



SUMMARY MINUTES OF THE REGULAR MEETING
OF THE PLANNING COMMISSION
CITY HALL
THURSDAY, JUNE 23RD, 2022 - 4:30 P.M.

The Planning Commission of the City of Leesburg held its regular meeting Thursday, June 23rd, 2022, at City Hall.

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

The following Commission members were present:

Ted Bowersox – Chairman
Tim Sennett – Vice-Chair
Frazier Marshall
John O’Kelley
Nathaniel Sanders
Alfred Haliday

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, Kandi Harper, Senior Planner, Christine Rock, Senior Planner, Dianne Pacewicz, Senior Planner and City Attorney Grant Watson 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 19TH, 2022.

Vice-Chairman Sennett moved to APPROVE the draft minutes from the MAY 19TH, 2022 meeting. Commissioner Haliday SECONDED the motion, which PASSED by a vote of 6-0.

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 # SSCP-22-173 – CR 44 SILVER LAKE PROPERTY – 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 49 +/- ACRES FROM LAKE COUNTY RURAL TRANSITION TO CITY OF LEESBURG ESTATE RESIDENTIAL FOR A PROPERTY GENERALLY LOCATED WEST OF COUNTY ROAD 44 AND NORTH AND SOUTH OF SENG ROAD AS LEGALLY DESCRIBED IN SECTIONS 16, 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 25, 2022 AND SECOND READING ON MONDAY, SEPTEMBER 12, 2022) (Swan) (POSTPONED BY REQUEST OF THE APPLICANT)

Vice-Chairman Sennett abstained from voting on the case due to a conflict of interest.

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

Commissioner Haliday made a MOTION to POSTPONE of case # SSCP-22-173 – CR 44 SILVER LAKE PROPERTY – SMALL SCALE COMPREHENSIVE PLAN AMENDMENT Commissioner Sanders SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 5-0.

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

2) PUBLIC HEARING CASE # PUD-22-174 – CR 44 SILVER LAKE PROPERTY – PLANNED UNIT DEVELOPMENT ZONING

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, CHANGING THE ZONING ON APPROXIMATELY 49 +/- ACRES FROM LAKE

COUNTY A (AGRICULTURE) AND LAKE COUNTY R-1 (RURAL RESIDENTIAL) TO CITY OF LEESBURG PUD (PLANNED UNIT DEVELOPMENT) TO ALLOW FOR RESIDENTIAL DEVELOPMENT FOR A PROPERTY GENERALLY LOCATED WEST OF COUNTY ROAD 44 AND NORTH AND SOUTH OF SENG ROAD AS LEGALLY DESCRIBED IN SECTIONS 16, 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 25, 2022 AND SECOND READING ON MONDAY, SEPTEMBER 12, 2022)** (Swan) **(POSTPONED BY REQUEST OF THE APPLICANT)**

Vice-Chairman Sennett abstained from voting on the case due to a conflict of interest.

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

Commissioner Sanders made a MOTION to POSTPONE of case # PUD-22-174 – CR 44 SILVER LAKE PROPERTY – PLANNED UNIT DEVELOPMENT ZONING Commissioner 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 # SSCP-22-183 – NORTH SHORE SUBDIVISION – 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 40.61 +/- ACRES, FROM LAKE COUNTY URBAN MEDIUM DENSITY TO CITY OF LEESBURG ESTATE RESIDENTIAL FOR A PROPERTY GENERALLY LOCATED EAST OF U.S. HIGHWAY 27 AND NORTH OF NORTH SHORE DRIVE, AS LEGALLY DESCRIBED IN SECTION 14, 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, JULY 25, 2022 AND SECOND READING TENTATIVELY SCHEDULED FOR MONDAY, SEPTEMBER 12, 2022)** (North Shore)

Dan Miller introduced case number #SSCP-22-183 – North Shore Subdivision – Small Scale Comprehensive Plan Amendment and case number #PUD-22-184 – Small Planned Unit Development 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, and went over PUD (Planned Unit Development).

