



DRAFT SUMMARY MINUTES OF THE REGULAR MEETING
OF THE PLANNING COMMISSION
VENETIAN CENTER
THURSDAY, JANUARY 20TH, 2022 - 4:30 P.M.

The Planning Commission of the City of Leesburg held its regular meeting Thursday, January 20th, 2022, 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
John O’Kelley
Michael Fitzpatrick
Alfred Haliday
Frazier Marshall
Nathaniel Sanders

The following Commission members were absent:

Chris Wood
Ze’Shieca Carter

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 Interim Attorney Loren Vasquez 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, DECEMBER 16TH, 2021.

Vice-Chairman Sennett moved to APPROVE the draft minutes from the DECEMBER 16TH, 2021 meeting. Commissioner Sanders 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-21-443 – CHERRYSTONE – VARIANCE

REQUEST FOR A VARIANCE FROM SECTION 25-280 DISTRICT DEVELOPMENT STANDARDS OF THE CITY OF LEESBURG CODE OF ORDINANCES TO ALLOW FOR REDUCED REAR YARD BUILDING SETBACK, FOR CERTAIN PROPERTY CONTAINING APPROXIMATELY 0.19 +/- ACRES, GENERALLY LOCATED EAST OF CHERRYSTONE STREET AND NORTH OF SLOEWOOD DRIVE AS LEGALLY DESCRIBED IN SECTION 21, TOWNSHIP 19 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA. **(FINAL DECISION BY PLANNING COMMISSION)** (Cherrystone Variance)

Dan Miller introduced case number #VAR-21-443 – Cherrystone – 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 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, there were no significant or substantive comments; Public Responses – no responses on this case based on the advertising, sign posting, and SPO letters.

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

BACKGROUND AND REQUEST

The property consists of one lot of approximately 0.19 acres in the Seasons at Park Hill Subdivision. It is generally located east of Cherrystone Street and north of Sloewood Drive at 8018 Cherrystone Street, as seen on the attached maps. The request is to consider a variance from the required eighteen (18) foot rear yard building setbacks, to ten (10) feet to allow construction of a screen enclosure with a solid roof.

REQUIREMENTS

Section 25-280, District Development Standards of the City of Leesburg Code of Ordinances requires an eighteen (18) foot rear yard building setback for properties in standard residential zoning districts. All structures which have a solid roof attached to the primary structure (house) are required to meet the standard building setbacks. However, a screen room attached to the house, which has a screen (non-solid, i.e. bird cage) roof are permitted to have a rear yard building setback minimum of five (5) feet.

CIRCUMSTANCES

The properties to the east of Cherrystone Street in this area back up to a platted retention area, which is then bounded on the east by a large wetland area which then becomes Lake Harris. The areas to the east are not developable, and do therefore create an unusual and unique situation which is specific to properties on the east side of Cherrystone Street and east and south of Sloewood Drive but are not present for other lots within the subdivision.

FINDINGS AND RECOMMENDATION

Because zoning setback codes are specific to the entire area of the districts for which they are written, they cannot account for specific or unusual circumstances such as the adjoining retention, wetlands and lake. Although the request does not meet the six (6) specific requirements in *Section 25-94 Variances*, Staff does find that the circumstances noted above are unique, that approval of this request 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 Planning and Zoning Division therefore recommends **APPROVAL** of this request.

Dan Miller stated we have done the same thing in Arlington Ridge; Staff sees no harm to the property or adjacent property owners in this matter. Chairman Bowersox commended Dan Miller and Staff for finding a way to make things work for the people.

Chairman Bowersox stated if the Commission have any questions from Staff or the applicant.

Commissioner O'Kelley stated went out to the subdivision and this totally make sense; all the lots on that street; rather individual; add something; modified to the other homeowners. Chairman Bowersox stated would be unique to have a Variance that will be all in composing to the street. Dan Miller replied he likes the idea, but it might be easier to attempt to make a Code change; then to get all the property owners together.

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

Commissioner O’Kelley made a MOTION for APPROVAL of case # VAR-21-443 – CHERRYSTONE – VARIANCE Vice-Chairman Sennett 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-21-372 – BLACKTON – 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 1.00 +/- ACRES, FROM LAKE COUNTY TO CITY OF LEESBURG GENERAL COMMERCIAL FOR A PROPERTY GENERALLY LOCATED NORTH OF WEST MAIN STREET AND WEST OF CR-468, 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, MARCH 14, 2022 AND SECOND READING ON MONDAY, MARCH 28, 2022)** (Blackton)

Chairman Bowersox stated for the record we can discuss both cases together.

Dan Miller introduced case number #SSCP–21-372 – Blackton – Small Scale Comprehensive Plan and case number #RZ-21-373 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, zoning, requests, property clarification; went over map; access on CR 468, and uses.

Chairman Bowersox stated they are not looking for access off of Main Street; Dan Miller replied shared access along Main Street; Shell Station/Probation Office, shared access; on West Main Street, but will need one on CR 468.

