



DRAFT SUMMARY MINUTES OF THE REGULAR MEETING
OF THE PLANNING COMMISSION
VENETIAN CENTER
THURSDAY, AUGUST 19TH, 2021 - 4:30 P.M.

The Planning Commission of the City of Leesburg held its regular meeting Thursday, August 19th, 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
Tim Sennett – Vice-Chair
John O’Kelley
Frazier Marshall
Michael Fitzpatrick
Nathaniel Sanders
Alfred Haliday

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.

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 # SSCP-21-77 – SUNNYSIDE LAKE LAND HOLDING, LLC – 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 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, OCTOBER 11, 2021 AND SECOND READING ON MONDAY, OCTOBER 25, 2021)** (Sunnyside Landing)

Dan Miller asked permission from Chairman Bowersox to take these two cases together for discussion purposes; as they are related, and for clarity in the presentation; he requests to have separate votes afterward.

Dan Miller introduced case number #SSCP-21-77 – Sunnyside Lake Land Holding, LLC – Small Scale Comprehensive Plan Amendment and case number #PUD-21-78 Planned Unit Development 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, and went over PUD (Planned Unit Development).

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

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 – Lake County Schools indicated that proportionate share mitigation may be required, Lake County Public Works indicated access on Sunnyside will need to be toward the southern side of the projects, plus a requirement for sight distance analysis and Florida Greenbook (FDOT standards book), Sunnyside Drive will be widened of the entire frontage of the project, a sidewalk/trail will be required along Sunnyside Drive frontage, additional ROW along Sunnyside Drive may be required, internal pedestrian and bicycle connectivity will be required, and updated Traffic Impact Analysis

may be required with the future development plan submittals if the PUD is approved, drainage and flood study will be required. For these cases staff did receive significant public response.

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

1. This project meets the requirements of Chapter 163.3184 Florida Statutes, for Small Scale Comprehensive Plan Amendments.
2. The proposed request for a Future Land Use of Estate Residential is compatible with the adjacent future land use designations of Lake County Rural Transition, Lake County Rural, and City of Leesburg Estate Residential.
3. The proposed request for a PUD (Planned Unit Development) zoning is compatible with the current surrounding zoning districts of Lake County R-1 (Rural Residential), Lake County R-3 (Medium Density Residential), and City of Leesburg PUD (Planned Unit Development).
4. The proposed future land use designation for the site is consistent with the City's Growth Management Plan, Future Land Use Element, Goal I, Objective 1.6.

Action Requested:

1. Vote to approve the Small Scale Comprehensive Plan designation from Lake County Rural Residential to City of Leesburg Estate Residential and forward the recommendation to the City Commission for consideration.

Commissioners, and Mr. Miller discussed these zonings; how many units allowed per acre; Dan Miller replied total gross density of 1.17; entire property, City of Leesburg always used gross density on all development to keep it simple and consistent; group them together; wetlands, Dan Miller replied that's correct, computed density; excluding the wetlands; part of total acreage, Dan Miller replied not that I am aware of the City goes by gross density, recommendations from the committee; no commitment from the City Commission; subject to their review at that point in time, Dan Miller replied you can put any size lot in a PUD; no bearing; irrelevant, number of lots based on square footage, total number of lots; no breakdown in packet, roughly 50' lots each, site plan; review of buffers; green area, distance; along the road, exposure to street; larger lots, Sunnyside Drive; 12 lots, rear; abuts ROW, type of buffer, developer; if approved; put fence up, communication; County road improvements, distance; going back to north; road improvement, road; narrow, issue, will activity encourage; road improvements, square footage; house, considered wall; along Sunnyside, problem with that many homes, size of lots; homes, thanks applicant for enlarging lot size; east side; waterfront lots, to create estate homes on Lake Terrace; not a good fit for area, point of order for Council; item number (1) 21-77, can these be separated out, approve; asking for, likes lakefront plans; with four lots; instead of 16.

City Attorney Fred Morrison replied there's really no basis to do that because it's a unified application.

Chairman Bowersox stated if the Commission have any other questions.

Greg Beliveau of the LPG Planning Group in Mt. Dora gave a detailed presentation on the subject property, and stated he computed the density with the wetlands taken out; property; two tracts; apparent tract; west side of Sunnyside, annexation; 18 acres on east side, total of 139 acres, PUD; 18 lots, on 18 acres; lake, revised; four lots on 18 acres; consistent with current rural land designations; kept to four units; 1 to 5, consistent; Lakefront development, apparent; tract, density; 1.7, gross; net 1.6, 97.1 acres; upland; still under 2, PUD; required open space; 30%; giving 52.9% open space; include upland; 32 acres; upland open space, compact development, different lot sized, large lots; on lake, spreading out, project; in fill tract, subdivisions; exists, density; consistent, 1 unit per acre, to 2 units per acre, coordinate with Lake County; roads; system abuts property; Lake County; repaved a portion of Sunnyside, coordinated with Lake County curb; buffer, take additional ROW; will work with the County, will wait for discussion from our opposition, and will be glad to wait for an opportunity to rebuttal and will answer any other questions.