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 City departments for review, comments included: Electric Department noted that the developer will have to pay to move the electric poles for drive ways, or convert the electric to underground service; Public Works noted that a 3rd party inspection may be required for road testing of the City accepts the roads, due to soil connection; The Lake County School Board noted that this development will be subject to review for school concurrency. Public responses - Staff received several responses from the surrounding property owner letters, newspaper advertisement and sign posting, including one approval, one partial approval with comments and five disapprovals; and read the disapproval responses indicated, concerns for this project into the record.

Mr. Miller read the Staff Recommendations into the record for both cases; Staff recommended approval and stated for the record to make a change under Section (6D); split-rail fence, wood vinyl fence required around the entire property; only around the back of the developed portion; wants to make that request, Dan Miller went over wetland concerns; not City issue; State issue, State statue; cost prohibited, much mitigation; couple acres total, will find out further information on State statue; quotation.

Chairman Bowersox stated if the Commission have any questions of Staff.

Commissioners, and Mr. Miller, discussed traffic, concern; with school there, road; not up to standard, School Board, cut trees; for traffic; create more issues, Dan Miller stated the issue with that under the County now is a commercial zoning; don't want commercial use, lowest density; put in there; single family, tough one to get in/out there; during school times, City put a lot of money into; Lake County School impact fees, money should be coming back to the City of Leesburg; upgrades, school drop off; issue, not building on wetlands, addressed citizens' concerns on Northshore Drive; size of lots/density, not consistent with neighborhood, lots; similar size; Northshore Drive, averaged size frontage; apply to new section, Dan Miller requested clarification; if staff does analysis; put into PUD; go forward to the Commission; current PUD; stick with single family, Canal frontage; on property, wetlands, Dan Miller requested clarification of lot sizes; Commission stated they will leave it up to Staff to come up with that number, 13 single-family; too many for space; less depth; stick to Northshore Drive section.

Jeff Summit with Summit Engineering gave a brief presentation and stated traffic is an issue; look at roads; work with County; address issues, preserving wetlands; no wetland impacts; on current site plan, not filling in any canals, less dense, consistent, good plan, consistent with intent of the area; wants to work with Dan Miller on lot sizes.

Citizens' concerns were based on 3 acres developed; rest greenland, 26 townhomes on 3 acres, calls up with the density; two cars per home; 52 cars on the road, parking, guests; too much traffic, 6 homes or 13 single-family homes; that's still a lot; 6000 square foot lot, too crowded, 6 homes; in that area, don't think any of the residents will have a problem, 26 townhomes; cluster, not keeping up with the density, move to postpone case; community; not enough time to discuss, relief; issues with this area affecting sink holes, floods, property value; goes down, wetland; mitigation, native Floridian, crime; happens to Florida, protect wildlife; as a Commission, Article 2 Section 7; area preserved, haven't seen that done; and then read a statement into the record.

Dan Miller stated for the record the tentatively scheduled City Commission dates.

Grant Wilson, City Attorney stated Dan Miller made a recommendation on paragraph 6D on the railing for the record; Dan Miler stated he wrote spilt rail.

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

Vice-Chairman Sennett made a MOTION for APPROVAL of case # SSCP-22-183 – NORTH SHORE SUBDIVISION with changes made to lot size, fencing, and consistent with adjoining lots – SMALL SCALE COMPREHENSIVE PLAN AMENDMENT Commissioner Sanders SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 5-1.

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

4) PUBLIC HEARING CASE # PUD-22-184 – NORTH SHORE SUBDIVISION – PLANNED UNIT DEVELOPMENT

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, CHANGING THE ZONING ON APPROXIMATELY 40.61 +/- ACRES FROM LAKE COUNTY C-1 (NEIGHBORHOOD COMMERCIAL) TO CITY OF LEESBURG PUD (PLANNED UNIT DEVELOPMENT) TO ALLOW FOR RESIDENTIAL DEVELOPMENT FOR A PROPERTY GENERALLY LOCATED EAST OF U.S. HIGHWAY 27 AND NORTH OF NORTH SHORE DRIVE, AS LEGALLY DESCRIBED IN SECTION 14, 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, JULY 25, 2022 AND SECOND READING TENTATIVELY SCHEDULED FOR MONDAY, SEPTEMBER 12, 2022)** (North Shore)

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

Commissioner Sanders made a MOTION for APPROVAL of case # PUD-22-184 – NORTH SHORE SUBDIVISION – PLANNED UNIT DEVELOPMENT Vice-Chairman Sennett SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 5-1.

