



SUMMARY MINUTES OF THE REGULAR MEETING
OF THE PLANNING COMMISSION
CITY COMMISSION CHAMBERS, CITY HALL
THURSDAY, MAY 18TH, 2023, 4:30 P.M.

The Planning Commission of the City of Leesburg held its regular meeting Thursday, May 18th, 2023, in the Commission Chambers at City Hall. Chairman Tim Sennett called the meeting to order at 4:30 p.m.

The following Commission members were present:

Tim Sennett
Ted Bowersox
Frazier J. Marshall
John O'Kelley
Stewart Kaplan
Ze'Shieca Carter
Nathaniel Sanders
Rosalind Peebles-Johnson

The following Commission members were absent:

Ken Simeone

City staff that was present included Dan Miller, Planning & Zoning Director, Kandi Harper, Senior Planner, Christine Rock, Senior Planner, Dianne Yekel, Senior Planner, Max Van Allen, Planner, and Melissa Medders, Planner. City Attorney Grant Watson was also present.

The meeting opened with an invocation given by Commissioner Ted Bowersox and the Pledge of Allegiance to the Flag.

Attorney Grant Watson swore in staff as well as anyone wishing to speak.

Dan Miller, Planning & Zoning Director, informed the audience of the rules of participation and the need to sign the speaker's registry. He also informed Commissioners and the audience of the City Commission meeting dates tentatively scheduled.

MINUTES OF PLANNING & ZONING COMMISSION MEETING FOR APRIL 20, 2023.

Commissioner Ted Bowersox moved to APPROVE the minutes from the April 20, 2023 meeting. Commissioner Ze'Shieca Carter SECONDED the motion, which was PASSED by a vote of 7 to 0.

NEW BUSINESS

1) **PUBLIC HEARING CASE # LSCP-23-126 – SILVER LAKE WOODS – LARGE SCALE COMPREHENSIVE PLAN MAP AMENDMENT**

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF LEESBURG, CHANGING THE FUTURE LAND USE DESIGNATION OF CERTAIN PROPERTY CONTAINING 60 +/- ACRES FROM LAKE COUNTY URBAN LOW DENSITY TO CITY OF LEESBURG ESTATE RESIDENTIAL FOR A PROPERTY GENERALLY LOCATED WEST OF RADIO ROAD, NORTH OF JACKSON ROAD, AND EAST AND WEST OF PARK LANE, AS LEGALLY DESCRIBED IN SECTION 10, 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, JUNE 12TH, 2023 AND SECOND READING TENTATIVELY SCHEDULED FOR MONDAY, AUGUST 14TH, 2023)** (Silver Lake Woods LSCP)

Mr. Miller stated staff would like to, with the Chairman's permission, discuss the first two cases together, and then have the votes taken at the end of discussion for each case.

Dan Miller introduced case number #LSCP-23-126 – *Silver Lake Woods – Large Scale Comprehensive Plan Map Amendment* and case number #PUD-23-129 – *Silver Lake Woods – 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 some background information on the project. He said that this is a proposal for a single-family residential development on a site consisting of approximately 60+ acres, proposing units with a density of 1.41 units per acre.

Senior Planner Christine Rock presented the maps and photo exhibits demonstrating the area of the proposed site for both cases.

Department Review Summary: This case was sent out to all the different departments for review, no substantive comments or objections received from the departments. Lake County Public Works made the following comments about Radio Road: left and right turn lanes are required on Radio Road at development's proposed access, additional right-of-way may be required for Radio Road, sidewalk will need to be provided along road frontages, a traffic impact analysis and signal warrant analysis will need to be done, additional right-of-way will be required to accommodate the right and left turn lanes. And for Jackson Road and Park Lane, additional right-of-way may be required along frontages with sidewalks. Lake County School Board indicated that a concurrency review would be required. For Public responses, we received one written response for disapproval which mentioned noise pollution from traffic, the peaceful view, the wildlife, and schools.

Mr. Miller also highlighted some of the PUD stating that the overall project is approximately 60 acres, and 28 acres will be preserved as wetlands. The only permitted uses are single-family. There are three lot sizes in the PUD, with a total of 85 lots. The access point for the property is located on the south side and is required to be a boulevard type access with an 8-foot landscape medium, which will allow emergency access vehicles to maneuver. There is a 25-foot buffer around the exterior of the property on the north, east, and south. Each home is required to have a two-car garage. All lots smaller than

60-feet have to have gutters all around the house to direct water away. There is a requirement for a split rail fence on the north, east, and south boundary. There are recreational requirements of approximately 4-acres to include such uses as a children's playground, dog park, or gazebo. Otherwise, the standard PUD conditions are in effect, such as the design and architectural standards, landscape and buffer requirements, and the dark sky lighting.