Chairman Bowersox stated all people here to speak on this case please stand up and be sworn in.

Citizens' comments and concerns were based on: clarification on which case# PUD-19-222 or PUD-21-78, annexation clarification; 18.5 acres, Dan Miller replied the correct case# is PUD-21-78; it was just showing the previous case numbers, and also stated annexations are heard at the City Commission; Murray Tucker representing the Sunnyside Property Owners Association; packet handed out to the Commission; concerned citizens; expressing concern about the growth; Sunnyside task force; from all angles; made recommendations; density, County GIS map, subject property; outlined in red; 50% lies; in the low, 1 to 1; other half; 1 to 3, greatly exceeds; City plans, adopted by Ordinance; from the City of Leesburg, 97.1 buildable acres; not correct, substantial; wetlands, clustered development; surrounded by modern developments, 5 acre lots; substantially large; houses, south Sunny Ridge Court; all lots 1.55 over 2 acres; multiple houses; over 4000 square foot houses; deed restrictions, north; 5 acre lots; wetlands; deducted, well over 2 acres lots; deed restrictions; 3800 square foot houses, half; wetlands, City denied; 139 units, small lots, houses within 15' of one another, so inconsistent, asking for denial; does not fit within modern surrounding areas, very charming, nice, rural, this project; ugly, ruins it, roads; not good, we don't want it, City; lose magnificent piece of property, very crowded, need housing; if everything in Sunnyside; 5 acres lots; nobody would be here, wetland; concerns, infrastructure; not laid out, to allow additional homes.

Zach Broom with Bone and Troth in Eustis obtained by Mr. Murray Tucker stated his comments are focusing on Code, PUD application, and the history of the project; current zoning; estate residential and PUD, original PUD application; done back in 2005, City; doesn't use; net density, back then City approved 120 units; PUD, gross density couldn't exceed 1 unit per acre, with a net density not to exceed 1.7 per residential units; City; previous analyzed; net density, City of Leesburg own code Section 25-280; read into the record, PUD application; lot sizes; read into the record, density allowable by Code; RE-1; don't meet; current zoning, residential estate; don't match; not

consistent; underlying zoning; PUD application, modified application; similar application; denied last year, never reached PUD portion, City Council; denied the Comprehensive Plan Amendment; premature, density not consistent for significant portion of the property.

Greg Beliveau addressed comments from Commission and stated we do have the total number of lots split up, only placed 50' located; interior pod; open space, (47) 50' wide lots; maybe 50, all the ones along the frontage along Sunnyside; 80', along north area/interior loop; 70, along property boundaries; 80', roughly 50' lots each+/_ rebuttal; wetlands account for 30%; site, previous PUD; density; current net; 1.68; still within perimeters; old guidelines; not violated, look at criteria; within perimeter, exceeded open space requirements, clustered everything; internally, put largest lots; along perimeters; drove by property; see buffer/second largest lot, explained the green area of the site plan, distance; 1000', distance around the road; approximately 70', all oak trees, exposure to street; large lots; buffers along the road, orange grove; one lot, 25' landscape buffer; along Sunnyside Drive, fence; not required, maybe fence; noise,, have to improve roads; entry feature, owner already donated ROW; frontage, future improvements, developer; not required to improve road; distance going back to north, County hasn't expressed any details; road improvements, outlined in PUD; different lot sizes/dimensions, market; housing requirements/needs; several markets, housing addressed in medical fields, doctors, employers; fighting to keep employees, can't find place to live, not singular market, across the board, need housing in this county, wall considered; haven't discounted any options.

Chairman Bowersox closes the discussion from the Public and then asked if the Commission have any further discussion.

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

Commissioner Marshall made a MOTION for DENIAL of case # SSCP-21-77 – SUNNYSIDE LAKE LAND HOLDING, LLC – SMALL SCALE COMPREHENSIVE PLAN AMENDMENT Vice-Chairman Sennett SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 7-0.

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

2) 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, OCTOBER 11, 2021 AND SECOND READING ON MONDAY, OCTOBER 25, 2021)**
(Sunnyside Landing)

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

1. The proposed request for a PUD (Planned Unit Development) zoning is compatible with the current surrounding zoning districts of Lake County R-1 (Rural Residential), Lake County R-3 (Medium Density Residential), and City of Leesburg PUD (Planned Unit Development).
2. The proposed request for a Future Land Use of Estate Residential is compatible with the adjacent future land use designations of Lake County Rural Transition, Lake County Rural, and City of Leesburg Estate Residential.
3. The proposed zoning designation for the site is consistent with the City's Growth Management Plan, Future Land Use Element, Goal I, Objective 1.6.