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

5) PUBLIC HEARING CASE # PUD-22-215 – LYDEN NICHOLSON PUD – PLANNED UNIT DEVELOPMENT

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, MODIFYING THE EXISTING PUD (PLANNED UNIT DEVELOPMENT) CONDITIONS ON APPROXIMATELY 214.84 +/- ACRES FOR A PROPERTY GENERALLY LOCATED EAST AND WEST OF U.S. HIGHWAY 27 AND NORTH OF FLORIDA'S TURNPIKE, AS LEGALLY DESCRIBED IN SECTION 01, TOWNSHIP 21 SOUTH, RANGE 24 EAST AND SECTION 06, TOWNSHIP 21 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. **(CITY COMMISSION DATES ARE TENTATIVELY SCHEDULED FOR FIRST READING ON MONDAY, JULY 25, 2022 AND SECOND READING TENTATIVELY SCHEDULED FOR MONDAY, AUGUST 8, 2022)** (Lyden)

Dan Miller introduced case number #PUD-22-215 – Lyden Nicholson PUD – Planned Unit Development 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, and went over PUD (Planned Unit Development); Exhibit E of the PUD shows a comparison of the requested changes.

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 City departments for review, City department concerns included a concern on response times for the Fire Department. Staff will get the communication lines open between the Fire Department and the applicant to resolve. The Lake County School Board noted that residential portion is subject to school concurrency review. Public responses – Staff received responses from the surrounding property owner letters, newspaper advertisement and sign posting, including one approval, and one disapproval responses; and read the disapproval responses indicating concerns for this project into the record.

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

Tara Tedrow gave a brief presentation and went over the site information, FLU: Low Density & General commercial; policies, Zoning; PUD, site plan; overall density 3.34 DU/A, site details, future bridges road connection point, data comparison: prior approved 2017 PUD, trip generation conceptual renderings, satisfaction of Satisfaction of City GMP & Code policies; read objectives, Staff findings; recommend approval, agree with those conclusions, request; recommend approval, consistent with your professional staff's, of PUD 22-215, with two modifications: 4 B)(a)(iii.): minimum lot size of 6,000 SF, 4(B)(2)(b): revise to read "single family attached, addressed questions from Commission and stated where this property located; commercial will never get built out that much; since 2017, nobody hasn't taken advantage, design out property; layout, not impacting wetlands, design standards; higher quality product; didn't make sense to us to cram as much as we can; reduce scope; walkable, friendly; environment; drive/demand higher home prices; not age restricted.

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

Commissioners, and Mr. Miller discussed Exhibit E (PUD), decreasing density; will that even apply, age restricted; Dan Miller replied not to my knowledge; they are making it less, but when you change a site plan; come back; for approval, site plan; conceptual, Zoning case; in this case there were some changes to the site plan; mixing up lots sizes; wanted to be upfront; Staff didn't have a problem; agency do get a shot; make themselves heard; why are we reducing the original PUD; age restricted community, commercial development; grocery store, decrease; commercial development, PUD; already approved before.

Citizens' concerns were based on in agreement with everything, lives on west side of Dewey Robbins, wildlife concern, glad about the reduction, wetland preservation, sand hill cranes; raising babies through wetlands, really likes what was heard, Plantation resident; selling point; nice serene view, property; pristine, development; not age restricted, Hwy 27; concerns, more traffic, increase noise, commercial aspect, intent of development; accidents.

