

**AGENDA MINUTES
CITY COMMISSION MEETING
CITY HALL, 501 W MEADOW STREET
MONDAY, NOVEMBER 14, 2022 5:30 PM**

1. CALL TO ORDER

The City of Leesburg Commission held a regular meeting on Monday, November 14, 2022, at Leesburg City Hall. Mayor Pederson called the meeting to order at 5:31 p.m. with the following members present:

Commissioner Jimmy Burry
Commissioner Jay Connell
Commissioner Dan Robuck (5:34 p.m.)
Mayor Mike Pederson

Commissioner John Christian was absent. Also present were City Manager (CM) Al Minner, City Clerk (CC) J. Andi Purvis, City Attorney (CA) Grant Watson, the news media, and others.

INVOCATION

Mayor Pederson gave the invocation followed by the Pledge of Allegiance to the Flag of the United States of America.

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

2. PROCLAMATIONS:

A. None

3. PRESENTATIONS:

A. City Manager - South Leesburg Infrastructure Development Plan Update

CM Minner stated the purpose of this discussion was to bring perspective to annexations. This presentation was not meant to persuade anyone in their opinions of the issue. It was meant as an informational item to the commission, so he could obtain some direction. This is typically part of the process that the public does not see. The commission sees a lot of large-scale annexations, which are annexations larger than ten acres. When we annex property, we land-use it and rezone it. We call it painting the canvas. The next question is, does the property actually get developed? The history of most communities, the answer is, no. They do not get developed. Sometimes they do but, in Leesburg's case, they typically do not get developed. That leaves some things unanswered or some things that could be

modified when we adopt PUDs and different zoning classifications. Typically, the final plan shows how the lots will be and how the roads will be laid out within the development. When construction comes, there is always the question of impact fees, permits, and approvals. In Leesburg's case, over the last three to four years, we have had a number of major subdivisions come through that received feedback from the Board of County Commissioners. We also received a lot of feedback from the public. Most of the subdivisions we have approved were because of good planning techniques and laws that we have to follow that guide this body in development. Pretty much the southend of Leesburg is where most of the major annexations have been along US 27. Most of the developments that have come in for annexation have been to the south and southeast of the core of Leesburg and to the east of US 27. All annexations have been compact and contiguous. The annexations that this body does without the use of the ISBA agreement have to be compact and contiguous. As we start putting in the major subdivisions, such as, Whispering Hills, Hodges, and tonight, we will consider the Anthony Properties and Bar Key Groves. We also have Lakeco Properties and Lydon Nichols. All of these will connect along the US 27 corridor. Typically, these will sit until the planning and zoning or the building department see development. Once the PUDs are approved and the concept plan comes back for the final plan, that is when the planning and zoning department reviews it to make sure everything that the city commission put into the PUD agreement is occurring. That is when we will start to see signs that some of the larger-scale annexations may develop. It then triggers three things in the planning process; water, sewer, and roads. In this case, we also need to look at fire services. Most of the other services we have identified through the planning process take care of themselves. We have gas utilities in the area and the developers understand that they will be required to build off that trunk system. We have water systems in the area and we have a couple of capital projects approved for buying large amounts of water. That is taking care of itself and it is the mainline that comes down US 27. There are three lingering growth issues that need to be addressed. The plan is to address the issues with a recommendation from the staff level. He does not believe a formal adoption is needed. Just understand where the guidance is because they will go out to the developers because of the compactness and size of it. The city feels that we are now at the phase where we can start requesting, as the final plans come through and building permits are issued, that the three issues be addressed. First, the roads with connectivity, sanitary sewer collection, and the potential extraction of a few acres for a potential fire department should growth come. The need for fire services would be along South US 27. That was the easiest one to identify. There is a piece of property off Dewey Robbins Road just behind a commercial piece of property in the Lydon Nichols area. If we had our choice, that would be the best place to build it. It would be behind the commercial frontage adjacent to US 27. They could get across Dewey Robbins Road and it would allow access to the westside. They would be able to serve the area in the ISBA, so that would be great. They will go back to the developers with that information. They will have a meeting with all parties involved. They will give them a list of the things they want to see and one of them is the location of a fire department. With electric, this is not our electric territory, it is split between Duke and Seco. Duke and Seco have bands, but we have a franchise agreement in place. That will be an IOU issue for the development of a distribution system. The next infrastructure issue we have is the collection of sanitary sewer. We are in a good spot as far as sewer treatment where we are expanding the Turnpike Plant to 6 mgd and 6 mgd is going to serve about 90% of the capacity in this area. The rough house number is about sixty-five hundred units that have been approved and not built. At our pace, that expansion will serve this area for quite a while. The way the land is breaking down, by the time we hit 6 mgd we will actually see growth, and the need in the southwest area will be the next location for a wastewater treatment facility. Our biggest issue is getting the wastewater from the furthest point at Royal Highlands. We will need to upgrade the line from that point up to the Turnpike, which is a CIP. With the line and pattern, they have looked at it over the last three to four months, trying to figure out the best way to get wastewater to the Turnpike facility, which is off CR 470 and the Turnpike, that is where all the wastewater is going. That is where the plant expansion will happen. We have an existing main that comes out of that turnpike facility, which is twenty-four inches wide. There is plenty of capacity to pick up all the wastewater that comes out of the facility and take it up to the intersection of

CR 48 and CR 33 near downtown Okahumpka. That is the point where we need to get the wastewater to a bigger line. It would come up US 27, cut across the Duke easement, and up CR 33 where it would hit the Okahumpka intersection. The initial estimate would be plus or minus a couple million dollars, but the sewer interceptor would be around ten million dollars in capital improvement. That would be paid for by impact fees. We multiplied the potential houses by the impact fee number and we came up with a revenue stream of thirteen to fifteen million dollars. We may need to do some nip and tuck with the impact fees later, but he was comfortable with where we are at now. There are enough existing impact fee credits that they could shift costs to the developers. That is the number one thing we really want to talk about and this is the best way to collect wastewater in that corridor. We could do it a couple of different ways. The developers could potentially get impact fee credits from the city for building the improvement or we could do a pioneering agreement. The bottomline is, this is a development cost and it needs to be shifted to the developers. However, because of the scale and with the urgency that the developers seem to be expressing, we need to start figuring out how to hook this all together. As for roads, we received informal direction from the Board of County Commissioners. They have not formally voted on it, but they did send letters with feedback that included concerns about development on roads. He does not see that as a county road impact even with the major annexations, even with the ISBA territory. Back when we put together the ISBA areas with the other cities in Lake County, we were pretty much up against the eastern line and we are now pretty much filled in. With the developments approved, the roads that will be impacted in the area are CR 33 and CR 48. Dewey Robbins is in the middle and so is Bridges Road. The Bar-Key subdivision that we will talk about tonight will put its main entrance and line it up with Bridges Road. That is a good thing. What we would like to see is some interconnectivity with all the major subdivisions. That is something he would like to point out, as they make their final adjustments, the road network links bring traffic back to US 27. Yes, there would be impacts on Dewey Robbins and potentially Bridges Road with a new ingress/egress point, but with all of this development, we would have three primary points back out to US 27. It would be like a Windsong development. The Duke easement area, where you see the big giant transmission line when you drive down US 27, is the primary entrance to Whispering Hills and the secondary entrance is about halfway through where you will hit Dewey Robbins Road. We are also looking at an alignment with Bridges Road and the Bar-Key development if that gets approved, so the traffic would all come to US 27. When everyone does their studies, it will push traffic towards US 27. We may need some widening in the intersections with turn lanes and ingress/egress. Again, that would be a developer cost and that is something they have to mitigate as they go through their planning stages. The county ultimately reviews these and they provide feedback and that feedback is provided to the developers. For this purpose, we need a couple of acres for a fire station. We need to get all the developers on the same page about how we will collect the wastewater and what they need to do to help the city get that line built. We will ask them to align their interior roads in this manner, which really should not be a significant issue. They may have to nip and tuck a couple of lots, but overall, that is a road network that keeps traffic moving to US 27 and that is the road we want to impact. With the commission's approval, he would summon all the developers in the area to a meeting. They will beat this concept up and the plan would be to have everyone on board with wastewater, roads, and the property for a fire station. Lastly, with the market as we continue to go through these issues, the plan remains a good one. A lot of things have happened in the market lately with interest rates. We have seen a bit of a drop in the number of CO's. We do not know if that is an inclination that growth is slowing down. It could be circumstances that when we shift from one subdivision to the next, we do not know. These are things that we need to have in place. This is a reasonable plan to make sure the roads, sewer, and infrastructure items are taken care of.

Commissioner Robuck inquired if he still needed direction from the commission. **CM Minner** answered that with the silence from the commission, he took that as the go ahead to share the plan with the developers. **Commissioner Robuck** wanted to be sure everyone was okay with that. **CM Minner** added that the next phase is hopefully, before Christmas, they can have an initial meeting with the developers. It will take a while to get the notice out to hold a public meeting. **Commissioner Burry**

wanted to know if we ironed out the route. **CM Minner** replied that ninety percent of the route is ironed out. We want to go with what they call the Duke easement route. That is the big transmission line up US 27 and it weaves through a couple of different ways. The initial response from Duke, was not very friendly; they said no way. We have an existing twelve inch sewermain in that easement already and this is par for the course. There is one area where we can bypass a little of it. We have to do a little circle to avoid some Duke easement issues, but that is something that we have our engineers working on now. We anticipate some struggles, but at the end of the day that will be the direction. We looked at a number of other routes coming up CR 48. We went up Bridges Road to CR 33, but the Duke easement is the best way to get to the treatment plant. **Mayor Pederson** questioned why Duke would be concerned about going from twelve to twenty-four inches. **CM Minner** answered that there is a high voltage transmission line and electric providers are cautious of what we put in their right of way. They have a trust easement there. Their initial reaction was to be protective of their territory. We had to play the game, which is why they said no. We have to start throwing out the law and we have to work through it. **Commissioner Robuck** stated he would point out that a step ladder is within the spending authority of the city manager. If he needed to go a little higher, he did not need their permission. He could go about it.

4. **PUBLIC COMMENTS:**

This section is reserved for members of the public to bring up matters of concern or opportunities for praise. Issues brought up will not be discussed in detail at this meeting. Issues will either be referred to the proper staff or will be scheduled for consideration at a future City Commission Meeting. Comments are limited to three minutes.

Terri Blessing, Blue Sink Road, stated she was directly affected by the infrastructure conversation. There is a problem with the county and a problem with the communication between the county and the City of Leesburg over the roads. She challenged everyone to come down CR 48, turn right on Number 2 Road and look at the McElyea development on the corner. She is waiting for an accident to happen. They have to fix the infrastructure before allowing all the developments because the people who live there have to drive there. Turning left from CR 48 on to US 27 has become an absolute nightmare. She travels from Bloomfield Avenue to CR 48 to US 27 every day to get to her employment. Whether she takes CR 33 or CR 470, it does not matter. She struggles with the commission addressing infrastructure based on impact fees without addressing it in advance. She understands money, but safety and trying to get into Leesburg to drop her twins off in the morning is an absolute nightmare with all the development. We do not have the infrastructure and the roads are a mess. She knows everyone has a meeting on December 6th with the county. She hopes and prays that the city stops acting like an island and will come together as a community. It is not the City of Leesburg versus Lake County, we are all impacted by this.

Darel Craine, Hollywood Heights, said at the last meeting there was discussion about fluoride being put in the water. He thought it was voted on to move forward. He wanted to know if they would be injecting that into all five of the city's water plants because they serve children that live in those areas. **CM Minner** responded that he does not know the answer to that, but what the commission did decide was to give him the authorization to start the preliminary design and construction and when the preliminary design and construction numbers come back we will have another public discussion on the matter. At that time he will be able to answer those questions. We will have some cost estimates and hopefully we can look at some grant monies. That will also give the community another opportunity to provide feedback regarding whether to use fluoride or not to use fluoride in the water. **Mr. Craine** asked if the projections would be based on the main plant or all the plants in Leesburg. **CM Minner** responded it would be at all the plants. They are working with Al Purvis, the Chief Plant Operator. He will work with the engineers to properly fluorinate the water if that is where we decide to go. He would estimate about three to four months before that plan comes back to the commission.

5. CONSENT AGENDA:

Routine items are placed on the Consent Agenda to expedite the meeting. If the Commission/Staff wish to discuss any item, the procedure is as follows: (1) pull the item(s) from the Consent Agenda; (2) vote on remaining items with one roll call vote, (3) discuss each pulled item and vote by roll call

Items pulled for discussion:

5.C.5 - Authorization to Execute a Purchase and Sale agreement with Rapid Infiltration Basin Infrastructure & Transmission, LLC., to sell certain real property owned by the City and to execute a Lease Agreement providing continued use in favor of the City; Accepting an Easement on the property for sprayfield purposes

5.C.6 - Approving a Facade, Sign and Landscape grant for Faith World Church for sign improvements

5.C.7 - Approving a Facade, Sign and Landscape grant for Palace Partners, LLC., for sign improvements at 410 W. Main Street

5.C.8 - Approving a Downtown Building Redevelopment Grant to Palace Partners, LLC., for renovations at 410 W. Main Street

Commissioner Robuck moved to adopt the Consent Agenda except for **5.C.5, 5.C.6, 5.C.7, 5.C.8** and Commissioner Burry seconded the motion.

The roll call vote was:

Commissioner Burry	Yes
Commissioner Robuck	Yes
Commissioner Connell	Yes
Mayor Pederson	Yes

Four yeas, no nays, the Commission adopted the Consent Agenda, as follows:
(Each item has its coordinated resolution number listed below the header)

A. CITY COMMISSION MEETING MINUTES:

1. Regular meeting held October 24, 2022

B. PURCHASING ITEMS:

1. Resolutions approving execution of a piggyback agreement with USIC Locating Services, LLC and execution of an Expense Reimbursement Agreement with CenturyLink of Florida, Inc. related to performing utility locating services and reimbursement or payment for such services by CenturyLink of Florida, Inc.

a. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute the piggyback

agreement with USIC Locating Services, LLC; and providing an effective date.

ADOPTED RESOLUTION 11,209

- b. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute an Expense Reimbursement Agreement with CenturyLink of Florida, Inc.; and providing an effective date.**

ADOPTED RESOLUTION 11,210

- 2. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a Pre-Construction Services Agreement with Allstate Construction, Inc. related to the Athletic Facility/Field Renovation and the Marina Improvements; and providing an effective date.**

ADOPTED RESOLUTION 11,211

- 3. Purchase request for desktops and laptop computers as part of the City's annual program for computer hardware replacement.**

C. RESOLUTIONS:

- 1. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to apply for, and if awarded, accept the Assistance to Firefighters Grant (AFG) from FEMA, for the purchase of a ladder truck; and providing an effective date.**

ADOPTED RESOLUTION 11,212

- 2. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Electric and Finance Departments to begin the consideration process for two new PURPA (Public Utility Regulatory Policies Act) Standards with respect to the City of Leesburg's rate structure; and providing an effective date.**

ADOPTED RESOLUTION 11,213

- 3. Resolution of the City Commission of the City of Leesburg, Florida accepting a Utility Easement to the City of Leesburg from Wooden Cork, LLC, for the purpose of granting the City an Easement over the property described therein; and providing an effective date.**

ADOPTED RESOLUTION 11,214

4. **Resolution of the City Commission of the City of Leesburg, Florida, authorizing the City Manager to execute a Settlement Agreement between the City of Leesburg and Alabama, LLC for the purpose of setting forth terms in which the parties will resolve the pending legal action concerning liens against property owned by Alabama, LLC; and providing an effective date.**

ADOPTED RESOLUTION 11,215

5. **Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a Purchase and Sale Agreement with Rapid Infiltration Basin Infrastructure & Transmission, LLC, to sell certain real property owned by the City, and to execute a Lease Agreement providing continued use in favor of the City; Accepting an Easement on the property for sprayfiled purposes; and providing an effective date.**

ADOPTED RESOLUTION 11,216

Commissioner Burry introduced the resolution to be read by title only. CC Purvis read the resolution by title only.

