



SUMMARY MINUTES OF A SPECIAL CALLED MEETING  
OF THE PLANNING COMMISSION  
CITY HALL  
THURSDAY, OCTOBER 20<sup>TH</sup>, 2022 - 4:30 P.M.

The Planning Commission of the City of Leesburg held its regular meeting Thursday, October 20<sup>th</sup>, 2022, at City Hall.

Chairman Ted Bowersox called the meeting to order at 4:28 p.m.

The following Commission members were present:

Ted Bowersox – Chairman  
Tim Sennett – Vice-Chair  
John O’Kelley  
Frazier Marshall  
Ze’Shieca Carter  
Stewart Kaplan  
Ken Simeone

The following Commission members were absent:

Nathaniel Sanders

City staff in attendance included Dan Miller, Planning & Zoning Director, Sabrina Mitchell, Administrative Assistant II, Kandi Harper, Senior Planner, Christine Rock, Senior Planner, Max Van Allen, Planner, Melissa Medders, 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, SEPTEMBER 8<sup>TH</sup>, 2022.**

**Vice-Chairman Sennett moved to APPROVE the draft minutes from the SEPTEMBER 8<sup>TH</sup>, 2022 meeting. Commissioner Carter SECONDED the motion, which PASSED by a vote of 7-0.**

Chairman Bowersox stated to Dan Miller to announce the new members of the Planning & Zoning Staff ; Dan Miller stated we added Max Van Allen, Planner and Melissa Medders they have been a great addition to our Staff and our learning.

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 # CUP-22-430 – KOLB DUPLEX – CONDITIONAL USE PERMIT**

REQUEST FOR A CONDITIONAL USE PERMIT FOR A DUPLEX IN THE LOW DENSITY RESIDENTIAL FUTURE LAND USE DISTRICT ON 0.29 +/- ACRES GENERALLY LOCATED SOUTH OF KOLB STREET AND EAST OF EUCLID AVENUE, AS LEGALLY DESCRIBED IN SECTION 26, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. **(FINAL DECISION IS BY THE PLANNING COMMISSION)** (Kolb)

Dan Miller introduced case number #CUP-22-430 – Kolb Duplex – Conditional Use Permit and case number 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, design of proposed building; shown in the presentation, current building; should be demolished, site within Historic District, but the building is of no historic value, and project will be heard at the Historic Preservation Board meeting later this month with a demolition request; Staff also supports.

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, no specific and substantive comments from the Departments. Public responses - Staff didn't receive any written responses from the surrounding property owner letters, newspaper advertisement and sign postings.

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

Chairman Bowersox stated if the Commission have any questions of Staff or anyone from the Public wants to speak on this case and then closes discussion from the Public.

Commissioners, and Mr. Miller discussed the conceptual site plan; side setback, Dan Miller replied a minimum of 5' on one side; 50' lot it appears to be approximately a 5' setback on that side, height of duplex; consistent with the rest of the neighborhood; Dan Miller replied yes sir it is there are two stories on both sides; only difference new structure, street been there for a while, site plan review, lot depth; Dan Miller replied he believe it's a 120.

Citizens comments were based on not quite accurate on the trees; one that need to be tore down in front the duplex; on property line on the right-hand edge; on my property almost, all of it; so, what's going to happen, drawing, parking, off street parking; not very wide piece of property; proposed building; push it further to the back closer to bike trail; parking in front; duplex looking directly in backyard, basically proposal; existing structure; deeper, buffer; house and bike path.

Dan Miller addressed comments from citizens and stated any part hanging over that owner could cut; we did expect the applicant to be here; if significant opposition we could hold it; drawing provided; conceptual, not a full plan, for the Zoning purposes; conceptual, actual building permit; better plans, parking meet the standard requirements; need a total of four spaces, depends on the number of bedrooms; three bedrooms and up; two spaces, one bedroom; 1.5, site plan; review, Zoning side; project move forward, approval to tear existing building down; Historic Board, plans that meet all City requirements, specifications, laws, and regulations; Dan Miller went over the conceptual site plan, options and rear setbacks.