Cyndi Tarapani with Tarapani Planning Strategies located in Tarpon Springs and stated she is here today representing Bar Key Groves, developer that Ms. Tedrow mentioned cooperating with is her client; Bar Key Grove; and gave a brief presentation of the proposed project, with her today is Harriet Scales; owner of the property; owned by the Scales family; local business; Key Scales Ford, in Leesburg, we have been having conversation with the developers and spoke personally to Ms. Tedrow and greatly appreciate that they are going to cooperate with us; two developers will work together to extend Bridges Road to the east; full intersection; US 27 and Bridges Road; benefit both projects, full signalized intersection there much sooner; all four way intersection; both projects, agreed to concept to cooperate with this; site plan reviewed by Ms. Tedrow, deed; small piece; to Bar Key developers, Bark Key project submitted; in review by the City; back on agenda next month and wanted to be here to support project the Lyden Nicholson project and greatly appreciate the developer and the attorney cooperating with us on this connection.

Chairman Bowersox stated if anyone else would like to speak on this case.

Dan Miller stated Staff is recommending approval; we ready for you to move to a vote including the requested amendments.

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

Vice-Chairman Sennett made a MOTION for APPROVAL of case # PUD-22-215 – LYDEN NICHOLSON PUD including requested amendments minimum 6000 SF and single family attached – PLANNED UNIT DEVELOPMENT Commissioner Haliday SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 6-0.

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

6) **PUBLIC HEARING CASE # PUD-22-217 – LAKES AT ROYAL PALM PHASE I AND II PUD MINOR MODIFICATION – PLANNED UNIT DEVELOPMENT**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LEESBURG, FLORIDA, MODIFYING THE EXISTING PUD (PLANNED UNIT DEVELOPMENT) ON APPROXIMATELY 31 +/- ACRES TO ALLOW FOR A MODIFICATION TO BUILDING SETBACKS, FOR A PROPERTY GENERALLY LOCATED SOUTH OF EAST DIXIE AVENUE AND WEST OF SOUTH LAKE STREET, AS LEGALLY DESCRIBED IN SECTION 25, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. **(PLANNING COMMISSION MAKES THE FINAL DECISION IN THIS CASE)** (Lakes at Royal Palms)

Dan Miller introduced case number #PUD–22-217 – Lakes at Royal Palm Phase I and II PUD Minor Modification – Planned Unit Development 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, request, went over PUD (Planned Unit Development), site plan review; may wish to look at this process in the future for minor amendments.

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 City departments for review, the Department comments included: Public Works noted that a 3rd party inspection may be required for road testing if the City accepts the roads, due to soil conditions. The Lake County School Board noted that this development will be subject to review for school concurrency. Public responses – Staff did not receive any responses from the surrounding property owner letters, newspaper advertisement and sign posting.

Mr. Miller read the Staff Recommendations into the record for the case; Staff recommended approval; also read Resolution of the Planning Commission.

Chairman Bowersox stated if the Commission have any concern with this case.

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

Commissioner Sanders made a MOTION for APPROVAL of case # PUD-22-217 – LAKES AT ROYAL PALM PHASE I AND II PUD MINOR MODIFICATION – PLANNED UNIT DEVELOPMENT Vice-Chairman Sennett SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 6-0.

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

7) **PUBLIC HEARING CASE # PUD-22-218 – SUNNYSIDE OAKS SUBDIVISION PUD MODIFICATION – PLANNED UNIT DEVELOPMENT**

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, CHANGING THE ZONING ON APPROXIMATELY 32.86 +/- ACRES FROM CITY OF LEESBURG PUD (PLANNED UNIT DEVELOPMENT) TO CITY OF LEESBURG PUD (PLANNED UNIT DEVELOPMENT) TO REPLACE 208 TOWNHOMES WITH 83 DETACHED SINGLE-FAMILY UNITS FOR A PROPERTY GENERALLY LOCATED NORTH OF SUNNYSIDE DRIVE AND WEST OF FERN DRIVE, AS LEGALLY DESCRIBED IN SECTION 30, 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 25, 2022 AND SECOND READING TENTATIVELY SCHEDULED FOR MONDAY, AUGUST 8, 2022)** (Sunnyside Oaks)

Dan Miller introduced case number #PUD–22-218 – Sunnyside Oaks Subdivision PUD Modification – Planned Unit Development 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, and went over PUD (Planned Unit Development).