Commissioner Robuck made a motion to adopt the resolution and Commissioner Burry seconded the motion.

Mayor Pederson requested comments from the Commission and the audience.

Commissioner Burry asked the city manager to provide a quick update. As he understood, there was a small change to this item. **CM Minner** stated this item is a sale of the remaining five hundred and fifteen acres the city owns that used to be the 470 Property. In May of 2017, the city contemplated selling all of the property in the 470 area, which was plus or minus seventeen hundred acres. During that due-diligence, we made the determination that moving to The Villages style of development in that corridor of the community made the best economic development sense. It was a good deal for the city to expand the city's ad valorem base. We were creating economic development and active efforts through The Villages style of growth. It basically injected more of our service economy into the region. When we contemplated that sale, we were unable to sell all of the property, so the 470 line was the divider. We sold all the property north of CR 470, which was approximately twelve hundred acres. The Villages are developing pretty much all residential in that area. They will include some golf courses and some recreational features, but at the end of the day it is approximately a thirty-two hundred unit parcel that will add somewhere around seven to eight hundred million dollars of assessed value. In the next year, we could see the assessed value increase by forty percent. We were unable to sell the southern portion, which is five hundred and fifteen acres, due to the need for reuse. With reuse, there are two byproducts in the wastewater treatment process. One is reuse or clearwater that comes off wastewater and that is used for reuse purposes like irrigating your yard or golf course and, in our case, we sprayed a field application. Nobody got it because we did not have the infrastructure for reuse. The other component is sludge and

we changed the sludge disposal method, so that we would not land apply sludge any further. In doing so, we determined that we were unable to sell the south side because there was a backup requirement for reuse. That was primary. Even in that regard, a utility cannot dispose of its reuse all the time for different reasons. In those time periods where you cannot get rid of your reuse through sale to customers for reuse purposes, you have to show DEPU that you have a backup plan. That backup plan comes into effect for us thirty days a year when we cannot get rid of the reuse. We retained the south side because we sprayed that field for reuse. Even at the secondary level, that was not typical. Typically, you use a RIB system. A RIB system is a system where there is a big sand mound where you spray or distribute water onto a sand hill. It then absorbs the water back into the ground through a filter process in the soil. It is more of a natural type of process. It is accelerated because of the materials that are used. That is typically seen as a backup. We endeavored when we could not sell the south side. We ultimately saw the south side as being developed and we saw it being developed by The Villages. The Villages asked us to put a covenant on the land to protect their original intent of the agreement and that was The Villages would ultimately get to purchase this for further development. We did not have an issue with that because we needed the property for spray. If we were now to develop the south side, we would have to find a way to get rid of our secondary reuse application. We would go from a sprayfield to open up the south side, kind of like we did on the north side. We would need to build a RIB. A RIB would be a challenge because the property to the west is Sumter County which is owned by The Villages, so it would not be in their financial interest to sell the city some nice sandy soil to build a RIB. We will have to move further south into the southwestern side of the ISBA where there is potential acreage. Based on calculations, we discussed with our engineering firm, Dewberry Engineering, who put a quick estimate together and there were a million questions to be answered. However, a fair and reasonable amount to build a RIB system is in the neighborhood of five million dollars. That number is made up of three components. One building, the RIB itself, is estimated at around one million dollars, because we need nine million gallons a day for backup. Number two would be the pipe to get to wherever the RIB field will be and then we need to purchase land. To purchase land, we figure the going rate is about twenty thousand an acre. We are looking at the need for two hundred and twelve acres of property all converted into a RIB. If you take that number and divide it by the sales acreage, we come up with about ninety-seven hundred dollars an acre. That is more than the last sale. But, beyond the sale value in this agreement, we have always looked at the property being more valuable to the city developed. While we will get a little south of what the market rate is for the property, we are dealing with a big sale of five hundred acres. We are still getting more value than we did when we sold it to The Villages in 2017, but now we will be getting the south side done. The Villages this time, due to different things about what they were trying to accomplish, did not specifically say what the development was going to be, as they did on the north side. Right out the gate last time they said they were going to do housing, but this time they left it open to different The Villages ventures, which could range from commercial, industrial, or even more residential. A residential use would return value to the city in the lowest form. The math on that is in the upwards of another two hundred and fifty million dollars in assessed value. The Villages home goes for about three hundred thousand dollars. After knocking off fifty grand for a homestead, we have two hundred and fifty thousand dollars for a house. That gives us a ballpark taxable value and then we multiply that by the millage rate. This property in its basic form will probably bring in another one point two million dollars annually in revenue to the city a year. That perpetual ad valorem number is what has real value for the city. All those things get thrown into the hopper and this would be phase two of the proposal. When we ventured out back in 2017, his recommendation was that we do the deal. Instead of it being a money exchange, we do not have to make the property valuable in terms of development. The Villages are proposing a quid pro quo. They will build a RIB system on the property that they have. They will pay for the extension and they will pay for the RIB. In the long term, we will pay for the maintenance. That maintenance on the RIB is cutting the grass. That is a reasonable return. That is a five million dollar investment that we do not have to make to open up the potential developability of the property. He recommends we make the agreement. It is a thirty-year deal and The Villages has thirty years to build the RIB system. They will

own the property right out of the gate, but they will lease it back to us. They will lease it back to us for thirty years at the cost of zero dollars. They are not permitted to develop the property pursuant to the agreement unless they build the RIB system that must be built first. At the end of thirty years, if the RIB system is not built, we are back to square one, which is renegotiating another contract, or reverting the property back to the city. The final thing that protects the city's interests is the taxable value. We have to build taxable value to make this work, so the clause in that agreement is seventy-five percent. Seventy-five percent of the five hundred and fifteen acres have to be taxable and that is an extremely reasonable number when you consider that the first thing The Villages will do when they exceed our capacity at the Turnpike Facility is build another one adjacent to ours, which will ultimately not be taxable, and then the roads. If we add in all the roads, that will not be taxable because they will be dedicated to the city. They are guaranteeing that seventy-five percent of the five hundred and fifteen acres is taxable and that is a reasonable calculation for the city. In the future we will have a good village-style taxable development. He had a couple of individual conversations with commissioners about concerns regarding odors, and the paragraph in the agreement that said, due to their development, it was incumbent upon the city to manage and control the odor, which was a concern to some of the commissioners. His perspective on the issue is that we are controlling our odor issues now. We have budget issues and it is clearly a city issue because it is our treatment plant. Our future expansions should mediate the odor, and our intent in the design of the expansion of the Turnpike is to put in more controls so that we do not perpetually do the stop cap measures. We expect that to be corrected. If our levels do not rise, taking the wastewater treatment plant to expedient immediate levels, we will have some time to adjust and manage the plant. Even at our growth rate, which is seventy units a month, that gives us plenty of time to do that. The only question would be whether it is our plant or their plant that is potentially stinky. However, he did not see it as a trip wire, but he understood everyone's concern. He went back to The Villages this afternoon and expressed that concern. They offered to withdraw paragraph twenty-seven in its entirety and that benefits the city.

Commissioner Connell questioned with the RIB how many acres are needed for that. **CM Minner** answered that he was unsure how many acres would be needed to build the RIB because his assumption was The Villages would use a RIB system for their wastewater treatment facilities as well as our wastewater facilities. He understands they will put it somewhere over by US 301. Of that facility, the requirement will be that the RIB has to reserve a capacity of nine million gallons a day for the city, so nine million gallons a day for the city is our two wastewater treatment plants. The turnpike built out at full capacity is 6 mgd and that is where we are headed. The turnpike is at 3 mgd, so that is how we came up with the nine. The question becomes, how much acreage does the city need for nine mgd and is the soil perfect? The answer to that is two hundred and twelve acres. It would be a minimum of two hundred and twelve for the city plus whatever The Villages need for their capacity. **Commissioner Connell** asked if we could put the RIB on the five hundred and fifteen acres and retain three hundred acres of that for resale further down the road for a higher purchase value? **CM Minner** answered no, because we do not want to put the RIB on the spray field property. We want to put the RIB in an area that is more rural. That way we can develop the property that is closer. Right now, we are using high potential development property for a spray field and that is bad use. We want to take that and move it somewhere else. We want to open up the development potential of the property. **Commissioner Robuck** added that because of Bug Spring and the Navy, we cannot put any industrial or maybe even commercial on that property because of the testing in Bug Springs. Residential housing is one of the few things that can go there.

The roll call vote was:

Commissioner Robuck	Yes
Commissioner Connell	Yes
Commissioner Burry	Yes
Mayor Pederson	Yes

Four yeas, no nays, the Commission adopted the resolution.

a. **Purchase and Sale Agreement**

b. **Lease Agreement**

c. **Grant of Easement**

6. **Resolution of the City Commission of the City of Leesburg, Florida approving a Facade, Sign, and Landscape grant for Faith World Church for sign improvements; and providing an effective date.**

DENIED RESOLUTION 11,217

Commissioner Robuck introduced the resolution to be read by title only. CC Purvis read the resolution by title only.

Commissioner Robuck made a motion to adopt the resolution and Commissioner Burry seconded the motion.

Mayor Pederson requested comments from the Commission and the audience.

Commissioner Robuck stated he pulled this item because it is a nonprofit and nonprofit organizations should not be submitting FSL grant applications. It has nothing to do with Faith World Church or the project, but, these grants are funded by the CRA, with the idea that it increases the taxable value of the CRA to benefit the city. He has always felt that nonprofits should not be eligible for CRA grants because they do not pay taxes. He will be voting no on this and that is why. **Commissioner Connell** agreed. **Commissioner Burry** said he tends to agree with that also. It is something he had not really thought about and he was not aware of, but it does make good sense. **Mayor Pederson** remarked that he did bring up an excellent point. However, he is more sympathetic when it comes to churches, but he does understand and respects the comments.

The roll call vote was:

Commissioner Connell	No
Commissioner Burry	No
Commissioner Robuck	No
Mayor Pederson	Yes

One yea, three nays, the Commission denied the resolution.

7. **Resolution of the City Commission of the City of Leesburg, Florida approving a Facade, Sign, and Landscape grant for Palace Partners, LLC, for sign improvements at 410 W Main Street; and providing an effective date.**

TABLED RESOLUTION

Commissioner Robuck introduced the resolution to be read by title only. CC Purvis read the resolution by title only.

Commissioner Burry made a motion to adopt the resolution and Commissioner Robuck seconded the motion.

Mayor Pederson requested comments from the Commission and the audience.

Commissioner Connell stated he pulled this item and 5.C.8 for the same reasons. He brought this up last year when they approved the redevelopment of the downtown area. He has a hard time going along with giving away this kind of money. It is not just the sign or the twenty thousand dollars they are asking for on this one. It is the two hundred and fifty thousand dollars that they are asking for with the redevelopment of the building and there are no strings attached. How can we just give them two hundred and fifty thousand dollars? They are doing the work, but they can just turn around and sell it. Then they will pocket the improvement money. He does not think that is right. Nobody he knows would just give this type of money away without no strings attached. They would have to own the property for some length of time. They would have to do something with the property. They would not just give it to someone who is going to flip the property and turn around and list it to pocket the City of Lesburg's two hundred and fifty thousand dollars. He is going to make back his money on the sale. He is having a hard time with this. He brought it up last year when the program was approved. **Mayor Pederson** mentioned he remembers the discussion and his position at that time, and it still is, is that he is putting almost seven hundred thousand dollars into the building. If someone is willing to put seven hundred thousand dollars into a building, he is willing to throw two hundred and fifty, which is the cap per property. We could put two fifty in and he would put in four hundred and fifty. That is a major investment in the downtown and he is okay with it. **Commissioner Burry** agreed with the mayor. He is for it because, for the city, the improvements made to the building are going to improve what we get out of it. Therefore, if this particular owner decides to sell for a profit, so be it. If he does that, someone else will pay the taxes and increase the revenues for the city on that building. **Commissioner Connell** stated he does not know of any other program where there are no strings attached to a lease. There is a length of time that you have to maintain ownership when you are using government money for improvements. Even the affordable housing program by Lake County has a string attached to it. Where they have to own it for seven and half to ten years. If they sell their home before that, they have to pay money back. He cannot believe we would just hand out a quarter of a million dollars with no strings attached. As soon as they get their CO, that building will be up for sale. **Mayor Pederson** said he respects those comments, but this grant started as an effort to encourage and boost the investments in the downtown. More specifically, they have to be multi-story buildings. We are encouraging more residential development in the upstairs. The issues have been with the electrical upgrades and water/sewer upgrades that have prohibited people from redeveloping buildings. It was thought that this was in the best interest of the downtown. **Commissioner Connell** remarked that he was not opposed to the program, he was opposed to not having any restrictions or regulations on the length of time for the building. We are opening up this program to developers, coming in and taking a quarter of a million dollars from the city. They will turn around and put a for-sale sign in the front window. Even though the building has been renovated, we will not have business in it. That building could sit on the market another year. **Mayor Pederson** said during this debate last year the issue was that someone had just revitalized a building in the downtown. That was how they were looking at it. **Commissioner Connell** stated he cannot look at it that way. **Commissioner Robuck** asked the city attorney about this particular item. There was a quote from his company and one from a competitor. He does not have a contract with them. Given the budget of his quote, he does not think they will use his company, but he does not know for certain. Would this be conflict? **CA Watson** responded it would be a

conflict being that his company has appeared on this item whether or not you have direct knowledge of the contract. **Commissioner Robuck** stated he would be abstaining from this item.

Terri Blessing, stated she works in a small community, so she understands the commissioner's concerns. However, she commends the City of Leesburg for trying to improve the look of the downtown. At the end of the day, there are business owners there and while this particular one may or may not put up a for-sale sign, we are beautifying the city, and that is the goal. We need to bring people to our city and it is very difficult to do when people do not have the money to beautify the buildings. She knows someone who used some of that money in the city and it really made a difference. At the end of the day, she does understand where the commissioner is coming from, but it is not the city's control to decide if they sell or not.

Commissioner Robuck asked, since he would not be voting and we need a majority of all four commissioners should this item be tabled to the next meeting because it will not pass. **CA Watson** replied that would be the responsible thing to do. That way, there would be a full commission to consider this item.

Commissioner Burry made a motion to table this item for the November 28th commission meeting and Commissioner Connell seconded the motion.

John Pletka, Damian Road, said he agreed with Commissioner Connell about the two hundred and fifty thousand dollars. We should not be giving it away. He understands and agrees with the lady that spoke about beautification. However, if the gentleman gets that money and decides to sell the property, why wouldn't the city put something in there saying if he sells within a year or a year and a half, the city gets half the money back? He will get a profit off that, guaranteed. There should be something in there because anyone could come in, fix it, get the money, and turn around and sell it. They will make their money back. There should be a clause in there with a time limit and after that time limit they can sell it. Then everyone is happy.

Ray Hayden, Dennis Road, stated his only concern was that SR 44 and US 27 both zip around the downtown area. He had to put a lot of consideration into this because a lot of cities and towns around Florida seem to have driven people away from the downtown areas. Downtown Leesburg is beautiful. He and his wife go down there and enjoy the neighborhood, but they have driven the general public around the city. They should be drawing people to it. It is a very nice downtown and they enjoy it very much. There are no guarantees that anybody will be successful in business, but there should be some sort of strings attached when they are asking for help with those funds.