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

**Vice-Chairman Sennett made a MOTION for APPROVAL of case # CUP-22-430 – KOLB DUPLEX – CONDITIONAL USE PERMIT Commissioner Kaplan 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 # CUP-22-408 – GUIONS BEHAVIORAL – CONDITIONAL USE PERMIT**

REQUEST FOR A CONDITIONAL USE PERMIT IN THE R-2 (MEDIUM DENSITY RESIDENTIAL) ZONING DISTRICT, PER SECTION 25-284 DISTRICT USE REGULATIONS, TO ALLOW A RESIDENTIAL GROUP HOME USE, FOR A PROPERTY GENERALLY LOCATED WEST OF NORTH OAKLAND STREET AND NORTH OF HIGH STREET, AS LEGALLY DESCRIBED IN SECTION 27, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND

PROVIDING AN EFFECTIVE DATE. **(FINAL DECISION IS BY THE PLANNING COMMISSION)** (Guions Behavioral)

Dan Miller introduced case number #CUP-22-408 – Guions Behavioral – Conditional Use Permit and case number 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 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 City departments for review, no specific and substantive comments from the Departments. Public responses - Staff didn't receive any written responses from the surrounding property owner letters, newspaper advertisement and sign postings.

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

Chairman Bowersox stated if the Commission have any questions of the applicant or anyone in the audience here to address this issue, and then closes discussion from the Public.

Commissioners, and Mr. Miller discussed CUP; expire; Dan Miller replied if no action is taken in 90 days to sign it; null and void, if no use of the newly permitted use under the CUP happens within 18 months, null and void; 18 months to put the home up, background checks; turn up, you can't move in; Dan Miller stated this group home is not for drug, alcohol, and sexual offenders; not for anything like that; standard group home through Agency for Persons with Disabilities; APD will let them know if subject to any type behaviors, another group home; High Street, how many residents staying; how long in business, definition of what your business does; clients, policy in place Staff follow; guidelines set by APD, 24 hour supervised care, other side free; commend applicant on doing a great job with group home.

Terrance Guions owner of Guions Behavioral stated the duplex proposed plans to move the most exemplary individuals in my current group home into the proposed group home, individuals who have been maintaining jobs, showing the most exemplary behaviors; give them a better home to live in, will do background checks, criminal activity; these are individuals with developmental disabilities, company train to integrate and educate them to get into the community, grown, matured to have jobs; law binding citizens will show, been in his care for the last three years; showing great behaviors, another group on High Street, only three residents will be staying; only rent one half of the duplex, established in 2019; addressed comments

from the Commission and citizens and stated residential group home, real focused, APD designate individuals as far as what they behaviors have been in the past, and behaviors are; individuals moving; behaviors are so great; behavioral focus; have stepped down to a standard classifications, standard group home; behaviors been good for so long; designated as, Staff there to make sure they are behaving well; behaviors; not standard will have to move back in original home; behavioral focus home, any behavior not common, not deemed appropriate in the Public; range from many different things; not acceptable, marked as a behavior, 24 hour care, rented by another tenant; plans to get both sides.

Citizens concern were based on even though residents demonstrate any bad behavior in the past; immediate mediation; future plans.

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

**Commissioner Marshall made a MOTION for APPROVAL of case # CUP-22-408 – GUIONS BEHAVIORAL – CONDITIONAL USE PERMIT Commissioner O’Kelley 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 # CUP-22-439 – LOVE THY NEIGHBOR – CONDITIONAL USE PERMIT**

REQUEST FOR A CONDITIONAL USE PERMIT IN THE M-1 (INDUSTRIAL) ZONING DISTRICT, PER SECTION 25-284 DISTRICT USE REGULATIONS, TO ALLOW A TEMPORARY OVERNIGHT FOSTER CARE USE, FOR A PROPERTY GENERALLY LOCATED EAST OF THOMAS AVENUE AND NORTH OF CARVER DRIVE, AS LEGALLY DESCRIBED IN SECTION 22, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. **(FINAL DECISION IS BY THE PLANNING COMMISSION)** (Love Thy Neighbor) **(WITHDRAWN BY APPLICANT)**