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 City departments for review, the department comments included: Fire Department noted concerns over ability to meet the response time standard. Staff will have the Fire Department and applicant work together to resolve. The Lake County School Board noted that this

development will be subject to review for school concurrency. Public responses – As a result of the SPO letters, and advertisement/signage, two responses; read into the record.

Citizens' comments were based on has concerns on a lot of things; trying to solve the problem, working on it and getting good return so far, came in before and voted no on the original PUD, roads won't handle traffic; need to be changed and will vote no until the roads get changed and the water needs to stay on the owner property, completely understand your point, problem; traffic issues, County road, no indication on access, needs to be shared with the residence, if you are going to continue to approve these kinds of developments in that areas; needs to be addressed; three way stop on Sunnyside; access, needs Lake County to attend meeting; address roads.

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

Dave Schmidt with Dave Schmidt Engineering stated he thanks Staff for working with them diligently and agrees with Staff Recommendations.

Commissioners, and Mr. Miller discussed what are we considering the lower number or higher number; Dan Miller replied the lower number, PUD; already approved; amendment to approval, lowering the density, getting away from multi-family to single family, Dan Miller replied townhomes are still considered single family, but the potential they could go right now is 208 townhomes; asking to go to 83; which works out to 76 single family; good one from Staff standpoint; Dan Miller replied reviewed site plan; regarding access points, one required entrance on Fern Drive and Sunnyside; Dan Miller addressed citizen concern and stated on the site plan there is an access point on Sunnyside; might shift, but do not know; mentioned several times that the County needs to address the roads.

Chairman Bowersox stated if anyone in the audience have any questions of applicant.

Chairman Bowersox stated if the Commission have any other discussion.

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

Commissioner Haliday made a MOTION for APPROVAL of case # PUD-22-218 – SUNNYSIDE OAKS SUBDIVISION PUD MODIFICATION – PLANNED UNIT DEVELOPMENT Commissioner Sanders SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 6-0.

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

8) PUBLIC HEARING CASE # SSCP-22-220 – FRAZIERS SLEEPY HOLLOW – 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 9.74 +/- ACRES, FROM LAKE COUNTY RURAL TRANSITION TO CITY OF LEESBURG ESTATE RESIDENTIAL FOR A PROPERTY GENERALLY LOCATED EAST OF SLEEPY HOLLOW ROAD AND NORTH OF SUNNYSIDE DRIVE, AS LEGALLY DESCRIBED IN SECTION 29, 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 25, 2022 AND SECOND READING TENTATIVELY SCHEDULED FOR MONDAY, SEPTEMBER 12, 2022)** (Fraziers)

Dan Miller requested for permission to discuss the next two cases together for discussion purposes.

Dan Miller introduced case number #SSCP-22-220 – Fraziers Sleepy Hollow – Small Scale Comprehensive Plan Amendment and case number #SPUD-22-221 – Small Planned Unit Development 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).

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 City departments for review, the department comments included: Fire Department noted concerns over ability to meet the response time standards, Staff will have the Fire Department and applicant work together to resolve. The Lake County School Board noted that this development will be subject to review for school concurrency. Public responses – As a result of the SPO letters and advertisement/signage this time we received no approvals and two disapprovals, two responses; read into the record.

Mr. Miller read the Staff Recommendations into the record for both cases; Staff recommended approval and stated for the record a change need to be made under Section (6D); spilt-rail fence; should be split-rail fence.

Chairman Bowersox stated if the Commission have any questions of Staff.

Chairman Bowersox stated if anyone here would like to speak on this case.

