



SUMMARY MINUTES OF THE REGULAR MEETING
OF THE PLANNING COMMISSION
VENETIAN CENTER
THURSDAY, NOVEMBER 18TH, 2021 - 4:30 P.M.

The Planning Commission of the City of Leesburg held its regular meeting Thursday, November 18th, 2021, at Venetian Center.

Chairman Ted Bowersox called the meeting to order at 4:29 p.m.

The following Commission members were present:

Ted Bowersox – Chairman
Tim Sennett – Vice-Chair
Frazier Marshall
John O’Kelley
Michael Fitzpatrick
Chris Wood
Alfred Haliday

The following Commission members were absent:

Nathaniel Sanders
Ze’Shieca Carter

City staff in attendance included Dan Miller, Planning & Zoning Manager, Sabrina Mitchell, Administrative Assistant II, Dianne Pacewicz, 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, OCTOBER 21ST, 2021.

Vice-Chairman Sennett moved to APPROVE the draft minutes from the OCTOBER 21ST, 2021 meeting. Commissioner Marshall 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-21-378 – CASPIAN 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 SIX FEET IN HEIGHT, FOR CERTAIN PROPERTY CONTAINING APPROXIMATELY 0.18 +/- ACRES, GENERALLY LOCATED EAST OF CASPIAN STREET 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)** (Caspian Variance)

Dan Miller introduced case number #VAR–21-378 – Caspian 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, and then stated recently a change to the land development regulations was recommended for approval by the Planning Commission and is working its way through the Ordinance review process.

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 – one approval 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 increase privacy and security of the property.***
 - 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 intends 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 intends 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.

Mr. Miller stated Staff is recommending that the Planning Commission use its authority to approve this request.

Mr. Charles Goodman stated he lives at 3621 Caspian Street and the only reason were requesting this Variance he have younger children; we just want to have little more privacy for them and a little bit more security as well.

Chairman Bowersox stated if the Commission have any questions of the applicant or Staff; any discussion amongst the Commission; entertained a motion, and then the voting took place.

Vice-Chairman Sennett made a MOTION for APPROVAL of case # VAR-21-378 CASPIAN STREET – VARIANCE Commissioner O’Kelley 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 # SSCP-21-339 – TROON CREEK PRESERVE – SMALL SCALE COMPREHENSIVE PLAN**

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF LEESBURG, CHANGING THE FUTURE LAND USE DESIGNATION OF CERTAIN PROPERTY CONTAINING APPROXIMATELY 33.25 +/- ACRES, FROM LAKE COUNTY URBAN LOW DENSITY TO CITY OF LEESBURG ESTATE RESIDENTIAL FOR A PROPERTY GENERALLY LOCATED EAST OF RADIO ROAD AND SOUTH OF POE STREET, AS LEGALLY DESCRIBED IN SECTION 02, TOWNSHIP 19 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. **(CITY COMMISSION DATES ARE TENTATIVELY SCHEDULED CITY COMMISSION DATES ARE TENTATIVELY SCHEDULED FOR FIRST READING ON MONDAY, JANUARY 24, 2022 AND SECOND READING TENTATIVELY SCHEDULED FOR MONDAY, FEBRUARY 14, 2022)** (Troon)

Chairman Bowersox stated for the record to take these two cases together for discussion purposes.

Dan Miller introduced case number #SSCP-21-339 – LakeCo Dewey – Large Scale Comprehensive Plan Amendment and case number #PUD-21-340 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 then went over PUD (Planned Unit Development) document.

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, there were no substantive comments or objections received from the city departments. Lake County School Board indicated that Troon Creek has a valid school concurrency capacity reservation for 83 single family dwelling units, good until October of 2022. Lake County Public Works indicated for Radio Road that additional ROW and sidewalks will be required, further review will be needed at the time of permit and plan application; for Poe Road- Poe would have to be widened along the development frontage, sidewalks will be required, left and right turn lanes will be required at the entrance on Poe Road, internal pedestrian and bicycle connectivity will be required, an updated Traffic Impact Analysis may be required with future development plan submittals if the PUD is approved.; if significant amount of time goes by and drainage and flood study will be required. Public responses – we received one disapproval document; Mr. Roy Williams who is an adjacent neighbor stated concerns regarding numerous wildlife species, including bald eagles, gopher tortoises, cranes, Florida panthers, plus and runoff/drainage concerns. There is an environmental assessment that was submitted with the Comprehensive Plan on this case; we did receive one no comment.

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 Comprehensive Plan Amendments.
2. The proposed request, as conditioned in City of Leesburg case number PUD 21-340, is compatible with the adjacent future land use designations of Lake County Regional Commercial, Lake County Urban Low Density and City of Leesburg Orange Bend.
3. The proposed request as conditioned in City of Leesburg Case number PUD 21-340, is compatible with the current surrounding zoning districts of Lake County CFD (Community Facility District), Lake County R-6 (Urban Residential District), Lake County A (Agriculture) 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 Urban Low Density to City of Leesburg Estate Residential and forward the recommendation to the City Commission for consideration.

