

**AGENDA
CITY COMMISSION MEETING
CITY HALL, 501 W MEADOW STREET
MONDAY, APRIL 10, 2023 5:30 PM**

1. CALL TO ORDER

INVOCATION

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

2. PROCLAMATIONS:

A. National Public Safety Telecommunicators Week

3. PRESENTATIONS:

A. None

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.

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

A. CITY COMMISSION MEETING MINUTES:

1. Regular meeting held March 27, 2023

B. PURCHASING ITEMS:

1. None

C. RESOLUTIONS:

- 1. Resolution of the City Commission of the City of Leesburg, Florida delegating authority to Modify the variable index rate on certain outstanding obligations from LIBOR to a Substitute Rate; and providing for an effective date for this Resolution.**
- 2. Resolution of the City Commission of the City of Leesburg, Florida accepting an Automatic Aid Agreement for Fire Protection and Other Emergency Services between the City of Tavares and the City of Leesburg and more particularly described in the document; and providing an effective date.**
- 3. Resolution of the City Commission of the City of Leesburg, Florida, accepting a Corrective Utility Easement to the City of Leesburg from John and Lisa Somerville, for the purpose of correcting the location of the easement and granting the City an Easement over the property described therein; and providing an effective date.**
- 4. Resolution of the City Commission of the City of Leesburg, Florida, accepting a Utility Easement to the City of Leesburg from DRJ Land Company, LLC, for the purpose of granting the City an Easement over the property described therein, together with the Joinder and Consent to Utility Easement from Truist Bank joining and consenting to the Utility Easement; and providing an effective date.**
- 5. Resolution of the City Commission of the City of Leesburg, Florida, amending the Fiscal Year 2022-23 Budget for the General, Carver Heights CRA, Capital Projects, Gas, Water, Gas Tax and Fire Impact Fees Funds for the Second Quarter; and providing an effective date.**

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

A. SECOND READING OF ORDINANCES

- 1. None**

B. FIRST READING OF ORDINANCES

- 1. An Ordinance of the City of Leesburg, Florida, annexing certain real property consisting of approximately 33.45 acres; and being generally**

located east of County Road 48 and west of Haywood Worm Farm Road, lying in Sections 14 and 15, Township 20 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. (Sundance AX)

2. An Ordinance amending the Comprehensive Plan of the City of Leesburg, changing the future land use designation of certain property containing 33.45 +/- acres from Lake County Regional Office to City of Leesburg Industrial, for a mixed use development on a property generally located south of County Road 48 and west of Haywood Worm Farm Road, as legally described in Section 15, Township 20 South, Range 24 East, Lake County, Florida; and providing an effective date. (Sundance SSCP).
3. An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 33.45 acres from Lake County A (Agriculture) to City of Leesburg PUD (Planned Unit Development), to allow for a mixed use development, for a property generally located south of County Road 48 and west of Haywood Worm Farm Road, as legally described in Section 15, Township 20 South, Range 24 East, Lake County, Florida; and providing an effective date. (Sundance PUD)
4. An Ordinance amending the comprehensive plan of the City of Leesburg, Florida, changing the future land use map designation of certain property containing 8.03 +/- acres from Medium Density Residential to High Density Residential, for a multi-family development on a property generally located south of Park Holland Road and east of Picciola Road as legally described in Section 15, Township 19 South, Range 24 East; Lake County, Florida; and providing an effective date. (PMF Leesburg SSCP)
5. An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 8.03 acres from PUD (Planned Unit Development) and C-3 (General Commercial) to SPUD (Small Planned Unit Development) for a property generally located south of Park Holland Road and east of Picciola Road, as legally described in Section 15, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date. (PMF Leesburg PUD)

C. NON-ROUTINE ITEMS

1. Resolution of the City Commission of the City of Leesburg, Lake County, Florida, (I) Providing for Authority; (II) Providing for the incorporation of certain findings, defined terms, and general provisions; (III) Approving

and authorizing the execution of an All-Requirements Project Solar III Energy Participation Agreement between Florida Municipal Power Agency (ALL-REQUIREMENTS POWER SUPPLY PROJECT) and the City of Leesburg for an additional Phase III Solar Rate Commitment, Providing for the making of payments pursuant to such All-Requirements Project Solar Energy Participation Agreement, and making certain covenants in conjunction with such payments; (IV) Requesting a number of additional Megwatts of Capacity and Energy from the Solar PPA which will serve as the basis for the calculation of each ARP Solar Participant's Additional Phase III Solar Rate commitment and authorizing the Authorized Officer of the City of Leesburg to approve a Final Phase III Solar Rate Commitment; (V) Authorizing the inclusion of such Final Phase III Solar Rate Commitment in the Solar PPA between Florida Municipal Power Agency (ALL-REQUIREMENTS POWER SUPPLY PROJECT) and the Seller; (VI) Providing for this Resolution to constitute a contract; (VII) Designating authorized officers of the City of Leesburg, designating authority of authorized officers, and providing for further actions; (VIII) Taking of other actions; (IX) Providing for severability; and (X) Providing an effective date.

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:

9. CITY MANAGER ITEMS:

10. ROLL CALL:

11. SUSPEND REGULAR MEETING

12. OPEN the CLOSED ATTORNEY-CLIENT SESSION

13. EXIT all BUT THE FOLLOWING INDIVIDUALS:

A. Jimmy Burry - Allyson Berry - Jay Connell - Mike Pederson - Alan Reisman - Mark Brionez - Stephanie Brionez - John Metcalf - Al Minner - Court Reporter

14. END CLOSED SESSION and REOPEN COMMISSION MEETING

15. 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.

**AGENDA MINUTES
CITY COMMISSION MEETING
CITY HALL, 501 W MEADOW STREET
MONDAY, MARCH 27, 2023 5:30 PM**

1. CALL TO ORDER

The City of Leesburg Commission held a regular meeting on Monday, March 27, 2023, at Leesburg City Hall. Mayor Burry called the meeting to order at 5:54 p.m. with the following members present:

Commissioner Allyson Berry
Commissioner Jay Connell
Commissioner Mike Pederson
Commissioner Alan Reisman
Mayor Jimmy Burry

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 Burry gave the invocation followed by the Pledge of Allegiance to the Flag of the United States of America at the Greater Leesburg CRA meeting held immediately prior to this meeting.

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

2. PROCLAMATIONS:

A. Water Conservation Month

Mayor Burry read a proclamation declaring April 2023 as Water Conservation Month. Calling upon all members of our community to help preserve this precious resource by practicing water-saving measures and becoming more aware of the need to save water.

3. PRESENTATIONS:

A. September 30, 2022 CAFR Review by MSL

Joel Knopp, with MSL, provided a brief review of the city's annual comprehensive financial report (CAFR) ending September 30, 2022. The audit went as planned with clean opinions. There was a letter in the agenda that references the required communications. He pointed out that the auditors received full

cooperation from management and there were no significant findings. They really appreciate the city staff and their cooperation in helping to complete the audit.

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.

Michael Rankin, managing partner for LPG, stated that two weeks ago this body gave him, Mr. Cantrell, and Barry Mansfield a 60-day opportunity to sharpen the pencil on the Lee School property and they are in the process of doing that. They are working towards a plan to bring back in the next couple of weeks. They listened and are working to do their best to keep the city manager apprised of the direction they are going and then will be prepared, as quickly as possible, perhaps a month from tonight, to propose the final plan. He thanked the commission for graciously granting them the extension.

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

Item pulled for discussion:

5.C.5 - Repealing Resolution 11,284; and executing an agreement to accept TDC grant funding from Lake County

Commissioner Pederson moved to adopt the Consent Agenda except for 5.C.5, and Commissioner Reisman seconded the motion.

The roll call vote was:

Commissioner Connell	Yes
Commissioner Reisman	Yes
Commissioner Pederson	Yes
Commissioner Berry	Yes
Mayor Burry	Yes

Five 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 March 13, 2023

B. PURCHASING ITEMS:

1. **Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a Task Order with Dewberry Engineers, Inc. for professional design services for the Walmart Watermain Loop Project; and providing an effective date.**

ADOPTED RESOLUTION 11,285

2. **Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute Amendment One with Halff Associates, Inc. to an existing Agreement; and providing an effective date.**

ADOPTED RESOLUTION 11,286

C. RESOLUTIONS:

1. **Resolution of the City Commission of the City of Leesburg, Florida, accepting and approving a plat for Fox Pointe at Rivers Edge, a subdivision of the City of Leesburg, Florida, being a portion of Section 14, Township 20 South, Range 24 East, Lake County, Florida, and accepting and dedicating to the use of the public any easements or public places shown thereon as being dedicated to the public; and providing an effective date. (Fox Pointe Plat)**

ADOPTED RESOLUTION 11,287

2. **Resolution of the City Commission of the City of Leesburg, Florida, accepting and approving a plat for Villages of West Lake Unit No. 75, a subdivision of the City of Leesburg, Florida, being a portion of Section 16, Township 20 South, Range 24 East, Lake County, Florida, and accepting and dedicating to the use of the public any easements or public places shown thereon as being dedicated to the public; and providing an effective date. (Villages of West Lake Unit No. 75)**

ADOPTED RESOLUTION 11,288

3. **Resolution of the City Commission of the City of Leesburg, Florida, accepting and approving a plat for Villages of West Lake Unit No. 77, a subdivision of the City of Leesburg, Florida, being a portion of Section 16, Township 20 South, Range 24 East, Lake County, Florida, and accepting and dedicating to the use of the public any easements or public places shown thereon as being dedicated to the public; and providing an effective date. (Villages of West Lake Unit No. 77)**

ADOPTED RESOLUTION 11,289

4. **Resolution of the City Commission of the City of Leesburg, Florida establishing the special events venue area for the Annual Leesburg Bikefest event, taking place April 28-30, 2023; and providing an effective date.**

ADOPTED RESOLUTION 11,290

5. **Resolution of the City Commission of the City of Leesburg, Florida, repealing Resolution No.11,284; authorizing the Mayor and City Clerk to execute an agreement to accept a TDC grant between Lake County, Florida, and the City of Leesburg; and providing an effective date.**

ADOPTED RESOLUTION 11,293

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

Commissioner Pederson made a motion to adopt the resolution and Commissioner Reisman seconded the motion.

Mayor Burry requested comments from the Commission and the audience.

Commissioner Connell said his comments would tie into the item that is at the end of the agenda. His understanding was that the TDC grant with the County would tie into a joint JPA. He does not think the city should get arm twisted because we could possibly compromise our future growth by satisfying the county over a grant of one million dollars for Susan Street. This is not in the city's best interest. He recommended temporarily tabling Susan Street until we find additional money. We should not let the county do this to us and compromise our future growth. **Mayor Burry** said there was a meeting with the County that they would talk about later and this does have little to do with that. There were a couple of meetings and one meeting was requested by County Commissioner Kirby Smith to specifically address House Bill 1171, which will be talked about later. At that meeting there was no mention of the TDC grant. At the second meeting, which was requested by Commissioner Parks, both he and the city manager attended, and at that meeting Commissioner Parks did not indicate it was the board's decision in any way. He did indicate that for him our lack of participation in discussing JPA agreements would coincide with him not supporting the TDC grant. **CM Minner** agreed. **Mayor Burry** continued by saying to be clear, he did not get the opinion that it was not the whole board's opinion, just his. There are five commissioners that will get a chance to vote on this, but that was Commissioner Park's opinion. **Commissioner Connell** did not want to approve this on the condition that we join this JPA with them. He would rather not have the money than do that to the city. **Mayor Burry** responded by approving this item, it would not include the JPA. **Commissioner Connell** said the county did not accept the city's recommendation. They wanted to tie it to hotel rates, which were modified at the last meeting, and the county rejected that. They do not play ball with us at all. **CM Minner** said for clarity the two issues seem to be tied but they are separate. Some of the Board of County Commissioners are concerned about where the city is at with respect to the Joint Planning Agreement (JPA). The mayor specifically asked that this body talk about that and that item is at the end of the agenda. It is important that this body have a good discussion on that because this body has changed since the election of Commissioners Berry and Reisman. It is important that this body publicly discuss the JPA and give him clear direction so the county knows that he speaks on behalf of the entire city commission. With the TDC money, at least one of the county commissioner's comments does come into play. With the TDC grant that was approved at the last meeting, there were discussions about their fiduciary responsibility on how to spend TDC money.

TDC grant money is derived from the heads in bed tax that is paid when you stay at a hotel. It goes to the state and then back to the county where the hotels are located. In Leesburg, about thirty to forty percent of that TDC revenue is generated from our community and that has an impact on our general fund. The TDC dollars generated from an average night's stay in Lake County is about eighty-five dollars a night. If we multiply the number of rooms in Lake County by twenty-five to twenty-eight hundred and then multiply that by three hundred and sixty-five days a year, that brings you to the formula. The amount is about three million dollars. The revenue of TDC dollars in Lake County is somewhere between 2.8 to 3.2 million dollars. It can be argued that the room nights in Lake County have peaked because they are generating close to the maximum revenue that the county can generate when considering the number of rooms in Lake County. The TDC Committee is appointed by the Board of County Commissioners, BOCC. There are two ways that money can be spent. It can be spent on capital projects or advertising events which bring in heads in beds. The county has grappled with that issue for some time, at least over the last five years. For a while there was a moratorium put on some of the TDC money due to covid. There was an internal argument at the county about this, but that argument ended and in the last few grant applications for the city they included a clawback provision. When we received the six hundred thousand dollars for the boardwalk along Ski Beach, an argument came up and at that time the BOCC did not take the recommendation, so they did not put a clawback provision in it. Obviously, the million dollar request for Susan Street is a capital project and the discussion came up again and the BOCC seemed to be listening a little more to the recommendations from the TDC, which was to include a clawback provision. Back in October, when he and the recreational director were at the county, Commissioner Reisman was there in his pre-election mode and they listened to the arguments. The argument was that the City of Leesburg certainly understands the fiduciary responsibility of the TDC's recommendation to the BOCC about spending tax dollars wisely. Our recommendation, however, was to have a clawback provision because that is part of an elected official's fiduciary responsibility. We respect and understand that, but if we tie it to the heads in beds tax, no project in Lake County, whether it is a City of Leesburg project, a county project, or any other municipal corporation's project in Lake County, they will not see that revenue rise because hotel rooms are capped. We did not come up with a model of how to measure that, but the recommendation from the TDC that went to the BOCC, said before any money is issued we needed to come up with a model. That is paragraph six of the agreement. The big point of the discussion was the model and the county wants to do it in two steps. They want to approve the agreement with the clawback provision which is paragraph six. It is called performance measures and reimbursement. That provision says that Lake County and the City of Leesburg will further discuss how to come up with a principle. The agreement that was approved at the last meeting had a couple of minor revisions in the agreement. It also included Schedule A, which was a proposal on how to measure the clawback provision. Since the direction was to approve the agreement and to make Schedule A part of the agreement, both documents would be returned to the county for execution. They had issues with the directive because the original agreement was slightly modified by the city. At the last meeting, they essentially put the wrong agreement before them and the county respectfully requested that their agreement as written be considered by this body and that is before them now. It is pretty much the same. He recommended that they approve that agreement and the city would transmit the draft of Schedule A with it. Schedule A looks exactly the same as they saw it except it has the title header of the agreement which reads the City of Leesburg in Lake County. The city attorney reviewed it and agreed that it was substantially the same form as Exhibit A. He asked that they approve the agreement as written. The commissioners' concerns about quid pro quo with the county are certainly reasonable. The concern of moving forward with a multi-million dollar project is reasonable, but the majority of the commission that voted on this stated that Susan Street is a marquee project and it was made a priority. He recommended moving forward with this. Missing out on a million dollars from not receiving the grant would certainly put a kink in the project's funding. If that happens, there is some time and they will continue to move on with the design and planning. Hopefully, by summer we will have the TDC clawback provision ironed out and approved by both bodies. The reason for the two-steps from the county is because they want the

TDC's opinion on it too. They want to submit the draft to the TDC for comment. After that, the BOCC will deliberate on it. It is pretty similar to the things this body does when they seek opinions from the advisory boards. That was a reasonable request. At the end of the day, if we do not get the grant, we will need to find other sources of funding. There are healthy reserve levels and we are reviewing other grant funds with DST monies for the future. He did not want to discuss our financial position while asking the county for a million dollars. We would indicate that the improvement is a county-wide improvement and the county would benefit from it too. Along with businesses, all will benefit from these TDC dollars. It is difficult to determine that because there is a regional impact. He wanted everyone to know that they stressed the importance of the Susan Street project to the TDC board and that the project focuses on bringing people into Lake County and the region in down times like summer. There are lots of heads in beds from Labor Day through Easter (September through April). A lot of people come to Lake County for various reasons and then it slows down in the summertime. Part of the goal is to bring people in during the summertime. He encouraged the approval and they would work quickly to iron things out. He asked them to enter into this agreement even though it is a little open-ended because of the magnitude of this project. **Commissioner Connell** said there should be an understanding with the county about what we are willing to agree to before making a motion to agree. He would like to know what parameters are set and what is up for a vote tonight, including the performance measures that would satisfy the grant requirements. **CM Minner** replied that the performance measures submitted to the county for their review concerned the number of events that would be conducted at the facility once it is fully constructed and operational. They would lay out the layer of events between local, regional, and summer events. They would define what each one is and then award each a point for the event. Based on that point-summary, at the end of the five-year period, that would be the ratio of how we pay back. If we get eighty-eight to one hundred percent, then we pay back nothing. Then it claws back all the way to where we will have to pay back the full amount. At the end of the five-year period, once we have met the initial measuring stick and the parameters of the clawback provision have been met, it will no longer be. It will be null and void and we will move forward in perpetuity. **Commissioner Connell** asked if that was what they proposed to the county and they rejected it? **CM Minner** said no, he did not believe the provision was submitted. **Commissioner Connell** wanted to know what was kicked back. **CM Minner** replied that the county asked them to review the TDC grant agreement. They asked that we do the grant agreement first and then do the supplemental agreement pursuant to paragraph six. So before them is the TDC agreement. If we are awarded one million dollars, paragraph six says, in the future, they will mutually agree to an agreement on how to make a clawback provision. **Commissioner Connell** wanted to know if the agreement would be agreed upon prior to the city receiving the money. **CM Minner** said no, the provision for the clawback would be done subsequent to the agreement and accepting the TDC dollars. **Commissioner Connell** did not think we should take anything until there is an agreement that is workable. What happens if we take the money and then find out we cannot come to terms with the county? **Mayor Burry** remarked that currently the county would like to see heads in beds as a marker of how successful we are. We do not want to have heads in beds because the heads in beds are already maxed out. **CM Minner** replied in all fairness to the BOCC they have not really talked about what they want to see as a clawback provision. By asking the city to make the agreement in this fashion, the BOCC seriously wants to consider a clawback provision. The argument right now at the TDC Advisory Board level, with there being nine people on that board, is that the opinions about the clawback provision are all over the place. It is important to understand the composition of that board. There are three hoteliers appointed by the BOCC, then there are members from the largest city and another city. There is a BOCC representative and a couple of others. The main discrepancy in the clawback provision is coming from a small minority of hoteliers on the TDC Advisory Board and there are some open opinions on the TDC Board about how to measure that performance. The BOCC wants to iron this out and there has been trepidation at the county level about these capital improvement TDC requests for some time. Lately, Leesburg has been one of the more aggressive ones asking for TDC money, so we are the guinea pigs. If this body was giving those types of monies, you would want that fiduciary responsibility, so it is a

reasonable question as long as we get it defined right. The other provision about the commissioner's concern about accepting a grant and then not getting paragraph six fixed is that the grant money is given in increments. It is not like we are going to get one million dollars and go spend it and be stuck. There is a time frame where we need to move forward with design to get this going. By the time we find out if this works, there should be no problem. If it does not work, then we will have to put our hats back on. The biggest issue is, if we do not get the TDC money, we will need to find one million dollars. We may have to limit the project and cut off a couple of fields to get on budget. What they have encumbered right now is half a million dollars for design. We need to get this moving forward. We need to get the bid out and if we do not have the money, then we will whittle back. Instead of five fields, we may have three fields. He understands the concerns, but if this body thinks it is an important project, there are ways to mitigate the financial gaps that may come up. **Commissioner Pederson** wanted to know if they approved the design at the last meeting. **CM Minner** answered that they approved the design contract. **Commissioner Pederson** said he was on the TDC board for two years and he did not buy into the head in bed count. That troubles him. He had a couple of people explain it to him and he did not buy into it because it was not accurate. That was his opinion, so it does scare him, but we could always reject this later. We could approve this tonight and if the county goes sideways, we could reject it. **CM Minner** agreed. We can give notice that we have terminated the TDC grant agreement if we cannot figure out the parameters in paragraph six. **Commissioner Connell** asked if there was a time frame for how long it would take to find out what the county would want. **CM Minner** replied our concept is on their desk, so they could turn around in April and have that discussion with the TDC Advisory Board. Then, in May, it will probably go before the BOCC for discussions, so it could be May or June. **Commissioner Connell** asked, in the meantime, would the city be awarded this money? **CM Minner** said with the BOCC, he talked with the county manager, and the BOCC is scheduled to have this on their agenda on the second Tuesday of the month. **Commissioner Pederson** pointed out that the city could reject it at anytime. He respects the opinion, but if we do not like it down the road, it could be rejected. We are not binding ourselves tonight. **Commissioner Connell** wanted to know if there was interest tied to the payback of this money. **CM Minner** responded no. **Commissioner Connell** said it was not a good business deal. Everything should be taken care of up front before agreeing to sign and go along with anything. **Commissioner Pederson** said it was just bad timing. The TDC board has been talking about this clawback provision for a while and now that our project has come forward it is drawing more scrutiny. When he was on the TDC board, he said it needed to be done the same way for everybody. However, he did not know that Leesburg generated thirty to forty percent of the hotel rooms. That does frustrate him a little. **CM Minner** added that the city used to generate closer to half or a little over half before they started counting the B&B's.

The roll call vote was:

Commissioner Reisman	Yes
Commissioner Pederson	Yes
Commissioner Berry	Yes
Commissioner Connell	No
Mayor Burry	Yes

Four yeas, one nay, the Commission adopted the resolution.

6. **Resolution of the City Commission of the City of Leesburg, Florida, accepting a Utility Easement to the City of Leesburg from Lake Square Apartments, LLC, for the purpose of granting the City an Easement over the property described therein; and providing an effective date.**

ADOPTED RESOLUTION 11,291

7. **Resolution of the City Commission of the City of Leesburg, Florida hiring Gray Robinson Attorney's Advisors Consultants to represent the City of Leesburg in Opposition to House Bill 1331; and providing an effective date.**

ADOPTED RESOLUTION 11,292

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 109.63 +/- acres; and being generally located east of U.S. Highway 27 and south of Florida's Turnpike, lying in Sections 07, and 08, 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. (Blue Cedar)**

ADOPTED ORDINANCE 23-21

Commissioner Reisman introduced the ordinances, 6.A.1, 6.A.2, and 6.A.3, to be read by title only. CC Purvis read the ordinances by title only.

Commissioner Reisman made a motion to adopt the ordinance, 6.A.1, and Commissioner Pederson seconded the motion.

Mayor Burry stated, seeing how items two and three are quasi-judicial, asked the city attorney to swear everyone in.

CA Watson asked if everyone in the audience who is planning to present any testimonial evidence on any of the public hearing items tonight, to please stand, raise their right hand to be sworn in. He then swore everyone in.

Mayor Burry requested comments from the Commission and the audience.