Commissioners, and Mr. Miller, discussed compliments applicant on the design; small front lots, Dan Miller went over the buffers on the map; legal recourse, move and relocate; gophers, and stated theirs a requirement of environmental study on any type of development; no bald eagle nest; checked, no legal way to bury them as

they use to be, 6' fence, large buffer; not a problem; Dan Miller stated there are a significant mature trees based on the area, appear to be salvageable; still put in buffer, retention; south side, 6' fence option; don't know if it will do any good; distance; Commission consider, will ruin natural buffer already there; plenty of space; protected, little bit concerned; lot of development in area; to the south of Sunnyside; primarily 2 to 5 acre properties; abutting, good thing about development; exit or enter from Sunnyside; plenty of traffic on Sleepy Hollow, like layout design, wants larger lots, and less density.

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

Jeff Summit with Summit Engineering gave a brief presentation and stated submitted a site plan, all conditions; Staff requested, 35% open space, plenty of buffers, single access point, large retention pond; take care stormwater, pretty good layout; came out really good and addressed citizen concerns; very large buffer; on site plan, requirement for the fence and landscaping; in PUD already, only concern; wall, don't like PVC fence, mature landscaping; much better option, elevation concern; falls to the south, and goal; keep as much as we can, where do you put the fence; defeats the purpose of the trees and the buffer.

Citizens' concerns were based on property on Sleepy Hollow; two properties; adjacent, buffer on Sleepy Hollow between the community and acreage, rural residential homes, purchased property 15-20 years ago, property value, large community on large lots; 1 SF housing, wildlife, gopher turtles, eagles; was told nobody will build behind you, preserve, private lot, purchased property 3 years ago, paid property premium; property above; look down on property, top corner; privacy of home; northeast corner, barrier; top of house, 6' fence; trees in corner.

Grant Watson, City Attorney addressed citizen concern on property premium; and stated you may have some legal recourse as far as what he was being told; seen comment in package noted that the subject property behind his; appeared to be owned by a different developer who sold the property; talking out of term, some type of restrictive covenant; parcel at issue, perhaps you would have enforcements rights; it's hard to say, it's possible that you still have some time; under potential limitation period; certainly not in a position to give you legal advice; however consider talking to an attorney; circumstances surrounding your purchase and what representation made to you to induce you to make that purchase; we don't know the full story and history; not able to give advice; may be worth consulting with an attorney; peace of mind, and to inform you on what options you may have.

Chairman Bowersox stated anymore discussion from the Commission or any other comments from anyone or Staff.

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

Commissioner Sanders made a MOTION for APPROVAL of case # SSCP-22-220 – FRAZIERS SLEEPY HOLLOW – SMALL SCALE COMPREHENSIVE

PLAN AMENDMENT Vice-Chairman Sennett SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 4-2.

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

9) PUBLIC HEARING CASE # SPUD-22-221 – FRAZIERS SLEEPY HOLLOW – SMALL PLANNED UNIT DEVELOPMENT

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, CHANGING THE ZONING ON APPROXIMATELY 9.74 +/- ACRES FROM LAKE COUNTY R-1 (RURAL RESIDENTIAL DISTRICT) TO CITY OF LEESBURG SPUD (SMALL PLANNED UNIT DEVELOPMENT) TO ALLOW FOR RESIDENTIAL DEVELOPMENT FOR A PROPERTY GENERALLY LOCATED EAST OF SLEEPY HOLLOW ROAD AND NORTH OF SUNNYSIDE DRIVE, AS LEGALLY DESCRIBED IN SECTION 29, 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 25, 2022 AND SECOND READING TENTATIVELY SCHEDULED FOR MONDAY, SEPTEMBER 12, 2022)** (Fraziers)

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

Commissioner Haliday made a MOTION for APPROVAL of case # SPUD-22-221 – FRAZIERS SLEEPY HOLLOW – SMALL PLANNED UNIT DEVELOPMENT Commissioner Sanders SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 4-2.