Greg Beliveau of the LPG Planning Group representing Troon Creek Preserve glad to answer any questions and stated on the rebuttal to the letter submitted an environmental analysis; submitted with application; dated August 20, consultant went through the site; endangered species; gopher tortoises, analysis; identified locations, development scenario; proper permitting; address species, addressed bald eagle issues; graphic exhibit in document; where nesting; nesting to the South, bear locations; on graphic, sand hill cranes; not nesting on site; observed, address; sand hill cranes, issues raised; site development; St. John's permitting, stormwater, not allowed to provide off-site drainage; neighbor, controlled by permit and during development; ensure pre impost; documented, to prevent from flooding out our neighbor, permitting process; all taken care of during that time frame.

Commissioners, and Mr. Miller discussed the recreation amount allotted; standard, 200 square feet per unit, Mr. Miller stated a point of clarification request the only thing on the site was golf tortoises or sand hill cranes; no nest there, 20' easement; ingress/egress to the recreational area; south end of culdesac, density, property zoned agricultural, rather see density/lot sizes larger; density lower, more like to the east (Silver Oak); 15K square foot lots; these look like 5000 square foot lots, sewer/water; Dan Miller replied utilities are available across the road (Liberty Preserve) utilities; in the area, more governing land use or zoning, setbacks, 50' lots, housing shortage for some time; don't see how you could build a 1600' square foot house; 200K, would rather see 1200 to 1500 square foot house; more green space; less house, running sidewalk; putting garage ;25' line, fully get car out; use sidewalk; create a community, walk around; see their neighbors, 1600' square feet; include garage; Dan Miller replied includes the garage, and houses; distance.

Chairman Bowersox stated if anybody here in the audience would like to speak on this case; and then asked the Commission if they have any questions from the applicant.

Greg Beliveau address comments from the Commission and stated he observed sand hill cranes, but no nesting, easement for ingress/egress to the recreational area, and theirs actually another one to the south end to provide access to the open space, future land use classification; site, 4 units per acre, zoning; agricultural, future land use; 4, bringing it in as 4, both land use for the County/City is equivalent; not changing the density at all; between County/City; Comp plan concern, net density; below 4 units per acre; not exceeding, taking the wetlands out; using net, below the 4 units per acre, land use is always the umbrella governing document not the zoning; Comp plan always supersede the zoning category; when you want to develop you bring your zoning in to comply with the Comp plan, side setbacks rear; 20, front; 25, size 5, corner lots; 20, rear; 20, front; 25, buffers around the property; markets in, sellable price point, meet cost of material; cost; plan, meet needs of infrastructure development, and how much a lot cost, road construction, extension utilities; sellable to people; in work force; west north Lake County; hospital can't recruit, can't find a place to live; in Leesburg, builders; these size lots, inventory need to build up, not spending money here; another

locations, tried to get house size down; reduce the square footage; wanted 1200' size home, have to do a sidewalk; 25' behind the sidewalk, garage, and houses; 10 feet apart.

Chairman Bowersox stated if anyone from the audience have any questions or if the Commission has any more discussion.

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

Vice-Chairman Sennett made a MOTION for APPROVAL of case # LSCP-21-339 – TROON CREEK PRESERVE – SMALL SCALE COMPREHENSIVE PLAN Commissioner Fitzpatrick SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 5-2.

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

3) PUBLIC HEARING CASE #PUD-21-340 – TROON CREEK PRESERVE – PLANNED UNIT DEVELOPMENT

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REZONING APPROXIMATELY 33.25 +/- ACRES FROM LAKE COUNTY A (AGRICULTURE) TO CITY OF LEESBURG PUD (PLANNED UNIT DEVELOPMENT), TO ALLOW FOR SINGLE FAMILY RESIDENTIAL DEVELOPMENT FOR A PROPERTY GENERALLY LOCATED EAST OF RADIO ROAD AND SOUTH OF POE STREET, AS LEGALLY DESCRIBED IN SECTION 02, 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, JANUARY 24, 2022 AND SECOND READING TENTATIVELY SCHEDULED FOR MONDAY, FEBRUARY 14, 2022)** (Troon)

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 as conditioned, is compatible with the current surrounding zoning districts of Lake County RP (Residential Professional), Lake County A (Agriculture), and City of Leesburg PUD (Planned Unit Development).
2. Under the proposed PUD (Planned Unit Development) conditions for this property, the proposed Future Land Use designation of City of Leesburg Estate is compatible with adjacent properties having Future Land Use designations which include City of Leesburg Low Density Residential, General Commercial, and with property in Lake County having Future Land Use designations of Rural and Rural Transition.
3. The site is located along a major growth corridor and near existing city utilities which are

available at U.S. Highway 27.

4. 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 A (Agriculture) 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 Fitzpatrick made a MOTION for APPROVAL of case # PUD-21-340 – TROON CREEK PRESERVE – PLANNED UNIT DEVELOPMENT Vice-Chairman Sennett SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 5-2.

Chairman Bowersox announces for the record the tentative dates of the City Commission meeting.

DISCUSSION

None

ANNOUNCEMENTS

None

ADJOURNMENT

Approximately 5:07 p.m.

Ted W. Bowersox, Chairman

Sabrina Mitchell, Administrative Assistant II