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 significant or substantive comments, Electric Department will require some easements. Public Works is aware of potential redesign of the corner of Main & CR 468 which should not affect this property. Lake County Public Works will require sidewalks along the ROW. Public Responses – one phone call regarding potential uses.

Mr. Miller read the Staff Recommendations into the record for both cases; 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 is compatible with the adjacent future land use designations of Lake County Urban Medium Density and City of Leesburg General Commercial.
3. The proposed request is compatible with the current surrounding zoning districts of Lake County A (Agriculture), and City of Leesburg C-3 (Highway Commercial).
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 to City of Leesburg General Commercial and forward the recommendation to the City Commission for consideration.

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

Vice-Chairman Sennett made a MOTION for APPROVAL of case # SSCP-21-372 – BLACKTON – SMALL SCALE COMPREHENSIVE PLAN Commissioner Fitzpatrick 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 # RZ-21-373 – BLACKTON – REZONING

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, CHANGING THE ZONING ON APPROXIMATELY 1.00 +/- ACRES FROM LAKE COUNTY R-6 (URBAN RESIDENTIAL DISTRICT) TO CITY OF LEESBURG C-3 (HIGHWAY COMMERCIAL) TO ALLOW FOR COMMERCIAL DEVELOPMENT USE FOR A PROPERTY GENERALLY LOCATED NORTH OF WEST MAIN STREET AND WEST OF CR-468, 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, MARCH 14, 2022 AND SECOND READING ON MONDAY, MARCH 28, 2022)** (Blackton)

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 A (Agriculture).
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 does not appear to create a detriment to surrounding properties.

Action Requested:

1. Vote to approve staff's recommendation to rezone the subject property from R-6 (Urban Residential District) to C-3 (Highway Commercial) and forward to the City Commission for consideration.

Dan Miller stated the applicant is Mr. Mike Hanna, with Matthew Hanna Construction was planning on being here for the meeting and he spoke with him late this afternoon and he was unable to attend, so he asked him would he allow Staff to keep the case on the agenda; since it this was a very simple case; C-3, zoning appropriate for location; Staff willing to attempt to answer any questions the Commission may have.

Vice-Chairman Sennett expressed concern on one lot not included; house, someone living there; owned by developer; Dan Miller replied that Kandi Harper can answer that question; she replied yes, there is a house on that lot and the gentlemen who own the property came in to talk to us; concerns; land around them; developed, affect their property, explained to them the process of the DRC; property could not be disturbed; interested to know how this will improve the price of their property.

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

Commissioner Haliday made a MOTION for APPROVAL of case # RZ-21-373 – BLACKTON – REZONING Commissioner Marshall 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 # SSCP-21-461 – SUNDANCE MIXED USE – 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 33 +/- ACRES FROM LAKE COUNTY REGIONAL OFFICE TO CITY OF LEESBURG ESTATE RESIDENTIAL FOR A PROPERTY GENERALLY LOCATED SOUTH OF COUNTY ROAD 48, WEST OF HAYWOOD WORM FARM ROAD AS LEGALLY DESCRIBED IN SECTIONS 14 AND 15, 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, MARCH 14, 2022 AND SECOND READING ON MONDAY, MARCH 28, 2022)** (Sundance Mixed Use)

Dan Miller introduced case number #SSCP-21-461 – Sundance Mixed Use – Small Scale Comprehensive Plan and case number #PUD-21-462 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, zoning, requests, went over PUD (Planned Unit Development), and amended 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, there were no substantive responses; Lake County Public Works comments were to include additional ROW, sidewalks needed, left and right turns for access off CR 48; same comments previously. Public Responses – saw this plan back in June 2021, we received one public response from the neighbor to the East; heavy industrial use as a result of the SPO letters and advertisement/signage. This time we received no responses, industrial insertion of the light industry; mini storage units probably made that okay for the adjoining property owner.

Mr. Miller read the Staff Recommendations into the record for both cases; 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 21-462, is compatible with the adjacent future land use designations of Lake County Regional Office, Lake County Industrial, and Lake County Urban Medium Density.
3. The proposed request as conditioned in City of Leesburg Case number PUD 21-462, is compatible with the current surrounding zoning districts in Lake County of MP (Planned Industrial), R-6 (Urban Residential), HM (Heavy Industrial), A (Agriculture), R-6 (Urban Residential), LM (Light Industrial), and R-1 (Rural Residential).

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 Regional Office to City of Leesburg Estate Residential and forward the recommendation to the City Commission for consideration.

Commissioners, and Mr. Miller discussed the lot sizes; Dan Miller replied the lot sizes are 50x120 same thing we saw back in June; 6000' square feet, went over the site plan; portion on left side, single family houses; on right side, mini warehouses, office use; located, created significant buffer, concern; lift station little portion, lift station; noisy/odor issue, move lift station by storage facility, change site plan, sure the developer wants to be a good neighbor; propose amendment to the language that requires the development to place the lift station as far as possible using the engineering data of the surrounding property owner property; in addition required 25' buffer and then a 6' fence; written in the PUD; amended language; greatly help concerns, engineering done by applicant; to make it work, updated site plan; fence requirements; 6' privacy fence consisting of PVC or other such synthetic material; installed on the western/southern eastern, boundary of the property; fence; property line, then 25' buffer, lots begin, solves problem, three connections between the storage facility and subdivision; ingress/egress; between the two, second site plan clarification, much improved plan, updated wording for motions; replace site plan, motion that states we are replacing the site plan; moves the lift station; to the east, technically the site plan is in the second case; added; with amended site plan.