Alexis Swarsky, Halloway Drive, said she comes downtown a lot. She wanted to know if there was a demonstrable need for this kind of upgrade. She did not know if there was a real need for retail space downtown. She comes down often enough so she sees empty spaces, so why not give the grants to non-existing retail space rather than to someone who will not commit to improving or bringing in new business. They may commit to improving the building, but not building a business. They will sell that building for a profit and that is a real waste of taxpayers' money. **Mayor Pederson** remarked that the basis of the grant when it was approved was to encourage redevelopment of the second and third floors. It was to encourage residential development. This applicant is doing three stories and he is doing residential work on the top floor. **Ms. Swarsky** asked if there was a need for businesses on the second or third floor. **Mayor Pederson** responded that the city is encouraging residential development on the upper levels. **Ms. Swarsky** inquired if there was any indication that people were interested in living on the second or third floors. **Mayor Pederson** replied if the buildings were rehabbed, he hoped so. Right now, they are not in good condition and that is the problem. We have way too many second and third floor buildings that need

renovation. **Ms. Swarsky** said she has driven through Leesburg's downtown at night and she would not want to live on the second or third floor. She would not want to come in at night or go out early in the morning. **Mayor Pederson** responded that the city sure hopes there are a lot of people that would want to live in the downtown area. **Ms. Swarsky** remarked that hopefully some people will if the city is willing to give them two hundred and fifty thousand dollars to fix it up. **Mayor Pederson** commented that there was a comparison between some grants. The home programs are more like ninety or ninety-five percent and this is almost a two to one match by the owner. That is the difference. **Ms. Swarsky** said maybe, but two hundred and fifty thousand dollars is still a lot of money. Even if the owner is willing to give two times the amount. **Mayor Pederson** said he respects her comments, but we are trying to encourage more investment in the downtown. We are trying to make our downtown better.

Laura Radcliff, Rum Run, commented that she works downtown and there is not enough parking in the downtown area. She understands they want to put in residential, which is fine, but there is not not enough parking downtown as it is. She works at Third and Market Street and she has a hard time parking every morning. **Mayor Pederson** replied that the city is currently working on that issue. The city set aside money during the last budget process, about two million dollars to go back into the downtown, but we were not sure how we were going to spend that money. He does not want to get ahead of himself, but he knows parking is one of the top three needs. **Ms. Radcliff** pointed out that there is only one handicap parking spot at Third and Market Street and it is usually taken. Her boss is handicapped, so most of the time she will park there and wait until her boss gets there and then move. She will go park in the parking garage and walk to work every morning. The three hour parking spots that are out front are always taken. They are taken all day, every day, by someone. Nobody ever comes to check on the cars parked in the three-hour parking spots. Nobody does anything about it. It does not help anybody who works right there. **Mayor Pederson** stated that we are trying to make our downtown better and we are making progress.

The roll call vote was:

Commissioner Burry	Yes
Commissioner Connell	Yes
Commissioner Robuck	Abstain
Mayor Pederson	Yes

Three yeas, no nays, one abstain, the Commission tabled the resolution.

8. Resolution of the City Commission of the City of Leesburg, Florida approving a Downtown Building Redevelopment Grant to Palace Partners, LLC, for renovations at 410 W Main Street; and providing an effective date.

TABLED RESOLUTION

Commissioner Burry introduced the resolution to be read by title only. CC Purvis read the resolution by title only.

Commissioner Burry made a motion to adopt the resolution and Commissioner Connell seconded the motion.

Mayor Pederson requested comments from the Commission and the audience.

Commissioner Robuck said in this case Morton Construction is a customer of his, so he would need to

abstain.

Commissioner Connell stated he has all the same comments on this one.

Commissioner Burry made a motion to table this item for the November 28th meeting and Commissioner Connell seconded the motion.

The roll call vote was:

Commissioner Connell	Yes
Commissioner Burry	Yes
Commissioner Robuck	Abstain
Mayor Pederson	Yes

Three yeas, no nays, one abstain, the Commission tabled the resolution.

**6. PUBLIC HEARINGS AND NON-ROUTINE ITEMS:
COMPREHENSIVE PLAN INFORMATION SIGN-UP SHEET (YELLOW)
AVAILABLE**

A. SECOND READING OF ORDINANCES

- 1. An Ordinance of the City of Leesburg, Florida, annexing certain real property consisting of approximately 133+/- acres; and being generally located east of U.S. Highway 27 and south of Dewey Robbins Road, lying in Section 05, Township 21 South, Range 25 East, Lake County, Florida; providing that said property so annexed shall be liable for its proportionate share of the existing and future indebtedness of said city; providing that such annexed property shall be subject to all laws and ordinances of said city as if all such territory had been a part of the City of Leesburg at the time of passage and approval of said laws and ordinances; providing that such annexed territory shall be placed in City Commission District 3; and providing an effective date (Anthony Property).**

TABLED ORDINANCE

CM Minner stated the developers of the Anthony Properties, which are items 6.A.1, 6.A.2, and 6.A.3, are asking for this to be tabled. **PZD Miller** commented that the developers are asking for these items to be tabled for the next meeting on November 28th. There were some family issues that came up and they needed to run out. **CM Minner** stated we would need to open each item and officially table it for the next meeting. **CA Watson** pointed out that it would need to be made to a date certain.

Commissioner Robuck asked that items 6.A.1, 6.A.2, and 6.A.3, be introduced and read by title only. CC Purvis read the ordinances by title only.

Commissioner Robuck made a motion to table the ordinance for the November 28th meeting and Commissioner Burry seconded the motion.

Mayor Pederson requested comments from the Commission and the audience. There were none.

The roll call vote was:

Commissioner Burry	Yes
Commissioner Robuck	Yes
Commissioner Connell	Yes
Mayor Pederson	Yes

Four yeas, no nays, the Commission tabled the ordinance.

2. **An Ordinance amending the Future Land Use Map of the Comprehensive Plan of the City of Leesburg, changing the Future Land Use Map Designation of certain property containing 133 +/- acres from Lake County Rural to City of Leesburg Estate Residential, for a property generally located east of U.S. Highway 27 and south of Dewey Robbins Road, lying in Section 05, Township 21 South, Range 25 East, Lake County, Florida; and providing an effective date. (Anthony Property)**

TABLED ORDINANCE

Commissioner Robuck made a motion to table the ordinance for the November 28th meeting and Commissioner Burry seconded the motion.

Mayor Pederson requested comments from the Commission and the audience. There were none.

The roll call vote was:

Commissioner Robuck	Yes
Commissioner Connell	Yes
Commissioner Burry	Yes
Mayor Pederson	Yes

Four yeas, no nays, the Commission tabled the ordinance.

3. **An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 133 +/- acres from Lake County A (Agriculture) to City of Leesburg PUD (Planned Unit Development) to allow a single-family residential subdivision for a property generally located east of U.S. Highway 27 and south of Dewey Robbins Road, lying in Section 05, Township 21 South, Range 25 East, Lake County, Florida; and providing an effective date. (Anthony Property)**

TABLED ORDINANCE

Commissioner Robuck made a motion to table the ordinance for the November 28th meeting and Commissioner Burry seconded the motion.

Mayor Pederson requested comments from the Commission and the audience. There were none.

The roll call vote was:

Commissioner Connell	Yes
Commissioner Burry	Yes
Commissioner Robuck	Yes
Mayor Pederson	Yes

Four yeas, no nays, the Commission tabled the ordinance.

4. **An Ordinance of the City of Leesburg, Florida, annexing certain real property consisting of approximately 717 +/- acres; and being generally located east of US Highway 27, south of Dewey Robbins Road and north of Florida's Turnpike, lying in Sections 05, 06, and 07, Township 21 South, Range 25 East, Lake County, Florida; providing that said property so annexed shall be liable for its proportionate share of the existing and future indebtedness of said city; providing that such annexed property shall be subject to all laws and ordinances of said city as if all such territory had been a part of the City of Leesburg at the time of passage and approval of said laws and ordinances; providing that such annexed territory shall be placed in City Commission District 3; and providing an effective date. (Bar-Key Groves)**

ADOPTED ORDINANCE 22-65

CA Watson asked for anyone who wished to provide testimony on any quasi-judicial agenda item, including the audience and city staff, to stand. He swore them all in.

Commissioner Robuck asked that items 6.A.4, 6.A.5 and 6.A.6 to be introduced and read by title only. CC Purvis read the ordinances by title only.

Commissioner Robuck made a motion to adopt the ordinance and Commissioner Burry seconded the motion.

Mayor Pederson requested comments from the Commission and the audience.

PZD Miller stated this was the second reading for Bar-Key Groves. It is seven hundred and seventeen acres. It is located east of US 27, south of Dewey Robbins Road, and north of the Turnpike. The comp plan is from Lake County Rural transition, Lake County Rural, and Lake County Regional Office to City of Leesburg Estate Residential. The zoning request is from Lake County A (Agricultural) to City of Leesburg Planned Unit Development (PUD). Overall, the request is for a mixed-use residential, commercial, and institutional development. They are proposing seventeen hundred units in the development with one hundred and forty thousand square feet of commercial use plus twenty acres of institutional uses, which could include; government, schools, and medical type uses. There are three different lot sizes; forty-five, fifty, and seventy feet. The overall density is two-point-three-seven units per acre. There is a minimum requirement of thirty-five percent open space. There will be multiple uses within the PUD divided into different pods. There are design and architectural standards for all homes and commercial construction. It will include the usual darksky lighting requirements, gutters are required for all housing with five feet or less of setback, and additional parking at the end of lots in some cases. There is a twenty-five foot buffer around the entire property. Trees in every yard, wetland protection and irrigation controls. We will not have St. Augustine grass. It will be zoysia or Bermuda, something like

that. There will be twelve acres of recreational areas. The applicant met with surrounding property owners and they are requesting some buffer changes which will benefit the surrounding residents. Under the PUD there is some revised wording they would like to request with regards to directing stormwater away from the foundation of the homes. They are also requiring rain gutters on all primary structures, meaning the houses on lots with a side setback of five feet or less. All houses with a hiproof should have gutters and houses with any other style of roof other than a hiproof would have to have gutters required on the sides. That would be under Section 4.D.1. They would like that revised to ensure the drainage works as designed. Under Section 12.i, staff is requesting that the multi-use trail, which is shown on the concept plan in exhibit C, be considered an appropriate fulfillment of the golf cart requirement. It is a multi-use trail that will have golf carts, bikes, and pedestrians. City staff feels it would satisfy that requirement and we have copies of the changes if the commission would like to see them. **Commissioner Robuck** stated that the golf cart trail has come up in different developments. Is there language there that would require separation, so that it is not just a golf cart path. He would like it to allow people to walk on it safely. Do we have that language there? **PZD Miller** replied that he does not believe there is language of that there, but we could require them to put a strip in the path. **Commissioner Robuck** stated he wants to make sure there is enough room for both the golf carts and a separate section on the same strip of asphalt that is marked separately for pedestrians and bicycles. **PZD Miller** replied that he does not see a problem with that.

Harriett Scales, Southeast Sunset Harbor Road, Weirsdale, said she was there representing the Scales family and the Bar-Key property. The Scales family purchased the Bar-Key property in order to raise citrus. They did that for many years. They also had a packaging house where they shipped citrus from. Unfortunately, after multiple freezes back to back and then canker and greening of citrus trees, the citrus industry is not a viable industry anymore. The Scales family decided that they would consider selling that property after being approached by many developers. They did their research and they decided to sell the property to NVR, which is the fourth largest developer in the United States. They wanted to make sure that the development would go through. That it would not be started and then stopped. They wanted to make sure it would be something that everyone surrounding the property would be happy with. They wanted to let everyone know they did their research. They wanted to make sure it was going to be something that would be pleasing to everyone.

Cindy Terrapani, Terapani Planning Strategies, stated as Ms. Scales indicated the Bar-Key Groves site has been owned by the Scales family for decades. They did a lot of investigation before deciding to sell the property to NVR. With her tonight is the project team; Sean Culvan from NVR, Tom Daley, the project landscape architect and designer, Dwayne Booth, the project engineer and John McClos with BioTech Consulting. He is an environmentalist. Ryan Homes (NVR) was founded in 1948. It is now the fourth largest builder in the United States. It operates in fourteen states. The reason this is important, not only to the Scales family, but to the City of Leesburg, is that this company is financially capable of developing a community of this size without leaving the city hanging with parts of it undone. These are the many reasons they selected NVR. They are hoping that the commission will select NVR as well. At the last meeting, it was suggested that they meet with the neighbors. That was organized by Debra Shelley. She shared the names of other residents who wanted to meet and they held a virtual meeting on October 5th with the entire NVR team. At that meeting, Tom Daley, the landscape architect, presented the project. He walked through the entire project and the concept plan with the neighbors. He explained the different components and they opened the floor to the residents for comments and questions. They prepared a summary of that meeting listing the residents' questions and comments along with responses. That was provided to the city and she brought copies with her. They also provided a copy of the summary to the residents who attended that meeting. Based on that neighborhood meeting, they are proposing to make some changes to the buffer along Dewey Robbins Road along the north property line. They appreciated the opportunity to meet with the residents. They hope that the residents view the revised

buffer as an improvement to the development. The site does have frontage along US 27 and the only other road frontage is on Dewey Robbins Road along the north. The site is seven hundred and seventeen acres. They are anchored by the Florida Turnpike at the southern edge of the property. This is at the south end of Leesburg. It is urbanizing with residential development and mixed use projects due to the excellent transportation network, the availability of utilities and the new hospital in the vicinity. The Bar-Key site is located within the City of Leesburg service area as confirmed in the ISBA. They are adjacent on two sides for annexations and they meet that requirement. Of the seven hundred and seventeen acre site, about seventy-four percent of that is uplands. They do have wetlands on the site of about one hundred and eighty-six acres. They do not intend any major impacts on the wetlands, but there will be minor impacts on road construction. They are requesting three applications; the voluntary annexation, the comp plan amendment, and a rezoning to a PUD. The estate residential plan category is appropriate for this site because there are other projects in the vicinity that are designated that same category. Hodges to the north, Lakeco to the west and the Anthony project, which was just discussed, but no action was taken. That project is also requesting the estate residential category. Along the Turnpike, the Lydon Nicholson project has been designated with a higher planned category and its frontage is on US 27. They have low density residential areas at eight units an acre with general commercial areas. The staff report in their application has identified a variety of different comp plan policies which they are consistent with. Most importantly, is the PUD master plan and the importance of the PUD master plan because what you see is what you get. They are not allowed to deviate from the master plan without another approval by the city commission. They are committed to this and they have the assurance that nothing can change in the project unless it comes back through the public hearing system. They met with city staff on several occasions and they have listened to the comments. They revised the plan in response to those comments. This is a mixed-use community. It is not a subdivision. They have three different styles of development; single-family, detached homes, villas and townhouses. They will have two different sizes of lots in the single-family and detached homes. All the residential areas are organized into villages. They have forty-five and fifty-foot lots. As staff requested, the project will be developed in three phases. The first phase will be the western portion, which includes the commercial site. It is important to note that in every single phase all three types of residential development will be included. There are five hundred and eighty-five homes within the development. The stormwater management that is required for each phase, including the roads and the loop road, will be constructed with each phase. Phase two has about five hundred and sixty units. That is the northern section along Dewey Robbins Road. Again, all three residential types are within this community, along with pocket parks. The stormwater and the road system for this phase will be constructed. Last, is phase three in the eastern and southern portion. It has five hundred and fifty-five units. The stormwater, roads and infrastructure for this phase will be constructed. She provided slides showing eleven different elevations of the NVR homes. It did not include all the homes, but it gave a variety of homes that would be built in the community. The forty-five-foot lots would have both single and two-story homes. They will range in size from fifteen hundred square feet to twenty-four hundred square feet. The fifty-foot lots will be single-family detached homes. They will have one and two-story homes ranging in size from fifteen hundred and fifty square feet to twenty-eight hundred square feet. With the paired villas, there would be two units in the building and the townhomes would be a maximum of six homes in each building. They had a lot of discussions with staff relating to parking. Specifically for the townhomes in the forty-five foot lots. The landscape architect came up with an ingenious idea to add onstreet parking that would be marked and noted as onstreet parking. In addition to the parking space in the garages and driveways, there will be fourteen additional spaces indicated on the local streets to allow for overflow parking. So, if someone has a party, there will be additional parking available on the streets. This is included in the master plan, and they will be bound by that. With the entrance road, there was mention from the city manager about the entrance road aligning with Bridges Road and that is exactly what they proposed. They do have a conceptual agreement from Lydon Nicholson to sell them a small piece of property on the southern edge and northern edge so their entrance road can align directly with Bridges Road. The entrance road will serve the commercial