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

10) PUBLIC HEARING CASE # PUD-22-222 – BATTAGLIA PROPERTY PUD – PLANNED UNIT DEVELOPMENT

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, CHANGING THE ZONING ON APPROXIMATELY 280 +/- ACRES FROM CITY OF LEESBURG RE-1 (ESTATE DENSITY RESIDENTIAL) TO PUD (PLANNED UNIT DEVELOPMENT) TO ALLOW FOR RESIDENTIAL DEVELOPMENT FOR A PROPERTY GENERALLY LOCATED SOUTH OF FLORIDA'S TURNPIKE AND EAST OF COUNTY ROAD 33, AS LEGALLY DESCRIBED IN SECTIONS 34 AND 35, 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 25, 2022 AND SECOND READING TENTATIVELY SCHEDULED FOR MONDAY, AUGUST 8, 2022)** (Battaglia)

Dan Miller introduced case number #PUD-22-222 – Battaglia Property PUD – Planned Unit Development 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 site plan, and PUD (Planned Unit Development).

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 City departments for review, the department comments included: Fire Department noted concerns over ability to meet the response time standard, Staff will have the Fire Department and applicant work together to resolve. The Lake County School Board noted that this development will be subject to review for school concurrency. Public responses – Staff public responses from the surrounding property owner letters, newspaper advertisement and sign posting; we received one approval and 6 disapprovals; read into the record.

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

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

Andrew McCown with GIA Consultants gave a brief presentation of the Hanover development plan, introduction of the team, surrounding area, site history, maps; FLU, zoning, requested applications; PUD, conceptual plan, aspects of site plan, wetlands; preserve, retention area; north side, buffers, north side; no residential lots; abutting, amenities; on site, northwest corner; preserving area, trees; planted, preserved; southeast; conservation area, preservation/benefit of the community; approximately 280.8 acres, gross density 2.0 units per acre, 561 units total, mixture 50' and 60' lots, 153.4 acres; open space/recreation, over 50% site, 3.4 acres; amenity/park space, lots of wetlands on site, conceptual open space/buffer, originally included 40' lots; removed in favor; 50' lots, incorporated 60' lots; rural character of CR 33 corridor, preserved wetlands, no units adjacent to north/south properties, buffered by preserved land and ponds, tree preservation area; southeast corner, around historical trees, provisions added to PUD, amenity center, pictures, proposed home elevations; 50'-60', change to the proposed Ordinance, 5.0', setback, consistent; previous PUD's, 60' lots; 7.5' setback; proposing; 7.5' reduced back to 5.0'.

Commissioners, and Mr. Miller discussed from a Staff standpoint definitely prefer larger setbacks, 10' between houses; require gutters on all lots; Commission approval, 10' offer close, not only for neighborhood; fire safety, access around property, issue; fire truck or equipment,, around your home, Leesburg; 15' setbacks, can't do it, market argument; weak, safety issues, 7.5' on both sides; Dan Miller stated in a standard zoning district; 15' total,

minimum 5.0' on one side, you can do 7.5'/7.5'; in standard zoning district, people want to generally do in PUD, 5.0' on each side; 10' between houses; Commission option, fire safety, police; issue, Dan Miller replied he haven't heard anything about fire safety; Staff preference 7.5'; give 15', looks better; sells better, understands the market concern, look like in 10-20 years; some of the other subdivisions, no question about Hanover work, moving from 20' to 25'; part of problem, buildable; behind the sidewalks or from curve; Dan Miller stated the lot begins behind the sidewalk; ROW, 50' ROW, starting at the middle, going out 10' for lane, 2' curb/gutter; property line begins, 110' depth of lot, width measured at front setback line; 25', 20' to sidewalk; not allow car, Dan Miller replied people will park two cars; sidewalk, no use, 25' makes a difference, Ordinance; obstruct sidewalk; Dan Miller stated impossible to enforce, change setbacks; 7.5', don't want to give up front, front yard parking; covenants, agree with community long term option addressed by Hanover, existing zoning; RE-1, minimum size lot; in zoning.