The Planning & Zoning staff recommended the approval of the request for the following reasons:

1. This project meets the requirements of Chapter 163.3184 Florida Statutes, for Large Scale Comprehensive Plan Amendments.
2. The proposed Large Scale Comprehensive Plan (LSCP) amendment is compatible with the adjacent future land use designations of City of Leesburg Estate Residential and Lake County Urban Medium Density and Urban Low Density.
3. The proposed zoning classification of PUD (Planned Unit Development) is compatible, as conditioned, with the current surrounding zoning districts of City of Leesburg PUD (Planned Unit Development) and Lake County R-6 (Urban Residential District), R-3 (Medium Residential District), R-2 (Estate Residential), and A (Agricultural).
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 staff's recommendation to change the future land use of the subject property from Lake County Urban Low Density to City of Leesburg Estate Residential and forward the recommendation to the City Commission for consideration.

Jerome Henin, Petitioner, showed a power point presentation, stating that 65% of the property is preserved. It is a residential neighborhood with 85 lots. The variety of lot sizes allows multiple styles of homes and floorplans. There is a long-term preservation of quality wetlands by the creation of new buffers. A full tree survey was done and trees will be preserved that will be an asset to future homeowners. They tried to do all of the studies beforehand to see what was going on with the property. The wetland area has been flagged, and a survey was completed and there were 9 turtles found on the site. There was also a Traffic Study that was done and he believes that this development has a Tier 1 Exemption. They are open to fencing as well as trees and shrubs along the buffers.

Armondo Famil, 9926 Jackson Road, questioned the notice for annexation. Dan Miller answered that the annexation only goes before City Commission, so there would be no notice sent out for that. A notice was sent out for this meeting for the Comprehensive Plan and Planned Unit Development, and mailed out to property owners within 200 feet from the subject property. Mr. Famil stated that he does not like the buffer, he does not want a wall in front of his house and he prefers trees. He also does not want more traffic, he wants the access changed to Radio Road.

Dennis Ennix, 34337 Park Lane, asked about the deed to obtain more right-of-way for sidewalks. Dan Miller answered that the requirement is coming out of Lake County, and will be on the developer's side of the road, not be on his side of the road. The Planned Unit Development will support whatever Lake County requires because the roads are legally controlled by them. Mr. Ennix also asked about the easement. Attorney Grant Watson answered that the easements run with the title of the property. Mr. Ennix inquired about the retention pond, asking how deep it is going to be as that is where he gets his drinking water. Mr. Ennix also mentioned the turning lanes and if there were going to be signs stating that there is no through traffic.

Pamela Farv, 34150 Park Lane, mentioned her concern for 90-degree curves. There has been an influx of people with small children and the traffic that comes through there goes very fast. Ms. Farv asked as to whether the development is going to be single-story homes or two-story homes. Is the emergency access off of Park and/or Jackson? Will there be dust control during construction? What is the diameter limitation of historic trees? And is there is a wildlife plan?

Ellen Healy, 9800 Jackson Road, stated that there are 3-4 housing developments within 2-3 miles of each other, and that she does not see a need for another one. She said this project is not needed. She asked if the main entrance is from Radio Road, and Mr. Miller answered yes. She stated that she does not want more people in the area.

Wanda Adams, 34511 Radio Road, stated that they are being bombarded with turkeys, deer, bears, and wild hogs. She is concerned about the safety of the kids in the area and the individuals. Will the wild life be preserved? Ms. Adams also stated that people are violating the speed limit, and that no one drives the 40mph. She asked, what if there was an emergency? How would the residents get out? How would an ambulance get in?

Dan Seymour, 34216 Silver Court Drive, stated that the area that is being developed now was supposed to be a nature preserve. There are two developments already, and now there is going to be a third. Mr. Seymour inquired about Treadway Elementary School, asking how many kids will it be able to accommodate? He also mentioned bringing the extra homes in the area, and why is everything heading in their direction? He questioned the research and foresight that was done. He asked the commission to please reconsider and forego this project.

Commissioner Marshall asked Mr. Seymour if he had any paperwork regarding the nature preserve. Mr. Seymour said that he only heard it was willed to Lake County as a nature preserve and was never supposed to be developed. Mr. Seymour said that if anyone has the access to research this, the Planning Commission certainly should be able to. Dennis Ennix stated that the county was offered the property by the owners, but they did not do anything.