area. It would extend further east to all the residential areas. The commercial site is twenty-six and a half acres. It is large enough to handle a grocery anchored shopping center with some outparcels. It would be self sufficient in terms of parking, stormwater, and landscaping. A really nice feature that was included in the project was an institutional/school site, which is twenty acres. It is located on the southern edge of the property. It does have its own access via a separate road. The idea is that it could be a public school, private school or charter school. It could allow for any of those opportunities. It could also be used for a church, a synagogue or even open space. Another important feature of the site that emphasizes connectivity is the interior loop road. It allows all the residents to come through the project, they can access the commercial areas without having to go out on to US 27 or Dewey Robbins Road. For example, if you were home on a Saturday and you wanted to go out to dinner or the grocery store, you could access it through the loop road to achieve your destination to the commercial site. Also, on the interior loop road is a multi-use trail. That will be a twelve-foot trail and it will accommodate the commission's request to have a line dividing golf carts from pedestrians. They will make it obvious for pedestrians and bikers to be on one side and golf carts to be on the other. Again, that loop road goes throughout the entire site. It connects from the main entrance of US 27 to Dewey Robbins Road in every single village. The comprehensive plan and transportation element requires secondary access if there are more than one hundred units. This development clearly shows that there will be more than one hundred units in this proposed development. The only other road they front is Dewey Robbins Road. The entry would be a boulevard style entrance with an entrance feature. They would have landscaping in the median. They did meet with the neighbors and they are proposing the following improvements to the buffer along Dewey Robbins Road. They propose increasing the tree canopy requirement from a two inch caliper to a three inch caliper. They propose that the ornamental trees in the PUD conditions today as drafted are optional and not required. They are proposing that it requires trees within the buffer. They are committing that all trees planted in the buffer be native trees. That is not addressed in the conditions currently, but they would commit to that. Finally, they would have an earth and berm along the frontage with an average height of three feet. They will build up that area for additional sound and noise buffering, landscaping and view buffering. In addition to the landscaping that would be placed within the buffer. They have copies of the conditions that they would like to have revised. It is condition 9.i. She would like to include it to make sure the city had the exact language they were requesting. This project will have a community amenity center with a club house and other recreational activities on five acres. It will be built in the first phase. It would be located right on Mulehead Lake. In addition to the large amenity center that will serve the entire project, every residential village will have a pocket park. It would be a park that you could walk to from your home. It would allow for outdoor activities with your children. As Ms. Scales described the Bar-Key site is no longer viable for citrus. It has not been for some time due to the changes in the citrus industry. The Scales family selected NVR as the most competent developer to build this community. They wanted to be proud of this project. The PUD has been designed to create a vibrant, active new community with a variety of housing styles to attract a variety of residents. The interior loop road and the multi-use trail will provide easy access between the villages and shopping center without having to go out on the local roads. The recreational facilities will be created onsite and they will have a lakefront amenity center. There will be pocket parks within every village and a multi-use path that traverses the entire development. The city has confirmed there is a capacity to serve Bar-Key with public utilities and the services are available. They look forward to working with the city. The Bar-Key PUD exceeds the maximum for all requirements, which includes open space and recreational areas. They are protecting all the wetlands on site except for minor impacts due to roads and they will certainly comply with all the city's engineering requirements, especially stormwater management requirements. They agree with the planning and zoning directors' revisions to the two changes that were talked about earlier tonight in 4.D.2 and 12.i. They request consideration of the improvements to the buffer, which is condition 9.i. The Bar-Key PUD has met or exceeded all the city requirements. They believe it is a great project and a great addition to the community. **Commissioner Connell** questioned the institution/school. How would you access that piece of property? **Ms. Tarapani** answered Best Orchid Lane. **Commissioner**

Robuck said he had the same question because when he pulled it up on Google maps it was a gravel road. Would they improve that road out to US 27? **Ms. Tarapani** responded that they did not have access to US 27. **Commissioner Robuck** said Best Orchid Lane goes out to US 27. If they put up a fire station, that is where they would have to get out and the current road conditions do not allow for that. **Ms. Tarapani** answered that they do not plan to develop that road. It will be up to whoever uses the property. Just like any project, the developer would build that phase of it. NVR would not be developing that particular section of the property. **Commissioner Connell** asked if they were giving this property to the city? **Ms. Tarapani** said they would talk to the city if they were interested. They told the school board about it as a possibility because they knew they were interested in schools, but they did not seem interested at the time. They are still showing it in their master plan as a proposed use for a school site or church. **Commissioner Connell** questioned if that property would be sold or if they were giving it away? **Ms. Tarapani** answered the school board had several options from what she understood. However, if they were interested in it there may be impact fee credits or something. With regard to the city, they had not contemplated that. If this was something the city was interested in for a fire station, she was sure her client would be happy to discuss it. **Commissioner Connell** asked about the intersection at Dewey Robbins Road. Had there been any preliminary designs about what would be done at that intersection? Will there be any traffic control devices or deceleration lanes? **Ms. Tarapani** responded they are aware that they need that approved by Lake County. They submitted a methodology proposal to them, but they have not received final comments yet. They do not know what final requirements will be with regards to traffic. If the county says they need deceleration lanes, they will certainly do that. However, they have not heard back yet from the county about what that study will require. **Commissioner Robuck** wanted to know what price break they provided the school board? **Ms. Tarapani** answered that they did not get that far into the conversation. They showed it to them and gave them the master plan showing where the site was located. They asked if they were interested and they basically said no thank you. They are still open to it because they are still showing it on the master plan as a school site. They explained it to them even though they were not particularly interested. They said they had various methods to work things out with a developer. Whether they purchase a site out right or give impact fee credits, they have a variety of methods. However, they did not seem interested at the time. It had been a few months since they had that conversation, but they did not go back and change the site to residential. They still think it is a school site and the county may want it at some point. It could be a charter or private school. They are leaving it on the master plan for that reason. **Commissioner Robuck** stated that to him, it looked like a fire station. **Commissioner Connell** inquired if it was a right of way or an easement that led to this property? **Ms. Tarapani** replied that she had not seen a survey, so she could not say for sure. **Commissioner Connell** said, regardless if it was one or the other, do you know how wide it is? **Ms. Tarapani** replied she did not, but she could ask the engineer. **Commissioner Connell** wanted to clarify that the road came out to US 27. **Ms. Tarapani** replied yes, it also goes east to another road.

Deborah Shelley, East Dewey Robbins Road, Howey in the Hills, stated she was there on behalf of the citizens for the preservation of rural areas and the citizens who live in the Yalaha, Lake Apopka rural protection area. They have over eighty families in their group. They are all large lots and range from five, ten, and twenty acre lots. They have families on forty acres. Everyone, of course, is interested in a rural lifestyle. They have families with horses and timber. Some have small businesses and small orange groves. She appreciates the applicant meeting with them and making some concessions with the buffers. They understand the desire of the City of Leesburg to grow the city limits along the US 27 corridor, but they ask that, as they have projects going further east into the rural protection area, that they consider the rural protection area and the residents that live there. They ask that the city recognize the nature of the rural protection area and the environmental value that the rural landscape provides in terms of open space, water recharge, and wildlife habitat. They submitted several letters over the past few months detailing the Leesburg comprehensive plan policies that could be considered and if the city wanted to have policies dealing with the rural protection area. There is only a small area of this project that is in the

rural protection area and they asked the applicant to remove the townhomes from the rural protection area to reduce the density in the rural protection area. That is one of their main concerns. They would like to see a reduced density in the rural protection area. They asked for a wider buffer and it was her understanding that the buffer was still twenty-five feet. It would be nice if the project had wider buffers, so it would appear to be more compatible with the surrounding landscape. The county commission submitted a letter last week that mentioned concerns about the density and intensity of development in this primary rural area. They mentioned concerns about the transportation safety of the residents. With the proposal before the commission and other proposals in the area, we are going to have over five thousand homes with access to US 27 and the Dewey Robbins Road area. Please consider the accumulative effects of this type of development in this area. Please consider the comprehensive plan policies for the rural protection area and the additional buffers. Please require that the townhomes be removed from the rural protection area.

Alexis Swarsky, Halloway Drive, questioned the development because it was unclear. How many egress/ingress locations will they have for seventeen hundred homes? **Mayor Pederson** answered two. **Ms. Swarsky** said she is in a development that has inadequate egress/ingress. She is concerned about the poor people trying to get in and out of that development. What was the anticipated range in cost of these homes? **Ms. Tarapani** responded that it would start from a high of two hundred thousand and it would go up to four hundred thousand. We have to keep in mind how everything is changing in the market with regard to building supplies. That is just a very generalized number.

Terri Blessing, Bluesink Road, said she is struggling with this development. The Whispering Hills development had a traffic consultant that stood in front of the commission and they worked very hard with the residents. They said one of the reasons they moved their entrance to US 27 was because Dewey Robbins Road and Number 2 Road could not handle the volume of homes. Yet we are back in the same boat. She asked that the commission table this item and not vote on this item until they can fix the traffic in the area. We need to come together with the Lake County Commissioners to figure out the traffic because it is really bad. She would hate to see what happened on Micro Racetrack Road, happen here. People are going to come out of this development, they are going to go east, they will go west to Bridges and cross on US 27. Anybody that is trying to get to the northend of Lake County will go east, they are going to take a right and go. They will take a left on Turkey Lake Road and a right on Number 2 Road. They may travel all the way down Dewey Robbins Road to US 19, which is almost worse than Number 2 Road. She hoped the commission would look at the group as a whole. She would love for everyone to sit down with the developers, to come together about the whole traffic issue before voting for another annexation that may make the area worse. With the townhomes, they asked for them to be removed, but they did not get removed. All they got was a buffer. She was part of that meeting. She did not know if everyone was looking at the same research, because people want half acre to one acre lots. She cannot understand why these large developments like Whispering Hills are fanning out their developments around the agricultural residents. There needs to be transition. She feels totally failed and ignored. The comprehensive plan calls for transitional space and there is none.

Charles Weitzel, Treasure Island Road, said he was a new resident in this wonderful community, but he was appalled at the high density that he was hearing. It is going to adversely affect the whole community. Please vote against this.

Ms. Tarapani said the site is in the county today. If it was annexed, it would be in the city. It would not be in the rural protection area. There are two very small areas of the site that are in the county's rural protection area on the far east side. The neighbors asked them to move the townhomes and villa areas to other areas of the project. There were several concerns about that. Looking at that northeast corner, it is immediately adjacent to the Anthony project. They are proposing to develop fifty-foot lots. That would

be a similar residential size and scale if that adjacent project is approved. They carefully calibrated the phases of the project, so that every project was relatively equal. They are not exact, but they are relatively equal and similar to the number of styles within each project. That was so we could have all the styles available when residents come to purchase a piece of property. It sounds easy to just move it and flip it somewhere else, but it is not. There was no where to move it. There are only three townhouse areas. One is near the commercial area, another is on the west side and the other is on the east side. The eastern edge of the townhouse area will have stormwater management, which will help to buffer that area, but does that really matter when you have a project that is only two and a half units an acre? The overall density of the project is two and a half units an acre. It is not high density by stretch of the imagination. Quite frankly, this project, at two and half units an acre, is less than some of the existing Leesburg communities. The traditional neighborhoods are usually from four and a half to five units an acre. She was not saying one is good and one is not. She was just saying in the city you want a mix of land uses. They asked for a playing category that allowed four units an acre and they are developing in two and a half. They are committed to that through the master plan should this be approved. They cannot add units, nor can they change the plan. They cannot take out the loop road or change any major components without coming back to the commission. There has been a lot of conversation about Dewey Robbins Road. Dewey Robbins Road is a public road. It is a county road. They have submitted their traffic methodology to the county to work through the traffic improvements and that is what they are required to do. Dewey Robbins Road is the secondary access and people coming home will most likely come off US 27. They will come through the commercial development to pick up dinner and then continue on home. Dewey Robbins Road is a secondary access. There will be another developer they will work with. They may have to install a traffic light at Dewey Robbins Road and US 27. Those may be requirements they have to make for the county roads. They will do what the county requires them to do.

The roll call vote was:

Commissioner Burry	Yes
Commissioner Robuck	Yes
Commissioner Connell	Yes
Mayor Pederson	Yes

Four yeas, no nays, the Commission adopted the ordinance.

- 5. An Ordinance amending the Future Land Use Map of the Comprehensive Plan of the City of Leesburg, changing the Future Land Use Map Designation of certain property containing 717 +/- acres from Lake County Rural Transition, Lake County Rural, and Lake County Regional Office to City of Leesburg Estate Residential, for a property generally located east of US Highway 27, south of Dewey Robbins Road and north of Florida's Turnpike, lying in Sections 05, 06, and 07, Township 21 South, Range 25 East, Lake County, Florida; and providing an effective date. (Bar-Key Groves)**

ADOPTED ORDINANCE 22-66

Commissioner Robuck made a motion to adopt the ordinance and Commissioner Connell seconded the motion.

Mayor Pederson requested comments from the Commission and the audience. There were none.

The roll call vote was:

Commissioner Robuck	Yes
Commissioner Connell	Yes
Commissioner Burry	Yes
Mayor Pederson	Yes

Four yeas, no nays, the Commission adopted the ordinance.

- 6. An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 717 +/- acres from Lake County A (Agriculture) to City of Leesburg PUD (Planned Unit Development) to allow commercial and residential development for a property generally located east of US Highway 27, south of Dewey Robbins Road and north of Florida's Turnpike, lying in Sections 05, 06, and 07, Township 21 South, Range 25 East, Lake County, Florida; and providing an effective date. (Bar-Key Groves)**

ADOPTED ORDINANCE 22-67

Commissioner Robuck made a motion to adopt the ordinance and Commissioner Burry seconded the motion.

Mayor Pederson requested comments from the Commission and the audience.

Commissioner Robuck made a motion to amend the landscaping and buffering conditions and 9.i, along with amending the gutter requirements as presented by staff and to delineate the golf cart and pedestrian trail as presented by the developer and distributed to the commission, and Commissioner Connell seconded the motion.

The roll call vote on the amendment was:

Commissioner Connell	Yes
Commissioner Burry	Yes
Commissioner Robuck	Yes
Mayor Pederson	Yes

Four yeas, no nays, the Commission approved the amendment.

The roll call vote was:

Commissioner Burry	Yes
Commissioner Robuck	Yes
Commissioner Connell	Yes
Mayor Pederson	Yes

Four yeas, no nays, the Commission adopted the ordinance.

- 7. An Ordinance of the City of Leesburg, Florida, annexing certain real property consisting of approximately 55 +/- acres; and being generally located west of County Road 44 and south of East Treasure Island Avenue, lying in Section 01, Township 19 South, Range 25 East, Lake County,**

Florida; providing that said property so annexed shall be liable for its proportionate share of the existing and future indebtedness of said city; providing that such annexed property shall be subject to all laws and ordinances of said city as if all such territory had been a part of the City of Leesburg at the time of passage and approval of said laws and ordinances; providing that such annexed territory shall be placed in City Commission District 1; and providing an effective date. (Treasures Trove)

DENIED ORDINANCE 22-68

Commissioner Robuck introduced 6.A.7, 6.A.8 and 6.A.9 to be read by title only. CC Purvis read the ordinances by title only.

Commissioner Robuck made a motion to adopt the ordinance and Commissioner Connell seconded the motion.

Mayor Pederson requested comments from the Commission and the audience.