Dan Miller replied 1 unit per acre, and minimum size lot 1 acre, opposed to this kind of density on this property, size of the lots too small, gutters on the side; Dan Miller stated Staff recommendations if you decide to go with smaller setbacks then the gutters should be in place; create Ordinance; require gutters, confidence in Hanover, City; come up with some type of help, not properly graded, serious problem; Arlington Ridge; year ago, put in Code; prevent it, to make sure we aren't in a bad position, development, happening in Central Florida, Lake County, and Leesburg, respect Commissioner O'Kelley comments, demand on land; tremendous, done fabulous job; flood zone map; having issue, 40'-50' lots; done, Villages lots; 50', probably; 5.0', like it and in support of 5.0' setbacks with gutters added, market; not a lot of yard, like nicer yard; larger lot, let market decide, not hazard; for emergency, drainage; concern, everything contained, too much; too soon.

Ben Snyder with Hanover stated we would appreciate if you would let the market decide on side setbacks work best, we will agree to gutters; manage stormwater, engineers; extremely qualified, makes Staff feel better; more than happy to accommodate that request; agreed to every other proposed amendment, not consistent with our PUD; submitted, originally 20' front setback, agreed to 25' setback, 7.5' side setback; makes people invest more in larger lot; opposed to a larger house that they do want, side setbacks; haven't raised issue; fire safety, on any municipalities we permitted, 7.5' both sides, look better; market concern, note we agreed to proposed provision from Staff; concern; cars hanging over sidewalk, decreases the buildable pad area; agreed to that concession, agreed to larger front setbacks, further decrease the buildable pad area, City's perspective; more valuable larger front setback than larger side setback; park closer to garage, HOA covenants, gutters; side, not an issue, City's concern; community look longer term, having people invest more money in larger houses; help concern, having people invest same amount of money in smaller house on bigger lots; wouldn't choose if given a choice; not changing wetlands.

Tony Orio with Hanover stated the 5.0' setbacks have been traditionally for as long as I have been doing development, main issue; setbacks, drainage, GEO tech tests; done on site, highly drained soils, not safety, fire departments, access back of properties, 5.0'

setbacks; standard, not safety issue, drainage; absolutely, gutters; side, can be accommodated.

Chairman Bowersox stated if the Commission have any other issues, and closes discussion to the Public.

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

Commissioner O’Kelley made a MOTION for DENIAL of case # PUD-22-222 – BATTAGLIA PROPERTY PUD – PLANNED UNIT DEVELOPMENT Commission Marshall SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 3-3.

Vice-Chairman Sennett made a motion to approve PUD-22-222 with the change of the setbacks from 7.5’ to 5.0’ and to have gutters on the side.

Vice-Chairman Sennett stated if the Commission have any other discussion.

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

Vice-Chairman Sennett made a MOTION for APPROVAL of case # PUD-22-222 – BATTAGLIA PROPERTY PUD 5.0’ setbacks on each side with the gutters – PLANNED UNIT DEVELOPMENT Commission Haliday SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 3-3.

Grant Watson, City Attorney stated no vote in favor and affirmative vote against, no recommendation in favor.

No recommendation to approve case# PUD-22-222 – Battaglia Property PUD; motion for DENIAL.

Dan Miller stated the City Commission wants to understand what the issues were and mentioned density, size of lots, amount and speed of developments as it is comes in the area; Commission agrees; like the plan, decide; continue with 50’ lots; existing zoning; allows; 1 acre lots; Dan Miller stated we have been working with the developers recommending a mix of 50’, 60’, and 70’ with these type of subdivisions and nobody wants to do bigger lots; less money; Staff looking from direction from Planning Commission and City Commission as to what is acceptable, we work with them to get it down to a reasonable number, amount and pace of growth that is happening in this area; value of land; high.

DISCUSSION

None

ANNOUNCEMENTS

Dan Miller announces to the Commission there are three Commissioners terms that are expiring on September 30, 2022 and will send out an email next week. Chairman Bowersox stated we are going to miss Commissioner Fitzpatrick. Dan Miller replied Commissioner Fitzpatrick moved.

ADJOURNMENT

Motion to adjourn made by Commissioner O'Kelley and seconded by Commissioner Haliday.

Meeting was adjourned at 7:25 p.m.

Ted W. Bowersox, Chairman

Sabrina Mitchell, Administrative Assistant II