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

**Vice-Chairman Sennett made a MOTION for APPROVAL of withdrawal by applicant case # CUP-22-439 – LOVE THY NEIGHBOR – CONDITIONAL USE PERMIT Commissioner Carter 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-22-437 – ANGLERS ON HARRIS – 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 6.93 +/- ACRES FROM LAKE COUNTY URBAN MEDIUM DENSITY TO CITY OF LEESBURG LOW DENSITY RESIDENTIAL FOR A PROPERTY GENERALLY LOCATED SOUTH OF U.S. HIGHWAY 441 AND EAST OF ANGLERS AVENUE AS LEGALLY DESCRIBED IN SECTION 23, 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, NOVEMBER 14, 2022 AND SECOND READING ON MONDAY, JANUARY 23, 2023)** (Anglers on Harris)

Chairman Bowersox stated to for the record to discuss the next two cases together.

Dan Miller introduced case number #SSCP-22-338 – Anglers on Harris – Small Scale Comprehensive Plan Amendment and case number #PUD-22-438 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, and requests, went over aerial map, PUD (Planned Unit Development), and site plan.

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

Department Review Summary: This case was sent out to all the different City departments for review, no substantive comments from the Departments with exception of Public Works noted project will require relocation of wastewater lines and construction of a lift station. Lake County School Board noted that the project is subject to school concurrency review and would generate sixteen students. Under the current allowance in Lake County it would be fifteen students. Public responses - Per City of Leesburg notice requirements, the project was sent out to the surrounding property owners, of which there were twelve. Staff did receive a significant amount of responses; forty-seven written responses from the surrounding property owner letters, newspaper advertisement and sign postings, thirteen wanting to speak; concerns for this project read into the record.

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

Michael Rankin with LPG represent the client Anglers on Lake Harris, Lake Harris Acquisition Group; name change to Venetia of Lake Harris gave a presentation and stated development and Planning & Zoning in any City could be easy or challenging; City dial in on redevelopment internal pieces, community come full circle, excited about the project,

so many dynamics and challenges of proposed property; didn't work, project makes a lot of since, permitted uses under County; read into the record, focus on residential development, seeking the application, reviewed conditions, no issues with any of the Staff Recommendations, 400K development; townhomes 400K; entry level, monthly fees; \$300 to \$400 a month, challenges a different clientele; look at Leesburg area, second home; winter months, plated as condominium, maintained by condo association, less vehicles miles, reducing congestion, went over map, consistency in density; didn't want to have too much density, 6.4 units per acre, good estimates, 400K townhomes, bungalows 500K to 600K, went over façade samples, architectural standards, road easement; minimum commitment, traffic, utilities, working with the County and Public Works, each unit; 14 additional slips, beach; cleanup, amenities; important, steer away for other use; ask for consideration.

Cara Singletary, Attorney stated she is representing one of the adjoining property owners and her analysis is on the legal implication to proposed annexation enclave of County property; to west, annexation and rezoning not consistent; along 441, review of City Zoning District Code; Article 4 Section 25-278, read into the record, County property; R6 or R1 planned commercial; didn't locate, FLU; under County, neighboring properties; 55 and up, mobile home community, client reside immediate east of property; R1; home on concept plan; by boat ramp, inconsistent with current zoning in place, completed in reasonable time; construction of lift station and wastewater recirculated; impact, one access easement; 18' currently paved, 48 units; 100 to 200 residents in that area, blow back; on Hwy 441, private easement, not maintained by the City or County, issue prevention of the use; alter character of neighborhood, currently several natural features on the property, Lakefront nature of the property; not suitable, proposed changes, buffers; modified account for gym, beach, not consistent, application; SPUD, PUD; 18 units per acre, under City Zoning District Code; not clear, which project being approved; referenced SPUD, PUD, zoned under County; 7 units per acre, scaled down; under current County permissions; most of that in City Code, considerations that must be made, with regards to possibility of annexation and enclave; head into a law suit; multiple case laws, SPUD/PUD throughout the project narrative; as well as the notice; impact the notice requirements.