PZD Miller stated this is the Treasure Trove project. As background, the annexation is for fifty-five plus or minus acres. The future land use amendment would be from Lake County Rural Transition to City of Leesburg Estate Residential. The current zoning is Lake County Agriculture and the applicant is requesting City of Leesburg Planned Unit Development (PUD). The property is generally located west of CR 44 and east of Treasure Island Avenue. The proposal is for one hundred and fifty-five units. The lots are from fifty to sixty-feet in width at two-point-eight units per acre. The general PUD standard is thirty-five percent open space, single-family use only. Design standards are for darksky lighting, gutters on houses smaller than sixty feet wide, landscape and buffers to be twenty-five feet around the entire property. Trees in each yard, wetland protection, irrigation controls for the use of Bermuda or zoysia grass. Areas of recreation are required and there is a site plan in the PowerPoint along with some facades of the homes. Mr. Jerome Henin was in attendance to answer any questions. **Commissioner Robuck** stated we talked about changing the primary access to CR 44 from East Treasure Island Road. Would that be gated emergency access only and was that incorporated? **PZD Miller** said he believes it was incorporated, but he would have to go back and double check. The intent in the original PUD was for it to be emergency access only. **Commissioner Robuck** stated that was not really clear.

Jerome Henin, of Henin Group, stated he was there with the engineer and traffic consultant. They used Ray Consulting for environmental services. If there were any questions, they would be happy to answer them. There were discussions concerning emergency access and traffic. He stated that would impact about eleven cars per day. They also discussed additional buffers. **Commissioner Burry** said in the minutes from the last meeting on this issue and the wetlands, it says that there are thirteen-point-eight-eight acres that you will not touch and there are point-eighty-three acres that will be removed. When looking at the current diagram in the PUD, there is another one-point-seven-eight acres that you are removing. **Mr. Henin** responded that they organized a neighborhood meeting about three weeks ago. They had about thirty-five to forty individuals. They went through different comments relating to the impacts of the wetlands, traffic, and access. As far as the total site, they have fifty-five acres and they are impacting two locations. One is point eighty-three acres and the other is one point seventy-eight acres. It is a total of two sixty-one. With one point seventy-eight acres, this is just the beginning of a very long process with the wetlands. He was not one hundred percent sure of the impact of the one point seven-eight acres. They have to make the determination about the geotech revisions and the muck. They have to look at all those things to make sure it is even possible to remove them. The engineer could explain it further, because during the process, especially with water, geotech will make the determination at some

point relating to the results if this will be an impact or not. They preserved thirteen-point-eight acres of wetlands. **Commissioner Burry** said about the point-eight-three acres that you will impact in the corner. What happens to the neighbour's property when you impact that? **Mr. Henin** stated the engineer would have to answer that question, but generally speaking, when they have a situation like that, just like any other development, they are responsible for every bit of water that is on their site. They are responsible for not creating any impact on their site. Therefore, everything they have going into that site and everything that they create, in addition to today's impact, has to be incorporated into the calculations. They need to collect, treat, and filter the water. They cannot create impacts outside of the site or they would not be permitted through the engineering environmental process. **Commissioner Connell** questioned if they closed off access to Treasure Island Avenue and left that as emergency access only. You would only have one entrance and exit into the subdivision. **Mr. Henin** replied that they would have a major main entrance with all the traffic requirements. That would include access, deceleration lanes and left and right turn lanes. Accordingly, there have been some discussions, but they are still in the preliminary discussions with Lake County. That would be handled by Lake County. With the buffer, they had procured an additional seventeen feet. They may have to give additional buffers as required by the county. With traffic, the engineers did a full traffic study and that was given to the county back in May or June and they received no comments. They did have further discussions with the county, but today, they are hopeful to start the permitting process. They will have to go through the requirements and there will be more details. The discussion was about the Treasure Island impact, so there would be emergency access. That would be closed and there may be additional requirements where they have to pave it, but that would be determined later. **Commissioner Connell** asked if there had been discussions about a traffic light? **Mr. Henin** responded, according to traffic studies, a traffic light was not warranted. The crash impacts were looked at over the last seven years and there was one impact. When we talk about traffic, it is based on studies, it is based on the existing numbers and the impact that the subdivision would create. They discussed incorporating at some point an improvement of the connection between Treasure Island Avenue and CR 44 to create a better vision. That was discussed at very preliminary levels. They may lose a lot, but it will create more buffers and a ninety degree angle. There will be a better view for turning. There will be further discussions and requirements. They have the space to do this and they will accommodate for it as part of the process. However, the traffic impact study did not warrant it. It does not seem to be what the neighbors want. What he heard from the traffic consultant was that it would not help. It would improve the angle, the visibility and curb. There would be a lot of improvement that would come from the subdivision. They would contribute to improving the traffic. The same thing with CR 44. It would create additional buffers that the county is not ready to use. Down the road they would have access to them. He believes this has a very positive impact on the general area with traffic. **Commissioner Burry** stated he was a bit confused because he thought we said East Treasure Island was going to be emergency access only. Now you are saying you are going to improve the access to East Treasure Island where it meets CR 44. **Mr. Henin** responded this was all part of the preliminary discussions that they had. They are willing to do what is best because it is adjacent to their site. What he has already committed to is the improvement and to give access and space necessary during the design of the roads, so the angles are improved. It will contribute to the improvement of the connectivity to CR 44. Right now, there is a preference to create a ninety degree angle for visibility. When they first looked at that as part of the negotiations during the permitting process, it was to remove a portion of the corner. That way, they could create better connectivity and space. Along the property they will do the improvements necessary. They will design some curbs and put in additional right of way. That is all part of what the county will require them to do. **Commissioner Burry** stated he was curious because at one point he said one thing and now it is something else. How does the mitigation work for this? If they bury this, do they have to provide wetlands somewhere else? **Gary Beverly** of Civil Design Solutions stated he was not an environmentalist, but normally they would come out to assess the wetlands and the classifications. Based on that classification, it would be awarded a scale factor. If the wetlands are impacted, offsite mitigation would have to take place. Essentially, they would buy wetlands at a bank, a

wetland bank and that it is mitigated for. That is the normal process with the district. **Mr. Henin** said it was accounted for in the calculations for stormwater treatment and storage. This is a very long process and it is done this way for every project. When it comes to the classifications, they do not impact wetlands of significant value. Those times are long over. That determination is made by St. Johns Water Management District. **Mayor Pederson** commented that what they were referring to are the wetland areas that adjoin neighboring property owners. **Commissioner Burry** said that was one of his questions. What happens to the other person's property if you were to take twenty-five percent of a pond out and fill it in? All that water has to go somewhere, so where does it go? **Mr. Beverly** responded to the stormwater systems. They have calculations for the stormwater system and onsite. They have to mitigate for any compensating storage that will be impacted. If they were to fill an area, they have to make sure that they have enough storage in the pond for that, plus the stormwater ponds. The calculations are for normal storms, so the stormwater pond can treat the water in the detention system. **Mr. Henin** added that the calculations have to take under consideration what is existing and what they add as an impact when creating and building a subdivision. That is part of the control process. It is permitted by the St. Johns Water Management District. They would not allow them to do something that they could not compensate for. They cannot create an impact adjacent to other properties. **Commissioner Robuck** said he understands the retention and mitigation part of this. He thinks if it were done well there would be less flooding on adjacent properties because right now there is nothing to catch the water except for the wetlands. However, we have also seen issues in the city where it has been done poorly and we are not the St. Johns, so we do not have a say on how to build a retention pond one way or another. That is completely up to them. We ran into an issue in Arlington Ridge where they did not build a berm and there was an argument over that. **Mayor Pederson** stated they created the berm after the development was approved. **Commissioner Robuck** continued to say that they said we did not do a good job inspecting that project and we ended up having to pay for that. So, his question is, does St. Johns require you to build it a certain way and at what point does the city have the authority to sign off on it saying it was built to the standards of St. Johns? Do we even have any authority to do that? **PZD Miller** responded that the engineer has to submit all the calculations to the city. The city sends them to St. Johns and DEP for review. If the developer is going to impact the wetlands, as a general statement for all developments, if you want to fill one acre of wetlands, it is extremely expensive and St. Johns will make you create one either onsite or offsite. At least one new and up to ten new acres of wetlands if you want to fill in one. The engineering has to be designed in all these developments, so if a tablespoon of water goes on the property from rain you have to maintain it. That has to stay on your property. It cannot impact the neighboring properties. If there is a wetland that crosses the boundary line of two properties, it cannot impact that wetland in a negative way. There has to be enough compensatory storage. He is not an engineer, but compensatory storage is a retention or detention pond and it has to meet engineering standards. If he remembers correctly, it has to hold twenty-four to seventy-two hours worth of rain events to give up to a certain level of storm. If this was done correctly, there would be no impact on the adjacent properties. Often, it becomes better for the adjacent property owners. You do not know until you build it, but if it is not built correctly, the engineer then has to go back at his own expense to fix it. **Commissioner Robuck** asked if we had anything on the construction side where it said how it was built. When they build it, do we ever sign off on the construction of the ponds at the city level or is that solely through St. Johns? **PZD Miller** said we sign off on the site plan through the PUD. Then they have a specific site plan that says how it will be constructed. The specifics of how deep and how wide those calculations are get signed off on by the engineer. They are sent to the state agencies and that is when they are signed off on. **Commissioner Robuck** questioned if the state was the one who actually approves the construction? Do they make sure it is built the way they say it is going to be built? **PZD Miller** said yes. **Mr. Henin** stated this happens many times. If you build the storage ponds or pipe, that will go to the dry storage. The problem you will have is that you need to have strong homeowners' association documents. Those documents need to transmit every obligation of maintenance and safeguard issue from St. John into those documents. At some point, even if the city signs off, the concession of the plans are very detailed no

matter what. The issues that he sees many times are that the homeowners are pretty lax and it is very important that the homeowners association documents are very precise. Meaning those obligations go to the homeowners because they can disturb and plant more things, and so forth. He understands the concerns of the surrounding neighbors. They are very legitimate, this is how they organized and they listened to the neighbors. They do have impacts, but they are asking for the ability to start the process. There are new requirements today and they are far from where they need to be. Today they have to create additional storage, they have to treat whatever they collect, and that is a very big burden. He believes that they have time to build it correctly. That is the purpose of the long process. They will improve the area with the traffic. He understands the neighbors' concerns, because it happened to him this morning. He saw too many cars on his street, but he knows nothing will happen until additional developments are made. They are all impacted, but the system will create additional improvements. He knows they will improve and give a right of way that does not exist today. They will improve a corner and give up some land to have the capacity to do that. It is all part of the design process. **Commissioner Burry** inquired if he was referring to lot fifty four? **Mr. Henin** said yes, it was on the corner. They have the capacity to improve the area. Everything he hears is all part of the mitigation and permitting process. It is all part of the process and that is what he has to do. They offer a variety of homes. There are different sizes and types because he believes in diversity. He likes his neighbors and he understands their concerns. He is not a big national developer, but he knows the process. This is a very long process to go through. He wants to be respectful to everyone. **Commissioner Robuck** pointed out there were comments about the traffic lights and wetlands. These are valid concerns, but this body does not get to decide whether there is a traffic light or not. We could say we want one, but we do not get to pick that. The developer cannot say he is going to put in a traffic light if the county does a traffic study and determines it is not necessary. We have no say, the developer has no say, and that is how traffic lights work. It is definitely not that we do not want one and the same goes with stormwater. There are many reasons we could turn down a development, but because we do not like the stormwater design, that is not one of them. It is not up to us, that is St. Johns. We do not have any authority to say double your ponds because that is outside this body's permission. **Mayor Pederson** thanked him for that clarification, because a lot of people do not understand the traffic lights. We do not have a voice on that or the roads. It is a county road and we do not have authority on county roads. **Mr. Henin** said on Treasure Island Avenue they met with the county a week ago and they are far from being complete. They realized it was not the right alignment with the way the road shifts. They gave them their plans for the northern part. They said they would give a strip of land for the road so they could have the space and make it more straight. They would also give additional right of way for whatever the county wanted, so it could become a straight line. **Mayor Pederson** said, referring to CR 44, he believes during the first reading they spoke about that road being widened eventually. Is there adequate right of way space to widen that road right now? **Mr. Henin** replied they added seventeen feet of additional right of way. During their first discussions with the traffic engineer, they said it would not be used anytime soon. He did not know if the county would ever do it. **PZD Miller** added that Lake County will come back with comments and they did ask for additional right of way on this one. **Mayor Pederson** asked if he was okay with the amount. **PZD Miller** answered yes.

Louise Chen, Treasure Island Road, said she was very unhappy with how things were going. The plans are extremely vague, unlike the previous item on the agenda. They met with the neighbors and worked things out. This is fifty-five acres and they want to put one hundred and fifty-five homes on it. That is too much for this area. The corner where they have the pond is the corner edge of the Emerald and Marsh Protection area. It is adjacent to the protection zone and Lake County would like to see this kept in a rural area. What happens if they take up that pond? Is it going to spill over into the neighbors lawn because that is what has been happening all summer. It has been a very wet summer. She would like to see this tabled for another meeting, so they could have a much firmer plan like the previous applicant. They would like to see exactly what is being done instead of innuendo and "oh yeah, we are going to do this, and we are going to do that". She would like to see what is going to happen. The neighbors all came up

with their own idea of what should go in this area. She provided a rendering of that. It showed a shared wetland in the community. It was twenty-eight acres, it was almost twenty percent of the whole neighborhood of East Treasure Island and Treasure Island Road along CR 44. They lowered the number of homes to sixty-seven, which is more in alignment with rural neighborhoods. They added bicycle lanes and trees. They also added retention ponds that will protect the area. They would love to have a traffic light. They could work with Lake County and the developer on that. Right now, the intersections are very deadly. Again, she would like this to be tabled until we have this firmed up.

Gary Custer, East Treasure Island, stated at the meeting with Mr. Henin. He asked him what would happen to the people who have property that borders this development if they were to be flooded out? What would they do and he told him they would sue the HOA. That was his answer, to sue the HOA. The guy who is developing the project. That does not make any sense. Referring to renderings, he showed a layout of property to be annexed and other property that touches CR 44 from US 441 to Haines Creek. There are thirteen hundred and seventy-five projected homes. If everyone has two cars, that means there will be twenty-seven hundred and fifty more cars on CR 44. He has lived here for thirty years. The only thing he has seen change is a whole lot of houses. The road is exactly the same as it was thirty years ago. This is the result of all of the traffic. We have had multiple accidents and one recently where a man lost his life. He showed photos of the accidents. CR 44 is terrible. He does not care what anyone says about the traffic. It is just terrible and that is the problem. How many more wooden crosses do we need to put up?

Charles Weitzel, Treasure Island Road, stated he was a CPA, so he is a numbers guy. He understands what the city is trying to accomplish by increasing the taxbase along the US 27 corridor. He does not like the density, but if that is where they want to put the high density, that is fine. However, his neighborhood does not need this high density. What he has been told is they have about eighteen acres of actual usable land after all the other areas are cut back. Please do not put that many houses in there. It would adversely affect their community.

James Mayo, Treasure Island Road, commented that his property at the beginning of the year was thirty-three percent under water. As it sits right now, it is eighty-two percent under water and he owns five acres. Building this development is going to cause massive flooding in the end. It does not matter what they do. It would be a horrible idea to do this development. With the traffic and accidents. He witnessed the latest accident on CR 44 with a rig and three vehicles. It was horrible. He is in the road business and it does not matter what they do. When it comes to fixing CR 44 and making it wider, it is not going to help the situation. He is more concerned about the flooding because not only is his property affected, so are 8835, 8801 and 8800. It will all be under water. It already is now. Unless they can fix all of that going to the wetlands across Treasure Island Road, this subdivision is not going to work.

Kenneth Cary, Jennings Lane, Treasures Cove Community, stated he understands the city cannot do anything about county roads or county lights. However, some things that have been commented on about the wetlands. It is not just wetlands. Right now, we have had two very recent hurricanes and twenty percent of this community is still under water because it cannot run off. It is full all the way out to Lake Griffin. Part of the proposed development is running off and coming on to their land. Putting in this development and eliminating that wetland it will get worse. Where do they think they are going to put the wetlands, Tavares? That is not going to help them. They are going to be flooded out. This hurricane only had three and a half inches of rain. They were fortunate because his yard was still very wet from the other hurricane, but he was not drowning. Irma, they had four and a half inches of standing water in his yard and he is well away from the proposed development. The traffic situation, CR 44 cannot support anymore additional traffic with the two communities that are already being built. He asked that this be denied completely.