Jerome Henin answered the questions that were brought up. He stated that the access will be on Radio Road, and there will be buffers with trees and sidewalks (25 feet). The homes will also have setbacks. The retention pond will not be moved. To answer the question about the one or two-story homes, Mr. Henin said that it will be a mix. The smaller lots will have one story. There will be various facades and styles, stones and variations of materials. For the definition of historic trees, they are protected at 40 inches or larger. They are found mainly along Jackson Road, and there are eleven trees that are considered to be healthy heritage trees. Four of the trees are falling apart and are sick.

Regarding the traffic, Mr. Henin stated that traffic is everywhere, and that they cannot control the speeding. Chairman Sennett asked what the speed limit was on Jackson. Mr. Henin replied 25 mph, and that the development will not change anything related to Jackson Rd. Regarding the question of schools, Mr. Henin said that they will have to get their school concurrency and that there is no deficiency as of right now. The school concurrency is done several times, and if there is a lack of space, they will have to financially participate to compensate.

Chairman Sennett asked about whether or not there was an emergency entrance or exit. Dan Miller replied that in the City's Comprehensive Plan, if you have more than 99 units, you have to have emergency access. In this case, because the number of houses is getting up there, the entrance on Radio Road is not going to be a typical entrance. It will be a Boulevard style entrance in which the lanes will be wide enough to allow emergency equipment to go through.

Gary Beverly, with Civil Design Solutions, addressed the question regarding the retention pond. The retention pond is not yet fully designed, it is only a concept at this point. The final design will go to

DEP, SJRWM, and the City of Leesburg. The pond is sized property for the amount of development that is there. More than likely, with this type of development, they will not be digging down into the ground, it will instead be buried up so they will be able to capture that water. Dan Miller stated that in the City of Leesburg, the retention pond is a 4:1 slope, meaning that if you go out four feet, you can only go down one foot. It is very shallow, which is one of the reasons why these ponds have to be so large.

Commissioner Carter asked what the price range of the homes will be. Jerome Henin replied that it is hard to say right now, but in the area, you have Liberty Preserve in which homes are approximately \$380,000. In 2024-25, the homes for this development could be between \$400 and \$500K.

Commissioner Marshall mentioned a typo on page 32, in Lake County Public Works letter to the City, which states under Radio Road, "Access to the development off Radio Road will require both left and right turn lanes on CR 48." The CR 48 is incorrect.

Commissioner Carter stated that there are a lot of things that are going to change about the road in this area. She feels that there is a lot of misplaced anger with the Planning Commission, but it is not their job to improve the roads. Commissioner Carter suggested a speed table along Jackson Road. She also stated that the developer has not addressed what they are going to do about the wildlife. Dan Miller said that there are requirements for a wildlife plan that looks at what is out there. The plan would have to be followed per the PUD requirements.

Commissioner O'Kelley clarified that it would be 2.8 units per acre.

This was the end of the discussion and the voting then took place.

Commissioner Nathaniel Sanders made a motion to APPROVE case # LSCP-23-126 – SILVER LAKE WOODS – LARGE SCALE COMPREHENSIVE PLAN MAP AMENDMENT. Commissioner Ted Bowersox SECONDED the motion which, PASSED by a voice vote of 5 to 2.

Chairman Sennett called for a vote on the second case.

2) PUBLIC HEARING CASE # PUD-23-129 – SILVER LAKE WOODS – PLANNED UNIT DEVELOPMENT

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REZONING APPROXIMATELY 60 +/- ACRES FROM LAKE COUNTY A (AGRICULTURE) TO CITY OF LEESBURG PUD (PLANNED UNIT DEVELOPMENT) FOR A PROPERTY GENERALLY LOCATED WEST OF RADIO ROAD, NORTH OF JACKSON ROAD, AND EAST AND WEST OF PARK LANE, AS LEGALLY DESCRIBED IN SECTION 10, 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, JUNE 12TH, 2023 AND SECOND READING TENTATIVELY SCHEDULED FOR MONDAY, AUGUST 14TH, 2023)** (Silver Lake Woods LSCP) (Silver Lake Woods PUD)

The Planning & Zoning staff recommended the approval of the request for the following reasons:

APPROVAL of this request for the following reason(s):

1. The proposed zoning classification of PUD (Planned Unit Development) is compatible, as

conditioned, with the current surrounding zoning districts of City of Leesburg PUD (Planned Unit Development) and Lake County R-6 (Urban Residential District), R-3 (Medium Residential District), R-2 (Estate Residential), and A (Agricultural).

