YOUTH CENTER CAMPUS FOR PROPERTY GENERALLY LOCATED SOUTH OF SOUTH STREET AND WEST OF CABALLO ROAD, AS LEGALLY DESCRIBED IN SECTION 28, 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, AUGUST 9, 2021 AND SECOND READING ON MONDAY, AUGUST 23, 2021)** (Salvation Army PUD Amendment)

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

Vice-Chairman Sennett made a MOTION to POSTPONE case # PUD-21-141 – SALVATION ARMY PUD AMENDMENT – PLANNED UNIT DEVELOPMENT REZONING to the Thursday, July 22, 2021 Planning Commission Meeting. Commissioner Sanders SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 7- 0.

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

- 4) **PUBLIC HEARING CASE # RZ-21-159 – HARBOR VIEW PARK RV RESORT – REZONING**

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, CHANGING THE ZONING ON APPROXIMATELY 28.92 +/- ACRES FROM C-3 (HIGHWAY COMMERCIAL) TO PUD (PLANNED UNIT DEVELOPMENT) TO ALLOW FOR A MIXED-USE RV RESORT USE FOR A PROPERTY GENERALLY LOCATED NORTH OF U.S. HIGHWAY 441 AND EAST OF PEMBLE ROAD AS LEGALLY DESCRIBED IN SECTION 20, 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, AUGUST 9TH, 2021 AND SECOND READING ON MONDAY, AUGUST 23RD, 2021) (Harbor RV)

Dan Miller introduced case number #RZ-21-159 – Harbor View Park RV Resort – 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, location current zoning, requests, went over PUD (Planned Unit Development) conditions and site plan.

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, Public Works had a couple of comments; no issue with the request, wanted to make sure that the developer and owner are aware that Leesburg has a FDEP permit, RV waste are not authorized to connect to City Sewer; work out something with the owner. Also, the City will not take ownership of the roads upon completion of the development. Ownership and maintenance responsibilities will be retained by the development. Lake County School Board this is considered a commercial use; not subject to school concurrency review.

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

1. The proposed request is compatible with the current surrounding zoning districts of C-3 (Highway Commercial and Lake County RMRP (Residential Mobile Home Park).
2. The proposed request will allow additional uses for the property that are consistent with the current surrounding future land uses of General Commercial and Lake County Urban Medium Density.
3. The proposed request, as conditioned in the attached PUD (Planned Unit Development) agreement does not appear to create a detriment to surrounding properties.
4. 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 staff's recommendation to rezone the subject property from C-3 (Highway Commercial to PUD (Planned Unit Development) and forward to the City Commission for their consideration.

Commissioners, and Mr. Miller discussed is that the only entrance in and out, permanent resident; regulating, 6-month agreement; how to enforce; how long do they have to leave, legally; contract signed; adult only. Mr. Carson replied we tell them they have to leave; waiting list at some of the other developments, don't have restrictions at other parks; plan on enforcing the rules; understand the concern; don't want this park looking like other parks, accumulate things; porch; storage, have overnight rental agreement, Police; enforce, most people; folks like marina style living, 55 or older, completely enforce the adult only. The existing residence to the north; Lake Griffin; two houses, paved road; far west side of these properties, access to get to their homes, buffer; east of that road, 80' buffer then the road, and ownership of road; Mr. Hiott replied that's correct; we have had some conversations with the doctor to the north; worked it out with new plan; my understanding everybody's good, 80' and camper sites then road; road west side of property not part of 80', private drive that go back there to those homes; not sure of ownership, City doesn't maintain; private easement for lots back there, development target market; active retirees' adult; not marketed as family; Mr. Carson replied grandchildren will be welcome to visit; we will enforce that.

Vice-Chairman Sennett asked could the second one be excluded by the site plan; Mr. Miller replied the only way they would come up with a second entrance; if FDOT; require it, but not required. Mr. Hiott stated that will be FDOT or the City, presume 5th wheels with boat behind; turning radius, adequate; and replied it's adequate for the RV's as well as fire and safety; typical it works, restaurant; part of initial plan, community building or club house; part of plan, comply with CO; Mr. Hiott replied the restaurant; is part of the plan, as well as the community building or club house, portion; doing upfront, bring units in, everything he wants to do will be done; day one of CO, restaurant open to the public or private; Mr. Hiott replied yes the restaurant will be open to the public.

Chuck Hiott with Besh Halff at 902 North Sinclair Avenue Tavares, Florida stated he concur with the Staff recommendations and here to answer any questions.

Taiter Carson, at 23 East Broad Street Titusville, Florida addressed comments from the Commissioners and stated we do an overnight rental agreement, a lot more transient traveling; snowbirds, target market through different camp sites that generate a lot more overnights; nightly and weekly; more so than monthly; seasonal for snow birds.

Chairman Bowersox stated any other questions from the Commission.

Citizens' comments and concerns were based on: one main entrance into and out of the park, green space buffer on the west side of the property; developer establishing as his plan of the whole development or Planning & Zoning; enforcing, and fence; along western part; protect the people; one entrance; established by Commission or by the developer, second entrance, access points; developer establishing; Mr. Miller replied we are saying they he must put it in based on the PUD (Planned Unit Development) zoning; they agreed to that, 6' fence; specific reason for the fence and buffer; they brought it in with one; that request will be reviewed by FDOT; one entrance; expect final.

FDOT has to review all access points; development (441) second entrance; very unlikely, easements to cross; more trouble, administrative process; State and City review level, and not Public review, concrete pads; vehicles coming in, roads paved, marina, docks, or boat ramps; part of this plan; Mr. Miller replied yes, the roads are paved; Mr. Hiott replied it's part of the conditions that were being allowed, everything from the canal east; all activities for the marina, and docks, everything west of the canal; trailer sites, restaurant; identified; Chairman Bowersox replied the restaurant; identified in red area, 80' buffer to west; buffer size; south; will that be enough; difference between RV park and campground. Mr. Hiott replied the buffer to the south is 30'; Mr. Miller replied and gave a brief explanation of the buffers, and clarification between an RV park/campground.

Chairman Bowersox stated any other questions from the Commission.

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

Vice-Chairman Sennett made a MOTION for APPROVAL of case # RZ-21-159 – HARBOR VIEW PARK RV RESORT – REZONING Commissioner Sanders SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 6-1.

DISCUSSION

ANNOUNCEMENTS

None

ADJOURNMENT

Approximately 5:26 p.m.

Tim Sennett, Vice-Chairman

Sabrina Mitchell, Administrative Assistant II