PZM Miller stated this was the second reading for the Blue Cedar project. This is an annexation, large-scale comp plan amendment and a planned unit development. The property is located on the eastside of US 27, south of the Turnpike. It consists of approximately 110 acres. There will be an annexation and future land use that goes from Lake County Regional Office to City of Leesburg Neighborhood Mixed Use. They are requesting a rezoning from Lake County Agriculture to City of Leesburg Planned Unit

Development. The project is a mixed-use development on 110 acres that would consist of 315 single-family units broken down into a density of 2.8 gross units per acre. There would be 118 townhomes on 22 x 110 lots, 141 single-family homes on 50 x 110 lots, and 48 single-family homes on 55 x 110 lots. That is the maximum. In addition, on the westside of the property there would be 300,000 square feet of commercial uses to include retail, offices, restaurants, daycare, schools, and medical uses. They have a good mix there because it runs along the highway immediately south of the Lake Medical Pavilion. They have a standard list of prohibited uses, which includes tattoo parlors, check cashing and thrift stores, that sort of stuff. There are design and architectural standards for all uses, including the dark sky lighting, fencing requirements that include a berm or a fence on Blue Cedar Road and on the northern boundary there would be an eight-foot wall, and on the eastside, to separate the commercial property from the residential area. They have landscape and buffers, the standard thirty-five percent open space along with irrigation and water controls for Florida-friendly landscape requirements. Under recreational development of this size, it creates 2.3 to 2.4 acres of recreation. For recreation, there are two separate areas. There are timing requirements for the installation, so the first recreational area will be done no later than fifty percent of the residential being done and the second one will be done at eighty percent. Tonight, Ms. Carolyn Haslam of the Ackerman Law Firm is there with her whole team.

Carolyn Haslam of the Akerman Law Firm, 420 South Orange Avenue Suite 1200 in Orlando, stated they were present for their second reading. It is for annexation, a comprehensive plan, and a rezoning amendment. With the annexation, there are two parcels that not only meet the Florida statutory requirements but are specifically included within the Interlocal Services Boundary Agreement (ISBA). The two parcels are shown in the exhibit so they can be annexed by the city. For the future land use amendment, they are proposing a neighborhood mixed use, which is consistent and compatible with the adjacent areas, particularly the hospital and commercial that exists within the city future land uses to the north. The neighborhood mixed use allows up to four dwelling units per acre for residential use. The project is located east of US 27 and south of the Turnpike. They are proposing 118 townhomes and 189 single-family units for a maximum of 315 units and a gross density of 2.8 dwelling units. That is well under the four units per acre allowed. The 110 acre site is proposing a maximum of 300,000 square feet of office, commercial and institutional uses. They are proposing a PUD rezoning in addition to the existing future land use, which is currently Lake County Agriculture. The areas that have been developed have been moved to a commercial designation. The permitted uses that are proposed are residential and they are sticking to single family and detached/attached townhomes. For commercials, they are looking to include uses that are complementary to the hospital. Major medical facilities, medical offices, and other office uses. They will expect to see things like general and highway retail along US 27, which is adjacent to the Turnpike. The prohibited uses are only the typical standard uses, but they include the residential uses that were not proposed, such as multi-family and duplexes. They have preserved the wetlands adjacent to the water bodies. Referring to a rendering, she said the yellow units are the largest and they are 55-foot wide single family homes. They will take advantage of the beautiful views of the water. To the west, will be the smaller units and townhomes. The commercial will be on the front of US 27. They are proposing 118 townhomes and 141 single-family homes. There is a provision in the PUD that allows flexibility, so when they are in the design stage, which they are ready to do if the unit mix can change within ten percent either way, but they cannot exceed 315 units. They can make those changes without having to go back and amend the PUD. The project has the standard open space and landscaping requirements. They have some architectural standards that include dormers and gables. They have a staff recommendation for approval. They went before the Planning Commission in December and received a unanimous recommendation for approval. After first reading the project and the comprehensive plan amendment went to the state. They received the letter back with no comments. They have only received positive feedback on the project, which is amazing and they are really happy about that. They believe their project is a good one. Not only is it within what should be annexed into the city, it is consistent with the area and compatible with the codes and comprehensive plan. They asked for consideration in

approving all the three ordinances. Her client and his consultant were also present to answer any questions.

Mayor Burry asked if there were two exits on US 27. **Ms. Haslam** replied yes, there are two exits. One is on US 27 and the other ties into the hospital. **Mayor Burry** wanted to know if that second one was located on their property. **Ms. Haslam** answered that the property is currently owned by the hospital, it is being deeded. It was supposed to be a dedicated right of way. However, that has not been done yet. **Mayor Burry** wanted to make sure they had access to that. **Ms. Haslam** replied yes.

Commissioner Reisman asked if the PUD restricted gambling or the Try Your Luck casinos? **PZD Miller** replied that they could add that it would not be a problem. It is in some of the PUDs. There is a code that was done by an ordinance back in 2014 that put a number of conditions on those types of uses. It includes full-time security, bulletproof glass, a safe on site, an active cash management policy, a fifty thousand dollar cash bond and the list goes on. However, if they would like to have that in there, they could certainly add that. **Commissioner Reisman** said moving forward they should add that to all PUDs. **PZD Miller** said they could do that. **Commissioner Reisman** stated he would be in favor of adding that to this PUD. He would like to see all PUDs going forward have that language. **PZD Miller** wanted to make sure he wanted it added to this? **Commissioner Reisman** said he would like to add it to this one and all of them moving forward. There is a special language where they can go around and put them in. He sees them popping up all over Tavares and there are a ton of them. **PZD Miller** added there are a ton of internet cafes and adult gaming. **Commissioner Reisman** said there was one that opened up across from his house. **PZD Miller** pointed out that the city's ordinance is extremely restrictive and it allows very few spots to do it, but they can add it in PUDs.

The roll call vote was:

Commissioner Pederson	Yes
Commissioner Berry	Yes
Commissioner Connell	Yes
Commissioner Reisman	Yes
Mayor Burry	Yes

Five yeas, no nays, the Commission adopted 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 109.63 +/- acres from Lake County Regional Office to City of Leesburg Neighborhood Mixed Use, for a property generally located east of U.S. Highway 27 and south of Florida's Turnpike, lying in Sections 07, and 08, Township 21 South, Range 25 East, Lake County, Florida; and providing an effective date. (Blue Cedar)**

ADOPTED ORDINANCE 23-22

Commissioner Reisman made a motion to adopt the ordinance and Commissioner Berry seconded the motion.

The roll call vote was:

Commissioner Berry	Yes
Commissioner Connell	Yes
Commissioner Reisman	Yes

Commissioner Pederson	Yes
Mayor Burry	Yes

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

3. **An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 109.63 +/- acres from Lake County A (Agriculture) to City of Leesburg PUD (Planned Unit Development) to allow for mixed use development for a property generally located east of U.S. Highway 27 and south of Florida's Turnpike, lying in Sections 07, and 08, Township 21 South, Range 25 East, Lake County, Florida; and providing an effective date. (Blue Cedar PUD)**

ADOPTED ORDINANCE 23-23

Commissioner Reisman made a motion to adopt the ordinance with an amendment to exclude any internet cafes, etc., and Commissioner Pederson seconded the motion.

The roll call vote was:

Commissioner Connell	Yes
Commissioner Reisman	Yes
Commissioner Pederson	Yes
Commissioner Berry	Yes
Mayor Burry	Yes

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

4. **An Ordinance of the City of Leesburg, Florida, establishing the Bellaviva at Whispering Hills Community Development District pursuant to Chapter 190, Florida Statutes; providing for authority and power of the district; providing for the Board of Supervisors of the district; providing for the district budget; providing for functions of the district; providing for miscellaneous provisions; and providing an effective date. (Bellaviva at Whispering Hills)**

ADOPTED ORDINANCE 23-24

Commissioner Reisman introduced the ordinance to be read by title only. CC Purvis read the ordinance by title only.

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

Mayor Burry requested comments from the Commission and the audience.

PZD Miller said this request is to allow for a Community Development District on a portion of the Whispering Hills development. It is located across from Plantation on the eastside of US 27. It is the largest proposed development to date. There are 22,942 units for this CDD and it is permitted under Chapter 190 of the Florida Statutes. They form a special purpose district to manage financing and to

deliver basic community development services. They are specific to a described area and they have no zoning permitting or police powers. They are used for financial funding for constructing and operating water, wastewater systems, bridges, transit, shelters, environmental conservation areas, schools and security measures. Mr. Wes Haber of the Q-Tec Rock Law Firm in Tallahassee was available to answer any questions. There are CDD's in the city now. They are in Arlington Ridge, which was the first, then there is one in Tara Oaks and several in The Villages.

The roll call vote was:

Commissioner Reisman	Yes
Commissioner Pederson	Yes
Commissioner Berry	Yes
Commissioner Connell	Yes
Mayor Burry	Yes

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

- 5. An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 15.8 +/- acres from City of Leesburg PUD (Planned Unit Development) to City of Leesburg PUD (Planned Unit Development) to allow for mixed uses limited to light commercial and self-storage for a property generally located east of U.S. Highway 441 and west of Sleepy Hollow Road, lying in Section 20, Township 19 South, Range 25 East, Lake County, Florida; and providing an effective date. (Sleepy Hollow Road Storage PUD)**

ADOPTED ORDINANCE 23-25

Commissioner Reisman introduced the ordinance to be read by title only. CC Purvis read the ordinance by title only.

Commissioner Pederson made a motion to adopt the ordinance and Commissioner Reisman seconded the motion.

Mayor Burry requested comments from the Commission and the audience.

PZD Miller stated this property is located south of US 441 and west of Sleepy Hollow Road. The vast majority of this property, which consists of approximately seventeen acres, is wetlands. There are about two and a half acres that are usable. It was zoned under Ordinance 09-53 and it allowed for a variety of uses which were drawn up and put together prior to the current boom we are in. Under the current zoning proposal, it allows for 10,000 square feet of commercial uses. The primarily anticipated use at this point is for self-storage units. It is the staff's opinion that this would be one of the few uses that could go there. They could do a single-family house, but it would be right on the road. There could be a daycare, office, or storage units. The property would be very difficult to put anything on. They have the standard list of no tattoo parlors, check cashing stores and they will add the internet cafes. They were looking for a use that was not intensive or conflicting with the neighborhood that is growing there, including Bradford Ridge Drive to the north which was just platted. There and the others on Spring Breeze Lane. They are trying to find something consistent and not too intense. It would have the standard PUD conditions.

Mayor Burry asked for any further comments. There were none.

The roll call vote was:

Commissioner Pederson	Yes
Commissioner Berry	Yes
Commissioner Connell	Yes
Commissioner Reisman	Yes
Mayor Burry	Yes

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

- 6. 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 22 +/- acres from City of Leesburg Industrial and Conservation to City of Leesburg General Commercial and Conservation, for a property generally located east of Executive Boulevard and north of West Main Street, lying in Section 29, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date. (Hudson's Furniture at Leesburg SSCP)**

ADOPTED ORDINANCE 23-26

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

Commissioner Pederson made a motion to adopt the ordinances, 6.A.6 and 6.A.7, and Commissioner Reisman seconded the motion.

Mayor Burry requested comments from the Commission and the audience.

PZD Miller stated this was a good project. It is for Hudson's Furniture. It is a small-scale comp plan amendment and a rezoning. The property is already located within the city limits. It is located on the northside of CR 44 and north of Progress Road. It is under contract with Hudson's Furniture. They would change the future land use designation from Industrial and Conservation to Planned Unit Development. With future land use, they are looking to change from Industrial and Conservation to General Commercial and Conservation. A large portion of this property is wetlands. They are actively looking for uses that can utilize the land and save the conservation areas. There are about twenty-two acres. Hudson's does sell a good line of furniture and Leesburg needs that in the market. There would be about 54,000 square feet of commercial use, which is over an acre under the roof. The furniture store is on the southwest side of the property. There would be mini warehouses and storage on the northwest corner. They have the dark sky lighting requirements, shielding of the lights, buffers, irrigation controls and so forth. They made one concession on the buffers because there is a power line easement that goes through there and staff normally works with the applicants when there is a power line easement to ensure that there are no trees being planted under those easements. They have a letter of intent to Mr. Mitch Collins who was there. He is the engineer for Hudson's and the project manager for this site. The staff and Planning Commission recommend approval.

Mayor Burry asked for further comments. There were none.

The roll call vote was:

Commissioner Berry	Yes
Commissioner Connell	Yes

Commissioner Reisman	Yes
Commissioner Pederson	Yes
Mayor Burry	Yes

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

7. **An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 22 +/- acres from City of Leesburg M-1 (Industrial) to City of Leesburg PUD (Planned Unit Development), for a property generally located east of Executive Boulevard and north of West Main Street, lying in Section 29, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date. (Hudson's Furniture at Leesburg PUD)**

ADOPTED ORDINANCE 23-27

The roll call vote was:

Commissioner Connell	Yes
Commissioner Reisman	Yes
Commissioner Pederson	Yes
Commissioner Berry	Yes
Mayor Burry	Yes

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

8. **An Ordinance of the City of Leesburg, Florida; Amending City of Leesburg Ordinance 2021-37 to grant a Non-Exclusive Non-Potable Water Irrigation Utility Franchise to the Wildwood Utility Dependent District, its successors and assigns; Granting such Franchise for a period of 40 years to construct, own, operate and maintain certain services and facilities to serve areas within and adjacent to The Villages Age Restricted Development; providing for conflict and severability; and providing an effective date.**

ADOPTED ORDINANCE 23-28

Commissioner Reisman introduced the ordinance to be read by title only. CC Purvis read the ordinance by title only.

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

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

The roll call vote was:

Commissioner Reisman	Yes
Commissioner Pederson	Yes
Commissioner Berry	Yes
Commissioner Connell	Yes
Mayor Burry	Yes

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

B. FIRST READING OF ORDINANCES

1. None

C. NON-ROUTINE ITEMS

1. **Resolution of the City Commission of the City of Leesburg, Florida, in Opposition to the passage of Florida House Bill 1331 sponsored by Representative Busatta Cabrera and Senate Bill 1380 sponsored by Senator Martin; and providing an effective date.**

ADOPTED RESOLUTION 17,294

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

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

Mayor Burry requested comments from the Commission and the audience.

CM Minner stated House Bill 1331 and Senate Bill 1380 are bills that would significantly affect how the City of Leesburg operates. They seek to limit our authority over the utility systems. They seek to limit the amount of financial transfers. They seek to demand elected utility authority boards and demand different ways of how outside customers pay for water and sewer structures. It takes away the city's ability to provide surcharges for non-incorporated residents who are on the city's system. All these things would significantly impact how we operate and our model is at stake. There are a lot of different theories on why this has happened, but the bottom line is that, essentially, it continues to assault the investor-owned utilities in the way of how municipal electric utilities function. It is absolutely critical that this body passes the resolution. Earlier this evening, they passed a resolution that hired a lobbyist for us and this is an issue that needs to be watched. It is extremely consequential and can have significant grave financial impacts on the city and perpetuity should it be passed.

The roll call vote was:

Commissioner Pederson	Yes
Commissioner Berry	Yes
Commissioner Connell	Yes
Commissioner Reisman	Yes
Mayor Burry	Yes

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

7. INFORMATIONAL REPORTS:

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

A. Financial Reports as of January 2023

Mayor Burry asked if there were any questions or comments on this report. There were none.

8. CITY ATTORNEY ITEMS:

A. Request Shade meeting to discuss litigation pursuant to Sunnyside Lake Land Holding, LLC. vs. City of Leesburg

CA Watson reminded everyone of the Special Magistrate hearing on April 25, here at City Hall, at 9:00 a.m. He stated to the new commissioners that, per Section 286.011, Florida Statutes, there is an exception to allow a meeting in a closed session with your attorney in certain circumstances. Your attorneys Brionez + Brionez have requested a closed session meeting to discuss the settlement agreement that has been proposed to the city. He asked if everyone would be agreeable to April 10th immediately following the scheduled commission meeting. All were in agreement. CA Watson stated the closed session meeting attendees would be the commission, the city manager, city attorneys and a court reporter. **CM Minner** stated now that the shade meeting had been requested, he will provide a copy of the agreement to the commission, which is exempt from the Sunshine Law.

9. CITY MANAGER ITEMS:

CM Minner stated he appreciates the Commission's support on legislative matters. In his almost 30 years of city management, this executive legislative session has been the most busy for him. We chased down bills on solid waste issues, which have been mitigated. That had a significant impact on the city as it would have potentially kept us out of franchise rights on non-single family residential. There was an amendment to that that excluded the municipal corporations who have their own personnel and equipment. The word on that bill is that it would die. There are a couple of others about hiring CEOs, City Managers, County Managers along with Superintendents and that is not worth talking about. Bill 1171, is a local bill from Lake County on the RPA's. He understands it will die because it was deemed unconstitutional. Bills 1331 and 1380 are still on the table and those are of concern and we will continue to watch them.

10. ROLL CALL:

A. Mayor Burry - Discuss Joint Planning Agreement (JPA) concepts with Lake County

Commissioner Berry had no comment.

Commissioner Pederson had nothing further.

Commissioner Reisman had no further comment.

Commissioner Connell commented about a month ago, Commissioner Reisman brought up the possibility of having discussion on some of the grant money the city gives out for facades or redevelopment and he thinks there should be some conditions on the property owners that receive the free money. It was brought up that they should have a discussion to put some restrictions on it. He wants to bring that back up and he spoke with the city manager about it today. He knows he has been busy with the legislation issues, but he would like to see this come back for discussion. **CM Minner** said he would get with the city attorney on that. He was not sure if that was specifically for the facade, sign, landscape grant, the home grant or the downtown historic building redevelopment grant. Those are three separate issues. He was unsure if it was done by resolution or ordinance, so he would get with the city attorney and they could come back with some suggestions for modifying the ownership to be two or five-year periods before selling. **Commissioner Connell** added that he did not have a number. He just thought it was worth some discussion about whether they should put the number on it. There could be a discussion about putting some type of condition on these. There could be a time frame put on them and if they sell prior to that, there should be a payback schedule. It could be eighty percent after the first year or sixty percent after the second year if they sell before the five-year period is up. **Mayor Burry** said they could discuss it and decide that way the commission does not have to go through them every time one comes up. **Commissioner Berry** asked if this would include all businesses or just non-profit businesses. **Commissioner Connell** said it would be for anyone who receives money for redevelopment. **Commissioner Pederson** inquired if he wanted to apply the conditions to everything or just the downtown. **Commissioner Connell** said it would be everything. **Commissioner Pederson** said he disagreed with that. **Commissioner Connell** said it would be for the sign grants and everything. **Commissioner Pederson** commented that he would agree if they gave them one hundred percent of the money, because that is different. We gave someone two hundred and fifty thousand dollars because they put seven hundred and fifty thousand dollars into it. There was another one that put one million dollars into it. He would make that deal any day to improve the downtown. He does not care if they sell it tomorrow. If we talked about one hundred percent, he would have a different tune on that. He would like to separate the two. We can talk about this but there have been votes on this. **Commissioner Connell** said he would like to have an open discussion about it. **Commissioner Pederson** said he thinks he knows where the commission stands on that.

Mayor Burry said he wanted to talk about JPAs, which is something the county has been very interested in establishing with all cities for several years. His involvement with this started back at the end of December 2021. They had a joint meeting with the county commissioners at the Venetian Center and the specific discussion was about Whispering Hills. Whispering Hills came to us for annexation and we were going to vote on it. That was a rather contentious meeting. At least that is how the paper described it if you look it up in the Daily Commercial. Anyway, there was some banter back and forth and it was not an all-lovely dovey meeting. The city decided to go ahead and annex both Whispering Hills and Hodges. In 2022, there were a couple of meetings that the city manager and Commissioner Pederson attended since he was the mayor at the time these discussions were taking place and the county was very interested in the joint planning agreements. Then there was another meeting with the county after he became mayor and he and the city manager were there. That meeting was a future planning meeting. At that meeting, they were asked to give a five-minute presentation and from the county all they heard about was joint planning. As they moved along, they have not done a whole lot with the joint planning as a body. They have not agreed to discuss this. He thought it was important that we go on record and talk about it. They requested a meeting for March 9th with Commissioner Smith. They met with Chairperson Smith of the Board of County Commissioners and the county manager, to discuss House Bill 1171. It was fresh on the agenda, and in our opinion it is grossly illegal. If enacted, it could have possible ramifications of saying that if our annexed property and the PUDs expire, it would revert back to the rural protection area which we do not even have a code for. They never thought it would go anywhere and it was very concerning because it felt like a direct attack on the city's ability to grow economically. In those discussions it felt

like we got our point across. Then they received a text later that evening that had some new language that they were going to put in there that said these would last forever if they already issued a PUD on it so that those entitlements would be good forever. His understanding is that they finally figured out that the whole thing was not legal to begin with and it was off the table. That was the information he got. On March 14th, they received a request from Commissioner Parks to come and sit down with him, at which time they thought they would be talking more about Bill 1171 and its impact. However, the meeting began to go towards JPAs and his desire to have these joint planning agreements with all cities. He indicated that Leesburg was not moving forward with that, and it was made abundantly clear that there was interest on his part that if we did not play ball in the joint planning agreements he would vote to withhold the TDC funds. That is how that meeting went. When we talked about it, that was his comment. That comment did not come from the board, it was just him, just to be clear. Needless to say, their 15-minute conversation turned into two hours and it was not a good conversation. There was anger with both the city manager and himself and we did not like what Commissioner Parks was saying and we let him know that. They got through the conversation and the agreement that they came to was that we would discuss joint planning agreements. After that meeting, he told the city manager he would bring this up at the next city commission meeting. He also said any joint planning agreement that we would agree to would not compromise our ability to follow the ISBA from 2013 and 2014. He believes that any JPA that they would want us to agree to would be like joining the county and letting them get to decide. It would be a joint agreement for any annexation. We would have to get approval from them and that is not what the ISBA does for the city. He pointed out that the county has a mission and the county's mission statement is probably a lot different than our mission statement. We work for the City of Leesburg and we have to look out for the City of Leesburg and giving up the ISBA agreement would hinder our ability to grow. He made it clear at that meeting that we need our ability to annex as we see appropriately. Now we have the issue of what we do and have been doing for the county in the realm of services. The city manager will talk about some of the stuff in the agreements that we have with the county, especially with our fire services. It is an advantage for the county. It is not an advantage to us, but we have been doing it in order to get what we are getting. They could have another meeting once we know the direction this body wants to take. Another thing that Commissioner Parks wanted us to consider, along with the joint planning agreements, was the transfer of development rights (TDRs). He urged everyone to look that up because he was not really sure what it was. It basically says if you have farmer Joe who has 400 acres and he does not want to sell it for houses because he wants to keep it rural and nice, but he needs money, he can sell the development rights to a bank. He was not sure if they were talking figuratively, because a bank is just an entity and if a developer wants to develop in that area and he wants more density than the current code allows, the developer would have to go to that bank and purchase credit so they can put in more houses. He is just the messenger relaying what the county said and that is where it went.

CM Minner said the mayor summed it up pretty well. Using some acronyms for everybody in attendance; land development regulations (LDR) joint planning agreement (JPA) and inter-local service boundary agreement (ISBA). There was some frustration from Commissioner Parks and some other commissioners. They hold JPA meetings on a quarterly basis and for the last eighteen months there has been a real strong push from the BOCC that each and every municipal corporation in Lake County have a JPA with the county. It is important that this body directs him on how they want to move forward with this. At the JPA meeting, sentiment was expressed and it has even been outside of those meetings. Unfortunately, some of the commentary outside of the meetings has gotten more weight than inside the meetings. The commentary outside the meetings from himself and other Commissioners, including former Commissioners, has been that there is no way the City of Leesburg is doing a JPA. That is the interpretation of what was said. What has been said publicly before the County Commission and specifically at the last JPA was that the City of Leesburg would be happy to do a JPA with the county. The disagreement is what the JPA is going to be about. The county seems to insist a JPA model gives the county the opportunity to influence the city on our land development regulations. It would make the

model of having municipal corporations have a more rural feel. This body and the former body did not appreciate that influence on our land development regulations. They told the county manager and Commissioner Parks to look at the PUDs that have been approved because our PUDs, while they may not be as rural as some others in the county's perspective, where they ask for one unit per five acres as reflected in Bill 1171, we do restrict it to four units. We have green space at thirty percent and require streets to be to city codes and dark skies. We require recreational uses and certain facades. From a land development standpoint, the positions for the PUDs approved by this body are good ones. They are conducive to urban development for municipal corporations and we take into account good planning principles that come from our planning department. They do not believe the county has even read the city's PUDs. **Mayor Burry** agreed. **CM Minner** continued to say that a JPA would be worthwhile if the JPA has the same flavor as the 2014 ISBA agreement. That was said at the meeting, and if we are going to talk about land development regulations, do not think that will float in Leesburg. They could talk about provisions for municipal services, fire protection, police protection, roads, water, sewer, parks, recreation and library services. If we are going to figure out how to provide urban services so that we do not cross wires on taxation and duplication of services, then we are all on board to talk about it. That would be a great conversation. For example, with roads, we already implement that in our PUDs where every PUD says they have to do what the county says with respect to roads. Every PUD specifically says they have to do what the county says with respect to roads. If there was a JPA that was in that flavor, then yes, Leesburg would do a JPA. The real question is what kind of JPA does the county want and the mayor and himself delivered that message specifically to Commissioner Parks. It is important for this body to direct the mayor and himself to meet with all five Board of County Commissioners so everyone gets the same message from Leesburg. As long as this body is in agreement with that philosophy, there are significant benefits to both parties and the 2014 ISBA, by his calculations. The county receives about two million dollars for fire service to their advantage in significantly dense urbanized unincorporated areas like Plantation, Highland Lakes, Bassville Park, and around Silver Lake, where our fire department continually provides fire service for the residents. That number was two million dollars. That is a real number and a real service. Leesburg has not complained about that because we agreed to it. We signed on the dotted line in exchange for developing as Leesburg saw fit in the inter-local service boundary territory that was identified. When talking about municipal services, he encouraged the body to provide feedback because that is important.