Action Requested:

1. Vote to approve the proposed rezoning from Lake County R-1 (Rural Residential) and City of Leesburg PUD (Planned Unit Development) to City of Leesburg PUD (Planned Unit Development) and forward the recommendation to the City Commission for consideration.

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

Commissioner Haliday made a MOTION for DENIAL of case # PUD-21-78 – SUNNYSIDE LAKE LAND HOLDING, LLC – PLANNED UNIT DEVELOPMENT REZONING Vice-Chairman Sennett SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of -0.

NEW BUSINESS

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

- 1) **PUBLIC HEARING CASE # VAR-21-234 – MILLS STREET – VARIANCE**

REQUEST FOR A VARIANCE FROM SECTION 25-330(3) GARDEN WALLS, FENCES AND HEDGES OF THE CITY OF LEESBURG CODE OF ORDINANCES TO ALLOW A SIDE YARD FENCE ABUTTING A SECONDARY STREET OF A CORNER LOT THAT IS FIVE FEET IN HEIGHT FOR CERTAIN PROPERTY CONTAINING APPROXIMATELY 0.32 +/- ACRES, GENERALLY LOCATED WEST

OF MILLS STREET AND NORTH OF BENTLEY ROAD AS LEGALLY DESCRIBED IN SECTION 24, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA. **(FINAL DECISION BY PLANNING COMMISSION)** (Mills Street)

Mr. Miller stated the next two cases are Variances and are final decisions by the Planning Commission. These are Variances for fence heights that are on corner lots.

Dan Miller introduced case number #VAR-21-234 – Mills Street – 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, requests, clear site triangle; explanation, current City code; requirements, and stated Staff will be bringing amendment to the current Code to allow for implementing a clear site triangle to corner lots; so that fences may be constructed without the need for Variances.

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, there were no substantive comments; Public responses for this case Staff received two responses, one disapproval and one no comment.

Mr. Miller read the Staff Recommendations into the record; Staff recommended approval 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.
 - 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. ***There are no special conditions, circumstances or peculiar conditions for the property or buildings at this location. The variance to allow increased fence height has been requested to further increase protection and safety.***
 - b. 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. *At this time, this request would grant a special privilege. However, in the future, Staff is intending to revise this section of code to allow fences in the side yard of a corner lot abutting a secondary street to be six (6) feet in height under specific conditions.*

- 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. *The fence height will not create a public safety concern. In the future, Staff is intending to revise this section of code to allow fences in the side yard of a corner lot abutting a secondary street to be six (6) feet in height under specific conditions.*
- 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:

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. Increasing the height of the side yard fence abutting the secondary street of the corner lot does not create a safety issue or negative impact on surrounding properties.

Chairman Bowersox stated if the Commission have any questions from Staff or if anyone from the Public would like to speak on the case.

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

Vice-Chairman Sennett made a MOTION for APPROVAL of case # VAR-21-234 – MILLS STREET – 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-21-254 – SHOVELER AVENUE – VARIANCE

REQUEST FOR A VARIANCE FROM SECTION 25-330(3) GARDEN WALLS, FENCES AND HEDGES OF THE CITY OF LEESBURG CODE OF ORDINANCES 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 0.18 +/- ACRES, GENERALLY LOCATED WEST OF SHOVELER AVENUE AND NORTH OF ANAHID DRIVE AS LEGALLY DESCRIBED IN SECTION 02, TOWNSHIP 20 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA. **(FINAL DECISION BY PLANNING COMMISSION)** (Shoveler Avenue)

Mr. Miller stated to the Commissioners this case is the exact same thing from the previous case just a different location.

Dan Miller introduced case number #VAR-21-254 – Shoveler Avenue – 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.

Staff recommended approval 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.
 - c. 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. The variance to allow increased fence height has been requested to increase privacy and security of the property.***
 - d. 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. ***At this time, this request would grant a special privilege. However, in the future, Staff is intending to revise this section of code to allow fences in the side yard of a corner lot abutting a secondary street to be six (6) feet in height under specific conditions.***
 - 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. ***The fence height will not create a public safety concern. In the future, Staff is intending to revise this section of code to allow fences in the side yard of a corner lot abutting a secondary street to be six (6) feet in height under specific conditions.***

- 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:

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. Increasing the height of the side yard fence abutting the secondary street of the corner lot does not create a safety issue or negative impact on surrounding properties.

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

Commissioner Sanders made a MOTION for APPROVAL of case # VAR-21-254 – SHOVELER AVENUE – VARIANCE Vice-Chairman Sennett SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 7-0.

DISCUSSION

None

ANNOUNCEMENTS

None

ADJOURNMENT

Approximately 5:40 p.m.

Ted W. Bowersox, Chairman

Sabrina Mitchell, Administrative Assistant II