Sue Wakefield, East Treasure Island Avenue, stated the developer mentioned straightening the road. If he straightens the road, they will hit ninety miles an hour instead of seventy going down that road. The curve is the only thing that slows them down and that curve protects their wetlands. When she moved out there fifty years ago, it was a clay road. The school bus would get stuck in that corner where it was low. They finally built up the road and now the school buses run fine. At first they graveled it over and they did this and that, but that road is no wider than the commission chamber room. If you have two cars coming, you have to be careful so your mirrors do not hit. Everyone has to duck out of the way of the school buses when they come up and down the road. You have to be cautious and it is very difficult traffic wise, but her concern was with the curve. If you look at all the maps being shown around that corner, it takes up one quarter of the pond. She was not sure how you could lose one quarter of a pond without disrupting the wetlands. You cannot empty a quarter of a pond. It does not work. How are they going to build out there on a quarter of a pond and come back around? Would they have completely covered one pond with their buyback credits? Where are they buying this stuff back from? You cannot buy it back here because there is no place to buy it. So where do their ponds go? Jacksonville, Dade County? There are two other subdivisions going in right across CR 44. Both are extremely large, so she does not understand why we need that many houses in such a small space. When she moved out there, she was only allowed to have one house on two acres. Now, you are allowed to have one house on five acres. They are going to build all these houses on fifty-five acres. Now, the citizens are getting cheated out. They moved there to live in a rural location and that is not what it is going to be like.

Larry Botte, East Treasure Island Avenue, stated about the pond that they were going to fill in, his major concern was about a sink hole. There are eight houses that will go in over a sinkhole. There needs to be geo done on that. Also, where are the recreational areas? He heard the planning and zoning director talk about a recreational area being on the plan. He did not see it labeled anywhere on the plan. He could be corrected if it is. Plus, in the corner of the subdivision there is thirty-six inches of water in that pond right now. What happens if they push that in? He tried to talk to the developer in the meeting about it. They did not understand displaced water. The only thing they said and they continued saying was that they would retain all their water. He understands it is a requirement. He knows about developments because they have been very good to him and his family, but they are showing that area and that displaced water goes all the way around the curve. It pushes all the way down to Treasure Island Road. The land is going to have to be built up approximately five feet for them to get the sewage and to create their storm drainage. They are going to have to push out into the wetlands to keep the water on their property, but what about the displaced? Where are they going to push the water when they push the corner out and fill in that pond?

Lorraine Davey, East Treasure Island Avenue, commented that she resided behind the thirteen acres. Referring to some photos, she said she was okay with the water on her property and the photo shown was from before the two storms. She cannot have it getting any worse or her property would be done for. She loves living in Leesburg and Lake County. She has stated that before. When she goes to teach her second graders, she takes her life in her own hands when she makes that left turn to get out of her subdivision. She heard everyone else talk about the traffic, but we cannot have it get worse. She does not have the money to sue the HOA. She wants her land and she wants her life to remain as it is. Everyone might see the positive aspects of approval, but she implored everyone to take a look at the detrimental effects that are far reaching, not just her or her neighbors. Anybody and everybody that travels down CR 44 will be affected by this. She asked them to please deny this request.

Allen Chen, Treasure Island Road, stated one of the wooden crosses happens to be at their corner. We know fatalities happen there. He is sure, even with the entrance and the new development, you are going to have fatalities there. There are people traveling in both directions, passing all along the way because

there is a dotted line that needs to be changed. His wife had checked on that too. Either way, we are going to have people passing. They looked at the property in question. They looked at the 2002 floodzone, and the 2012 floodzone. The 2012 floodzone had increased and there was a bunch of property impacted by that. In 2022 there will be another FEMA floodzone map coming out. He asked that no decision be made on this until they see the FEMA floodzone map for 2022. They talked about the wetlands and they saw where logging had been done and where trees had once existed in 2002. They were no longer there in 2012. Trees do absorb a substantial amount of water, so when you clear out the area there is no where for that water to go. It will pool and continue to flood. When it rains hard it will run into the ponds, but a lot of it will run wherever it can go based on geography and contour. There are high areas going to low areas down south and west. The bottom line is the flooding is going to get worse, not better. He is an engineer with three different engineering degrees. He does understand some of this. He is not an environmentalist or a land engineer. He asked the commission to table this if not deny it out right.

Michael Chen, Treasure Island Road, commented that he is personally disappointed by the lack of accountability in this push to develop the Treasure Trove property. The planning commission said there were fundamental problems with this and rightfully suggested it be turned down. It should have stopped there. At the very least, it should have been carefully scrutinized for all the issues. It has had major aspects of it amended, but all he has heard and seen is a shifting of responsibilities to others outside of this to push the development of Treasure Trove. Leesburg says the small roads that are planned for heavy traffic are not their problem, that the county owns those roads. It is the same with the county. The issue with this development is that they should spend their own money to upgrade them. The developer of the property tells them that if it causes flooding on their roads or in their neighbors that they should just sue the potential HOA? That may or may not operate out of Treasure Trove? What about the possible permanent damage to the wetlands? They will just mitigate it by buying land to protect it somewhere else. That is not exactly the height of responsibility. If people are flooded, killed on underdeveloped roads and wetlands abused, it is the fault of everyone else, but those responsible. It seems when asked for information, at best they get near promises. They are told that they do not want to see things like traffic studies. They have been patronized to the hill throughout this process. This haphazard situation can be amended before it is allowed to go through. Please take the opportunity to consider the alternatives responsibly for those personally affected. Do not put the cart before the horse.

Lisa Haden, Dennis Road, said Lake County expressed their concerns from their experts. Jennifer Barker, the City Manager, and Seth Lynch from Public Works submitted their concerns. What bothered her is that in the presentation nothing was said by the planning and zoning director. She did not hear anything about the very clear recommendations that were made by Lake County. They said the traffic impact analysis was highly recommended to be submitted by the developer and reviewed by Lake Sumter MPO and Lake County prior to the PUD hearing. She does not know how much clearer that can get. In Seth Lynch's letter, it states that it is not currently advisable for this development to have direct access to CR 44. Again, very clear language. She does not have experience in this, but she can tell you what that means. In a letter from Sean Parks, the chairman of Lake County, he says the development is currently not advisable to have direct access to CR 44. There are transportation and safety concerns related to Treasure Trove's proposed development and they should be looked at by the Board of Commissioners. What she does not understand is why they would have a meeting and Mr. Henin did not make one concession. They never heard anything about a recreational area and she asked about a pool and a tot park. He said that it was not for this type of development. You can see that this development does not make sense because it is right on CR 44 and East Treasure Island Avenue and there is no room. Yes, we have twenty feet, but CR 44 will not be widened in our lifetimes. We can see the size of the utility poles going down both sides of the road. We might get a center lane, but we are not going to get more than that. Given that Leesburg's own planning commission recommended denial of this application and the Lake

County Board of Commissioners are against the annexation and development of these parcels as presented along with the residents who have turned out here tonight, as well as those who have signed a petition, it would be unconscionable for the commission to move forward.

Kenneth Cary, of Treasure Cove, stated he still had fifteen seconds left on the clock from his previous comments. Part of the problem here is they were going to do road improvements on East Treasure Island, but what he did not say is, just past that northern corner, East Treasure Island is a one-lane road. Their community has fifty-eight homes in it and they are not the only community there. They have Treasure Island, which is the point that is off Lake Griffin. There are only two roads coming out of that entire area for all of the homes. East Treasure Island and Treasure Island Road. Both roads are blind intersections at CR 44.

Raymond Hayden, Dennis Road, stated the corner where the cross is indicated someone had passed away from an accident. Referring to a map, there is a dark area and that is water and that is where the water goes under the water out into another area. He wanted to note that when you look at the plans, they really look great. They are exciting and sexy, but what we do not see is the Google earth image that demonstrates clearly and obviously, that there is an underground river that connects all the lakes. They are all connected together and we can all admit it because it is blatantly obvious. There is a river underneath and the water migrates underneath there between the lakes. Nobody can deny that. He can go ahead with the whole legal thing and say we do not have anything to do with that and we cannot do anything about it. However, on CR 44 there is another easement underneath the road on the west side, right in front. They will have to dig up the high speed internet wires that were just buried. Lake County specifically stated they cannot go out on CR 44. It is a death trap. Lake County will be knocking heads with the city. In December of 2021 there was a meeting, and he had fifteen pages of notes that said the city was grabbing up too much land. It does not meet the urban conservation area. That is one hundred and fifty-five homes. There are more homes in that entire area out on the island on the point. You are going to double the population of that area with that property. They have no swimming pool, no place for the kids to play, but they have a waddling pool with alligators. The University of Florida packed that lake with Gators until they could figure out how many Gators they could put in that lake until they started eating each other. That is a fact. He and his wife saw a baby gator going across the road when they first moved down here. She thought it was a cute little gator. He wondered where mama was. He knows they are there. He has spent thirty years in litigation dealing with the after affects of Hurricane Andrew and working on 9/11. He worked on the World Trade Center case for years. He worked on that case alone until 9/11 came and took it down. The issue here is that this is a death trap. You would be authorizing a death trap if you let this go through. When we talk about the mitigation, Lake County has zero tolerance for taking out wetlands. There are three wetlands and the county went around the wetlands with their roads. That is why there is a bump there. He has looked around the state and everyone respects the wetlands. Including two communities that Lake County shot down. The mitigation does not work. If you think it does check with Sanford, it does not work.

Alexis Swarsky, stated she does not live anywhere near Treasure Island, but she does live in Florida. She respects the wetlands. Florida respects wetlands. The mitigation costs are anywhere from one hundred and sixty thousand dollars to three hundred thousand dollars per acre, for buying out property. She does not know what the house prices will be in this development, but whatever it is, at least two houses will take care of half of the wetland area. That is ridiculous. This is the problem with Florida. We are looking at overdevelopment. We are looking at profiteering. She understands improving the city and making it look better, but we are killing Florida. She used to live in Miami. It would rain there and there would be two feet of water in the streets. It was not even hurricane season. That is why she moved. Now, the same thing is happening here. Come out and look at her house when it rains. Come look at the concentration of buildings. Where is the quality of life? She came to Florida for a reason. She came here thirty years ago.

She has lived in Leesburg for fifteen years and her community and the state is going down hill. You cannot undo the damage once it is done. We cannot even deal with climate change. There is no place for stormwater. They talk about mitigating, buying, spending dollars to replace and kill nature. There are better choices to be made. We do not build on wetlands because when you know better you do better. At least you should do better. This is going backwards. People should be more conscientious. Think of the children and grandchildren. Would you want them living in this community? Her community is congested. They have inadequate egress/ingress. They have one ingress/egress at this time and it is not enough.

Liz Greenlaw Cruz, Treasure Cove Road, said she lives around the East Treasure Island area. While she would like to stand up and tell them how cool it is to live in the country because she grew up in the city back in the Midwest. In order to see the country, you had to drive north. If you wanted to see the wildlife, like bears, coyotes or foxes, you had to drive north. She knows they have nothing to do with the roads, but CR 44 is a death trap. She has only lived in this community for two years and she has watched people pass her while trying to turn left. People pass her on the left-hand side and she almost hit a bus. Her husband saw a guy get hit from behind on a motorcycle and he flew through the air. She was taking her son to school one day and if she had not been paying attention to someone who was trying to jump from the other lane of about ten to fifteen cars she had to slam on the brakes without getting hit from behind. She had to slam on her horn. That road is bad and to put more stress by putting more people and homes on it is a bad idea.

Laura Radcliff, Rum Run, said at the corner of East Treasure Island and CR 44 the gentleman that was killed lived in their subdivision. He was that close to his home when that guy passed him on CR 44 going towards Eustis. When he hit him, he was more or less dead on impact. Our roads are awful. Back in the day, before all the houses came to Treasure Island Road, back in the day they used to hunt that land. There used to be a fish camp back there and nothing is left of it now. She has lived there for twenty-five years and she likes her peace. She likes to see the animals, but the houses where they are going should not be going in. It is a death trap. They always had to tell their kids to take East Treasure Island when leaving instead of Treasure Island, because they did not want them to get killed trying to go out because of people passing.

Mayor Pederson commented that they appreciate everyone's comments, but with all due respect, we do not need the same comments repeated over and over.

Jim Tyrpin, Treasure Island Road, said everyone knows a tomato is a fruit and we know we do not put ketchup in a fruit salad and just because you can vote for this does not mean you should. The fight is at the county level and you even admitted it. We cannot do anything with the roads. It is the county's responsibility. We moved to the county. We did not move to Leesburg. They did not get to vote for any of the commissioners and they do not get a say in how they vote to affect their area. This fight is like divorced parents, where the county says this is what you can do with this land. While the developer does not like that, he goes off to the other divorced parent, the city, and says he wants to be with you instead. You give me custody. It is not right, but he knows that is the rules. If you want tax money, you have to vote for it. As Commissioner Robuck said there was nothing that could be done about the wetlands on the city side and everyone keeps misconstruing wetlands with floods. He was not a lawyer, but in two minutes he pulled up the FEMA map that shows that property in floodzone AE. The city manager is the Floodplain Manager for Leesburg, so any feel or any movement the applicant would have to go through a plan and that would go through Mr. Minner who would then submit it to FEMA. There is a difference between a wetland and a flood, so you do have a say when you vote for it. Lastly, how are you going to feel if there is a crash in the economy and we come into the city and start buying up every ten and fifteen thousand dollar house and put fifteen chickens on every lot because you are taking our land. The city

ordinance says we can have fifteen chickens in Leesburg. So, he is going to buy every fifteen thousand dollar lot, subdivide them and put little chicken coops on them. **Commissioner Robuck** inquired how much he would sell the eggs for because in grocery stores lately they are pretty expensive. **Mr. Tyrpin** remarked that just because you can vote for it does not mean you should. This fight should be with the county. None of us should even be here. He is a property rights person, so if the applicant followed the county rules and stayed with the county, they would not be standing there making a fuss.

Lisa Haden commented that the county rural transition allows for a maximum of eleven dwelling units on that property. The applicant made a perfect analogy and shopped the divorced parent's he will go with whoever gave him the better deal. When they bought their home, it was one dwelling per five acres. Now, all of a sudden, it is like a big eraser comes and everything changes.

Mayor Pederson asked for roll call.

The roll call vote was:

Commissioner Robuck	Yes
Commissioner Connell	No
Commissioner Burry	No
Mayor Pederson	Yes

Commissioner Robuck immediately changed his Yes vote to No.

Making the roll call vote:

Commissioner Robuck	No
Commissioner Connell	No
Commissioner Burry	No
Mayor Pederson	Yes

One yea, three nays, the Commission denied the ordinance.

Commissioner Robuck informed the audience that he would reintroduce this item at the next meeting on November 28th. As a member of the prevailing party, there will be another hearing about the same thing. **Mr. Henin** questioned if he would be allowed to respond to the comments from tonight. **Commissioner Robuck** stated he would need to hold those comments until the next hearing. **Mr. Henin** stated he thought he would have the opportunity to respond to what he heard. Unfortunately, there were many misconceptions and misstatements. Again, as he repeated many times before, there are misconceptions in the discussions about the wetlands. The process of wetlands and traffic are part of future permits. If you consider that stage, they need to bring them more information because there are a lot of comments and misconceptions. He would rather table this matter and bring in additional responses to what he heard along with appropriate information. **Mayor Pederson** asked if he would be ready by November 28th or if he would need an extension beyond the 28th? **Mr. Henin** replied that the 28th would work for him. **Mayor Pederson** stated that it is two weeks from tonight at 5:30pm. **Commissioner Robuck** questioned if they could do that. Could it be reintroduced at the next meeting and heard or does it have to be reintroduced and set for another date? If he were to have tabled it, they could definitely have set for that date. **CA Watson** answered that the better thing would have been to table it to a certain date. **Mayor Pederson** remarked to the audience that this is subject for a revote, but this is more procedural. Right now, it will come back before the commission because he has a right to bring it back. We are missing one commissioner and that is why Commissioner Robuck wants to bring it back. **PZD Miller** added that if this was postponed to a certain date it would not have to be readvertized. If it was postponed for two weeks, the applicant would have until this Friday as a deadline to get everything in for the next agenda. It

is a tight agenda deadline. We need to make sure the public gets to see everything that is being presented. **Mayor Pederson** stated that is why he questioned if two weeks was too fast. **PZD Miller** remarked that if he just responded, any information that came into his office could be shared with the public. That is how they handle that. If there is no new information and he is just responding, that is different. He should be okay. **Mr. Henin** answered that the response would introduce some comments, but they do not have plans yet. That is not the process. They will give a response related to the comments. **Mayor Pederson** asked him to speak about the facts of the property and if this is in a flood zone. He understands not developing in wetlands, but he did not realize that a portion of the property was in a floodzone. **Mr. Henin** stated they cannot build on floodzones. The St. Johns is responsible for that and they do not permit that type of thing.