Grant Watson, City Attorney stated for the record there are obviously a lot of issues that Ms. Singletary brought up there without going through all the maps, and code; very difficult for me to weigh in on the specifics of that; particular items brought up by Ms. Singletary make note in your recommendation; suggest this is recommending body, encourage the Commission to make note; concerns, don't think anything she mentioned will prevent you from making a recommendation today that can move forward to Commission; opportunity to look at some of these legal issues, and a opportunity for two more hearings that the Public can participate.

Chairman Bowersox stated if the Commission have any questions of the applicant or any comments from the Public.

Commissioners, and Mr. Miller discussed SPUD/PUD; Dan Miller replied that's just a typo, the difference is SPUD is under 10 acres and PUD is over 10 acres; they all get called PUD; we can make that correction, Dan Miller stated just to respond to some of Ms. Singletary comments; the legal implication of annexation, City of Leesburg does have a ISBA; with Lake County, went over ISBA; enclave dismissed, not being consistent with C3; disagree respectfully with statement, completed; reasonable amount of time; many developments, lift station installed, no evidence of overloading the street, road preserved; upgraded, adjacent property owners, widen; to make better, residential to residential; under Statue, density; consistent, expensive project; upgrade area, annexing; City utilities, not provided by Lake County, Staff feels it's a supportable project, Commission takes offense to comment; so unfair, have to be a property owner; to comment, volunteer time, time frame; sign posting; Kandi Harper replied yes ma'am we keep good records; the sign is not 8x10; 18x24; Dan Miller stated it's posted to the Statues of the State Florida and the City of Leesburg; color, font type, per the law; Kandi Harper replied the record is inbox, took pictures three times; Commission not in agreement with comment from citizen; sign posting; egress.

Dan Miller stated that's a very good point about the second means of egress and then went over the map; Lake County/City of Leesburg will review; traffic reviewed by Lake County; goes through Leesburg, work with them daily, probably something that comes up with Lake County, don't know yet; Lake County, offense to comments by citizens; as a whole, here for you, have no agenda; recommendations based on law, betterment of the community, less homes in the area, two parks; developed, less homes per footage, two/three story homes; agree, developer compromise; to two story, very nice homes, due diligence; done, lighting; low/controlled, plan for development, held back projects; not consistent with surrounding area, recommendations; height, upgrade, road improvements; addressed to Public, extra roadway, trees removed; plan, replanted, under Sunshine laws, marina; built same time as condos/homes/duplexed, open to the Public, rentals, sales, access; open to the Public, office, comments on the heights of these units, architectural changes; two story building with gable roof, opportunity to look at this again, redo with the architecture; same concern; three story, folks on each side; if we decide approve with condition; ingress/egress, existing zoning allows; if nothing is done with project; Dan Miller replied any number of commercial type uses, and read them into the record, current zoning; commercial planned, commercial not ideal for waterfront; limited, ingress/egress improvement; not done, come back, make presentation; Dan Miller stated we can help facilitate between the County; if it helps, Board in favor of it; resolved, plan in place before it goes before City Commission, gated community; clarification of height restrictions.

Grant Watson, City Attorney stated for the record just to remind the Commission there is an ISBA with municipalities and south Lake County that weighs in on annexation and issues on enclave; will take a look at and how that might impact things as well. Grant Watson stated if you have any concerns to address the



Commissioners comments whatever conditions you think are appropriate whether that will be second access point is necessary then that absolutely something that you should include in the motion or recommendation; suggest we have motion made to clarify amendment or withdraw the amendment request, see how motion plays out; another motion might be made.