Commissioner Pederson said he has been on the commission four years and it is fair to say that he is pro-growth. He has turned some down due to inadequate roads. However, we approve a lot of development and because we have approved a lot of development we do have a lot to absorb. It is important to have a good relationship with the county and he would be open to modifying the JPA. However, he does not see us having an agreement that gives them the right to meddle in our approvals. We do not need that. He assumed there would be a term limit for this, like five, seven, or ten years and, if not, there should be. **CM Minner** answered it would be negotiated. **Commissioner Pederson** said our development for the most part has been down US 27. We have approved other developments, but the US 27 corridor is growing fast and it is becoming congested. He does not see the city going further east because that is a very sensitive area for the county. We should try to give them something that is a rural protection area. We should try to work with them to make them happy with the rural protection area. But, we need to work out the fire agreement especially with the pressures we are having on our budget. He does not want to give the county two million dollars worth of fire services. That needs to be fixed and that should be a reason for us to make an agreement with them. More importantly, he would want a good relationship with the county because we need their help on roads. Right or wrong, we are growing and our roads are not adequate and we need to work together on that. He is open-minded, but we should not let them tie our hands. We need to convince them that we can make them happy with the growth plans we have. We can continue to improve on developments, but he is happy with the ones that have been done thus far. We could do better in the future. **Mayor Burry** said when it comes to them not reading our PUDs, when you

compare the PUDs that have been approved in that area to what the county has done, the numbers are about three per acre. **CM Minner** replied the contested area is a box that is about three miles long by one mile wide and that is the Yalaha/Apopka Rural Protection Area. It was in the Apopka RPA and that RPA runs from Lake Apopka, which is the center of Lake County, and it runs all the way across to within five hundred yards of US 27. That box consists of Whispering Hills, Hodges, Lydon Nickels and Lake County. There was another one but he could not remember. **Commissioner Pederson** commented that all of those have been off US 27 except one or two. **CM Minner** added that everything he just named is in the box off US 27 and it is a contested area. **Mayor Burry** pointed out that the requirements we put on those PUDs pretty much mirror what the county does. It is not like we are going to stick at eight units per acre. Our densities are lower than the county densities in that area. **Commissioner Pederson** said they count differently. They use net gross and we use gross, so there is a difference in the way they calculate. However, at the end of the day, we are about the same. **CM Minner** said they had a slide of what was in that box and the density was about 2.6 units an acre. Comparing that to urban unincorporated development, Plantation is about 2.9 and Highland Lakes is about 1.9. We are right in the box of reasonability. In essence, with what is located across the street and to the north, they are pretty much the same as what was approved to the south. It continues a pattern of combating contiguous urban growth down US 27. **Commissioner Pederson** remarked that he perceives the county's concern to be the rural protection area. They are looking at us and their perception of the City of Leesburg is that we will continue to annex everything eastbound all the way to Howey in the Hills. He does not see us doing that because we have enough to digest now. **CM Minner** stated by the 2014 agreement we cannot do that. **Commissioner Pederson** said he would not want to do that. We need to stay on the major thoroughfares. **Mayor Burry** said if we drew a line straight down from Trimpi Road, that would be our boundary. We are basically at that boundary now. We cannot go any further and we cannot go outside the boundary. **Commissioner Pederson** suggested finding a way to work this out with the county. It is important to have a good relationship with them, so we can work together on fixing the roads and the fire issue, because that is not right. We need to find a way to keep peace, but he does not want the county meddling in and telling us what we can and cannot approve. He inquired how other cities feel about this. He cannot see fourteen cities in Lake County rolling over to say they will do what the county tells them to do to develop their city. **CM Minner** answered there were fourteen different opinions. There are some cities that would be considered growth cities, like Leesburg and Groveland, where they have just as many entitlements approved as Leesburg does, but their city plan has them more scattered throughout the ISBA box. Then there are cities, like Howey in the Hills, Montverde, and even Mount Dora, which are more no-growth cities. They are in a no-growth position to where the county is more aggressive than they are. Tavares is kind of in the middle of everything and does not have RPAs. They have gone under the radar on this. Eustis continues to grow and they have saber crosswars with the county and the bill 1171 had a big impact on Eustis due to the Emerald Marsh RPA. **Mayor Burry** stated that moving forward, we need to decide as a group on whether we want to explore entering into a JPA. It was his understanding that the county has a contract with the East Central Florida Regional Planning Council, which is a third party, and they are brokering all the deals. That is who the county partnered with and they are supposed to run the show. He asked if the board had the desire to move forward with a JPA. **Commissioner Connell** stated he had no interest at all. **Commissioner Pederson** summarized by saying it would be important to talk to them about it, but he does not see us letting them get involved in our land development approval. We may as well say no, but we should find some compromise. We need to keep them happy about how we approve developments and try to improve our roads and fix our fire imbalance. We can only strive to try and be better. **Commissioner Reisman** said he was open to having a discussion but he does not want the county meddling in our growth issues. **Commissioner Pederson** added that if they are in a no growth mode and their goal is to come and clip our wings to stop us from annexing and developing, then we will not see eye to eye. **Commissioner Berry** wanted to know if there have been any complaints about our PUDs and what has been done. **Mayor Burry** said they do not read them. They did not know in the meetings and it was very clear because they asked them if they had even

read the Whispering Hills PUD and the answer was no. They are complaining about how we handle development, but they have not even read through a PUD. It is his position that when we compare what the county does to what we do we are not that far off with units per acre. We include the dark sky lighting, trees in the yard and roads being up to city standards. **Commissioner Berry** added that if everything was considered and listed, what would be the difference? **Mayor Burry** answered that he did not know, but it sounded like they wanted a joint planning agreement. Some kind of agreement that says what can get annexed and what cannot. **Commissioner Pederson** stated that the ISBA has no bite and they want something to bite into. **CM Minner** stated it would be just the opposite. The ISBA allows them a big bite and there are financial benefits. It is not a direct financial fund and the city is not writing a check to the county for two million bucks, but that number is based on the average per call number. The number of calls is divided by the total budget. **Commissioner Pederson** remarked that we cover their territory more than they cover ours. **CM Minner** said it is by about a thousand calls a year, so that is one thousand calls per year that the county does not have to cover. We cover it for them at their cost rate, which makes it a two million dollar advantage for them. That allows them to keep resources in other places and we cover that for them. Chief Mera would say that we have a good level of service (LOS) for incorporated Leesburg and unincorporated Leesburg, so the residents in the Leesburg ISBA box are getting a good level of service for emergency services. That LOS is a partnership between Lake County and the City of Leesburg and that was ironed out in the 2014 ISBA in exchange for Leesburg getting to develop land in that box as this body saw best. That was the quid pro quo and now the County is saying they do not like how we develop our land because we have taken in part of the rural protection area. They are ignoring the fact that they were party to the agreement that says we could annex that area if we provided fire services and we do provide those services. **Commissioner Pederson** inquired how much of our development was in the RPA just south of US 27. **Mayor Burry** stated it was about twenty-five percent. **CM Minner** said there was a map sent out to the entire commission and the map showed the Yalaha RPA. He did not know what percentage the three by one mile box was for the Yalaha RPA and the mayor would say that the area there is a burnout orange grove and that is located right on a US Highway. That is plum picking for development. It is not an environmentally sensitive area that has significant marsh or wetlands that need to be preserved. **Commissioner Pederson** stated the roads are inadequate there. He did not see the city supporting development back there on clay roads. It is a rural area. **Mayor Burry** inquired if he was referring to east of Dewey Robbins. **Commissioner Pederson** remarked it would be to the east of what we have already approved. **Mayor Burry** stated we are already at the border. **Commissioner Pederson** said he did not see us marching east. We have a lot to absorb now and we need to stay on the corridors. **CM Minner** stated we are not marching east. **Commissioner Pederson** said he thinks the county thinks we are. They perceive us as marching over the hills and right into Howey. **Mayor Burry** remarked that they are going by what we call the rule book for the ISBA which spells out the parcels we can and cannot annex. **Commissioner Pederson** said it is a tough issue because we are taking and we are taking away the rights of the property owner. We basically destroyed its value and that is what makes it tough for him. We have annexed a heck of a lot of property and Leesburg has a lot to digest now. We have the economy cooling, but he is still optimistic. It could take ten to fifteen years to absorb what we have already approved. **CM Minner** added that it is an important conversation to have regarding absorption and the entitlements that have been approved over the last few years. When they were at the JPA meeting, they also mentioned that because not only do we have the issue of absorption, we also have the infrastructure issue that was laid out to the developers. That said, all the entitlements that have been approved have to pony up some impact fee money ahead of time, so we can build that sewer interceptor and if that sewer interceptor line is not built, then development does not happen. They said that to the county as well. **Commissioner Pederson** remembered a development where everybody yelled at them about inaccurate roads and we said they needed to talk to the county because we do not approve widening the roads. We need roads, so we need to find some kind of common ground with the county. He learned somewhere along the way that there is more money spent in south Lake County than in the north on roads, but he did not want to say the wrong thing. **CM Minner** stated

that was a true statement. **Commissioner Pederson** said he was educated that there has been an extraordinary amount of money spent in south on roads and we are not getting our fair share in north. There are a lot of issues that need to be worked through. **Mayor Burry** inquired about the direction they wanted to go so the city manager could move forward regarding joint planning. **Commissioner Connell** indicated that he did not want anything to do with it. Some commissioners mentioned that we should come to some kind of agreement with regard to services as long as they do not take away from the ISBA agreements of 2013 and 2014. **Commissioner Pederson** thought there should be a way to work through that. There has to be a way to work through it, but he does not want them telling us what we can and cannot approve. He does not think anybody wants that because it would just destroy our reputation for development. **Mayor Burry** recommended that everyone look up the TDRs because that was another issue that the county wanted us to consider. They want us to accept TDRs from developers and they could say specifically what areas those TDRs could be used in. **Commissioner Pederson** remarked it is a strong towns thing. Where the guy next door can put twice as much on his land and if you connect to a piece of land that is vacant, it could be great in certain categories, but it does not fix the road problem. **Mayor Burry** pointed out where it would be successful would be Alachua County because they are on the outskirts of the county. If they sell their development rights, then highrises could be built in the city. That is where that density is going and Commissioner Parks pointed out that our future is to not continue to grow and develop out. At some point we have to think about developing up. **Commissioner Pederson** said they are trying to look into the future. **Mayor Burry** indicated that they are looking at the crystal ball and they do not want the whole county rooftops, so the TDR is one way that would save rural property and create inter-cities. **Commissioner Pederson** said he heard County Commissioners say in meetings that they do not want Lake County to look like Orange County. He respects and appreciates that. **Mayor Burry** asked for directions on moving forward. Do we end the TDR and joint planning or do we want to discuss this at length? We need some direction from the board. **Commissioner Berry** said she would like further discussion. **Mayor Burry** wanted to know how to proceed so they could make a decision. Do we recommend further discussion and when would that meeting be? **Commissioner Berry** said it would be just to discuss. She does not agree with allowing them to make the decisions for us, but if we are meeting requirements now and there are no complaints, she does not understand what the problem would be. **CM Minner** said he thinks the commissioners, individually here in Leesburg, range from not talking with the county to ensuring that we have a quality relationship with the county. Everybody is on the same page, where if we get into a JPA, it needs to be about how we provide municipal services and not how we implement land development regulations. It is important to state publicly that we think we need a mutually beneficial relationship with the county and that relationship is important and we do not need to have some of the scuttlebutt and discontent that has certainly transpired over assumptions by both parties about where we are with the JPA. We need to work towards that endeavor and the mayor and the city manager should meet with the County Commissioners individually and they will report back periodically to talk about developments that have come up and agendized the conversation for appropriate times when developments have transpired beyond what has been discussed here. **Commissioner Pederson** said if they want to tie in TDC grants they can keep the money. **CM Minner** answered that the message had been delivered. **Mayor Burry** said he contacted Doug Shields and if you look at Leesburg and how Leesburg is cut up, we actually have three different county Commissioners that are responsible for certain areas in Leesburg. We are trying, we have Commissioner Smith, Commissioner Shields, and Commissioner Blake. He has made the calls, but he has not received a call back yet. The city manager may have talked to the County Manager. **CM Minner** said he actually talked to Commissioner Shields at the LEAD meeting on Thursday and he said to work through the administrative staff to set something up. **Mayor Burry** stated they are moving forward with trying to meet with each one of them to explain our position. We are in agreement that as long as they do not try to tell us what we can and cannot do and we stick to those accords from the ISBA, that we can move into a nice agreement.

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.

Commissioner Reisman made a motion to adjourn and Commissioner Connell seconded the motion. The meeting adjourned at 7:44 p.m.

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 5.C.1.

Meeting Date: April 10, 2023

From: James Williams, (Finance Director)

Subject: Resolution of the City Commission of the City of Leesburg, Florida delegating authority to Modify the variable index rate on certain outstanding obligations from LIBOR to a Substitute Rate; and providing for an effective date for this Resolution.

Staff Recommendation:

Approve the Resolution permitting the Mayor and City Clerk to sign documents relating to a change from the LIBOR financial index to another appropriate financial index.

Analysis:

The finance industry has agreed to stop using the LIBOR financial index and move to other indexes for determining variable interest rates. This has been in the works for several years and June 2023 is the end date for LIBOR. Many variable rate bonds and other loans used LIBOR in the past. Now the bond and loan documents must be amended to provide some other index. The City does not have any variable rate bonds or loans.

However, the City has been Issuer of conduit bonds and/or loans for both UF Central Florida Health and Lifestream. Both entities have a LIBOR index referenced in their documents. This Resolution gives City Officials the ability to sign documents permitting that change.

Procurement Analysis:

Options:

1. Approve amending the Ordinance, or
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact:

Revenue increases for each listed utility.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF LEESBURG, FLORIDA
DELEGATING AUTHORITY TO MODIFY THE VARIABLE
INDEX RATE ON CERTAIN OUTSTANDING OBLIGATIONS
FROM LIBOR TO A SUBSTITUTE RATE; AND PROVIDING
FOR AN EFFECTIVE DATE FOR THIS RESOLUTION.

WHEREAS, the City of Leesburg, Florida (the "Issuer") has at the request of borrowers issued pursuant to applicable laws of the State of Florida its limited obligation bonds, notes and other evidences of indebtedness (the "Bonds") as a conduit issuer and loaned the proceeds thereof to borrowers (each a "Borrower") who have agreed to pay the principal of and interest on such Bonds to the holders thereof; and

WHEREAS, the Bonds are payable solely from revenues and other security of the Borrower and are not direct obligations of the Issuer; and

WHEREAS, certain Bonds bear interest at a variable rate based on a formula utilizing the London Interbank Offered Rate, commonly referred to as "LIBOR," as a reference index (the "LIBOR Bonds"); and

WHEREAS, LIBOR is expected to cease to be required to be determined by the participating reference banks by June of 2023 and various substitution rates and equivalency factors have now been generally agreed to in the market; and

WHEREAS, the Issuer, the Borrowers and the holders of such LIBOR Bonds (the "Holders") desire to make certain amendments to the LIBOR Bonds and related agreements (the "Bond Documents") to substitute a replacement index for LIBOR, whether now existing or subsequently developed, that is deemed approximately equivalent to LIBOR and make other related adjustments and amendments as may be necessary and appropriate for the implementation and administration of the replacement index, and an effective date of the substitution rate (which could become immediately effective upon determination that LIBOR as a reference rate is no longer reliable or unascertainable or such other conditions set forth in such amendments); and

WHEREAS, in order for such Borrowers and Holders to amend the applicable LIBOR Bonds and Bond Documents, it is now necessary for the Issuer to approve such amendments and provide authorization and delegate authority for their execution and any other related closing documents; and

IT IS THEREFORE, DETERMINED AND RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA, THAT:

SECTION 1. AUTHORITY FOR THIS RESOLUTION. This Resolution, hereafter called "Resolution," is adopted pursuant to the provisions of Chapter 159, Florida Statutes, and other applicable provisions of law.

SECTION 2. AUTHORIZATION OF EXECUTION AND DELIVERY OF AMENDMENT TO BOND DOCUMENTS. The Mayor or Vice Mayor and the City Clerk or any Assistant City Clerk (each, an "Authorized Officer") are, subject to the terms hereof, hereby

authorized and empowered upon request of the applicable Borrower and the Holder to execute and deliver the amendments to the LIBOR Bonds and the Bond Documents to substitute the one or more alternative reference rates or indices for the LIBOR index and make sure other conforming changes (including changes to the spread over the index rate) as necessary to effectuate the change to a replacement rate.

The Issuer will not enter into the amendment unless the Issuer has received consent from the applicable Borrower and the applicable Holder and the Issuer has received a satisfactory opinion of bond counsel regarding the fact that the amendment, will not in and of itself adversely affect the excludability of interest on the LIBOR Bonds from gross income for federal income tax purposes; provided, however, no such opinion shall be required if the LIBOR Bonds were not tax-exempt at the time of issuance.

SECTION 3. AUTHORIZATION OF EXECUTION OF OTHER CERTIFICATES AND OTHER INSTRUMENTS. The Issuer and the Authorized Officers, employees and agents of the Issuer acting on behalf of the Issuer are hereby authorized and directed to execute such documents, instruments and contracts, whether or not expressly contemplated hereby, and to do all acts and things required by the provisions of this Resolution and by the provisions of the LIBOR Bonds, the Bond Documents (including any required filings) authorized herein, as may be necessary for the full, punctual and complete performance of all the terms, covenants, provisions and agreements herein and therein contained, or as otherwise may be necessary or desirable to effectuate the purpose and intent of this Resolution, or as may be requested by the Holder or the Borrower. The Authorized Officers are hereby designated as the primary officers of the Issuer charged with the responsibility of entering into the amendments and are hereby authorized to delegate to any other person any of the duties or authorizations of such Authorized Officers hereunder.

SECTION 4. NO PERSONAL LIABILITY. No representation, statement, covenant, warranty, stipulation, obligation or agreement herein contained, or contained in the amendments authorized herein, or any certificate or other instrument to be executed on behalf of the Issuer in connection with such amendments shall be deemed to be a representation, statement, covenant, warranty, stipulation, obligation or agreement of any member, officer, employee or agent of the Issuer in his or her individual capacity, and none of the foregoing persons nor any member or officer of the Issuer executing the Bonds or the Bond Documents shall be liable personally thereon or be subject to any personal liability of or accountability by reason of the execution or delivery thereof.

SECTION 5. PREREQUISITES PERFORMED. All acts, conditions and things relating to the passage of this Resolution required by the Constitution or other laws of the State of Florida to happen, exist and be performed precedent to the passage hereof have happened, exist and have been performed as required.

SECTION 6. SEVERABILITY OF INVALID PROVISIONS. If any one or more of the covenants, agreements or provisions herein contained shall be held contrary to any express provisions of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separable from the remaining covenants, agreements or provisions, and shall in no way affect the validity of any of the other provisions hereof.

SECTION 7. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED this 10th day of April, 2023.

CITY OF LEESBURG, FLORIDA

By: _____
Title: Mayor

ATTEST:

By: _____
Title: City Clerk

APPROVED AS TO FORM AND CORRECTNESS:

By: _____
Title: City Attorney

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 5.C.2.

Meeting Date: April 10, 2023

From: Andi Purvis, (City Clerk)

Subject: Resolution of the City Commission of the City of Leesburg, Florida accepting an Automatic Aid Agreement for Fire Protection and Other Emergency Services between the City of Tavares and the City of Leesburg and more particularly described in the document; and providing an effective date.

Staff Recommendation:

Staff recommends accepting and approving the Resolution for an Automatic Aid Agreement for Fire Protection and Other Emergency Services between the City of Tavares and the City of Leesburg.

Analysis:

The purpose of this Automatic Aid Agreement for Fire Protection and Other Emergency Services is to establish the parameters of cooperation and assistance between the City of Tavares and the City of Leesburg with respect to the provision of such services.

Procurement Analysis:

N/A

Options:

1. Adopt the Resolution accepting and approving the Automatic Aid Agreement as presented; or
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact:

None

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG,
FLORIDA ACCEPTING AN AUTOMATIC AID AGREEMENT FOR FIRE
PROTECTION AND OTHER EMERGENCY SERVICES BETWEEN THE CITY
OF TAVARES AND THE CITY OF LEESBURG AND MORE PARTICULARLY
DESCRIBED IN THE DOCUMENT; AND PROVIDING AN EFFECTIVE
DATE.**

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA:

THAT an Automatic Aid Agreement for Fire Protection and Other Emergency Services between the City of Tavares and the City of Leesburg and more particularly described in the document for the purpose of establishing parameters of assistance between the City of Tavares and the City of Leesburg, is hereby accepted and the Mayor and City Clerk are authorized to execute this agreement.

THAT this resolution shall take effect upon passage and adoption according to law.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held on the 10th day of April 2023.

Mayor

ATTEST:

City Clerk



scope of services provided by fire departments in the usual and customary Automatic Aid Agreement.

4. This agreement shall encourage the development of cooperative procedures and protocols including but not limited to, communications coordination, training, health and safety, and other activities that will enhance the ability of the fire departments to fulfill their missions.
5. It is expressly understood and agreed that the party first to respond to the scene may serve as initial incident commander exercising command and control functions within the other's jurisdiction until relieved by an official from the primary jurisdiction having authority. The initial responding party will then fall under the chain of command of the jurisdiction having authority.
6. Nothing in this agreement shall limit the ability of either of the parties to participate in more specific contracts for services, mutual assistance or automatic response; nor shall this prohibit any party from providing emergency assistance to another jurisdiction which is not a participant in this agreement.
7. The City of Tavares and the City of Leesburg shall retain ownership of any equipment or property it brings to the performance of this agreement, and each shall retain ultimate control of its own employees.
8. Participants in this Automatic Aid Agreement do further agree to the following standard service criteria as the primary response system elements of this Automatic Aid Agreement:
 - A. The Automatic Aid Agreement allows the closest, most appropriate emergency response unit to a "Delta" and "Echo" level calls as defined by The International Academies of Emergency Dispatch, to be dispatched automatically-regardless of jurisdiction where the emergency occurs or the jurisdictional affiliation of the response unit.
 - B. All participants will use standard procedures. A standardized Incident Management System (IMS) provides for efficient management of the emergency and for the safety of firefighters. The Incident Management System for use by Automatic Aid participants shall be NIMS.
 - C. It is the desire of the Automatic Aid participants to explore other opportunities for joint training, including entry level training, mini academies, refresher training and systems training. By training together and using common procedures, participants have a higher level of confidence in each other.
 - D. Participants agree that automatic aid is reciprocal. While automatic aid does not ensure that a municipality will receive the exact same amount of assistance as it



90 gives, it does mean that all participants will provide some assistance outside its
91 jurisdictional boundaries to “Delta” and “Echo” level calls as defined by The
92 International Academies of Emergency Dispatch and that the level of service
93 delivered with the Automatic Aid Agreement will be comparable.
94

95 9. No term or provision of this Agreement is intended to, or shall, create any rights in any
96 person, firm, corporation or other entity not a party hereto, and no such person or entity
97 shall have any cause of action hereunder.
98

99 10. It is specifically agreed by both parties that for a particular incident, neither party shall be
100 reimbursed by the other party for any costs incurred pursuant to this agreement. In the
101 event of Declared Disasters, participants may apply for reimbursement from County,
102 State, and Federal agencies.
103

104 11. In the event a party shall sustain a loss or damage to its equipment or injury to any of its
105 personnel while responding to an incident or training in that jurisdiction of the other
106 party, unless a result of the negligent actions of the other party, such loss shall be the sole
107 responsibility of the party responding to the incident, and the other party shall not have
108 any liability for such damage or injury. Should the loss or damage be the result of
109 negligence or the negligent actions of the other party, the party responding shall retain all
110 rights available for compensation under the laws of the State of Florida.
111

112 12. If one party wishes to terminate this agreement for any reason or no reason, with or
113 without cause, 2 months (60 days) notice in writing of intention to terminate shall be
114 given to the other involved.
115

116 13. No term or provision in this agreement is intended to create a partnership, joint venture or
117 agency arrangement between the Cities.
118

119 14. The term of this Agreement shall be for a period of one year from the date of execution
120 by the last party and shall automatically renew for like terms unless revised or terminated
121 by the parties.
122
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138 IN WITNESS WHEREOF, the parties to hereto have executed this Agreement in duplicate
139 original, the day and year first above written.