CM Minner commented that just so everyone was clear for a prevailing vote on any issue to pass, it needs a majority of the city commission. A majority of the city commission is three votes in the affirmative. The initial vote on this topic was two to two and that is a fail vote. Commissioner Robuck then immediately changed his vote for parliamentary reasons to a no vote. The final vote was one in favor and three against. The motion fails again. In this case, however, Commissioner Robuck is a member of the prevailing party. The prevailing party can then have a vote at the next meeting to reconsider the vote. The sidebar that the city attorney and he just had was a quick discussion on proper protocol. With that vote and the opinion of that discussion was that Commissioner Robuck could duly come to the next meeting on the 28th and ask for reconsideration. If he does that, we will not be able to hear the matter on the 28th for two reasons. One, it presumes that the entire commission will agree with his recounting and, secondly, because of the public hearing nature of the context of this issue and we would need to make a public advertisement for a hearing. So, Commissioner Robuck has the option on the 28th to ask for a rehearing. However, Commissioner Robuck is smart and he understands parliamentary procedures, so now he will most likely ask for a superseding motion because we are still on this matter and we have not moved to the next one. He will ask the commission to table to a date certain. If the commission approves that, it would be a proper decision. If the commission rejects the tabling, then we are back at the three to one against vote and that would be the discussion. **Commissioner Robuck** reintroduced it. We can either rehear it on the 28th or we can vote it down. He would then bring it up at the next meeting and we would pick another date in the future. It does not matter to him. **CM Minner** remarked that it does matter if you want to vote on the matter.

Commissioner Robuck made a motion to reconsider the prior vote so they could have a public hearing on the 28th instead of in the future. **Mayor Pederson** passed the gavel to Mayor ProTem Burry. Commissioner Pederson seconded the motion.

Mayor ProTem Burry asked what the reasoning was for doing that. **Commissioner Robuck** replied so that the whole commission would be available to vote on the matter on the 28th.

The roll call vote was:

Commissioner Robuck	Yes
Commissioner Connell	No
Commissioner Pederson	Yes
Mayor ProTem Burry	No

Two yeas, two nays, the Commission motion failed to reconsider the ordinance.

8. An Ordinance amending the Future Land Use Map of the Comprehensive Plan of the City of Leesburg, changing the Future Land Use Map Designation of certain property containing 55 +/- acres from Lake County

Rural Transition to City of Leesburg Estate Residential, for a property generally located west of County Road 44 and south of East Treasure Island Avenue, lying in Section 01, Township 19 South, Range 25 East, Lake County, Florida; and providing an effective date. (Treasures Trove)

FAILED ORDINANCE 22-69

NOT HEARD DUE TO DENIAL OF ANNEXATION

9. **An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 55 +/- acres from Lake County A (Agriculture) to City of Leesburg PUD (Planned Unit Development) to allow a single-family residential subdivision for a property generally located west of County Road 44 and south of East Treasure Island Avenue, lying in Section 01, Township 19 South, Range 25 East, Lake County, Florida; and providing an effective date. (Treasures Trove)**

FAILED ORDINANCE 22-70

NOT HEARD DUE TO DENIAL OF ANNEXATION

10. **An Ordinance of the City of Leesburg, Florida, annexing certain real property consisting of approximately 1.09 +/- acres; and being generally located north of U.S. Highway 441, east of Waters Edge Drive, west of Mark Road, and south of Brittany Boulevard, lying in Section 19, Township 19 South, Range 25 East, Lake County, Florida; providing that said property so annexed shall be liable for its proportionate share of the existing and future indebtedness of said city; providing that such annexed property shall be subject to all laws and ordinances of said city as if all such territory had been a part of the City of Leesburg at the time of passage and approval of said laws and ordinances; providing that such annexed territory shall be placed in City Commission District 1; and providing an effective date. (Brittany Estates)**

ADOPTED ORDINANCE 22-71

Commissioner Burry asked that items 6.A.10, 6.A.11 and 6.A.12 be introduced and be read by title only. CC Purvis read the ordinances by title only.

Commissioner Burry made a motion to adopt the ordinance and Commissioner Robuck seconded the motion.

Mayor Pederson requested comments from the Commission and the audience.

Commissioner Burry remarked that he was in favor of this.

The roll call vote was:

Commissioner Connell

Yes

Commissioner Burry	Yes
Commissioner Robuck	Yes
Mayor Pederson	Yes

Four yeas, no nays, the Commission adopted the ordinance.

- 11. An Ordinance amending the Future Land Use Map of the Comprehensive Plan of the City of Leesburg, changing the Future Land Use Map Designation of certain property containing 1.09 +/- acres from Lake County Urban Medium Density to City of Leesburg Highway Commercial, for a property generally located north of U.S. Highway 441, east of Waters Edge Drive, west of Mark Road, and south of Brittany Boulevard, lying in Section 19, Township 19 South, Range 25 East, Lake County, Florida; and providing an effective date. (Brittany Estates)**

ADOPTED ORDINANCE 22-72

Commissioner Robuck made a motion to adopt the ordinance and Commissioner Burry seconded the motion.

Mayor Pederson requested comments from the Commission and the audience. There were none.

The roll call vote was:

Commissioner Burry	Yes
Commissioner Robuck	Yes
Commissioner Connell	Yes
Mayor Pederson	Yes

Five yeas, no nays, the Commission adopted the ordinance.

- 12. An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 1.09 +/- acres from Lake County RMRP (Mobile Home Rental Park District) and Lake County C-2 (Community Commercial District) to City C-3 (Highway Commercial) to allow dry storage for boats and trailers for a property generally located north of U.S. Highway 441, east of Waters Edge Drive, west of Mark Road, and south of Brittany Boulevard, lying in Section 19, Township 19 South, Range 25 East, Lake County, Florida; and providing an effective date. (Brittany Estates)**

ADOPTED ORDINANCE 22-73

Commissioner Robuck made a motion to adopt the ordinance and Commissioner Burry seconded the motion.

Mayor Pederson requested comments from the Commission and the audience. There were none.

The roll call vote was:

Commissioner Robuck	Yes
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Commissioner Connell	Yes
Commissioner Burry	Yes
Mayor Pederson	Yes

Four yeas, no nays, the Commission adopted the ordinance.

- 13. An Ordinance of the City of Leesburg, Florida, annexing certain real property consisting of approximately 3.42+/- acres; and being generally located south of West Main Street and east of Progress Road, lying in Section 29, Township 19 South, Range 24 East, Lake County, Florida; providing that said property so annexed shall be liable for its proportionate share of the existing and future indebtedness of said city; providing that such annexed property shall be subject to all laws and ordinances of said city as if all such territory had been a part of the City of Leesburg at the time of passage and approval of said laws and ordinances; providing that such annexed territory shall be placed in City Commission District 3; and providing an effective date. (Leesburg Small Bay)**

ADOPTED ORDINANCE 22-74

Commissioner Robuck asked that items 6.A.13, 6.A.14 and 6.A.15 be introduced and read by title only. CC Purvis read the ordinances by title only.

Commissioner Robuck made a motion to adopt the ordinance and Commissioner Burry seconded the motion.

Mayor Pederson requested comments from the Commission and the audience.

Commissioner Connell stated he had a conflict with these items. He would need to abstain from voting.

The roll call vote was:

Commissioner Burry	Yes
Commissioner Robuck	Yes
Commissioner Connell	Abstain
Mayor Pederson	Yes

Three yeas, no nays, one abstain, the Commission adopted the ordinance.

- 14. An Ordinance amending the Future Land Use Map of the Comprehensive Plan of the City of Leesburg, changing the Future Land Use Map Designation of certain property containing 3.42 +/- acres from Lake County Industrial to City of Leesburg Industrial, for a property generally located south of West Main Street and east of Progress Road, lying in Section 29, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date. (Leesburg Small Bay)**

ADOPTED ORDINANCE 22-75

Commissioner Burry made a motion to adopt the ordinance and Commissioner Robuck seconded the motion.

Mayor Pederson requested comments from the Commission and the audience. There were no comments.

The roll call vote was:

Commissioner Robuck	Yes
Commissioner Burry	Yes
Commissioner Connell	Abstain
Mayor Pederson	Yes

Three yeas, no nays, one abstain, the Commission adopted the ordinance.

- 15. An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 3.42+/- acres from Lake County HM (Heavy Industrial) to City of Leesburg M-1 (Industrial) to allow a warehouse for a property generally located south of West Main Street and east of Progress Road, lying in Section 29, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date. (Leesburg Small Bay)**

ADOPTED ORDINANCE 22-76

Commissioner Robuck made a motion to adopt the ordinance and Commissioner Burry seconded the motion.

Mayor Pederson requested comments from the Commission and the audience. There were no comments.

The roll call vote was:

Commissioner Burry	Yes
Commissioner Robuck	Yes
Commissioner Connell	Abstain
Mayor Pederson	Yes

Three yeas, no nays, one abstain, the Commission adopted the ordinance.

B. FIRST READING OF ORDINANCES

- 1. An Ordinance of the City of Leesburg, Florida annexing certain real property consisting of approximately 6.93 acres; and being 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; providing that said property so annexed shall be liable for its proportionate share of the existing and future indebtedness of said City; providing that such annexed property shall be subject to all laws and ordinances of said City as if all such territory had been a part of the City of Leesburg at the time of passage and approval of said laws and ordinances; providing that such annexed territory shall be placed in City Commission District 1; and providing an effective date. (Anglers AX)**

Commissioner Robuck asked that items 6.B.1, 6.B.2 and 6.B.3 be introduced and read by title only. CC Purvis read the ordinances by title only.

Mayor Pederson stated these items would lay over as they are first readings. He requested comments from the Commission and the audience.

Commissioner Burry questioned the PUD. It said there would be thirty-five percent open space. Does this meet the criteria at six point eight and does it still have enough room? **PZD Miller** replied that it actually does. Down at the southern end of the development where the marina is, helps a lot. **CM Minner** inquired if they were counting the marina as part of the thirty-five percent? **PZD Miller** answered yes.

Linda Kero, Bumblee Bee Lane, said she lives about half a mile away from this property. This is located right on Lake Harris. It seems to her that there was an awful lot of overbuilding going on. There is another issue with the property. It is dangerous to get out on US 441. The number of properties that are going to be there and the children having to catch a bus on US 441 to go to school. This property could be used better if Leesburg had to annex it. It should be over built like this. They should reconsider and look carefully at it.

Commissioner Burry asked how many units used to be on the property? **PZD Miller** replied they have some historical maps that go back to the 40s. He forgot the number of units, but it was over twenty. There were a lot of homes there. They have actual evidence of that in old aerial photographs. The busiest time was in the early nineties. This is six point nine three acres. It is generally located southwest of US 441 and east of Anglers Avenue. It is right behind the Goodwill Store. The request is to annex and change the future land use from Lake County Urban Medium Density to City of Leesburg, Low Density. They would like to change the designation from Lake County Planned Commercial to City of Leesburg Small Planned Unit Development. The request was for forty-seven single family detached and attached units. There would be twenty-seven detached and twenty attached. That comes out to a density of about six-point-six units an acre. They would have the darksky lighting design standards along with the gutter requirement standard. A fifteen-foot buffer would be along the east and west sides of the property. They have thirty-five percent open space and trees in each yard. The wetlands are protected and irrigation controlled. They have point-nine acres of recreational area shown on the site plan. It would include a weight room, swimming pool and boat docks. Mr. Solstis is here from the Land Planning Group of Mt. Dora.

Brian Solstis, LPG Urban and Regional Planners, Camp Avenue, Mt Dora, stated he was there on behalf of his clients to present this annexation, small scale comprehensive plan amendment, and rezoning. As a first reading for this property, it would go from a planned commercial/urban medium density of seven dwelling units an acre in the county to what they are proposing, which is low density residential. It would be eight dwelling units an acre. It is not a huge increase in numbers. They are proposing a small planned unit development (SPUD) to accomplish that. The site would include townhomes, three-story townhomes as well as detached bungalows. It would be held within a condominium association. Each unit onsite would have one boat slip. There are about twelve extra boat slips that would be available for rent to the individuals within that condominium association. It would all be maintained by the condominium association. **Commissioner Burry** wanted to clarify that he said three-story condominiums? **Mr. Solstis** said that was correct. The bungalows will be two stories and the townhouses will be three stories with the garage below them. **Commissioner Burry** asked if there would be ten on each side, the west and the north? **Mr. Solstis** answered there would be ten on the north and then five and five on the west. **Commissioner Robuck** asked if there were trailer parks on both sides? **Mr. Solits** replied yes, there is a

trailer park on the west side and a single-family home on the east side. Immediately across the small canal and marina, there is another trailer park.

Kera Singletary, Hunt Law Firm, South 9th Street, stated her discussion would focus on the potential legal ramifications of this annexation. There are several citizens here who will address the more practical concerns regarding the potential concept plan. At the last meeting there was discussion made about whether the property may or may not be covered by the ISBA. However, upon review of the ISBA, parcel number 1703735, which is the subject parcel, was not included in the covered annexation under paragraph 3.C. It was not listed in Exhibit B.1 or B.2. Accordingly, Paragraph 3.C.4 requires prior written approval from the county and that approval has not been given without demonstrating a direct link between the annexation and the creation of jobs or economic activity other than residential construction and that is from the ISBA. This property is specifically not subject to the agreement as listed in Exhibit A of that agreement. Also, in Exhibit B.1 there is a long list of parcel identification numbers and it was not included there either. Accordingly, under Florida Statute 744.0445, it is not allowed to create an enclave. This particular property, if it was to be annexed into the city, would create an enclave to the left, because it creates a pocket. A pocket could be big or small and the square footage or acreage of the pocket does not matter. Specifically, this was the case with the City of Center Hill, verses McBride, which is under the same 50.C.A. and the city is also bound to that. Therefore, she believes that the same ruling would apply. This would create a pocket to the left of that piece as it creates an unincorporated portion of the property. It is in a sea of incorporated property. The property to the left would be surrounded on all sides, with the exception of the lake, as an incorporated parcel. It would be an island in of itself. Accordingly, it would not meet statutory requirements and there is nothing in the ISBA that would otherwise exempt it. The agreement with the county requires that the city have prior written approval before such annexation. In the packet that she reviewed for tonight's agenda she saw no such prior written authorization. Additionally, the county would have to give consent by written authorization prior to this meeting and the county can only give the consent when the city demonstrates the direct link between the annexation and the creation of jobs or other economic activities. As she stated before, other than residential construction there is nothing in the concept plan that meets that classification. There are some concerns based on the presentation made about due process. Considerations of the amendments that were made to the application on the spot at the planning and zoning meeting, including the decreased height to a two-story, which she believes is reflected in the application, but not reiterated today by the engineer. As well as the additional requirements for secondary access that were not reflected in the meeting minutes in the packet that was received. To her knowledge, there is no indication of that in the packet. It does not appear that the prerequisites of Florida Statute 171.204 have been met nor have the consent requirements of Florida Statute 171.205 been met. Nor could they, as there had not been a referendum of more than fifty percent of the voting population of the city requesting the annexation. Based on that, she does not believe the annexation is appropriate and the commission should move forward with denial. She will reiterate the same comments at the second hearing.