2. The proposed Large Scale Comprehensive Plan (LSCP) amendment is compatible with the adjacent future land use designations of City of Leesburg Estate Residential and Lake County Urban Medium Density and Urban Low Density.
3. 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 staff's recommendation to rezone the subject property from Lake County (A) Agriculture to PUD (Planned Unit Development) and forward to the City Commission for consideration.

Commissioner Nathaniel Sanders made a motion to APPROVE case # PUD-23-129 – SILVER LAKE WOODS – PLANNED UNIT DEVELOPMENT. Commissioner Ted Bowersox SECONDED the motion which, PASSED by a voice vote of 5 to 2.

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

3) PUBLIC HEARING CASE # CUP-23-164 – LAKE MONTESSORI SCHOOL – CONDITIONAL USE PERMIT

REQUEST FOR A CONDITIONAL USE PERMIT FOR THE CONVERSION OF LAW OFFICES INTO SCHOOL CLASSROOMS IN THE R-2 (MEDIUM DENSITY RESIDENTIAL) ZONING DISTRICT ON A PROPERTY CONTAINING 0.779 +/- ACRES GENERALLY LOCATED SOUTH OF WEBSTER STREET AND WEST OF LEE STREET, AS LEGALLY DESCRIBED IN SECTION 23, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, PROVIDING AN EFFECTIVE DATE. **(FINAL DECISION IS BY THE PLANNING COMMISSION)** (Lake Montessori School CUP)

Dan Miller introduced case number #CUP-23-164 – *Lake Montessori School* 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 some background information on the project. He said that this is a request for a Conditional Use Permit to convert existing law offices on Lee Street into school classrooms and offices on a 0.779 acre parcel. The current zoning is R-2 (Medium Density Residential) and this request poses no major change to the traffic patterns or use of the building, as it is currently office space and does not require demolition or construction for the school use. The Planning Commission has seen and approved other CUP's for Lake Montessori School for this use in the past. The law offices currently located here will be converted into classrooms and office for the Montessori School. Currently, the property to the south at 415 Lee Street houses the school, and the property to the west is owned and used by the school for educational purposes. The school is well buffered by Lake Charles to the east, with residential units to the north and west, and the City's trail system to the south.

Planner Melissa Medders presented the maps and photo exhibits demonstrating the area of the proposed site for this case.

Department Review Summary: This case was sent out to all the different departments for review, no substantive comments or objections received from the departments. For Public responses, we received one approval and no disapprovals.

The Planning & Zoning staff recommended the approval of the request for the following reasons:

1. This request meets the criteria set forth in Section 25-141 “Conditional Uses” and Section 25-284 “District Use Regulations” of the City of Leesburg Code of Ordinances, for the granting of a Conditional Use Permit to allow for conversion of law offices into classrooms for a private school.
2. Subject to the conditions listed below, the proposed Conditional Use does not appear to create a detrimental impact on the surrounding properties.
3. The request does not create an inconsistency with the City of Leesburg Comprehensive Plan.

With the following condition(s):

1. This conditional use permit is granted to the permittee to allow for an education institution use in an R-2 (Medium Density Residential) zoning district as per Section 25-141 Conditional Uses and Section 25-284 District use regulations of the Land Development Code.
2. This conditional use permit is subject to all City of Leesburg Code requirements, including zoning and building code regulations as amended.
3. The granting of this Conditional Use Permit does not exempt the applicant from other applicable regulations of the City of Leesburg and other governmental agencies, as well as, assessment of the impact fees necessary for the completion of this project.
4. Violation of any of the conditions herein may result in this permit becoming null and void.
5. This conditional use permit must be properly executed by the applicant and filed with Leesburg Planning & Zoning Division within ninety days (90) from the date of approval or it shall become null and void and the Permittee must reapply for re-hearing of the request. Until the Permit has been properly executed by the Permittee, no building or other permits will be issued.

Action Requested:

1. Vote to **approve** the Conditional Use Permit for the subject property to allow for the conversion of law offices into classrooms for a private school.

Ryan Solstice, representative of Lake Montessori School, stated that there will be no changes to the exterior, and that all site plan work will be done to the interior. At this time, there doesn't seem to be much of an impact on the adjacent neighbors. There will be between two and three classrooms, depending on the layout of the building. This will generate 20-25 students per classroom. Regarding the parking, it did not quite meet the parking standards as they will be short one space. The kids will be getting dropped off, and there is not really an issue with traffic in the immediate area.