140
141 ATTEST:

CITY OF TAVARES, FL

142
143 _____
144
145 City of Tavares Clerk

City of Tavares Mayor

146
147
148 Approved as to form and legality:

This ____ day of _____, ____

149
150 _____
151
152 City of Tavares Attorney

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164 ATTEST:

CITY OF LEESBURG, FL

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166 _____
167 Andi Purvis
168 City of Leesburg City Clerk

City of Leesburg Mayor

169
170
171 Approved as to form and legality:

This ____ day of _____, ____

172
173 _____
174
175 City of Leesburg Attorney

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 5.C.3.

Meeting Date: April 10, 2023

From: Andi Purvis, (City Clerk)

Subject: Resolution of the City Commission of the City of Leesburg, Florida, accepting a Corrective Utility Easement to the City of Leesburg from John and Lisa Somerville, for the purpose of correcting the location of the easement and granting the City an Easement over the property described therein; and providing an effective date.

Staff Recommendation:

Staff recommends accepting and approving the Resolution for a Corrective Utility Easement from John and Lisa Somerville, for the property described therein.

Analysis:

John and Lisa Somerville are granting a Corrective Utility Easement to the City of Leesburg, Florida for the purpose of construction, installation, repair, maintenance, replacement, and improvement of underground or above ground utilities, including but not limited to water, sewer, reuse water, natural gas, and electricity.

Procurement Analysis:

N/A

Options:

1. Adopt the Resolution accepting and approving the Corrective Utility Easement as presented; or
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact:

None

RESOLUTION NO. _____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA, ACCEPTING A CORRECTIVE UTILITY EASEMENT TO THE CITY OF LEESBURG FROM JOHN AND LISA SOMERVILLE, FOR THE PURPOSE OF CORRECTING THE LOCATION OF THE EASEMENT AND GRANTING THE CITY AN EASEMENT OVER THE PROPERTY DESCRIBED THEREIN; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA:

THAT the Corrective Utility Easement granted to the City of Leesburg by John and Lisa Somerville, for the purpose of correcting the location of the easement and granting the City a Utility Easement over, under, upon, across, through and within the real property described in the document is hereby accepted.

THAT this resolution shall take effect upon passage and adoption according to law.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held on the 10th day of April 2023.

Mayor

ATTEST:

City Clerk

Prepared by/return to:
William Grant Watson, Esq.
Stone & Gerken, P.A.
4850 N. Highway 19A
Mount Dora, Florida 32757

This Corrective Utility Easement is being recorded to correct an error in the sketch of description exhibit to the Utility Easement dated October 25, 2022 and recorded as Instrument Number 2023000155 on January 3, 2023, in O.R. Book 6074, Page 213, Public Records of Lake County, Florida.

CORRECTIVE UTILITY EASEMENT

THIS PERMANENT UTILITY EASEMENT ("Easement") is hereby granted on this 25th day of October, 2022, by JOHN W. SOMERVILLE AND LISA A. SOMERVILLE, husband and wife, whose mailing address is 9251 Silver Lake Drive, Leesburg, Florida 34788, ("GRANTOR," to THE CITY OF LEESBURG, FLORIDA, whose mailing address is P.O. Box 490630, Leesburg, Florida 34749-0630, and its successors and assigns ("GRANTEE");

WITNESSETH:

THAT GRANTOR, for and in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant unto **GRANTEE**, its successors and assigns forever, a perpetual non-exclusive easement for the construction, installation, alteration, operation, repair, maintenance, and replacement of utility improvements, including but not limited to water, wastewater, reclaimed water lines, natural gas and electricity and related facilities (the "**Facilities**"), over, under, upon, across, through and within the following described lands in Lake County, Florida, and referred to hereinafter as the "**Easement Area**" to wit:

SEE THE SKETCH OF DESCRIPTION ATTACHED HERETO AS EXHIBIT "A"

The easement rights specifically include: (a) the right of perpetual ingress and egress to patrol, inspect, alter, improve, construct, repair, maintain, rebuild, relocate, remove and provide access and service to the Facilities; (b) the right to decrease or increase, or to change the quantity and type of, the Facilities; (c) the right to clear the Easement Area of trees, limbs, undergrowth, and other physical objects (regardless of the location of such trees, limbs, undergrowth and other objects) which, in the opinion of Grantee, endanger or interfere with the safe and efficient installation, operation, or maintenance of the Facilities; and (e) all other rights and privileges reasonably necessary or convenient for the safe and efficient installation, operation, and maintenance of the facilities and for the enjoyment and use of such Easement for the purposes described above. Such easement rights shall include any temporary construction easement over and across such property as is necessary to the proper use and enjoyment of any right granted herein.

GRANTOR shall not erect, construct, or create any buildings, structures, or obstacles within the Easement Area that interfere with **GRANTEE'S** rights as described herein or install any landscaping with root systems that may damage the Facilities; however, **GRANTOR** may use the surface of the Easement Area in any manner that does not interfere with the rights granted to **GRANTEE** herein, which shall specifically include usage as and for roadways, parking areas, sidewalks, curbs, and sodding. **GRANTEE** will repair and/or replace any roadways, parking areas, sidewalks, curbs, and sodding in the Easement Area that is damaged in connection with any maintenance or repairs made by

Keri Sudman

Signature

Keri Sudman

Printed Name

Rose Mastro

Signature

Rose MastroSimone

Printed Name

Lisa A. Somerville

LISA A. SOMERVILLE

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 13 day of February, 2023, by Lisa A. Somerville, who is ☐ personally known to me or ☐ who produced the following identification:

Susan B. Adams

Notary Public Signature

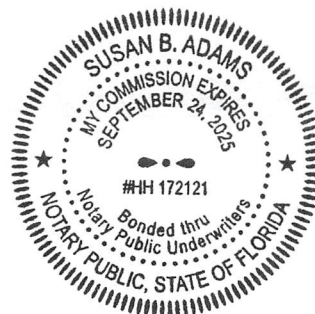
Susan B. Adams

Notary Public Name

My Commission Number:

My Expiration Date:

(seal)



GRANTEE to the Facilities. GRANTOR reserves the right to grant rights to others affecting said Easement Area provided that such rights do not create an unsafe condition or conflict with the rights granted to GRANTEE herein. Failure to exercise the rights herein granted to GRANTEE shall not constitute a waiver or abandonment.

GRANTOR warrants and covenants that GRANTOR is lawfully seized and in possession of the real property underlying the Easement Area, as specifically described and depicted in Exhibit "A" attached hereto, and has the right to convey this Easement, and that GRANTEE, its successors, successors-in-title and assignees shall have quiet and peaceful possession, use, and enjoyment of this Easement. The rights, privileges, and burden of the Easement granted herein shall be a covenant running with the land and the rights and duties shall descend to the parties' successors and assigns. GRANTEE shall include GRANTEE'S agents, contractors, subcontractors, licensees, franchisees, employees, and other parties associated with Grantee in furtherance of the purposes herein set forth.

IN WITNESS WHEREOF, this Easement has been executed by GRANTOR on the day and year first above written.

WITNESSES:

Keri Sudman
Signature
Keri Sudman

Rose Mastrosimone
Printed Name
Rose Mastrosimone
Signature
Rose Mastrosimone
Printed Name

GRANTOR:

JOHN W. SOMERVILLE

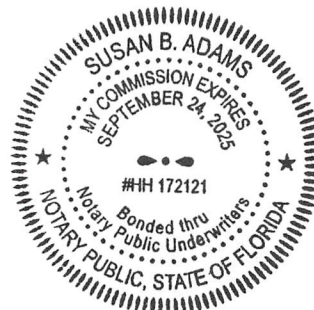
STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 13 day of February, 2023, by John W. Somerville, who is ☐ personally known to me or ☐ who produced the following identification:

Susan B. Adams
Notary Public Signature
Susan B. Adams
Notary Public Name

My Commission Number:
My Expiration Date:

(seal)



SKETCH OF POWER EASEMENT
FOR
JOHN & LISA SOMERVILLE
Sunnyside Drive, Leesburg

LINE TABLE

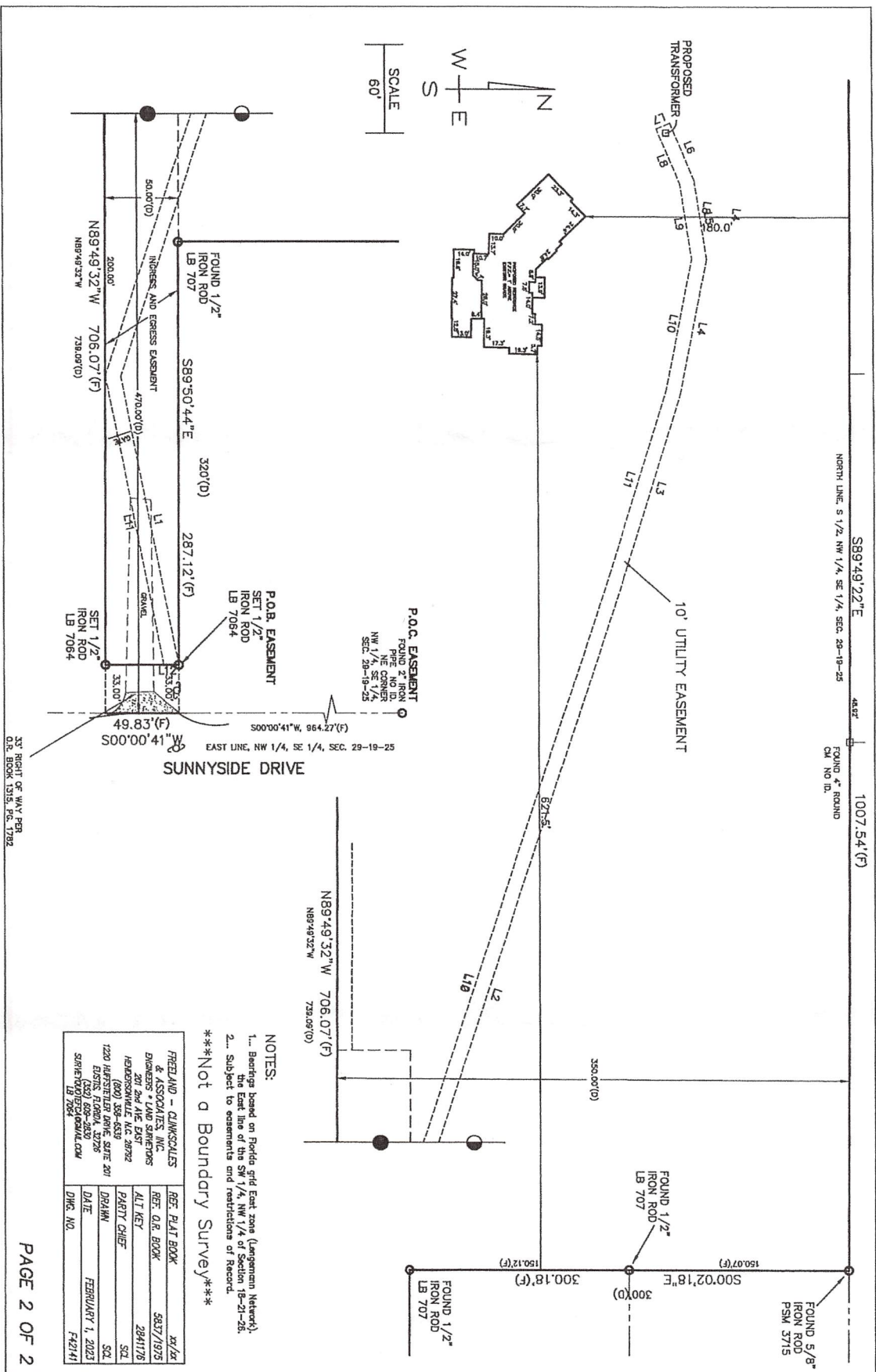
LINE	BEARING	DISTANCE
L1	S72°46'39"W	139.36'
L2	N71°34'23"W	592.40'
L3	N72°35'15"W	130.36'
L4	N78°38'46"W	93.47'
L5	S81°04'12"W	53.94'
L6	S87°22'16"W	42.33'
L7	S22°37'44"E	10.00'
L8	N67°22'16"E	41.13'
L9	N81°04'12"E	50.96'
L10	S78°38'46"E	91.15'
L11	S72°35'15"E	129.75'
L12	S71°34'23"E	594.96'
L13	N78°46'39"E	200.04'
L14	N00°15'56"E	10.20'

UTILITY EASEMENT DESCRIPTION:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 29, TOWNSHIP 19 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA; THENCE RUN S 00°00'41" W ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 29 FOR A DISTANCE OF 924.27 FEET; THENCE N 89°50'44" W, 33.00 FEET TO THE POINT OF BEGINNING; THENCE N72°35'15" W, 130.36 FEET; THENCE S78°46'39" W, 199.38 FEET; THENCE N71°34'23" W, 592.40 FEET; THENCE S67°22'16" W, 42.33 FEET; THENCE N78°38'46" W, 93.47 FEET; THENCE N81°04'12" W, 53.94 FEET; THENCE S87°22'16" W, 42.33 FEET; THENCE S22°37'44" E, 10.00 FEET; THENCE N67°22'16" E, 41.13 FEET; THENCE N81°04'12" E, 50.96 FEET; THENCE S78°38'46" E, 91.15 FEET; THENCE S72°35'15" E, 129.75 FEET; THENCE S71°34'23" E, 594.96 FEET; THENCE N78°46'39" E, 200.04 FEET; THENCE N00°15'56" E, 10.20 FEET TO THE POINT OF BEGINNING.

NOTES:
1... Bearings based on Florida grid East zone (Langanem Network), the East line of the SW 1/4, NW 1/4 of Section 18-21-26.
2... Subject to easements and restrictions of Record.
Not a Boundary Survey

FREELAND - CLINSONS 4 ASSOCIATES, INC. BROOKERS • LAND SURVEYORS 201 2nd AVE EAST HENDERSONVILLE, NC 28922 (800) 356-6539 1220 HARTFORD DRIVE, SUITE 201 LEESBURG, FL 34748 EST. 1989 SERVINGFLORIDA.COM 18 7064	REF. PLAT BOOK 5837/1975 ALT KEY PARTY CHIEF DATE FEBRUARY 1, 2023 DATE FEBRUARY 1, 2023	xx/xx 284176 SCL SCL FEBRUARY 1, 2023 FEBRUARY 1, 2023
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City of Leesburg Lake Front City

Agenda Memorandum

Item No: 5.C.4.

Meeting Date: April 10, 2023

From: Andi Purvis, (City Clerk)

Subject: Resolution of the City Commission of the City of Leesburg, Florida, accepting a Utility Easement to the City of Leesburg from DRJ Land Company, LLC, for the purpose of granting the City an Easement over the property described therein, together with the Joinder and Consent to Utility Easement from Truist Bank joining and consenting to the Utility Easement; and providing an effective date.

Staff Recommendation:

Staff recommends accepting and approving the Resolution for a Utility Easement from DRJ Land Company, LLC, for the property described therein, together with the Joinder and Consent to Utility Easement from Truist Bank joining and consenting to the Utility Easement.

Analysis:

DRJ Land Company, LLC is granting a Utility Easement to the City of Leesburg, Florida for the purpose of construction, installation, repair, maintenance, replacement, and improvement of underground or above ground utilities, including but not limited to water, sewer, reuse water, natural gas, and electricity.

Truist Bank is the holder of a mortgage, lien, or other encumbrance upon the property described therein and joins and consents to the Utility Easement from DRJ Land Company, LLC and agrees that its mortgage, lien or other encumbrance shall be subordinated to said easement.

Procurement Analysis:

N/A

Options:

1. Adopt the Resolution accepting and approving the Utility Easement as presented; or
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact:

None

RESOLUTION NO. _____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA, ACCEPTING A UTILITY EASEMENT TO THE CITY OF LEESBURG FROM DRJ LAND COMPANY, LLC, FOR THE PURPOSE OF GRANTING THE CITY AN EASEMENT OVER THE PROPERTY DESCRIBED THEREIN, TOGETHER WITH THE JOINDER AND CONSENT TO UTILITY EASEMENT FROM TRUIST BANK JOINING AND CONSENTING TO THE UTILITY EASEMENT; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA:

THAT the Utility Easement granted to the City of Leesburg by DRJ Land Company, LLC for the purpose of granting the City a Utility Easement over, under, upon, across, through and within the real property described in the document, together with the Joinder and Consent to Utility Easement from Truist Bank joining and consenting to the Utility Easement, is hereby accepted.

THAT this resolution shall take effect upon passage and adoption according to law.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held on the 10th day of April 2023.

Mayor

ATTEST:

City Clerk

Prepared by/return to:
William Grant Watson, Esq.
Stone & Gerken, P.A.
4850 N. Highway 19A
Mount Dora, Florida 32757

UTILITY EASEMENT

THIS PERMANENT UTILITY EASEMENT ("**Easement**") is hereby granted by **DRJ LAND COMPANY, LLC**, whose mailing address is 2025 SW College Road, Ocala, Florida 34471, ("**GRANTOR**," to **THE CITY OF LEESBURG, FLORIDA**, whose mailing address is P.O. Box 490630, Leesburg, Florida 34749-0630, and its successors and assigns ("**GRANTEE**");

WITNESSETH:

THAT **GRANTOR**, for and in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant unto **GRANTEE**, its successors and assigns forever, a perpetual non-exclusive easement for the construction, installation, alteration, operation, repair, maintenance, and replacement of utility improvements, including but not limited to water, wastewater, reclaimed water lines, natural gas and electricity and related facilities (the "**Facilities**"), over, under, upon, across, through and within the following described lands in Lake County, Florida, and referred to hereinafter as the "**Easement Area**" to wit:

SEE THE SKETCH OF DESCRIPTION ATTACHED HERETO AS EXHIBIT "A"

The easement rights specifically include: (a) the right of perpetual ingress and egress to patrol, inspect, alter, improve, construct, repair, maintain, rebuild, relocate, remove and provide access and service to the Facilities; (b) the right to decrease or increase, or to change the quantity and type of, the Facilities; (c) the right to clear the Easement Area of trees, limbs, undergrowth, and other physical objects (regardless of the location of such trees, limbs, undergrowth and other objects) which, in the opinion of Grantee, endanger or interfere with the safe and efficient installation, operation, or maintenance of the Facilities; and (e) all other rights and privileges reasonably necessary or convenient for the safe and efficient installation, operation, and maintenance of the facilities and for the enjoyment and use of such Easement for the purposes described above. Such easement rights shall include any temporary construction easement over and across such property as is necessary to the proper use and enjoyment of any right granted herein.

GRANTOR shall not erect, construct, or create any buildings, structures, or obstacles within the Easement Area that interfere with **GRANTEE'S** rights as described herein or install any landscaping with root systems that may damage the Facilities; however, **GRANTOR** may use the surface of the Easement Area in any manner that does not interfere with the rights granted to **GRANTEE** herein, which shall specifically include usage as and for roadways, parking areas, sidewalks, curbs, and sodding. **GRANTEE** will repair and/or replace any roadways, parking areas, sidewalks, curbs, and sodding in the Easement Area that is damaged in connection with any maintenance or repairs made by **GRANTEE** to the Facilities. **GRANTOR** reserves the right to grant rights to others affecting said Easement Area provided that such rights do not create an unsafe condition or conflict with the rights granted to **GRANTEE** herein. Failure to exercise the rights herein granted to **GRANTEE** shall not constitute a waiver or abandonment.

GRANTOR warrants and covenants that **GRANTOR** is lawfully seized and in possession of the real property underlying the Easement Area, as specifically described and depicted in Exhibit "A" attached hereto, and has the right to convey this Easement, and that **GRANTEE**, its successors, successors-in-title

and assignees shall have quiet and peaceful possession, use, and enjoyment of this Easement. The rights, privileges, and burden of the Easement granted herein shall be a covenant running with the land and the rights and duties shall descend to the parties' successors and assigns. **GRANTEE** shall include **GRANTEE'S** agents, contractors, subcontractors, licensees, franchisees, employees, and other parties associated with Grantee in furtherance of the purposes herein set forth.

IN WITNESS WHEREOF, this Easement has been executed by **GRANTOR** on the day and year first above written.

WITNESSES:

Signature

Printed Name

Signature

Printed Name

GRANTOR:

DRJ LAND COMPANY, LLC

Donald R. Jenkins, Manager

STATE OF Florida
COUNTY OF Marion

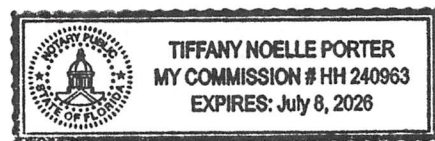
The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 2 day of March, 2023, by Donald R. Jenkins, Manager of DRJ Land Company, LLC, who is ☒ personally known to me or ☐ who produced the following identification:

Notary Public Signature

Notary Public Name

My Commission Number:
My Expiration Date:

(seal)



SECTION 22, TOWNSHIP 19 SOUTH, RANGE 25 EAST,
LAKE COUNTY, FLORIDA

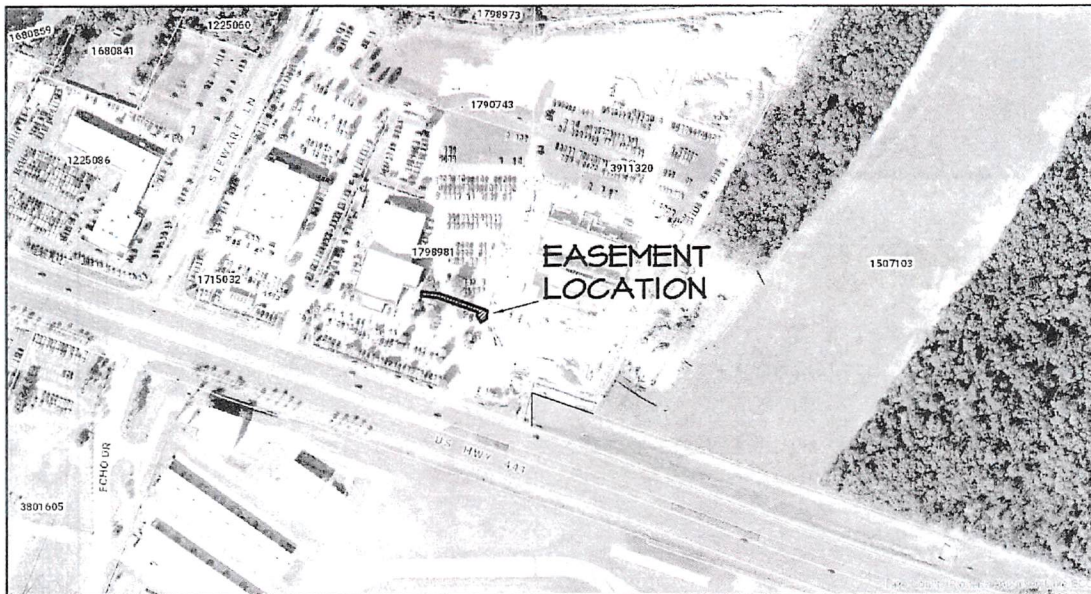
NOT A BOUNDARY SURVEY

10' UTILITY EASEMENT:

DESCRIPTION:

BEING A 10.00 FEET WIDE UTILITY EASEMENT, LYING IN THE NORTHWEST 1/4 OF SECTION 22, TOWNSHIP 19 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A 6" x 6" CONCRETE MONUMENT AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 22, TOWNSHIP 19 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA; THENCE N.89°12'21"W. ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 22, A DISTANCE OF 882.24 FEET TO THE WEST LINE OF THE APPROACH CLEAR ZONE OF RUNWAY 3-21, LEESBURG INTERNATIONAL AIRPORT; THENCE S.29°54'24"W. ALONG SAID WEST LINE, A DISTANCE OF 640.55 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 441 / STATE HIGHWAY 500; THENCE N.71°12'32"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 137.13 FEET; THENCE S.00°19'57"W. ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 5.27 FEET; THENCE N.71°12'32"W. DEPARTING SAID RIGHT-OF-WAY LINE, A DISTANCE OF 26.38 FEET; THENCE N.29°45'42"W. A DISTANCE OF 169.57 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUE N.29°45'42"W. A DISTANCE OF 16.90 FEET; THENCE N.17°49'21"E., A DISTANCE OF 8.14 FEET; THENCE N.70°10'42"W. A DISTANCE OF 91.00 FEET; THENCE N.83°42'35"W. A DISTANCE OF 35.26 FEET; THENCE N.06°17'25"E. A DISTANCE OF 10.00 FEET; THENCE S.83°42'35"E. A DISTANCE OF 36.45 FEET; THENCE S.70°10'42"E. A DISTANCE OF 110.81 FEET; THENCE S.06°28'53"W. A DISTANCE OF 18.16 FEET; THENCE S.60°14'18"W. A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING.