Christopher Germano with Germano Engineering in Clermont addressed concerns from the Commission and citizen and stated that's correct the lift station and a stormwater track that is proposing the southwest corner; gave a brief explanation of a lift station, location; place holder, permitting process, concern, lift station; at that location, other areas within the development it could be moved too, look for any options to move it, went over latest concept plan; put the stormwater pond on the south side; additional buffer; properties to south; stormwater management, lift station went along with it, lower point; southerly side, everything migrates to the southwest south, direction that the project will go in; assist with comment on lift station location, gave a brief background on residential units, from west to east; City Commission concern, residential up that industrial; noise, operation, challenge to change; reacted to City Commission comments, transitional piece, storage and mixed use, in between; going towards, industrial not ideal on history of past submittal, houses to west; transition, softer industrial; flex space warehouse, true industrial operation; basket company, direction to go with the project; compatibility, vaults for caskets; Worm Farm Road, intention of the connections between the residential and mixed use, Fire access; Fire protection purposes, access between both projects; not used by residents or by people within the mixed use, stabilized; gate, for Fire Dept. go through; Fire protection purposes involve; through permitting process, not our intention; free flow between both, site plan; provided hard copy; proposing, intent; same, unit count; same; flip flopped; stormwater pond, would like to

proceed with Commission approval; will provide updated site plan, in agenda package; for City Council.

Chairman Bowersox stated if the Commissioners have any questions of the applicant or anyone from the audience would like to speak on this case.

Debbie Laflam lives at 3726 CR 48 Okahumpka, FL right next to the subject property; proposed to put lift station right by their home; wish the Commission will have the applicant reconsider putting a lift station by their home; homes; we can deal with, storage units; have them come back there not lift stations; we have to leave there, would love for the storage facility to be by their home; not use to neighbors, use to cattle, wants site plan changed, property six acres, old railroad track; behind home, watch the cows leave, understands, but to live by a lift station; not my idea of a home anymore, fence; material, consider change units direction; houses.

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

Vice-Chairman Sennett made a MOTION for APPROVAL of case # SSCP-21-462 SUNDANCE MIXED USE – SMALL SCALE COMPREHENSIVE PLAN with change in site plan as presented Commissioner Haliday SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 7-0.

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

5) **PUBLIC HEARING CASE # PUD-21-462 – SUNDANCE MIXED USE – REZONING**

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REZONING APPROXIMATELY 33 +/- ACRES FROM LAKE COUNTY AGRICULTURE TO CITY OF LEESBURG PUD (PLANNED UNIT DEVELOPMENT) TO ALLOW FOR MIXED USE DEVELOPMENT FOR A PROPERTY GENERALLY LOCATED SOUTH OF COUNTY ROAD 48, WEST OF HAYWOOD WORM FARM ROAD AS LEGALLY DESCRIBED IN SECTIONS 14 AND 15, 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, MARCH 14, 2022 AND SECOND READING ON MONDAY, MARCH 28, 2022)** (Sundance Mixed Use)

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

1. The proposed request to rezone the subject property from Lake County A (Agriculture) to City of Leesburg PUD (Planned Unit Development), as conditioned, is compatible with adjacent property in Lake County zoned in industrial and residential districts, including MP (Planned Industrial), HM (Heavy Industrial), R-6 (Urban Residential), and R-1 (Rural Residential).

2. The proposed request, as conditioned, is compatible with surrounding Future Land Use designations of Regional Office, Industrial and Urban Medium Density, as well as with the proposed City of Leesburg Future Land Use designation of Estate.
3. The proposed request 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 recommendation to rezone the subject property from Lake County A (Agriculture) to PUD (Planned Unit Development) with the SUNDANCE SUBDIVISION PUD (PLANNED UNIT DEVLEOPMENT CONDITIONS), attached as Exhibits A-C hereto, dated January 20, 2021 and forward to the City Commission for consideration.

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

Commissioner Haliday made a MOTION for APPROVAL of case # PUD-21-462 SUNDANCE MIXED USE – REZONING with amended site plan Commissioner Fitzpatrick SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 7-0.

DISCUSSION

None

ANNOUNCEMENTS

Dan Miller announces Careylee Simonds decided to be a stay at home mom for a while. Chairman Bowersox stated there is a possibility we may be moving back upstairs eventually; nothing will please me more than to do that, stay tuned we will keep you informed as to where we will be meeting hopefully it will be upstairs. Dan Miller replied we will find out about any time periods.

ADJOURNMENT

Approximately 5:25 p.m.

Ted W. Bowersox, Chairman

Sabrina Mitchell, Administrative Assistant II