Citizens comments were based on all in progress and development, Starbucks; congestion, Take 5 oil change; not positive changes, concerns transparency with Board; not aware of change, sign posted; limited access, not against growth or development; against new communities' disruption, destruction; new community, own home not property, plan detrimental to the community; benefit, property owner, great concerns; annexation, high number of units, just want it to fit, retention ponds on lake, safety, stop sign behind tree, lot of traffic, added an extra 100 people; background in forestry, plan; cut all trees down, oppose annexation of the small parcel and rezoning, zoning map, proposed annexation; absolutely no connection to any City residence, connection to commercial, City of Leesburg; provide utilities and sewer, no annexation needed, oppose over development, increase traffic density, alter character of our community, impact natural resources, not improve residence, existing community or lakeshore appearance, currently 44 SF residence; non-exclusive easements that offer ingress/egress off 441, not against development, against supersize development, project scaled down, three non-consistent easements; 441, narrow access driveway, ingress/egress; issues, height requirements, most commercial single story, west/east side; detrimental, stay consistent; current/future use, second means of egress, nobody maintaining street, wildlife; no more room.

Michael Rankin addressed comments from the Commission and stated the marina is an amenity for the development, under the fees we will cover the maintenance of the marina; operated on a day to day basis, private marina; additional stalls, pay additional fee; additional stall, boat dock, park boat, maintenance under the direction of the Association incorporated in their fees and stated he had a brief discussion with Dan Miller; concern for the height, options looking at, appearance; etc., COMP; lot of moving parts, figure out ingress/egress, wildlife, marina; cleanup, many steps ahead of us; involve County/City, benefit other citizens in the area not just our development, earlier discussions with the County and alerting Dan Miller we contacted County; 441, we would have to look at ingress/egress, client aware; not-gated.

Chairman Bowersox closes discussion from the Public and asked if the Commission have any comments, entertained a motion, and then the voting took place.

**Vice-Chairman Sennett made a MOTION for APPROVAL of case # SSCP-22-338 – ANGLERS ON HARRIS – SMALL SCALE COMPREHENSIVE PLAN AMENDMENT the MOTION which DIES FOR A LACK OF A SECOND.**

Vice-Chairman Sennett made a motion for approval of case # SSCP-22-338, motion dies for a lack of a second.

**Commissioner Carter made a MOTION for APPROVAL of case # SSCP-22-338 – ANGLERS ON HARRIS – SMALL SCALE COMPREHENSIVE PLAN AMENDMENT Commissioner O’Kelley SECONDED the MOTION which CARRIED by a vote of 6-1 .**

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

5) **PUBLIC HEARING CASE # SPUD-22-438 – ANGLERS ON HARRIS – PLANNED UNIT DEVELOPMENT ZONING**

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, CHANGING THE ZONING ON APPROXIMATELY 6.93 +/- ACRES FROM LAKE COUNTY CP (PLANNED COMMERCIAL DISTRICT) TO CITY OF LEESBURG SPUD (SMALL PLANNED UNIT DEVELOPMENT) TO ALLOW FOR RESIDENTIAL DEVELOPMENT FOR A PROPERTY GENERALLY LOCATED SOUTH OF U.S. HIGHWAY 441 AND EAST OF ANGLERS AVENUE AS LEGALLY DESCRIBED IN SECTION 23, 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, NOVEMBER 14, 2022 AND SECOND READING ON MONDAY, JANUARY 23, 2023)** (Anglers on Harris)

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

**Commissioner O’ Kelley made a MOTION for APPROVAL of case # SPUD-22-438 – ANGLERS ON HARRIS – PLANNED UNIT DEVELOPMENT ZONING with stipulation that there will be a second approved ingress and egress, height restriction no taller than two story, and correct typo on SPUD Commissioner Simeone SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 7-0.**

**DISCUSSION**

None

**ANNOUNCEMENTS**

None

**ADJOURNMENT**

Meeting was adjourned at 6:34 p.m.

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Ted W. Bowersox, Chairman

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Sabrina Mitchell, Administrative Assistant II