NOTES:

- 1) BEARINGS ARE BASED ON THE NORTH LINE OF THE NW 1/4 OF SECTION 22, TOWNSHIP 19 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA AS BEING N. 89°12'21" W. ASSUMED MERIDIAN.
- 2) LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY, EASEMENTS, OWNERSHIP OR ANY OTHER INSTRUMENT OF RECORD BY THIS FIRM.
- 3) CERTIFICATION LIMITED TO PARTIES NAMED HEREON.
- 4) THE SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE ORIGINAL OR ELECTRONIC SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY THE SIGNING SURVEYOR SHOWN HEREON.
- 5) THIS SKETCH WAS PREPARED TO ACCOMPANY THE DESCRIPTION SHOWN HEREON AS REQUIRED BY CHAPTER 5-H-1, STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS, PURSUANT TO SECTION 412.021 FLORIDA STATUTES AND DOES NOT REPRESENT, IN ANY WAY, A SURVEY OF SAID LAND DESCRIPTION.

VICINITY MAP
(NOT TO SCALE)

SKETCH OF DESCRIPTIONS
10.00' WIDE UTILITY EASEMENT
certified to:
JENKINS HYUNDAI OF LEESBURG
and
CITY OF LEESBURG

SHEET 1 OF 2 SHEETS
(SEE SHEET 2 OF 2 FOR SKETCH)

DRAWN BY: R.W.H.	DATE: 02/20/23
CHECKED BY: R.D.S.	DRAWING NO.: B-14502
FILE: SURVEY20170-033	SHEET 1 OF 2

RONALD W. HERR
No. 4907
STATE OF FLORIDA
Professional Land Surveyor

RONALD W. HERR
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATE NO. 4907

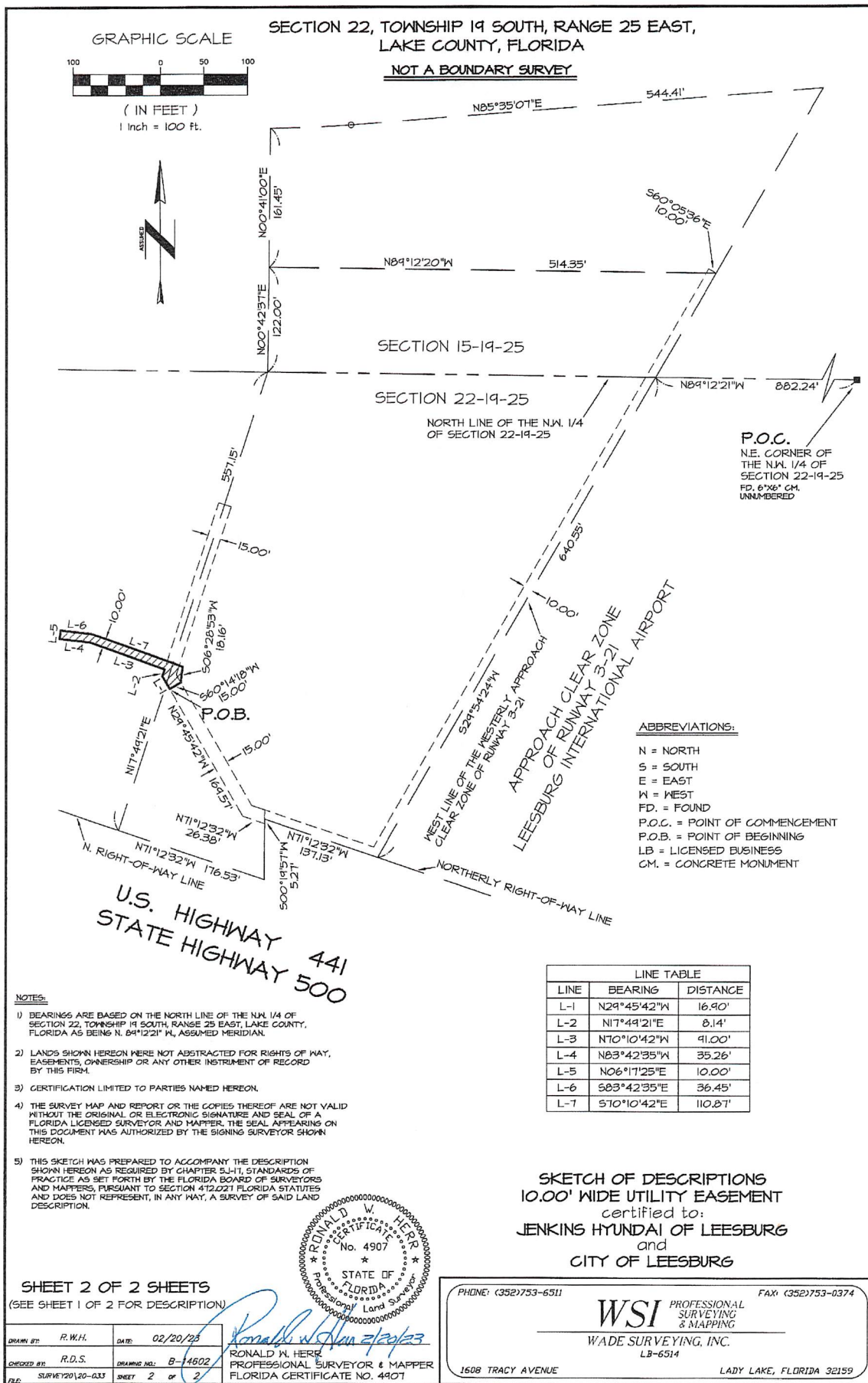
PHONE: (352)753-6511

FAX: (352)753-0374

WSI PROFESSIONAL
SURVEYING
& MAPPING
WADE SURVEYING, INC.
LB-6514

1608 TRACY AVENUE

LADY LAKE, FLORIDA 32159



JOINDER AND CONSENT TO UTILITY EASEMENT

TRUIST BANK, a North Carolina banking corporation, hereby certifies that it is the holder of a mortgage, lien, or other encumbrance upon the property shown and described on Exhibit "A" attached hereto, located in Leesburg, Lake County, Florida, and hereby joins and consents to the Utility Easement between DRJ LAND COMPANY, LLC and the CITY OF LEESBURG; and agrees that its mortgage, lien, or other encumbrance which is recorded in O.R. Book 5940, Page 1191, of the Public Records of Lake County, Florida, shall be subordinated to said easement.

Signed and sealed in the presence of:

Lisa C. Hayes
Printed Name: Lisa C. Hayes
Jennifer Oban
Printed Name: Jennifer Oban

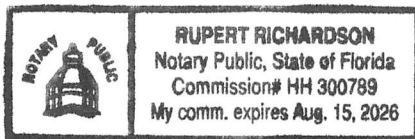
TRUIST BANK,
A North Carolina banking corporation,

By: Glenn Stambaugh
Print Name: Glenn Stambaugh
Title: SVP

STATE OF FLORIDA
COUNTY OF Duval

The foregoing instrument was acknowledged before me, by means of ☒ physical presence or ☐ online notarization, this 15th day of March, 2023, by Glenn Stambaugh, as SVP of TRUIST BANK, who is Florida Driver's License personally known or produced as identification.

(Seal)



[Signature]
NOTARY PUBLIC

EXHIBIT "A"

Address: 9145 South U.S. Highway 441, Leesburg, Florida

A Parcel Of Land Being Portions of Section 15 And 22, Township 19 South, Range 25 East, Also Being A Portion Of Lot 5, Block 52, Silver Lake Estates, Plat Book 10, Page 66, Public Records of Lake County, Florida, Being More Particularly Described As Follows:

Begin at The Southeast Corner of the Southwest 1/4 of the Southwest 1/4 of said Section 15 run S00°01'48"E, along the east boundary line of said Lot 5, Block 52 a distance of 586.81 Feet to a point on the North Right Of Way Line of U.S. Highway 441/State Highway 500; Thence N71°37'07"W, along said North right of way line a distance of 494.86 Feet; thence departing said North Right Of Way Line N01°59'35"E, 125.12 Feet; Thence N22°52' 19"E, 454.15 feet to a point on the boundary of those lands described in Official Records Book 2854, Page 1357, Public Records of Lake County, Florida; Thence S74°27'45"E, along said boundary a distance of 299.49 Feet to a Point on said East Boundary Line of Lot 5, Block 52; Thence S00°11'42"W, along said East boundary line a distance of 32.50 Feet to the Point of Beginning.

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 5.C.5.

Meeting Date: April 10, 2023

From: Brandy McDaniel, (Budget Director)

Subject: Resolution of the City Commission of the City of Leesburg, Florida, amending the Fiscal Year 2022-23 Budget for the General, Carver Heights CRA, Capital Projects, Gas, Water, Gas Tax and Fire Impact Fees Funds for the Second Quarter; and providing an effective date.

Staff Recommendation:

Staff recommends adoption of the attached resolution amending the Fiscal Year 2022-23 Budget.

Analysis:

As established in the Budget Policy, adopted September 28, 1998, total appropriations within a fund cannot increase or decrease without formal action by the City Commission.

General Fund	Amount	Funding Source
Faith World Church FSL Grant	\$ 20,000	Fund Balance
Mobile Air Compressor System Grant (Fire) Impact Fees	161,585	Assistance to Firefighter's Grant & Fire
Full Service Canine (Police)	14,108	Edward Byrne Federal Grant
Speed Measuring Devices (5) (Police)	<u>9,382</u>	Edward Byrne Federal Grant
Total General Fund	\$ 205,075	
Carver Heights CRA Fund	Amount	Funding Source
REMOVE 701 McCormack St. Food Pantry	\$ <u>(245,100)</u>	CDBG Federal Grant
Total Carver Heights CRA Fund	\$ (245,100)	
Capital Projects Fund	Amount	Funding Source
Correct Unallocated Capital Funds Rollover	\$ 109,257	Fund Balance (ARPA)
Additional Road Resurfacing Funds	<u>7,052</u>	Transfer from Gas Tax Fund
Total Capital Projects Fund	\$ 116,309	
Gas Fund	Amount	Funding Source
CNG Station- 31643 Executive Blvd.	\$ <u>163,011</u>	Developer Contributed
Total Gas Fund	\$ 163,011	
Water Fund	Amount	Funding Source

Fluoride Injection System Study	\$ 80,500	Fund Balance
10-year Water Supply Study	<u>60,000</u>	Fund Balance
Total Water Fund	\$ 140,500	

Gas Tax Fund	Amount	Funding Source
Additional Road Resurfacing Transfer to Capital Projects Fund	\$ <u>7,052</u>	Fund Balance
Total Gas Tax Fund	\$ 7,052	

Fire Impact Fees Fund	Amount	Funding Source
Mobile Air Compressor System Grant-Transfer to General Fund (Fire)	\$ <u>47,949</u>	Fund Balance
Total Fire Impact Fees Fund	\$ 47,949	

Procurement Analysis:

N/A

Options:

1. Adopt the attached resolution amending the Fiscal Year 2022-23 budget for the General, Carver Heights CRA, Capital Projects, Gas, Water, Gas Tax and Fire Impact Fees Funds for the Second Quarter; or
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact:

See attached

2nd Quarter Budget Adjustments Additional Information

<u>Fund:</u>	<u>Description</u>	<u>Amount</u>	<u>Reason</u>
General			
Miscellaneous	Faith World Church FSL Grant	20,000	City Commission approved 2/27/23
Fire	Mobile Air Compressor System- Assistance to Firefighters Grant	161,585	City Commission approved 11/22/2021, Grant was awarded to the City
Police	Full Service Canine- Edward Byrne Grant	14,108	City Commission approved 8/8/22, Grant was awarded to the City 3/8/23
Police	Speed Measuring Devices (5)- Edward Byrne Grant	9,382	City Commission approved 10/24/2022, Grant was awarded to the City
	Total General Fund	205,075	
Carver Heights CRA			
	*REMOVE *Food Pantry 701 McCormack St- CDBG Grant	(245,100)	City Commission approved sending the grant back at the 3/27/23 meeting
	Total Carver Heights CRA	(245,100)	
Capital Projects			
	Correct Unallocated Capital Funds Rollovers from FY 21-22	109,257	Rollovers were approved 1/23/23, ARPA available funds was understated
	Additional Road Resurfacing Funds- Complete Canal Street Project	7,052	Gas Tax funds are available and eligible to complete the budget needed for this project
	Total Capital Projects Fund	116,309	
Gas			
	CNG Station- 31643 Executive Blvd.	163,011	Developer wired funds to complete this project, add to current Gas Capital Projects
	Total Gas Fund	163,011	
Water			
	Fluoride Injection System Study	80,500	City Commission approved moving forward with the study at the 1/23/23
	10-year water Supply Study	60,000	Study needs to be completed, use available cash reserve funds
	Total Water Fund	140,500	
Gas Tax			
	Additional Road Resurfacing Funds (Transfer to Capital Projects Fund)	7,052	Gas Tax funds are available and eligible to complete the budget needed for this project
	Total Gas Tax Fund	7,052	
Fire Impact Fees			
	Mobile Air Compressor System- Assistance to Firefighters Grant	47,949	City match required for this grant
	Total Fire Impact Fees	47,949	
	Total 2nd Qtr Budget Adjustments	434,796	

	FY 2023		FY 2023
<u>FUND</u>	<u>ADOPTED</u>	<u>CHANGE</u>	<u>AMENDED</u>
General	32,555,337	205,075	32,760,412
Stormwater	3,283,752	-	3,283,752
Housing Assistance	162,112	-	162,112
Greater Leesburg CRA	813,641	-	813,641
Carver Heights CRA	999,168	(245,100)	754,068
Hwy 441/27 CRA	1,979,110	-	1,979,110
Debt Service	1,745,218	-	1,745,218
Capital Projects	12,671,992	116,309	12,788,301
Electric	102,434,356	-	102,434,356
Gas	11,502,651	163,011	11,665,662
Water	17,551,963	140,500	17,692,463
Wastewater	64,033,187	-	64,033,187
Solid Waste	5,454,110	-	5,454,110
Airport	7,050,961	-	7,050,961
Police Pension	2,223,377	-	2,223,377
Fire Pension	1,720,614	-	1,720,614
General Employees Pension	3,240,408	-	3,240,408
Health Insurance	7,769,137	-	7,769,137
Workers' Compensation	1,160,309	-	1,160,309
Discretionary Sales Tax	2,680,893	-	2,680,893
Gas Tax	1,200,000	7,052	1,207,052
Building Permits	1,570,402	-	1,570,402
Police Forfeiture	61,571	-	61,571
Police Education Receipts	3,500	-	3,500
Fire Impact Fees	-	47,949	47,949
Fleet Services	5,376,089	-	5,376,089
Total	289,243,858	434,796	289,678,654

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA,
AMENDING THE FISCAL YEAR 2022-23 BUDGET FOR THE GENERAL, CARVER HEIGHTS
CRA, CAPITAL PROJECTS, GAS, WATER, GAS TAX AND FIRE IMPACT FEE FUNDS FOR
THE SECOND QUARTER; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Commission of the City of Leesburg adopted a budget for the Fiscal Year 2022-23 on September 26, 2022, which they felt was in the best interest of the citizens of the City of Leesburg, and

WHEREAS, it is now necessary to amend the current budget for Fiscal Year 2022-23 to provide funds for various projects as adopted at City Commission meetings, and

WHEREAS, such action was not anticipated in the original 2022-23 annual budget;

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA:

SECTION I.

Pursuant to Section 200.065, Florida Statutes, and all other applicable laws, the following amounts for use by the various funds during Fiscal Year 2022-23 as reflected below, including all modifications or amendments made during this meetings, are hereby adopted as increases/decreases to the original budget for Fiscal Year 2022-23 for the City of Leesburg, Florida:

GENERAL FUND

ESTIMATED REVENUES AND OTHER RECEIPTS

Intergovernmental Revenue	137,126
Other Financing Sources:	
Fund Balance Appropriated	20,000
Transfer from Other Funds	47,949
TOTAL ESTIMATED REVENUES AND OTHER RECEIPTS	205,075

PROPOSED APPROPRIATIONS

General Government	20,000
Public Safety	185,075
TOTAL PROPOSED APPROPRIATIONS	205,075

CARVER HEIGHTS CRA FUND

ESTIMATED REVENUES AND OTHER RECEIPTS

Intergovernmental Revenue	(245,100)
TOTAL ESTIMATED REVENUES AND OTHER RECEIPTS	(245,100)

PROPOSED APPROPRIATIONS

Economic Environment	(245,100)
TOTAL PROPOSED APPROPRIATIONS	(245,100)

CAPITAL PROJECTS FUND

ESTIMATED REVENUES AND OTHER RECEIPTS

Other Financing Sources:	
Fund Balance Appropriated	109,257
Transfer from Other Funds	7,052
TOTAL ESTIMATED REVENUES AND OTHER RECEIPTS	116,309

PROPOSED APPROPRIATIONS

Transportation	7,052
Culture/Recreation	109,257
TOTAL PROPOSED APPROPRIATIONS	116,309

GAS FUND

ESTIMATED REVENUES AND OTHER RECEIPTS

Other Sources	163,011
TOTAL ESTIMATED REVENUES AND OTHER RECEIPTS	163,011

PROPOSED APPROPRIATIONS

Physical Environment	163,011
TOTAL PROPOSED APPROPRIATIONS	163,011

WATER FUND**ESTIMATED REVENUES AND OTHER RECEIPTS**

Other Financing Sources:

Fund Balance Appropriated	140,500
TOTAL ESTIMATED REVENUES AND OTHER RECEIPTS	140,500

PROPOSED APPROPRIATIONS

Physical Environment	140,500
TOTAL PROPOSED APPROPRIATIONS	140,500

GAS TAX FUND**ESTIMATED REVENUES AND OTHER RECEIPTS**

Other Financing Sources:

Fund Balance Appropriated	7,052
TOTAL ESTIMATED REVENUES AND OTHER RECEIPTS	7,052

PROPOSED APPROPRIATIONS

Transportation	7,052
TOTAL PROPOSED APPROPRIATIONS	7,052

FIRE IMPACT FEES FUND**ESTIMATED REVENUES AND OTHER RECEIPTS**

Other Financing Sources:

Fund Balance Appropriated	47,949
TOTAL ESTIMATED REVENUES AND OTHER RECEIPTS	47,949

PROPOSED APPROPRIATIONS

Transportation	47,949
TOTAL PROPOSED APPROPRIATIONS	47,949

ALL FUNDS**ESTIMATED REVENUES AND OTHER RECEIPTS**

Other Sources	163,011
Intergovernmental Revenue	(107,974)
Total Estimated Revenues	55,037
Other Financing Sources:	
Fund Balance Appropriated	324,758
Transfer from Other Funds	55,001
TOTAL ESTIMATED REVENUES AND OTHER RECEIPTS	434,796

PROPOSED APPROPRIATIONS

General Government	20,000
Transportation	62,053
Public Safety	185,075
Economic Environment	(245,100)
Physical Environment	303,511
Culture/Recreation	109,257
TOTAL PROPOSED APPROPRIATIONS	434,796

SECTION II.

This resolution shall become effective upon its passage and adoption by the Leesburg City Commission in the manner provided by law.

PASSED AND ADOPTED at a regular meeting of the City Commission of the City of Leesburg, Florida held the 10th day of April 2023.

Mayor

ATTEST:

City Clerk

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 6.B.1.

Meeting Date: April 10, 2023

From: Dan Miller, (Planning and Zoning Director)

Subject: An Ordinance of the City of Leesburg, Florida, annexing certain real property consisting of approximately 33.45 acres; and being generally located east of County Road 48 and west of Haywood Worm Farm Road, lying in Sections 14 and 15, Township 20 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. (Sundance AX)

Staff Recommendation:

The Planning and Zoning staff recommend approval of the proposed ordinance for annexation of the Sundance property.

Analysis:

The applicant has submitted a request for annexation of approximately 33.45+/- acres, generally located south of County Road 48 and west of Haywood Worm Farm Road, as shown on the attached Aerial Map. At this time, the property consists of undeveloped acreage. The current zoning is Lake County A (Agriculture); the proposed zoning is City PUD (Planned Unit Development). This request will allow the applicant to obtain water and sewer service to develop a commercial and industrial mixed use project.

The property is surrounded by industrial uses to the north and south, with industrial and residential uses to the east and residential uses to the west.

Also on this City Commission agenda, is a Small-Scale Comprehensive Plan Amendment, which, along with a Planned Unit Development Application, had recommendations for approval from the staff and Planning Commission at the public hearing held on March 23, 2023. Under the conditions of the PUD (Planned Unit Development) zoning case, which include buffers and fencing, no negative impacts are anticipated to adjacent properties.

Procurement Analysis:

N/A

Options:

1. Approve the requested annexation. This would give the City jurisdiction over the use and future development of the subject site and provide for the application of City standards to this property;
or
2. Disapprove the proposed annexation and allow the property to remain in the County.

Fiscal Impact:

A positive fiscal impact will result from the annexation and development of this property due to increased tax revenue added to the General Fund. Future development of the property will increase this anticipated impact.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, ANNEXING CERTAIN REAL PROPERTY CONSISTING OF APPROXIMATELY 33.45 ACRES; AND BEING GENERALLY LOCATED EAST OF COUNTY ROAD 48 AND WEST OF HAYWOOD WORM FARM ROAD, LYING IN SECTIONS 14 AND 15, TOWNSHIP 20 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. (SUNDANCE AX)

BE IT ENACTED BY THE PEOPLE OF THE CITY OF LESSBURG, FLORIDA, THAT:

Section 1.

Based upon the petition of **33 AC SR 48, LLC, 1701 Spring Lake Drive, Orlando, Florida, 34762, (Christopher Germana, Germana Engineering and Associates, LLC, 1120 West Minneola Drive, Clermont Floirda 34711, Agent)** for the property hereinafter described, shall be annexed into the city limits of the City of Leesburg, Florida, which petition has heretofore been approved by the City Commission of the City of Leesburg, Florida, pursuant to the provisions of the Laws of Florida, the hereinafter described property is hereby annexed and made a part of the city limits of the City of Leesburg, Florida. The subject property lying and situated in Lake County, Florida, is more particularly described as:

Legal Description
(See Exhibit A)

Section 2.