Chairman Sennett asked for clarification of the blue color on the conceptual plan. Mr. Solstice said that it was a giant swale. Chairman Sennett also asked if there is going to be some sort of walkway for the kids so they won't have to go out into the road. Mr. Solstice answered that eventually they would like to fence the whole property, but at this time, the client has not indicated if there is going to be a cut-through. Mr. Solstice will pass along the suggestion.

This was the end of the discussion and the voting then took place.

Commissioner John O’Kelley made a motion to APPROVE case # CUP-23-164 – LAKE MONTESSORI SCHOOL – CONDITIONAL USE PERMIT. Commissioner Ze’Shieca Carter
SECONDED the motion which, PASSED by a unanimous voice vote of 7 to 0.

John O’Kelley left the meeting at 5:53pm, and Rosalind Peeples-Johnson took his place at the dais.

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

4) PUBLIC HEARING CASE # VAR-23-165 – ALLEN PATIO VARIANCE – VARIANCE

REQUEST FOR A VARIANCE FROM SECTION 25-280 TABLE 4-2 DISTRICT DEVELOPMENT STANDARD, TO ALLOW FOR A PAVER PATIO WITH SOLID ROOF TO BE BUILT 4 +/- FEET INTO THE 15-FOOT REAR UTILITY EASEMENT, AND REDUCING THE REAR SETBACK FROM 18 FEET TO 11 FEET, FOR A PROPERTY GENERALLY LOCATED WEST OF BROADWATER AVENUE AND SOUTH OF PARKDALE DRIVE, AS LEGALLY DESCRIBED IN SECTION 21, TOWNSHIP 19 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. **(FINAL DECISION IS BY THE PLANNING COMMISSION)** (Allen Patio Variance)

Dan Miller introduced case number #VAR-23-165 –*Allen Patio 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 some background information on the project. He said that this is a request for a variance to allow for a paver patio with a solid roof that goes into the 15-foot rear property utility easement and 18-foot setback so it reduces the setback from 18-feet to 11-feet and to allow for the pavers and solid roof patio. The current zoning is R-1 (Low Density Residential), which requires an 18-foot rear setback. However, there is also a 15-foot rear utility easement, which is double the size of what is normally required, and inconsistent with other areas in the same subdivision.

Planner Max Van Allen presented the maps and photo exhibits demonstrating the area of the proposed site for this case.

Department Review Summary: This case was sent out to all the different departments for review, no substantive comments or objections received from the departments. For Public responses, we received one approval and no disapprovals.

The Planning & Zoning staff recommended the approval of the request for the following reasons:

1. The proposed request is to allow a reduction of the rear setback from 18 feet to 11 feet, which includes a 4 +/- foot encroachment of a solid-roof paver patio into the rear 15-foot Utility easement.

2. The proposed request on this 0.2-acre lot will correct a discrepancy in rear Utility easements recorded in Seasons at Park Hill Plat Book 73, pages 39 through 42, for Lots 53 through 58.
3. This variance to the current R-1 (Low Density Residential) zoning does not create a negative impact or detriment to surrounding properties, the City of Leesburg Code of Ordinances, or the adopted Comprehensive Plan.

Action Requested:

2. Vote to approve staff's recommendation to allow a Variance to Section 25-280 Table 4-2 District Development Standard, thereby allowing a reduction of the rear setback from 18 to 11 feet, which includes a 4 +/- foot encroachment of a solid-roof paver patio into the rear 15-foot Utility easement on Lot 57 of Seasons at Park Hill Plat Book 73, page 41.

Chairman Sennett stated that Attorney Morrison taught us a long time ago that Variances should be created by the applicant with a hardship. Dan Miller said that this is a very unusual circumstance in that you won't get the six criteria out of this Variance, but it still does create an undue hardship on the property owner. Attorney Watson stated that the hardship element of the Variance consideration is crucial. There is a difference between creating the hardship and going to the hardship.

Karen Allen, applicant from 37123 Broadwater Ave, said that she would just like to thank the City of Leesburg. She said that she would not have her home if another development blocked her development.

This was the end of the discussion and the voting then took place.

Commissioner Ted Bowersox made a motion to APPROVE case # VAR-23-165 – ALLEN PATIO VARIANCE – VARIANCE. Commissioner Nathaniel Sanders SECONDED the motion which, PASSED by a unanimous voice vote of 7 to 0.

DISCUSSION ITEM

N/A

ANNOUNCEMENTS

The next scheduled meeting date is June 22, 2023.

The meeting adjourned at 6:06pm

Timothy H. Sennett, Chairperson

Dianne Yekel, Senior Planner