CA Watson wanted to point out to the commission that this is a voluntary annexation, which falls under Florida Statute 171.044, which is a different procedure. It only requires that the property be contiguous and compact. So, that would be the criteria we are looking for. He was not sure what Ms. Singletary was referring to. **Ms. Singletary** rebutted 171.044, which is voluntary annexation under Section 5, specifically states that land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves. That is addressed in the case of the City of Center Hill, verses McBride. That also addresses the issue of pockets. **CA Watson** asked about the annex. Is it her position that the annexation of this parcel creates an enclave or does the enclave already exist? **Ms. Singletary** replied that the enclave does not currently exist as it stands right now. **CM Minner** wanted to know how she determined this parcel was not part of the ISBA? **CA Watson** replied that he thinks she said the alt key number was not on the list. That the exhibit has a list of applicable alt key numbers and this one was

not there. **Commissioner Burry** questioned if the properties to the east of this property are listed as being in our ISBA? **Ms. Singletary** replied not to her knowledge. **Commissioner Burry** stated he thought it went all the way over to Dead River. **Ms. Singletary** said the ISBA that she received as a public records request specifically indicated from the meeting held on October 20th that the ISBA provided to her by both the city attorney as well as the city clerk said that this property was not listed. If there is another ISBA that the city has, she would be happy to review it. **CA Watson** added that he was not aware of another ISBA aside from the South Lake. He was not one hundred percent sure that an enclave did not already exist on this parcel. He thinks there may already be one because there are city properties south of US 441 and all these parcels are already blocked in by municipal properties. **Commissioner Robuck** stated that there needs to be more research done prior to the second hearing. **Mayor Pederson** inquired what was between this property and US 441. He thought it was all city commercial. **CA Watson** replied it is all city property. **Ms. Singletary** replied there are some pieces of property along US 441, but there are other properties that are not. **Mayor Pederson** stated it would adjoin a city-owned property to the north. **CA Watson** remarked the question is about compactness and contiguous. If you look at the criteria for compactness, enclaves are considered within the definition of compactness. **Ms. Singletary** said she disagreed. She had the case information to support that. **CA Watson** said that the definition of compactness means "concentration of a piece of property in a single area and precludes any action which would create enclaves", so like he has said, the issue is contiguous compactness within compactness is the issue of enclave creation. We are saying different things, but at the end of the day we are saying the same thing. That enclave creation is not something that can happen if the annexation creates an enclave. That would violate the statute, so the question is whether or not the annexation would create an enclave. He is not sure and he is not sure that an enclave may not already exist. What **Ms. Singletary** said she is correct that enclaves are something that cannot be created through annexation and that would be a violation of the voluntary annexation statute. **Mayor Pederson** inquired if it was currently an enclave in her opinion. **Ms. Singletary** said no. Her opinion is that there is no enclave and the annexation of this particular property would create one. **Commissioner Burry** asked if the county property goes all the way down to the Dead River? **Ms. Singletary** said she was not sure how far down it went. **Commissioner Burry** said then it would be an enclave because the river stops it. **Commissioner Robuck** said that the city attorneys need to dig into this further before the next meeting. **CA Watson** remarked that **Ms. Singletary** brought up an issue that is certainly interesting. We need to be mindful of the voluntary annexation process because, even though it is voluntary, we cannot create enclaves. The city needs to be contiguous and compact without creating an enclave. **Mayor Pederson** stated they will let the attorneys have fun with this one. **PZD Miller** stated the only other thing he would add to this is that under ISBA Section 3.C.ii pursuant to Section 171.0464 Florida Statute, the county can consent to the annexation of any enclave or the creation of any enclave which is the result of an annexation as long as the city provides the services. In addition to that, with ISBA there is a list of specific alt keys for ISBA and ISBA includes a map. That map includes other parcels that were not included on that list. So, it is a legitimate question, but he wanted to point that out. **CM Minner** stated we need to look at this and if it is actually creating an enclave. We need to understand the legal argument, so we cannot do a regular 171 type annexation if the opposing sides' counsel is interpreting the ISBA exhibits correctly. The ISBA exhibits, B1 and B2 outline the boundaries of ISBA, but that interpretation means that it is not specifically listed as an alt key. We will go back and look at that. His inclination because of other issues that are going on is that alt keys are going to be listed in areas that are up next to other ISBA's and we further delineated those out. Whereas in this specific case, there really is no other challenge from another community. That is in fact our ISBA territory because the border of the ISBA in that area is the lake. His kneejerk reaction is that the latter, in fact, is covered in the ISBA and that those specific exhibits that were referenced are not referenced correctly, but the city attorney will look into that. **CA Watson** mentioned that is correct and if it is covered by the ISBA then enclaves are not an issue because they are clearly allowed under the ISBA. **CM Minner** added that the planning and zoning director will be reaching out to another portion of the ISBA that specifically says that if we forgot

anything and if you create an enclave it is okay. We may be incorrect about that interpretation, but those are the things we will look at. We will have a reasonable response by the second reading.

Alexis Swarsky, Halloway Drive, stated she lives in a fifty-five plus community that abuts this property. It is her opinion and that of many of her neighbors that this project will have a profound negative impact on the environment, natural resources and the Lake Harris shore line. For an area that refers to itself as the Lakefront City, this project displays a callous disregard for all the above. There are so many ambiguities in this program that it is hard to know where to begin. In reviewing the master development plan which she received from the city for the Lake Harris Acquisition Group, she had questions about the vague language used to describe the plan for the project. In numerous places of the master plan, the developer states that when there is conflict with the City of Leesburg, city ordinances, the master development plan submitted by the developer shall prevail as the determining requirement. There are frequent references that the plan is conceptual and not actual. It states there may be other design variations that may be approved at the builder's discretion. For example, the building materials listed are brick, stone, stucco and something called manufactured strip siding. The choices are at the discretion of the builder. Another thing is the design of the buildings. The developer has five of fifteen elements listed as decorative elements for buildings and they include bay windows, couplers, shutters, dormers, door fronts, front windows and porches. The choice of which design elements are used will be used at the builders' discretion. She does not know if you can build a house without eaves, front windows and a front door, that covers three of the five design elements that they list out of the fifteen. With the landscaping, the master development plan goes to great detail to say that there will be an "x" number of feet between the trees and the bushes will be an "x" number of feet high and wide. However, it says the developer can review the landscape plan and adjust plantings as needed. If that is the case, then what is the point of mentioning it at all? There are so many discrepancies. When she looked at the file from the city, there was no research done. There were no studies or impact papers. If this is the standard practice where you give a builder a cartbunch and check it later to see if it fits into a community, they deserve better, Lake County deserves better. They did not build this way fifty years ago. We have learned better and if you know how to do better, you should do better. They are concerned that this will become a low income section eight housing development. There is no need for a three hundred to four hundred thousand dollar unit. This is only twelve hundred square feet in size and it overlooks the back of Goodwill.

Timothy Thompson, Halloway Drive, said he lives in the Hiway Mobile Park. There is no way they can take on any more traffic in this area. He does the maintenance there between the beach and the highway. Their property is located right in the middle. He counts thirty-five hundred cars a day going past the development. They have Starbucks, Steak and Shake, and Goodwill. There is also an oil change, but there is only one exit for them to get out and it is located at Starbucks. It is backed up all day, everyday onto US 441. The past two weeks there have been almost two accidents with people running the stop sign at Good Will. There is no room to add another one hundred and fifty more cars. He invited everyone to come out and look at the property. See what the developers are planning to put up because it does not suit their community.

Sam Rahrig, Halloway Drive, stated it hit her when she was sitting listening to the Bar-Key Grove. That, with seven hundred and seventeen acres, they are going to put two point three houses per acre. With Anglers Avenue, this area is six point nine acres and they are considering putting in forty-seven houses. If you do the math, it should only be sixteen here, so it is hard for her to imagine. They are proposing a high end community with forty-seven compressed units in a single family dwelling on six point nine acres. The same type of proposal was given not very long ago in Leesburg point-nine miles down the road. It was going to be a high-end family townhouse community with a pool and boat docks. It was to include walking trails and it was to be a gated community. Those townhouses failed within three years. Now the pool is permanently closed and the gate has been removed. Each unit has three to four cars

parked in the street. She drove by and took pictures of it. There are garbage cans sitting at the curbsides, spilling over and there are no compactors there. There are broken garage doors with graffiti on the sidewalks. This was to be a high end proposal that they could not sell. Now they are rental units. They are at market value. They have horrible reviews and if you drive through there and look at them. There is non-existent management. There is a massive boat dock that is an eyesore. It has been closed since 2008 because of vandalism and theft. It was supposed to be a wonderful thing and now it is abandoned. There have not been any boats there in over ten years. It is an eyesore in Lake Harris. This is Lake County and we are known for our lakes. They are not opposed to three or even four single family homes going into this small compressed area. It has magnificent oak trees and it is picturesque. It is old Florida and there is a lot of wildlife. She challenged everyone to come and look at this location, walk through it.

Derirdre Griffin, Holloway Drive, stated she resides in a single-family home. It is zoned R-1. They have the most substantial property line compared to anyone else. There is a fifty-five and up community that surrounds their R-1 and that is part of Lake County. The Anglers Resort had thirteen homes when it was demolished. She has pictures of when it was destroyed. They have been living there for nine years. They used to manage the property, the Lake Harris Acquisition Group. They used to have fireplaces, kitchens and dinettes. One thing she wanted to bring up was how they were saying it was going to be high-end. She keeps hearing that, but these are the same people that own it and they own Arise Property Management LLC. She has a list of all their LLC properties from the last twenty years. They are all rentals. They do not have anything that is homeownership. They are properties that they manage. They have no intentions of constructing a high-end development. This will end up being rented out. This is six point eight acres and it used to be owned by the same person who did the retirement community. If you add it up, it would be forty-four units. That is less density than what they are trying to do and that was 1960s standards. She tinkered around with her autocad and by the time she started doing setbacks, eleven of them were immediately cut off and that was without her adding any type of retention. With the density, if it was to go to what the standards are now, which is not single-family or single wides then it draws it down. It would not be the same density. Two stories will take away every ounce of their privacy. They will not be able to live the same way they do now without everyone staring down on them. She showed a rendering of her chainlink fence and the marina where the developer is proposing eleven two-story houses. They will face right down on them. Every ounce of their privacy will be gone. She would be happy to supply pictures and numbers.

Daniel Howard, Holloway Drive, said he, his wife and his two boys live in a single-story masonry home that shares the eastern seven hundred and four foot property line of the proposed PUD annexation parcel. They have lived there for nine years. Both neighboring county parcels have longer property lines than the city goodwill property line, making it not a substantial property line for the continuous boundary annexation. The city has not annexed a parcel out this way since 2002. The previous parcels were for heavy commercial and nothing for residential use. The annexation is inconsistent with the county or city comprehensive plans. There should be some tiered zoning between the PUD and the R-1. If this is such a great project for the lakeshore and the community, he would like to know why the owners of the parcel have not shown up for either of the hearings. He did some calculations the other day and used the Lowes building down the street for the measurements. That building measures five hundred and sixty-eight feet by three hundred and twenty-five feet. That is approximately one hundred and eighty four thousand six hundred square feet. It sits on eighteen point five acres. He calculated the building envelope of the parcel next door and used county setbacks and the building envelope measures four hundred and two by four hundred and nine feet, which is one hundred and sixty four thousand square feet or roughly three point seven six acres. That is twenty thousand less square feet than the inside of a Lowes building, just for the building envelope. So, almost half an acre smaller and now they are going to try cramming forty-eight units, streets, retention ponds and a hundred or more cars inside of that Lowes store just for a size comparison. It is a really small lot. That does not sound high-end. There is nothing built like that

anywhere around here. Maybe in Orlando or Miami, but not here. There is nothing consistent with this along any shoreline in Lake County. There are currently no two-story buildings or homes in the area or along the waters' edge of Lake Harris on the northside. The proposed multi-unit buildings have some discrepancies and they should be switched from three stories. There will be big giant buildings taller than two stories and those will be a big eyesore for anyone boating or living across the lake. Currently, there are three easements to get back to the proposed parcel. The easement of grants is approximately twenty-one feet by three hundred and fifty feet for egress and ingress. The current residents have to use the driveway and the proposed one hundred additional vehicles will overdue this area.

Mr. Solstis stated some of the comments mentioned tonight were simply factually incorrect. For one, there will be a condominium association and it will not be for rent. It is unequivocally not true and he would like to correct the record on that. As for the prices of the units, they will be upwards of four hundred thousand dollars for the bungalows and townhomes. On site, he met with Mr. Howard and he thought they had a productive conversation. He met with him for about an hour and a half. There was no indication at that time that he would be against the project. They actually had discussed adding an eight-foot wall all along the north-south property line to which he guessed is no longer a concession being asked for. The density within the immediate area is absolutely equivalent to the respective densities, and taking the Lake County Property Assessors' data, the property to the left does have more units than what was said tonight. There are currently forty-six. That is what is shown in the assessors' data. He would like that correction made as well.

Mayor Pederson thanked everyone for their comments. He stated all three items would lay over.

2. **An Ordinance of the City of Leesburg, Florida amending the Future Land Use Map of the Comprehensive Plan of the City of Leesburg, changing the Future Land Use Map Designation of certain property containing 6.93 +/- acres from Lake County Urban Medium Density to City of Leesburg Low Density, 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. (Anglers SSCP)**
3. **An Ordinance of the City of Leesburg, Florida changing the zoning on approximately 6.93 acres from Lake County CP (Planned Commercial) to City of Leesburg SPUD (Small Planned Unit Development) to allow for residential development on 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. (Anglers SPUD)**

C. NON-ROUTINE ITEMS

1. **None**

7. INFORMATIONAL REPORTS:

The following reports are provided to the Commission in accordance with the Charter/Ordinances. No action required.

A. None

8. CITY ATTORNEY ITEMS:

CA Watson had nothing to report on this evening.

9. CITY MANAGER ITEMS:

CM Minner had no further comment this evening.

10. ROLL CALL:

Commissioner Burry had no comment this evening.

Commissioner Connell jokingly said he had about ten items he would like to discuss. He then said he had nothing further.

Commissioner Robuck said the city supports three nonprofits that probably would not exist without the city's help in the downtown area. They all do a great job. The Chamber, the Center for the Arts, and the Leesburg Partnership. The Center for the Arts has a financial fraud issue happening at the moment and right now he does not have a lot of confidence in that board. However, he does have a lot of confidence in the work that has been done. He does not think the city should say you have to do this, but he does not think we have to bend to oversee all these organizations because, technically, we are on the board. Right now, we have two functioning organizations that work well together. The Leesburg Chamber and Leesburg Partnership. They both did the chili cook-off together. The city should say, hey, we are not telling you what to do, but it would be nice if all the boards could meet to see if there was a way that they could be one big non-profit downtown. That way, the city would not be hit by three donations. We would still invest the same amount of resources, but we could appoint the city manager to spend some time to see if it would work. It may not work, but he has been approached by members of both boards saying it would be really nice if the city could maybe give them a nudge. He thought he would ask because they thought it would be good if they could all meet. They do not have to and we are not telling them what they have to do, but maybe it could be talked about. **Commissioner Burry** wanted to clarify that there would be the Leesburg Chamber, the Leesburg Partnership and the Center for the Arts. **Commissioner Robuck** said yes. The Center for the Arts does not have an executive director right now, but if a board member wants to be there, that would be important.

Mayor Pederson had nothing to discuss tonight.

11. ADJOURN:

PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE HUMAN RESOURCES DEPARTMENT, ADA COORDINATOR, AT 728-9740, 48 HOURS IN ADVANCE OF THE MEETING.

F.S.S. 286.0105 "If a person decides to appeal any decision made by the Commission with

respect to any matter considered at this meeting, they will need a record of the proceedings, and that for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." The City of Leesburg does not provide this verbatim record.

The meeting adjourned at 9:43 p.m.