All of the property, real and personal, within said annexed territory, described in Section 1 above, as provided by this ordinance, and the inhabitants thereof, shall be subject to the government, jurisdiction, powers, franchises, duties, and privileges of the City of Leesburg, Florida, and the said annexed property shall be liable, proportionately, for all of the present outstanding and existing, as well as future, indebtedness of the City of Leesburg, Florida; that all of the ordinances of the City of Leesburg, and all the laws heretofore passed by the Legislature of the State of Florida relating to and which now or hereafter constitute its Charter, shall apply to and have the same force and effect on such annexed territory as if all such annexed territory had been a part of the City of Leesburg, Florida, at the time of the passage and approval of said laws and ordinances. The property annexed hereby is assigned to City Commission District 3.

Section 3.

All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed;

Section 4.

This ordinance shall become effective immediately upon approval at second reading.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held on the _____ day of _____ 2023.

Mayor

ATTEST:

City Clerk

LEGAL DESCRIPTION: (PER ORB. 4051, PG. 1522)

Lots 13, 14, 15 and 16, in Roadside Subdivision, according to the Plat thereof, as recorded in Plat Book 9, Page 62, Public Records of Lake County, Florida.

LESS the right-of-way for Atlantic Coastline Railroad along the South lot line of said Lot 13 thereof.

Also, LESS that part of Haywood Worm Farm Road over the East lot lines of said Lot 13, 14, 15 and 16 thereof.

AND

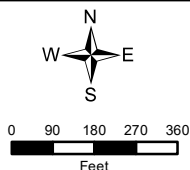
The West 3/4 of the North 1/2 of the Northeast 1/4 of the Southeast 1/4 of Section 15, Township 20 South, Range 24 East, Lake County, Florida.

LESS the right-of-way for State Road No. 48 along the North lot line thereof.

Aerial



**Planning
& Zoning
Division**

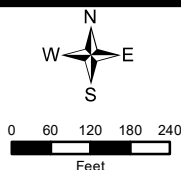


Sundance Commercial and Industrial
 ANN-22-584; SSCP-22-585; PUD-22-586
 Alternate Key #'s: 1111005; 1295815; 3319796
 3822 County Road 48, Okahumpka
 Sections 14, 15; Township 20 South; Range 24 East
 January 5, 2023

Surrounding Land Uses



**Planning
& Zoning
Division**

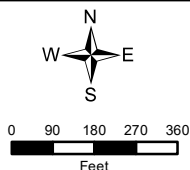


Sundance Commercial and Industrial
ANNX-22-584; SSCP-22-585; PUD-22-586
Alternate Key #'s: 1111005; 1295815; 3319796
3822 County Road 48, Okahumpka
Sections 14, 15; Township 20 South; Range 24 East
January 5, 2023

Commission District



**Planning
& Zoning
Division**



Sundance Commercial and Industrial
ANNX-22-584; SSCP-22-585; PUD-22-586
Alternate Key #'s: 1111005; 1295815; 3319796
3822 County Road 48, Okahumpka
Sections 14, 15; Township 20 South; Range 24 East
January 5, 2023

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 6.B.2.

Meeting Date: April 10, 2023

From: Dan Miller, (Planning and Zoning Director)

Subject: An Ordinance amending the Comprehensive Plan of the City of Leesburg, changing the future land use designation of certain property containing 33.45 +/- acres from Lake County Regional Office to City of Leesburg Industrial, for a mixed use development on a property generally located south of County Road 48 and west of Haywood Worm Farm Road, as legally described in Section 15, Township 20 South, Range 24 East, Lake County, Florida; and providing an effective date. (Sundance SSCP).

Staff Recommendation:

The Planning & Zoning Staff and the Planning Commission recommend approval of the proposed small-scale comp plan map amendment to the City's Future Land Use Map on 33.45 +/- acres from Lake County Regional Office to City of Leesburg Industrial.

Analysis:

The project site is approximately 33.45 acres. The property is generally located south of County Road 48 and west of Haywood Worm Farm Road. Currently, the property is undeveloped acreage. The proposal is for a mixed use commercial and industrial development. The surrounding Future Land Use Map designations of Lake County Industrial and Urban Low Density are compatible, as conditioned in the accompanying zoning case, with the proposed future land use designation of Industrial. The proposed zoning designation of City PUD (Planned Unit Development) will provide for development that is consistent with the City's adopted Growth Management Plan, the surrounding land uses, and would allow an appropriate use for the property. City utilities are available in the area.

The Planning Commission held a public hearing on the application on March 23, 2023 and recommended approval by a vote of 5-0.

Procurement Analysis:

N/A

Options:

1. Approve the requested large-scale comprehensive plan amendment from Lake County Regional Office to City of Leesburg industrial; or

2. Other action the Commission may deem appropriate.

Fiscal Impact:

There is no direct fiscal impact on the City as a result of this action. Future development of the property will increase this anticipated impact from collection of impact fees, ad valorem taxes and utility charges.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF LEESBURG, CHANGING THE FUTURE LAND USE DESIGNATION OF CERTAIN PROPERTY CONTAINING 33.45 +/- ACRES FROM LAKE COUNTY REGIONAL OFFICE TO CITY OF LEESBURG INDUSTRIAL, FOR A MIXED USE DEVELOPMENT ON A PROPERTY GENERALLY LOCATED SOUTH OF COUNTY ROAD 48 AND WEST OF HAYWOOD WORM FARM ROAD, AS LEGALLY DESCRIBED IN SECTION 15, TOWNSHIP 20 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. (SUNDANCE SSCP).

WHEREAS, the City Commission has received written objections, recommendations, and comments from the City of Leesburg Planning Commission, acting as the Local Planning Agency, regarding amendment of the Comprehensive Plan of the City of Leesburg, and has made recommendations to the City Commission for amendment of the Plan; and

WHEREAS, the City Commission of the City of Leesburg has held public hearings on the proposed amendment to the plan, in light of written comments, proposals and objections from the general public;

NOW, THEREFORE,

BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA, that;

Section 1.

The Growth Management Plan of the City of Leesburg, adopted by the City of Leesburg on December 10, 2012, pursuant to the Community Planning Act of 2011, Chapter 163, Part II, Florida Statutes, after public hearings by the City of Leesburg Planning Commission, is hereby amended in the following manner;

The Future Land Use Map is amended by changing the designation of approximately 33.45 acres of land generally located south of County Road 48 and west of Haywood Worm Farm Road, from Lake County Regional Office to City of Leesburg Industrial, as shown on the revised map of said area, lying in Sections 15, Township 20 South, Range 24 East, Lake County Florida;

Section 2.

All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed;

Section 3.

This ordinance shall become effective upon its passage and adoption, according to law.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held the _____ day of _____, 2023.

Mayor

ATTEST:

City Clerk

LEGAL DESCRIPTION: (PER ORB. 4051, PG. 1522)

Lots 13, 14, 15 and 16, in Roadside Subdivision, according to the Plat thereof, as recorded in Plat Book 9, Page 62, Public Records of Lake County, Florida.

LESS the right-of-way for Atlantic Coastline Railroad along the South lot line of said Lot 13 thereof.

Also, LESS that part of Haywood Worm Farm Road over the East lot lines of said Lot 13, 14, 15 and 16 thereof.

AND

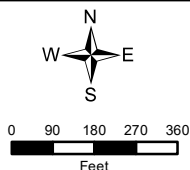
The West 3/4 of the North 1/2 of the Northeast 1/4 of the Southeast 1/4 of Section 15, Township 20 South, Range 24 East, Lake County, Florida.

LESS the right-of-way for State Road No. 48 along the North lot line thereof.

Aerial

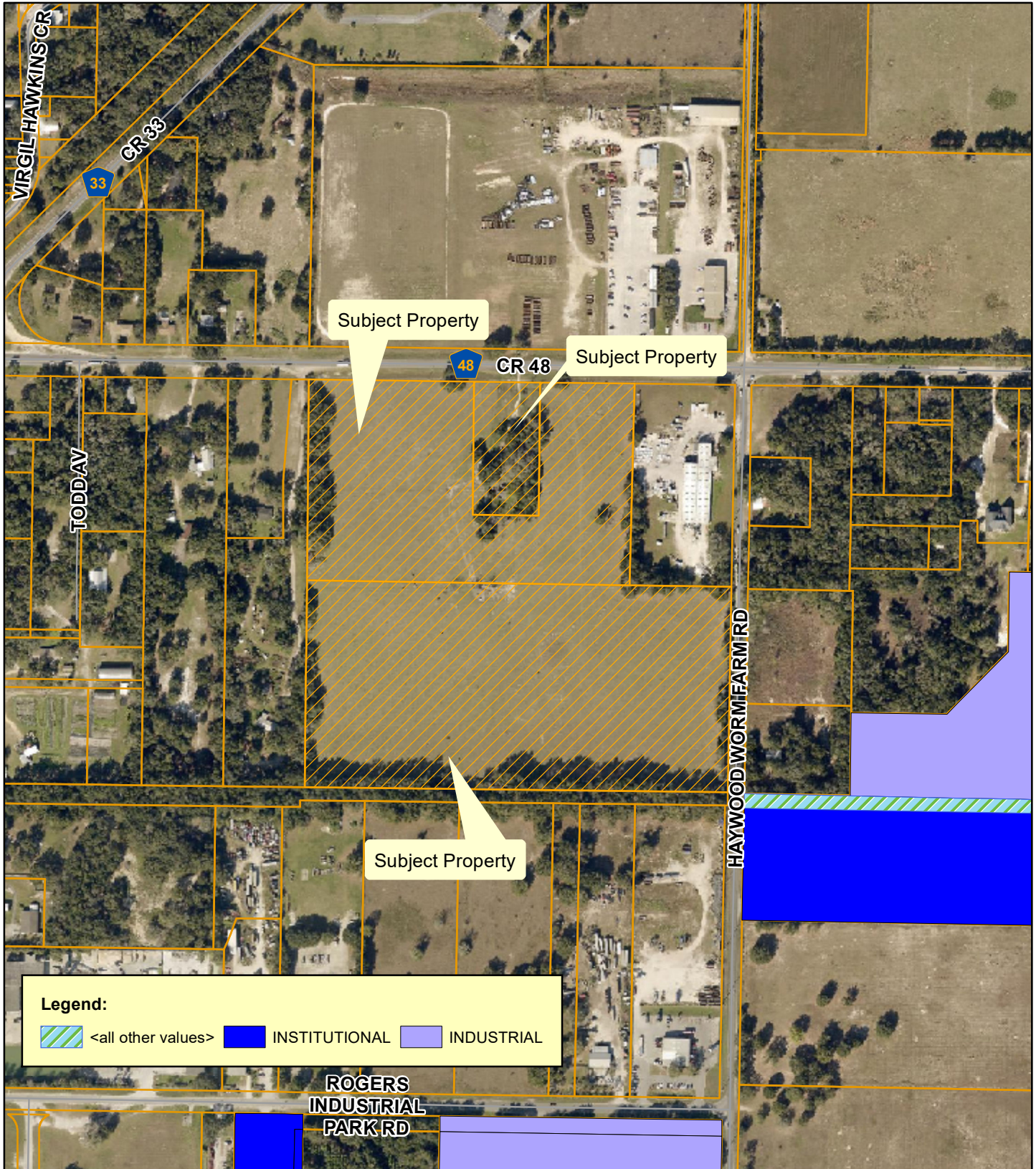


**Planning
& Zoning
Division**

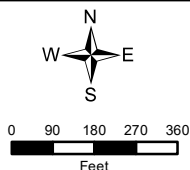


Sundance Commercial and Industrial
 ANN-22-584; SSCP-22-585; PUD-22-586
 Alternate Key #'s: 1111005; 1295815; 3319796
 3822 County Road 48, Okahumpka
 Sections 14, 15; Township 20 South; Range 24 East
 January 5, 2023

Future Land Use

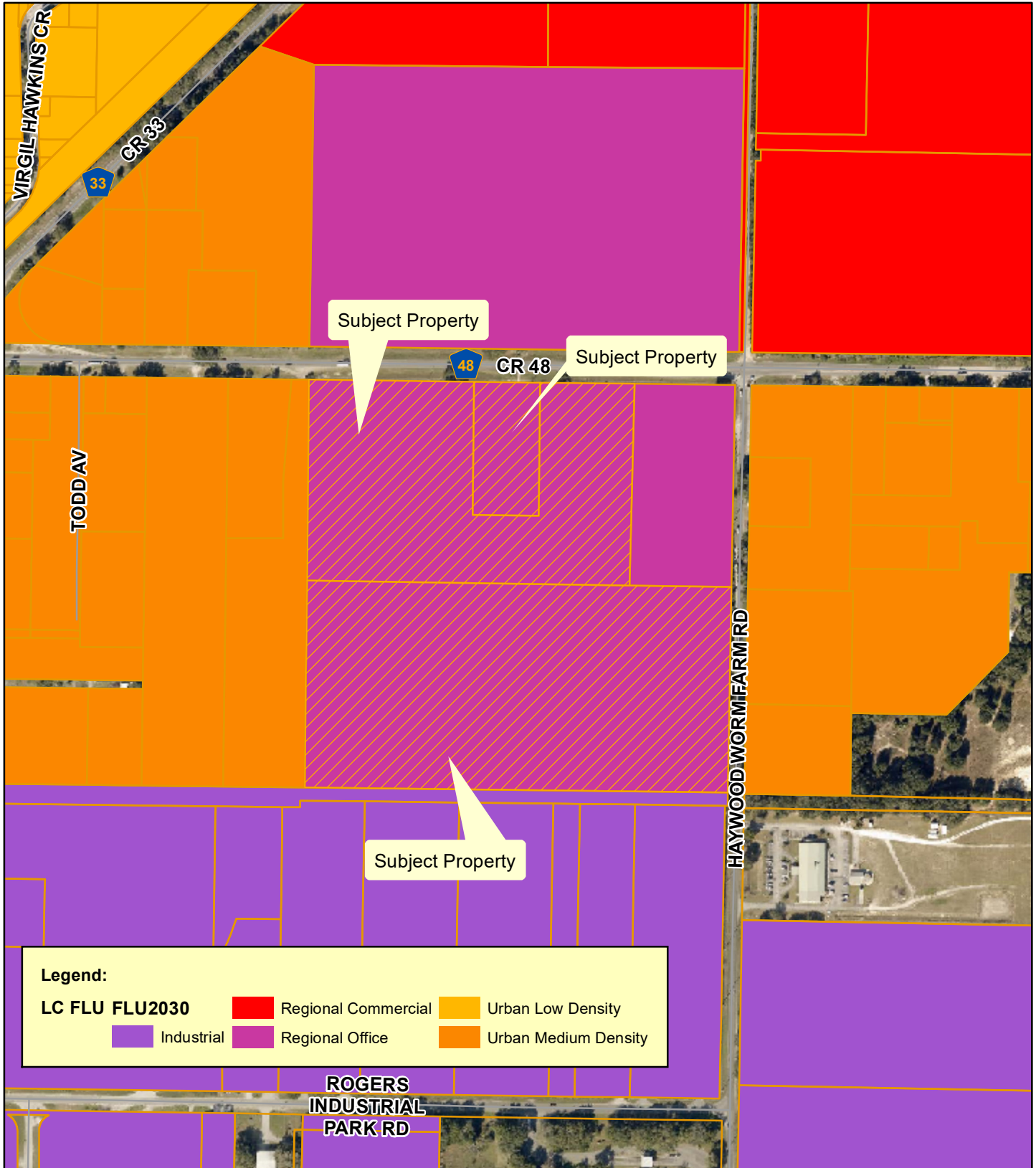


**Planning
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Division**

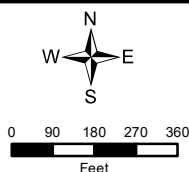


Sundance Commercial and Industrial
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 3822 County Road 48, Okahumpka
 Sections 14, 15; Township 20 South; Range 24 East
 January 5, 2023

Lake County Future Land Use

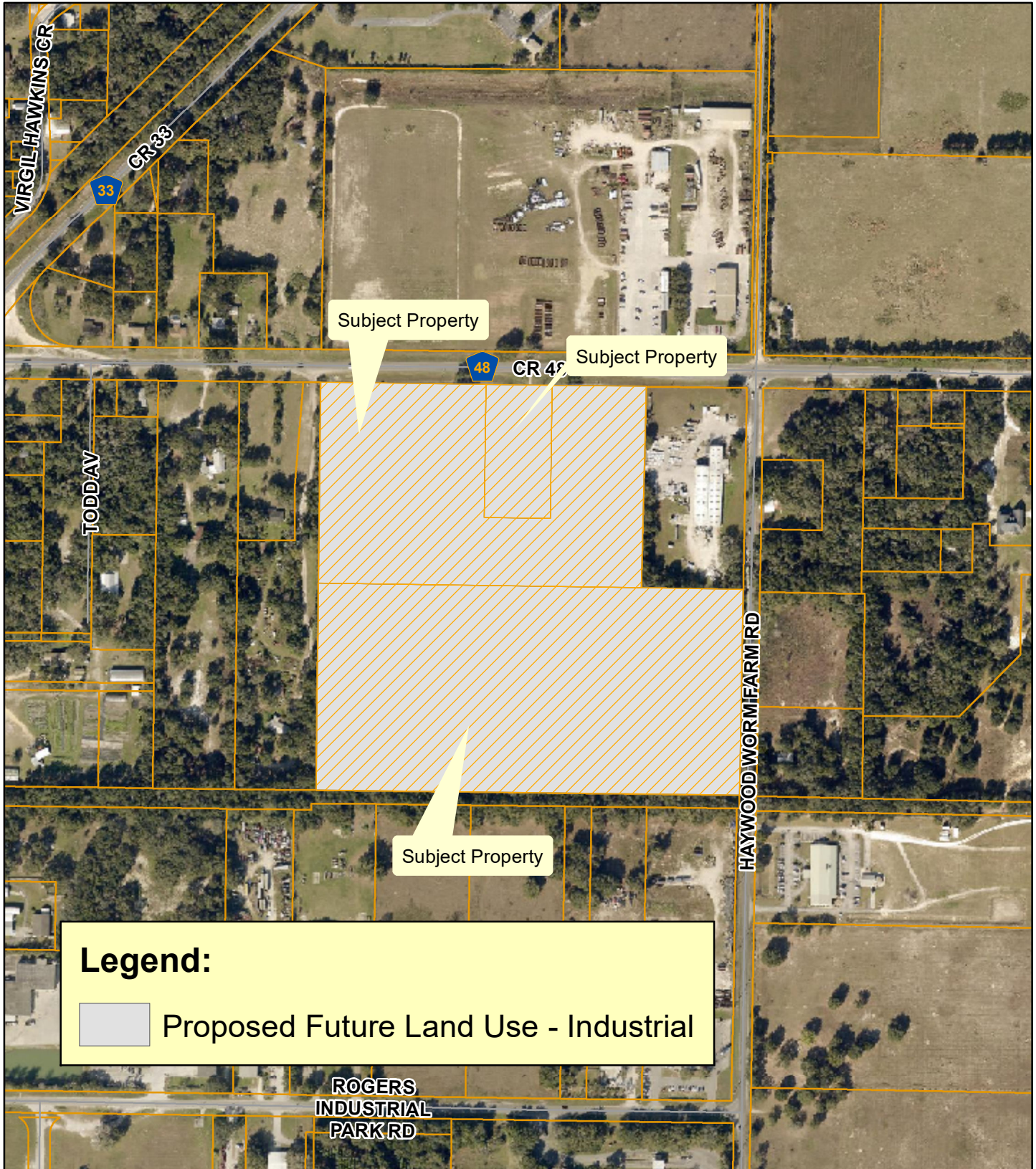


**Planning
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Division**

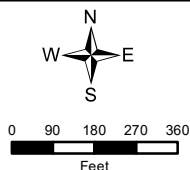


Sundance Commercial and Industrial
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 3822 County Road 48, Okahumpka
 Sections 14, 15; Township 20 South; Range 24 East
 January 5, 2023

Proposed Future Land Use



**Planning
& Zoning
Division**

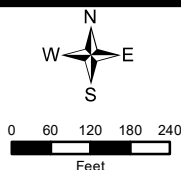


Sundance Commercial and Industrial
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 Alternate Key #'s: 1111005; 1295815; 3319796
 3822 County Road 48, Okahumpka
 Sections 14, 15; Township 20 South; Range 24 East
 March 24, 2023

Surrounding Land Uses

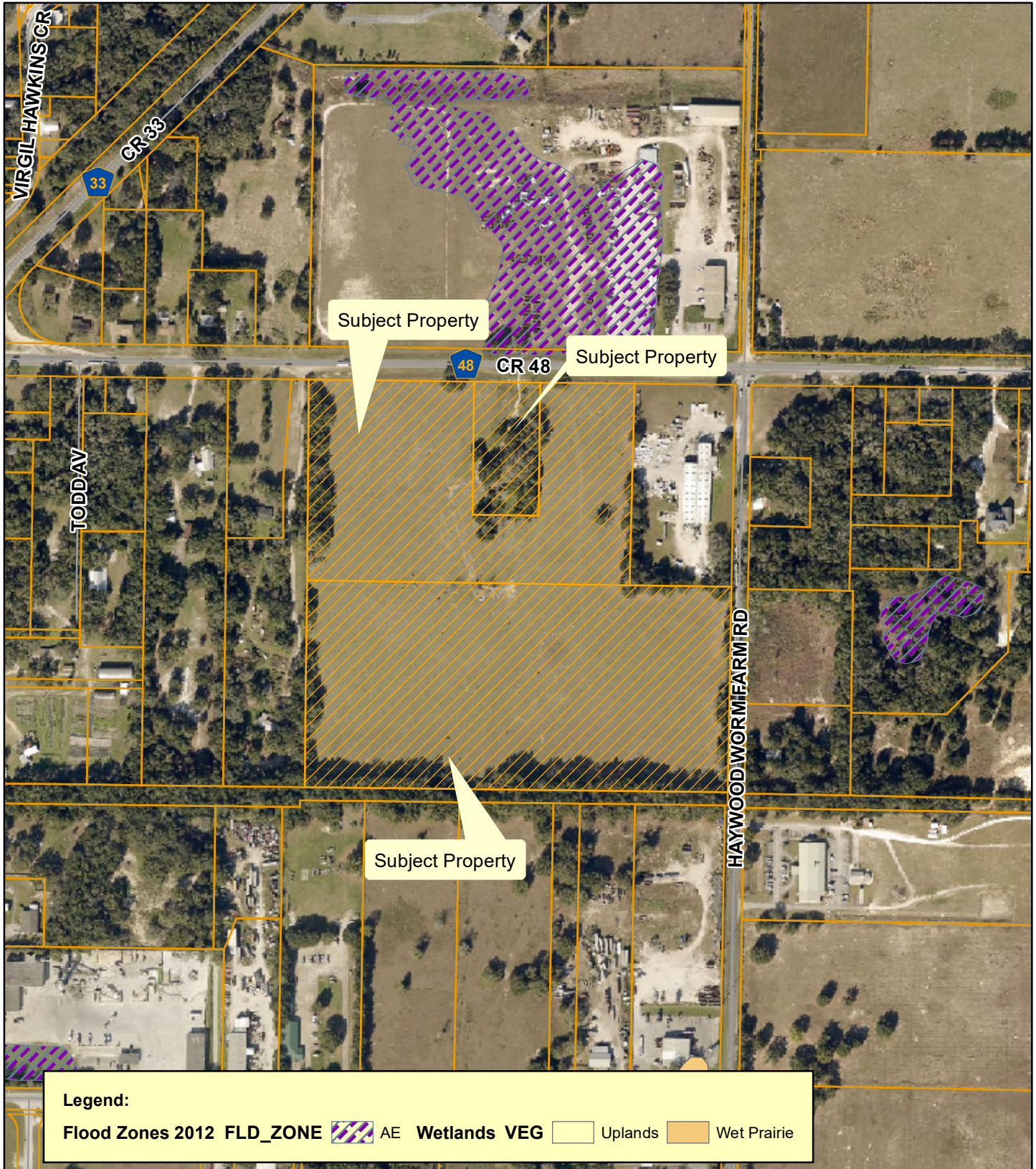


**Planning
& Zoning
Division**

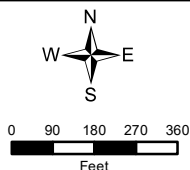


Sundance Commercial and Industrial
ANNX-22-584; SSCP-22-585; PUD-22-586
Alternate Key #'s: 1111005; 1295815; 3319796
3822 County Road 48, Okahumpka
Sections 14, 15; Township 20 South; Range 24 East
January 5, 2023

Flood Zones and Wetlands

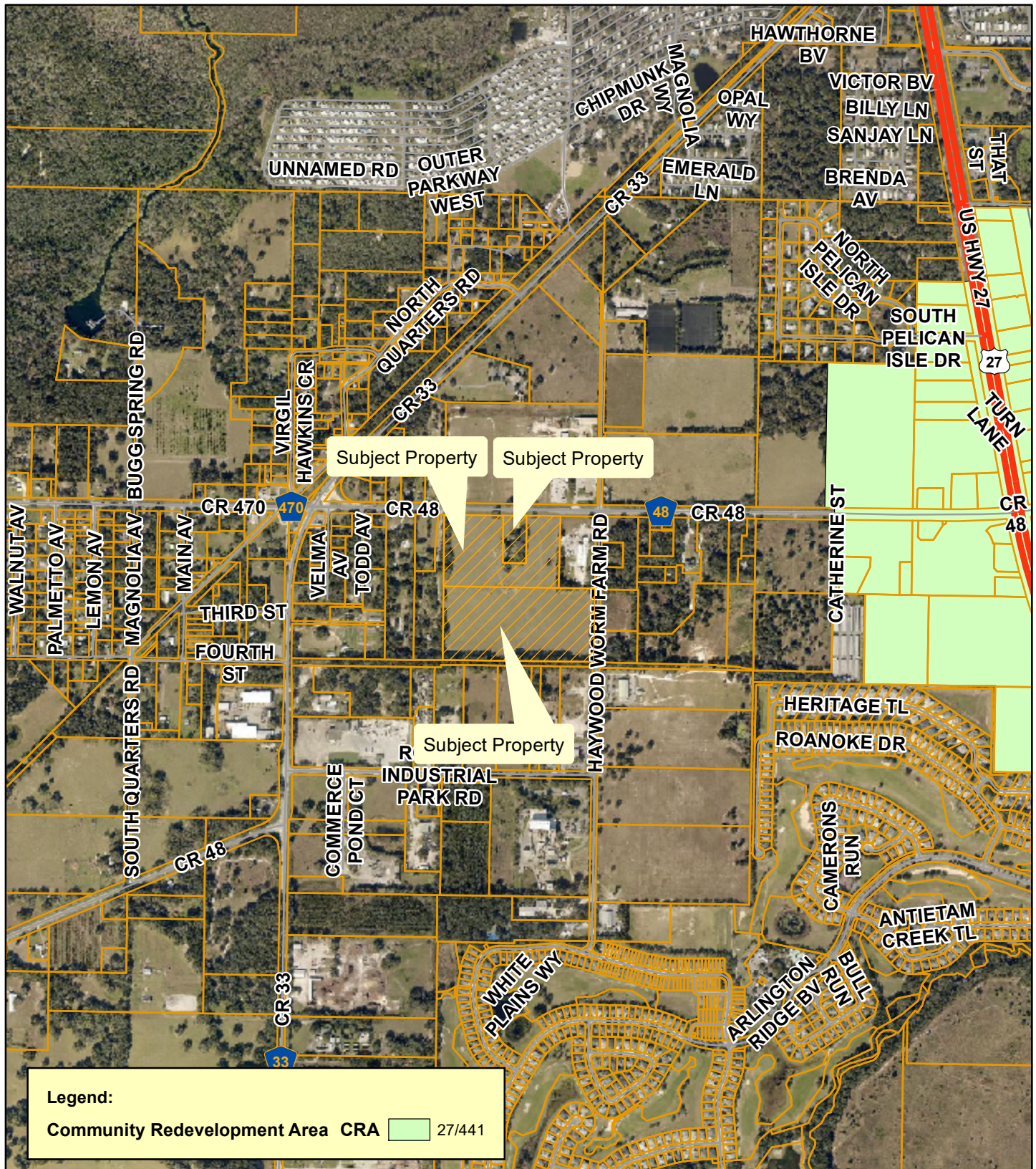


**Planning
& Zoning
Division**

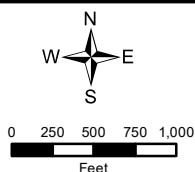


Sundance Commercial and Industrial
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 3822 County Road 48, Okahumpka
 Sections 14, 15; Township 20 South; Range 24 East
 January 5, 2023

Community Redevelopment Area



**Planning
& Zoning
Division**



Sundance Commercial and Industrial
 ANN-22-584; SSCP-22-585; PUD-22-586
 Alternate Key #'s: 1111005; 1295815; 3319796
 3822 County Road 48, Okahumpka
 Sections 14, 15; Township 20 South; Range 24 East
 January 5, 2023



Picture of sign posting on Haywood Farm Road



Picture looking north on Haywood Farm Road



Picture looking East on Haywood Farm Road



Picture looking south on Haywood Farm Road



Picture taken looking into the property on CR 48, closest to Haywood Farms Rd



Picture taken looking west on CR 48



Picture taken looking north on CR 48



Picture taken looking east on CR 48



Picture of second posting on CR 48



Picture looking west on CR 48



Picture taken looking north on CR 48



Picture taken looking east on CR 48



DRAFT SUMMARY MINUTES OF THE REGULAR MEETING
OF THE PLANNING COMMISSION
CITY HALL
THURSDAY, MARCH 23RD, 2023 - 4:30 P.M.

The Planning Commission of the City of Leesburg held its regular meeting Thursday, March 23rd, 2023, at City Hall.

Chairman Tim Sennett called the meeting to order at 4:30 p.m.

The following Commission members were present:

Tim Sennett - Chairman
Ted Bowersox – Vice-Chairman
John O’Kelley
Stewart Kaplan
Nathaniel Sanders

The following Commission members were absent:

Frazier Marshall
Ze’Shieca Carter
Ken Simeone
Rosalind Peebles-Johnson

City staff in attendance included Dan Miller, Planning & Zoning Director, Sabrina Mitchell, Administrative Assistant II, Dianne Yekel, Senior Planner, Kandi Harper, Senior Planner, Max Van Allen, Planner, Melissa Medders, Planner and City Attorney Grant Watson was also present.

The meeting opened with an invocation given by Vice-Chairman Bowersox, followed by the Pledge of Allegiance to the Flag.

Dan Miller informed the audience of the rules of participation and the need to sign the speaker’s registry. He also informed Commissioners and the audience that the City Commission meeting dates are tentatively scheduled.

DRAFT SUMMARY MINUTES OF THE PLANNING COMMISSION MEETING

FOR THURSDAY, FEBRUARY 23RD, 2023.

Vice-Chairman Bowersox moved to APPROVE the draft minutes from the FEBRUARY 23RD, 2023 meeting. Commissioner Sanders SECONDED the motion, which PASSED by a vote of 5-0.

Sabrina Mitchell swore in staff as well as anyone in the audience wishing to speak.

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

NEW BUSINESS

1) PUBLIC HEARING CASE # SSCP-22-585 – SUNDANCE COMMERCIAL AND INDUSTRIAL – SMALL SCALE COMPREHENSIVE PLAN AMENDMENT

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF LEESBURG, CHANGING THE FUTURE LAND USE DESIGNATION OF CERTAIN PROPERTY CONTAINING 33.45 +/- ACRES FROM LAKE COUNTY REGIONAL OFFICE TO CITY OF LEESBURG INDUSTRIAL FOR A MIXED-USE DEVELOPMENT ON A PROPERTY GENERALLY LOCATED SOUTH OF COUNTY ROAD 48 AND WEST OF HAYWOOD WORM FARM ROAD, AS LEGALLY DESCRIBED IN SECTIONS 14 AND 15, TOWNSHIP 20 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. **(CITY COMMISSION DATES ARE TENTATIVELY SCHEDULED FOR FIRST READING ON MONDAY, APRIL 10TH, 2023 AND SECOND READING TENTATIVELY SCHEDULED FOR MONDAY, JUNE 12TH, 2023) (Sundance Commercial and Industrial) (POSTPONED AT APPLICANT'S REQUEST FROM THE FEBRUARY 23RD, 2023 PLANNING COMMISSION REGULAR MEETING)**

Dan Miller requested to discuss the next two cases together and vote on each case separately.

Dan Miller introduced case number #SSCP-22-585 – Sundance Commercial and Industrial – Small Scale Comprehensive Plan Amendment and case number #PUD-22-586 Planned Unit Development into the record and entered the exhibits into the record with maps and photo exhibits including aerial, zoning, future and surrounding land use, wetlands/flood zone maps, CRA maps, staff summary, departmental review summary, and staff recommendations.

Mr. Miller gave a background and explanation of the subject property, location, zoning, requests, went over aerial map, conceptual architectural samples Exhibit D, and PUD (Planned Unit Development).

Max Van Allen utilized a power point presentation to demonstrate the area of the proposed site for both cases.

Department Review Summary: This case was sent out to all the different City departments, Lake County Public Works, and the School Board there were no substantive comments from the City departments. Lake County Public Works did note the need for turn lanes on CR 48, plus a right turn lane on Haywood Worm Farm Road and additional right of way for the proposed future Central Lake Trail, as well as for the possibility of the widening of CR 48 which rolls into 470. Public responses – we did not receive any major comments from the City of Leesburg notice requirements. Staff did receive two written responses for approval, we didn't receive any recommendations for denial in response to the posted signs and newspaper.

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

Chairman Sennett stated if the Commission have any questions of Staff or applicant.

Dwight Sadoff with Project Finance & Development at 7575 Dr. Phillips Blvd. Suite 165 Orlando, Florida 32819 stated the primary reason to come to the City; utilities, 33 acres, no wetlands, no endangered species, flat, used for cattle, uses seeking; very consistent, frontage on CR 48; removed any reference industrial uses, permitted/conditional uses; City Code, not seeking to have use in plan, fronts on two roads, different; County did not want access on CR 48; County permission, uses stated very specifically; concept plan, Exhibit C, few things in conditions of approval; carryovers from prior plan, hopefully, Dan Miller will clean up before City Commission; uses; slightly misstated; conditions, specific; concept plan, design standards, material; applicable to residential development, not applicable to our plan; commercial/industrial development, going smoothly, very high on the area, intensity of people, went over PUD standards with Dan Miller to make changes; (5A) elevations applicable to SF units; (B1), Dan Miller stated and read into the record (7C) the elevations of SF should be taken out, plan; open space 35% minimum, Code 30%, match Code; Dan Miller replied change in Code; our City Commission requires every PUD; 35%, about two years ago started wanting increases on that; in order to move forward, very particular worded permitted uses; stick with what proposed, consistent with what we discussed; Dan Miller replied allowing industrial uses; 6.5 acres; define industrial uses; Dwight Sadoff stated we just referenced the Code, M1 permitted uses, not M1 conditional; Dan Miller stated think we can make that work if the Commission will allow me to work with the applicants on that, make sure nothing nauseous; don't see a problem with his request, request permission from Commission, clarification; about conditional uses/permitted in the industrial; applicant is correct, happy to work with applicant to make change; before City Commission, Dwight Sadoff stated on the concept plan; walls on the east/west side wall or 6' opeg security fence, Staff report; provides/allows for fence on east and wall on the west side.

Dan Miller replied it was intended to be a wall on west and fence on east; Dwight Sadoff stated the difference in cost; wall/fence, substantial cost difference; value of brick or block wall; fence, both provide opeg barrier; Dan Miller replied can work with that if 25' buffer remains on west side, fence responsibility of POA if Commission agrees; Dwight Sadoff stated (7A.3); gated; depends on use; don't want to say shall be gated.

Dan Miller replied it depends on the use we are alright with that on Haywood Worm Farm, if use requires a gate; will need to put one up, may be gated, fine with Staff; Dwight Sadoff stated he has question on paragraph (6C), reference to upland buffer; section landscaping/buffer requirements, section (11E); wetlands, flood zones, and wildlife, upland buffer; paragraph dealing with landscape/buffer requirements, not required to put in walkway, buffer; Dan Miller replied allowed in upper buffers but limited to, but not required; Dwight Sadoff read condition into record; Dan Miller replied if you wanted to put a hiking trail; thanks the applicant.

Commissioners, and Mr. Miller discussed PUD conditions are written as they should be, so if we have anything to clean up; let's move forward, architectural standards; originally architectural presented were metal buildings; added some architectural standards; Dan Miller went over façade samples; conceptual; Exhibit D; language in PUD; Staff can work with applicant on architectural designs, something that looks good, these are examples; not locked in, read standards; looks like a residential standard, how they work, non-predominance of metal, stucco, 50:50, some angles; doesn't just stand out as a metal building; Dan Miller requested permission to work the applicants on the changes; Commission agreed.

Chairman Sennett stated if the Commission have any questions of the applicant or if anyone in the audience would like to speak on this case.

Chairman Sennett closes discussion from the Public, entertained a motion, and then the voting took place.

Commissioner Sanders made a MOTION for APPROVAL of case # SSCP-22-585 – SUNDANCE COMMERCIAL AND INDUSTRIAL – SMALL SCALE COMPREHENSIVE PLAN AMENDMENT Commissioner Kaplan SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 5-0 .

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

2) PUBLIC HEARING CASE # PUD-22-586 – SUNDANCE COMMERCIAL AND INDUSTRIAL – PLANNED UNIT DEVELOPMENT

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, CHANGING THE ZONING ON APPROXIMATELY 33.45 +/- ACRES FROM LAKE COUNTY A (AGRICULTURE) TO THE CITY OF LEESBURG PUD (PLANNED UNIT DEVELOPMENT) TO ALLOW FOR A MIXED-USE DEVELOPMENT, FOR A PROPERTY GENERALLY LOCATED SOUTH OF COUNTY ROAD 48 AND WEST OF HAYWOOD WORM FARM ROAD, AS LEGALLY DESCRIBED IN SECTIONS 14 AND 15, TOWNSHIP 20 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. **(CITY COMMISSION DATES ARE TENTATIVELY SCHEDULED FOR FIRST READING ON MONDAY, APRIL 10TH, 2023 AND SECOND READING TENTATIVELY**

SCHEDULED FOR MONDAY, JUNE 12TH, 2023) (Sundance Commercial and Industrial) **(POSTPONED AT APPLICANT'S REQUEST FROM THE FEBRUARY 23RD, 2023 PLANNING COMMISSION REGULAR MEETING)**

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

Commissioner Kaplan made a MOTION for APPROVAL of case # PUD-22-586 – SUNDANCE COMMERCIAL AND INDUSTRIAL – PLANNED UNIT DEVELOPMENT with the changes Vice-Chairman Bowersox SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 5-0.

DISCUSSION

None

ANNOUNCEMENTS

None

Chairman Sennett entertained a motion to adjourn.

Motion to adjourn made by Vice-Chairman Bowersox and seconded by Commissioner O'Kelley.

ADJOURNMENT

Meeting was adjourned at 5:36 p.m.

Tim Sennett, Chairman

Sabrina Mitchell, Administrative Assistant II

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 6.B.3.

Meeting Date: April 10, 2023

From: Dan Miller, (Planning and Zoning Director)

Subject: An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 33.45 acres from Lake County A (Agriculture) to City of Leesburg PUD (Planned Unit Development), to allow for a mixed use development, for a property generally located south of County Road 48 and west of Haywood Worm Farm Road, as legally described in Section 15, Township 20 South, Range 24 East, Lake County, Florida; and providing an effective date. (Sundance PUD)

Staff Recommendation:

Planning and Zoning Staff and Planning Commission recommend approval of the request to rezone the subject property from Lake County A (Agriculture) to City of Leesburg PUD (Planned Unit Development) to allow for mixed use development.

Analysis:

The project site is approximately 33.45 acres. The property is generally located south of County Road 48 and west of Haywood Worm Farm Road. Currently, the property is undeveloped acreage. The proposal is for a mixed use commercial and industrial development. The surrounding zoning districts include industrial, commercial, agricultural and residential districts in Lake County. These districts are compatible, as conditioned in the accompanying zoning case, with the proposed zoning district of PUD (Planned Unit Development). This proposal will provide for development that is consistent with the City's adopted Growth Management Plan, the surrounding land uses, and would allow an appropriate use for the property. City utilities are available in the area.

The Planning Commission held a public hearing on the application on March 23, 2023 and recommended approval by a vote of 5-0.

Procurement Analysis:

N/A

Options:

1. Approve the proposed rezoning to PUD (Planned Unit Development); or
2. Other action as the Commission may deem appropriate.

Fiscal Impact:

Future development of this site will create a positive fiscal impact on the City of Leesburg, in the form of impact and utility fees, plus ad valorem taxes.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, CHANGING THE ZONING ON APPROXIMATELY 33.45 ACRES FROM LAKE COUNTY A (AGRICULTURE) TO CITY OF LEESBURG PUD (PLANNED UNIT DEVELOPMENT), TO ALLOW FOR A MIXED USE DEVELOPMENT, FOR A PROPERTY GENERALLY LOCATED SOUTH OF COUNTY ROAD 48 AND WEST OF HAYWOOD WORM FARM ROAD, AS LEGALLY DESCRIBED IN SECTION 15, TOWNSHIP 20 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. (SUNDANCE PUD)

BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA, that:

Section 1.

Based upon the petition of **33 AC SR 48, LLC, 1701 Spring Lake Drive, Orlando, Florida, 34762, (Christopher Germana, Germana Engineering and Associates, LLC, 1120 West Minneola Drive, Clermont Florida 34711, Agent)** of the property hereinafter described, which petition has heretofore been approved by the City Commission of the City of Leesburg Florida, pursuant to the provisions of the Laws of Florida, the said property located in Lake County, Florida, is hereby rezoned from Lake County A (Agriculture) to City of Leesburg PUD (Planned Unit Development), to-wit:

(Legal Description)
(See Exhibit A)

Section 2.

This ordinance shall become effective upon its passage and adoption, according to law.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the _____ day of _____, 2023.

Mayor

ATTEST:

City Clerk

**SUNDANCE COMMERCIAL/INDUSTRIAL
PUD (PLANNED UNIT DEVELOPMENT CONDITIONS)
March 23, 2023**

These Planned Unit Development Conditions for a PUD (Planned Unit Development) zoning district are granted by the City of Leesburg Planning Commission, Lake County, Florida to **Roper Real Estate, Inc, P.O. Box 770961, Winter Garden, Florida, 34777-0961 “Permittee” (Chris Germana, Germana Engineering, 1120 West Minneola Avenue, Clermont, Florida 34777-0961 Petitioner)**, for the purposes described herein, and subject to the terms and conditions as set forth in this document, pursuant to authority contained in Chapter 25 “Zoning”, Section 25-278 “Planned Unit Development” of the City of Leesburg Code of Ordinances, as amended.

BACKGROUND

The "Permittee" is requesting a Planned Unit Development (PUD) zoning district to allow future construction of a proposed mixed used development, consisting of 6.5+/- acres of commercial, light industrial and office uses, plus 25+/- acres of industrial uses, along with retention and open space for a total of approximately 33 acres, generally located on the south side of County Road 48, approximately 1,200 feet east of County Road 33, and west of Haywood Worm Farm Road, on a site within the City of Leesburg in accordance with their PUD application and supplemental information.

PURPOSE

The purpose of this document is to provide appropriate zoning standards for a high-quality built environment through the application of flexible and diversified land development requirements, which shall be implemented in conjunction with a master site development plan and the City of Leesburg Code of Ordinances, therefore allowing for more efficient and optimal use of the subject property, and to increase the overall economic opportunity and employment base of Leesburg, Florida.

CONDITIONS

The following conditions shall apply to the development proposed herein. If any instance where the conditions of this document may conflict with the City of Leesburg Code of Ordinances, this document shall prevail as the determining requirement.

1. **PERMISSION** is hereby granted to **Roper Real Estate, Inc, P.O. Box 770961, Winter Garden, Florida, 34777-0961 “Permittee” (Chris Germana, Germana Engineering, 1120 West Minneola Avenue, Clermont, Florida 34777-0961 Petitioner)**, to construct, operate, and maintain a Planned Unit Development in and on real property in the City of Leesburg, in accordance with the requirements set forth herein. The property is more particularly described below.
2. **LEGAL DESCRIPTION**
See attached **Exhibit B, Legal Description**.

3. LAND USE

The above-described property, containing approximately 33 acres, shall be used for commercial and industrial development pursuant to City of Leesburg development codes and standards.

A. Permitted Uses (Area A - 6.5+/- acres)

- 1) Flex Space (office/warehouse units)
- 2) Office space (professional/building trades & contractors)
- 3) Major medical facilities, to include physician/dental/physical rehab offices
- 4) Veterinarian offices and facilities
- 5) Mini-Warehouse/storage units
- 6) Indoor entertainment/outdoor recreation (fields, games)
- ~~7) Vehicle sales and services (intensive and limited)~~
- ~~7) Drive-thru restaurants~~
- 8) Permitted uses listed under C-1 (Neighborhood Commercial), C-2 (Community Commercial) and C-3 (Highway Commercial) zoning districts as of the date of adoption of this ordinance.
- 9) Permitted Uses in the M-1 (Industrial) zoning district (no smoke, odor, particulates or excessive noise) as of the date of adoption of this ordinance

B. Permitted Uses (Industrial Area B - 25+/- acres)

- 1) Flex Space (office/warehouse units)
- 2) Office space (professional/building trades & contractors)
- 3) Major medical facilities, to include physician/dental/physical rehab offices
- 4) Mini-Warehouse/storage units
- 5) Veterinarian offices and facilities
- 6) Indoor entertainment/outdoor recreation (fields, games)
- 7) Vehicle sales and services (intensive and limited)
- 8) Permitted uses listed under C-1 (Neighborhood Commercial), C-2 (Community Commercial) and C-3 (Highway Commercial) zoning districts as of the date of adoption of this ordinance.
- 9) Permitted Uses in the M-1 (Industrial) zoning district (no smoke, odor, particulates or excessive noise) as of the date of adoption of this ordinance

C. Prohibited Uses

- 1) Convenience store
- 2) Liquor store
- 3) Tattoo parlor
- 4) Internet cafes
- 5) Check cashing facility
- 6) All other uses not specifically permitted within these conditions under Permitted Uses above shall be prohibited.

4. DEVELOPMENT STANDARDS

- A. Description - The project consists of approximately 33 acres, which, for planning purposes, has been divided into two main areas. “Area A” shall be the more commercial-focused portion of the property. It is located adjacent to County Road

48, consisting of the northern 6.5+/- acres, and shall contain a maximum of 142,000 building square feet as noted on the attached Conceptual Development Plan. **“Area B”** shall be that property consisting of the southern 25+/- acres of the property, and shall be the more general industrial focused portion. All development shall be substantially consistent with the proposed **Exhibit C, Conceptual Development Plan**.

B. Area A Development Standards (northern 6.5+/- acres)

1. Lot development standards for Area A shall conform to the C-3 (Highway Commercial) zoning district standards, except as otherwise noted herein. Uses for this area shall be as noted in this document.
2. Individual lot sizes and setbacks may be adjusted during the Site Plan review process by the Development Review Committee, to ensure adequate setbacks for individual uses.

C. Area B Development Standards (southern 25+/- acres)

1. Lot development standards for Area B shall conform to the M-1 (Industrial) zoning district standards, except as otherwise noted herein. Uses for this area shall be as noted in this document.
2. Individual lot sizes and setbacks may be adjusted during the Site Plan review process by the Development Review Committee, to ensure adequate setbacks for individual uses.

D. For all Structures

1. Minimum distance between structures shall be twenty (20) feet; measured from building wall to building wall, and the roof overhang shall not exceed forty (40) percent of the distance between the building wall and the property line.
2. Maximum building height: two (2) stories or 35 feet.
3. Accessory structures shall have a minimum rear and side setback of 5 feet and single accessory structures that are not attached to the principal structure shall not occupy more than 30 percent of the required rear yard.
4. Attached screened enclosures must maintain a minimum setback of five (5) feet from the side and rear property line.
5. As part of the site plan approval process, city staff shall review final site design standards in accordance with the approved PUD (Planned Unit Development) zoning conditions set forth herein.

~~5.~~

~~E. Open Space.~~

- ~~E.1.~~ Minimum open space requirement for the entire property shall be thirty-five (35%).

5. DESIGN/ARCHITECTURAL STANDARDS

- A. Exterior building materials contribute significantly to the visual impact of a building on the community. These materials shall be well designed and integrated into a comprehensive design style, which shall include aesthetically appealing, comprehensive, modern design and construction methods for all structures fronting on County Road 48.

- B. The first row of buildings located in Commercial Area A, immediately adjacent to County Road 48, which will primarily “front-face” the road and side faces to the road, shall comply with the front-face requirements noted herein.
- C. Allowable exterior building materials, design variations and features for industrial or office uses:
 - 1. Institutional grade, tilt-wall
 - 2. Pre-cast concrete
 - 3. Textured stucco on block
 - 4. Front facades: Brick, stone or hardy board accents
 - 5. Earth tones, paint palette required
 - 6. Gabled or pitched roofs
 - 7. Covered entries required
 - 8. Eaves (minimum 6-inch projections) required
 - 9. For front-facing garage vehicle doors decorative panel pieces including glass required
 - 10. Front doors: glass panels or panes required
 - 11. Front facades: windows required
- D. Prior to building construction, facades shall be submitted to the Planning and Zoning Department for review.
- E. The architectural styles and facades shown in **Exhibit D, Building Elevations**, are considered to meet the requirements of this section.
- F. Other similar design variations meeting the intent of this section may be approved by the Community Development Director or designee.
- G. The Permittee shall utilize “Dark Sky” lighting principles when selecting lighting fixtures for all street lighting. Such lighting shall achieve the overall effect of containing and shielding excessive light pollution from adjacent properties.

6. **LANDSCAPING & BUFFER REQUIREMENTS**

- A. Landscape buffers shall be separate from, and shall not be part of individually platted lots, and shall be a common area to be maintained by an entity such as a Property Owners Association. Minimum landscape and buffer standards shall be as follows.
 - 1. North: 10 feet
 - 2. South: 10 feet
 - 3. East: 25 feet (adjacent to Haywood Worm Farm Road)
10 feet (adjacent to Industrial use to the east)
 - 4. West: 25 feet
- B. On the western property boundary, a minimum six (6) foot wall or privacy fence (consisting of PVC or other such synthetic material) shall be installed at the

property line to provide a solid visual buffer between the subject property and the adjacent residential use.

- C. Land uses allowed within the upland buffers of any wetlands are limited to hiking trails, walkways, passive recreation activities and stormwater facilities as permitted by St. Johns River Water Management District.

CD. A six-foot wall or privacy fence; (consisting of PVC or other such synthetic material), may be installed along the eastern boundary of the property, adjacent to Haywood Worm Farm Road. Such wall or fence may include a gated entrance.

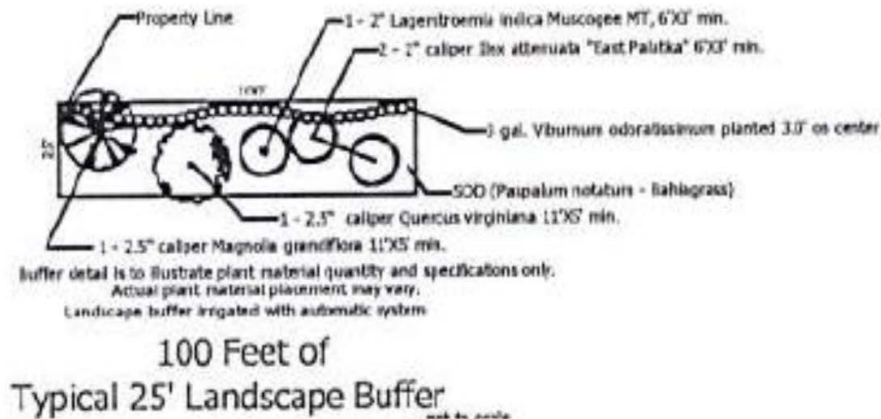
ED. All landscaping and buffering shall be in accordance with regulations contained within the City of Leesburg Code of Ordinances, Section 25-329, and at a minimum shall contain the following plantings as noted in Figures A and B below.

EF. In Area B, the developer may elect to enhance the wall or fence with security features (e.g. 2' barb wire wall/fence top).

Figure A

Canopy Trees (per 100 l.f.)	2 per 100 linear ft
Tree CAL/Height	2" cal, 12' overall height
Optional Ornamental Trees (per 100 l.f.)	3 per 100 linear ft
Tree CAL/Height	2" cal, 7' overall height
Shrub Screen (per 100 l.f.)	
Square Ft. of Shrubs	(33) 3 gal plants, 18"—24" minimum at installation (depending on species); hedges to be 36"—42" high by thirty-six (36) inches wide hedge or continuous landscape screen with a ninety (90) percent opacity within one (1) year of planting
Container size	3 gal

Figure B



B.F. Variations to the landscape and buffering requirements of the code may be approved by the Community Development Director or designee, as long as the intent of the PUD and the Landscaping Code are maintained, including consideration of existing fencing on adjacent properties and existing natural vegetative buffers.

C.G. The surveying of trees on the property shall be conducted as follows:

- 1) All specimen, heritage and historic trees shall be surveyed. Staff will review the tree survey and such trees shall be saved where possible during the site plan review process. This may include amending the site plan to save specimen, heritage and historic trees.
- 2) Site areas that are to preserve existing trees do not need to be included in the survey unless the trees are to be used in preservation/replacement requirements.
- 3) The tree survey shall be completed by a licensed surveyor.

7. SITE ACCESS AND SIGNAGE

A. The main vehicular access to the project site shall be split between at least one entrance on County Road 48 and one on Haywood Worm Farm Road. Access locations depicted on the Master Development Plan are conceptual and subject to Lake County approval.

- 1) The required access point along County Road 48 shall be designed as a boulevard style roadway (with a divided landscaped median) with right-in and right-out design, which runs southward to Area B, as shown on the attached Conceptual Plan Exhibit C.
- 2) Development of the property shall take into consideration future right of way acquisition for the Central Lake Trail along County Road 48, and the potential widening of CR470 and County Road 48 into four (4) lanes.
- 3) The access point along Haywood Worm Farm Road may be gated.

B. Actual location and design of all roadways shall be determined at the site plan review process and shall include consideration of, and connection to, sidewalks, recreation paths, etc. All other access shall be reviewed for necessity and requirements through

Lake County and the City of Leesburg development and permitting processes. Any additional access points shall be subject site plan application review process.

- C. Offsite road improvements on existing roads adjacent to the property may be required based on finalized access locations. Such improvements may include, but are not limited to, left and right turn lanes, right-of-way dedication, and pavement rehabilitation. Any proposed offsite road improvements must be approved by Lake County Public Works.

- 1. Prior to completion of the subdivision design plans, the developer shall work with the Lake County Department of Public Works to ensure all appropriate required roadway and access improvements for the development are made part of the plans submitted to the City of Leesburg.

- 2. The Master Development Plan, and the access points proposed thereon, are considered conceptual until the appropriate engineering and site plan reviews, along with any required upgrades are completed for the project.

- D. All access points are subject to review and approval by the appropriate permitting agency, including FDOT, Lake-Sumter Metropolitan Planning Organization, Lake County and the City of Leesburg as applicable. The developer shall be responsible for on and offsite improvements required as a result of any access points. The developer shall be responsible for all on and offsite improvements required as a result of any access points.

- E. Signs shall comply with City of Leesburg Code of Ordinances sign requirements, as amended. Each required access point shall provide a decorative entry feature to include a concrete, brick or stucco wall at least five (5) feet in height, on each side of the entryway. This may be used for signage per City of Leesburg Code of Ordinances, as amended.

- F. Alternative designs for the ground enclosure support and bases of a monument sign may be approved by the Community Development Director or designee, where the architectural style would be in keeping with the intent of these sign regulations.

8. TRANSPORTATION IMPROVEMENTS

- A. Any transportation improvements or rights-of-way that may be required shall be based on projected needs and shall be contingent upon site plan approval by City staff during the development review and permitting process. The plan review process shall include consideration of sidewalks, recreation paths etc.

- B. A traffic/transportation study shall be submitted for review and determination of any necessary access improvements, including any off-site improvements required by Lake County, the Lake-Sumter MPO or the City of Leesburg. Said improvements will be the responsibility of the Permittee.

- C. The Permittee shall provide necessary traffic improvements within and adjacent to the development as required by Lake County, the Lake-Sumter MPO and City of Leesburg.

- D. All roads within the development shall be designed and constructed to meet the City of Leesburg requirements.
- E. The Permittee shall be responsible for obtaining all necessary Lake County permits and a copy of all permits shall be provided to the City of Leesburg.
- F. The City of Leesburg will not be responsible for the maintenance or repair of any of the roads or transportation improvements. The Permittee shall establish an appropriate legal entity that will be responsible to pay the cost and perform the services to maintain the roads and transportation improvements. Should the Permittee desire to dedicate the proposed project's internal road system to the City of Leesburg; the City, at its discretion, may accept or not accept the road system. Prior to acceptance, the Permittee shall demonstrate to the City that the road system is in suitable condition and meets City of Leesburg requirements. As a condition of accepting the roadway system the City may create a special taxing district or make other lawful provisions to assess the cost of maintenance of the system to the residents of the project, and may require bonds or other financial assurance of maintenance for some period of time.
- G. Sidewalks shall be provided on both sides of the entrance access point adjacent to County Road 48 and shall provide cross connections to all recreation and residential areas. Internal road rights-of-ways shall be of sufficient width to contain one sidewalk. All sidewalks shall be constructed in accordance with City of Leesburg Codes.
- H. All roads within the development shall be constructed to meet the City of Leesburg's standards, ARTICLE VII – TECHNICAL STANDARDS, as amended.
 - 1) Should the Permittee (or designee) desire to dedicate the proposed project's internal road system to the City of Leesburg; the Permittee shall demonstrate to the satisfaction of the City of Leesburg that the road system is in suitable condition and meets all City road design requirements.
 - 2) Should the Permittee (or designee) choose to retain the roadways, the Permittee shall establish an appropriate legal entity that shall accept responsibility to pay the cost and perform all services required to maintain the roads and transportation improvements to City of Leesburg codes and standards, as amended. A Homeowners or Property Owners Association, or other such legal entity will be considered acceptable.

9. UTILITIES

Prior to receiving final development approval, the Permittee shall submit a stormwater management plan and utility plan acceptable to the City of Leesburg. Water, wastewater and natural gas services will be provided by the City of Leesburg. Prior to any clearing, grubbing, or disturbance of natural vegetation in any phase of the development, the Permittee shall provide:

- A. A detailed site plan that indicates all the provisions for electric, water, sewer, and/or natural gas in accordance with the City of Leesburg Land Development Codes.
- B. Developer shall bear all responsibility, financial and otherwise, for the construction and installation of all utility infrastructure and other improvements related to the use and development of the property, consistent with the typical pioneering agreement approved on new home projects in the city, including such off-site improvements required by the City and all other appropriate government agencies. All such requirements shall be constructed to the applicable specifications imposed by the ordinances and regulations of the City in effect at the time of construction.
- C. The City of Leesburg intends to service the property with water and wastewater services at this time. At the time of connection, all regulations in place at the time of the request shall be required, including but not limited to impact fees, connection and utility service deposit charges. The cost of supplying water and wastewater lines and other necessary infrastructure such as lift stations to the development shall be the responsibility of the applicant.

10. STORMWATER/DRAINAGE MANAGEMENT

All drainage shall be designed and constructed in a manner to meet all State of Florida and City of Leesburg codes, including the requirement that all stormwater runoff is contained within the boundaries of the properties, and does not create a detriment to surrounding properties. Prior to receiving final development approval, the Permittee shall submit a stormwater management plan and utility plan acceptable to the City of Leesburg. Prior to any clearing, grubbing, or disturbance of natural vegetation in any phase of the development, the Permittee shall provide:

- A. A detailed site plan that demonstrates no direct discharge of stormwater runoff generated by the development into any wetlands or onto adjacent properties.
- B. A stormwater management system designed and implemented to meet all applicable St. Johns River Water Management District and City of Leesburg requirements.
- C. A responsible legal entity for the maintenance of the stormwater management system on the plat prior to the approval of the final plat of record. A homeowner's association is an acceptable maintenance entity.
- D. The existing 100-year flood plain shall be shown on all plans and lots.
- E. The appropriate documentation that any flood hazard boundary has been amended in accordance with Federal Emergency Management Agency requirements, if the 100-year flood plain is altered and /or a new 100-year flood elevation is established in reference to the applicable flood insurance rate map.
- F. A copy of the Management and Storage of Surface Waters permit obtained from St. Johns River Water Management District shall be provided to the City during the site plan review process.

- G. Should the Permittee desire to dedicate the proposed project's stormwater management system to the City of Leesburg; the City, at its discretion, may accept or not accept the stormwater management system. Prior to acceptance, the Permittee shall demonstrate to the City the stormwater management system is in a suitable condition and meets City of Leesburg and St. Johns River Water Management District requirements. As a condition of accepting the system the City may create a special taxing district or make other lawful provisions to assess the cost of maintenance of the system to the residents of the project.

11. WETLANDS, FLOOD ZONES & WILDLIFE

- A. All wetlands on the project site shall be identified by a jurisdictional wetland boundary line, and the location and extent of each wetland shall be determined by the Department of Environmental Protection, St. Johns River Water Management District and/or U.S. Army Corp of Engineers. Each wetland shall be placed on a suitable map, signed and sealed by a surveyor registered to practice in Florida and shall be submitted as part of the site plan application process.
- B. To the extent practicable, wetlands shall be placed in a conservation easement, which shall run in favor of, and be enforceable by, the St. Johns River Water Management District or another legal entity such as a homeowner's association. The conservation easement shall require that the wetlands be maintained in their natural and unaltered state. Wetlands shall not be included as a part of any platted lot, other than a lot platted as a common area, which shall be dedicated to the St. Johns River Water Management District or another legal entity such as a homeowner's association for ownership and maintenance.
- C. Buildings or structures shall be a minimum of 50 feet from any wetland jurisdiction boundary.
- D. Wetlands shall have an average upland buffer of 25 feet, with a minimum of 15 feet or the upland buffer established by St. Johns River Water Management District and/or U.S. Army Corps of Engineers; whichever is more restrictive. All upland buffers shall be naturally vegetated and upland buffers that are devoid of natural vegetation shall be re-planted with native vegetation or as required by St. Johns River Water Management District and/or U.S. Army Corp of Engineers.
- E. Land uses allowed within the upland buffers for wetlands are limited to stormwater facilities as permitted by St. Johns River Water Management District.
- F. If wetland alteration is permitted by St. Johns River Water Management District and/or U.S. Army Corp of Engineers, wetland mitigation shall be required in accordance with permit approvals from St. Johns River Water Management District or U.S. Army Corp of Engineers, whichever is more restrictive.
- G. A wildlife management plan for the project site shall be prepared based on the results of an environmental assessment of the site and any environmental permit required

from applicable governmental agencies. The wildlife management plan shall be submitted to the City as part of the site plan application process.

- H. A map indicating the location of the 100-year flood plain.
- I. The appropriate documentation that any flood hazard boundary has been amended in accordance with Federal Emergency Management Agency requirements, if the 100-year flood plain is altered and/or a new 100-year flood elevation is established in reference to the applicable flood insurance rate map.
- J. Through the site plan review process, the developer shall coordinate with the City of Leesburg, Lake County and all impacted government agencies regarding elevation determinations, compensatory storage and overall design of the subdivision within and near flood hazard boundary areas, to ensure compliance with all regulations.

12. IRRIGATION & WATER USAGE

- A. All landscaped areas shall be irrigated and designed to meet Section 25-337, Waterwise and Florida Friendly Landscaping, City of Leesburg Code of Ordinances.
- B. The use of St. Augustine grass, or other varieties of grass which require significant amounts of water are prohibited. The use of Bahia, Bermuda, Zoysia or other grasses which are more drought tolerant are permitted.

13. MAINTENANCE

- A. With the exception of any public utilities, maintenance of all site improvements, including but not limited to roadways, drives, internal sidewalks, landscaping and drainage shall be the responsibility of the property owner. A homeowner's association shall serve as an appropriate entity for all common properties within the development.

14. DEVELOPMENT PHASING & IMPLEMENTATION

- A. The proposed project may be constructed in phases in accordance with the Planned Unit Development Conditions and Conceptual Plan. Changes to the development conditions or conceptual plan, other than those conditions described in this agreement, shall be revised in accordance with the Planned Development review process, City of Leesburg Code of Ordinances.
- B. Implementation of the project shall substantially commence one-hundred twenty (120) months after approval of this Planned Development. In the event, the conditions of the PUD have not been substantially implemented during the required time period, the City of Leesburg shall have the option of scheduling the PUD, with due notice to the owner and surrounding property owners, for reconsideration by the Planning Commission at their next available regular meeting. The Planning Commission will consider whether to extend the PUD approval or rezone the property to another appropriate zoning classification.

- C. As part of the overall development process, if the project is constructed in phases, then plat of the lots for each approved phase shall contain only portions of the development approved under the Site Plan Review Process, i.e. each phase platted shall match each phase submitted for site plan review.

15. MISCELLANEOUS CONDITIONS

- A. The uses of the proposed project shall only be those uses identified in the approved Planned Unit Development Conditions. Any other proposed use must be specifically authorized in accordance with the Planned Development amendment process.
- B. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building structure, or alter the land in any manner without first submitting the necessary plans and obtaining appropriate approvals in accordance with the City of Leesburg Codes.
- C. Construction and operation of the proposed use(s) shall at all times comply with the Planned Unit Development conditions set forth herein, and with all City and other governmental agencies rules and regulations.
- D. The transfer of ownership or lease of any or all of the property described in this PUD Agreement shall include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions pertaining to the Planned Unit Development established and agrees to be bound by these conditions. The purchaser or lessee may request a change from the existing plans and conditions by following the procedures as described in the City of Leesburg Land Development Code, as amended.
- E. These PUD Conditions shall inure to the benefit of, and shall constitute a covenant running with the land and the terms, conditions, and provisions hereof, and shall be binding upon the present owner and any successor, and shall be subject to each and every condition as set forth herein.

16. LEVELS OF SERVICE

- A. Levels of Service
 - 1) As submitted, the development resulting from the proposed zoning change may result in demands on public facilities which would exceed the current capacity of some public facilities, such as, but not limited to water, wastewater, roads, drainage, and solid water. No final development order (site plan and building permits) shall be granted for proposed development until there is a finding that all public facilities and services required for the development have sufficient capacity at or above the adopted level of service (LOS) to accommodate the impacts of the development, or that improvements necessary to bring facilities up to their adopted LOS will be in place concurrent with the impacts of the development.

B. Utilities

1) Projected Capacities

~~1.a.~~ The City's utility planning efforts draw upon phasing, capacity and service requirements, based upon information provided by the applicant. The City develops its plans consistent with sound engineering principles, prudent fiscal practices and due regard for regulatory compliance.

~~2.b.~~ If the development requires construction of new distribution or collection lines, or other infrastructure needed to develop the subdivision, the developer will be required to construct such facilities to provide service. The developer will bear the cost of design, permitting and construction. Any such facilities must be constructed in a fashion consistent with the City's master plans and to the City standards and specifications.

~~2)~~ Commitment of Capacity

~~2)~~ ~~a.~~

~~1.a.~~ There are no previous commitments of any existing or planned excess capacity for this property.

3) Ability to Provide Services

~~1.a.~~ At this time, the City intends to provide water, wastewater and reclaimed water services within its service area for the foreseeable future.

~~2.b.~~ Future development within the City of Leesburg utility service areas may impact the provision of utility services.

EXHIBIT B

LEGAL DESCRIPTION

LEGAL DESCRIPTION: (PER ORB. 4051, PG. 1522)

Lots 13, 14, 15 and 16, in Roadside Subdivision, according to the Plat thereof, as recorded in Plat Book 9, Page 62, Public Records of Lake County, Florida.

LESS the right-of-way for Atlantic Coastline Railroad along the South lot line of said Lot 13 thereof.

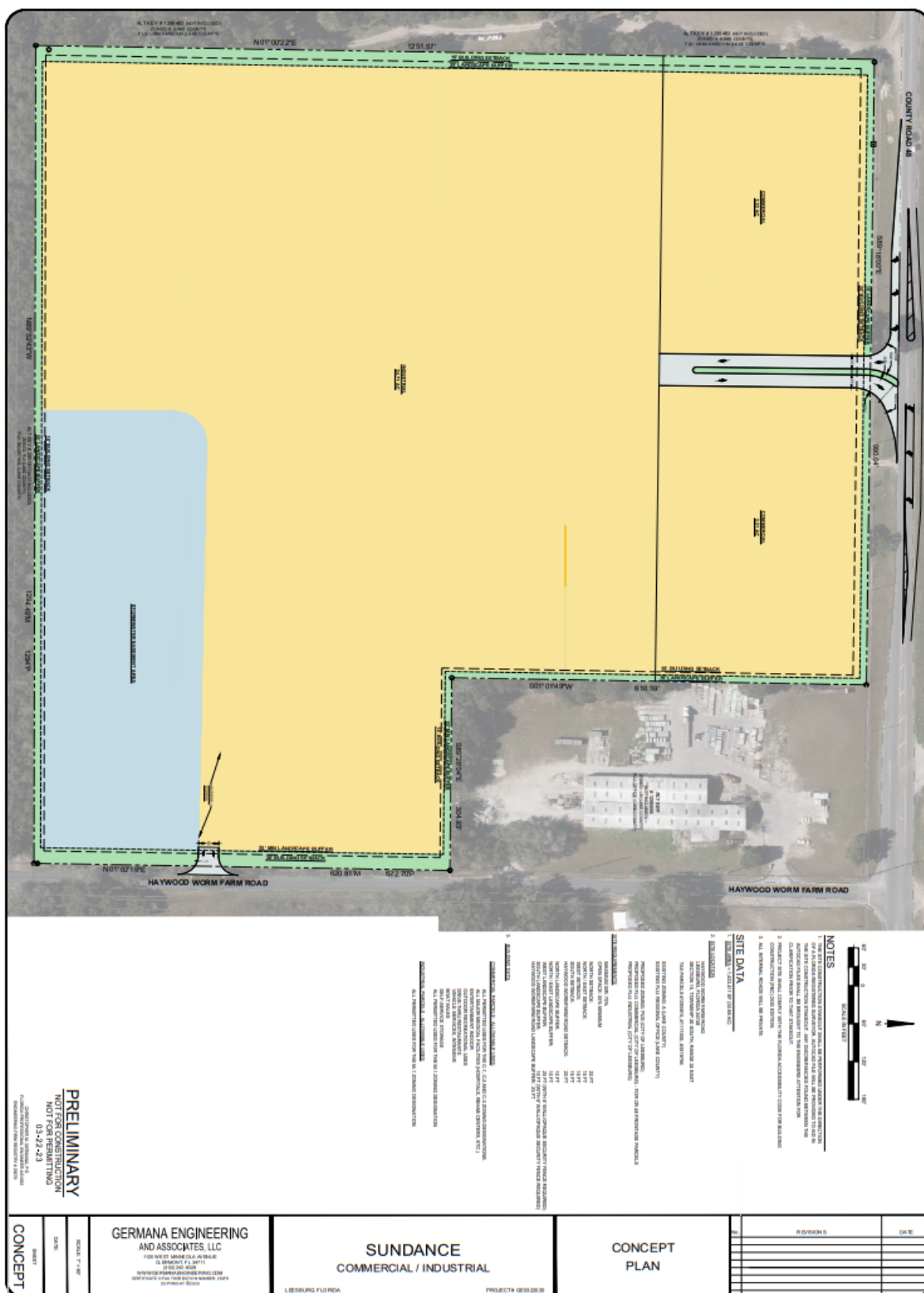
Also, LESS that part of Haywood Worm Farm Road over the East lot lines of said Lot 13, 14, 15 and 16 thereof.

AND

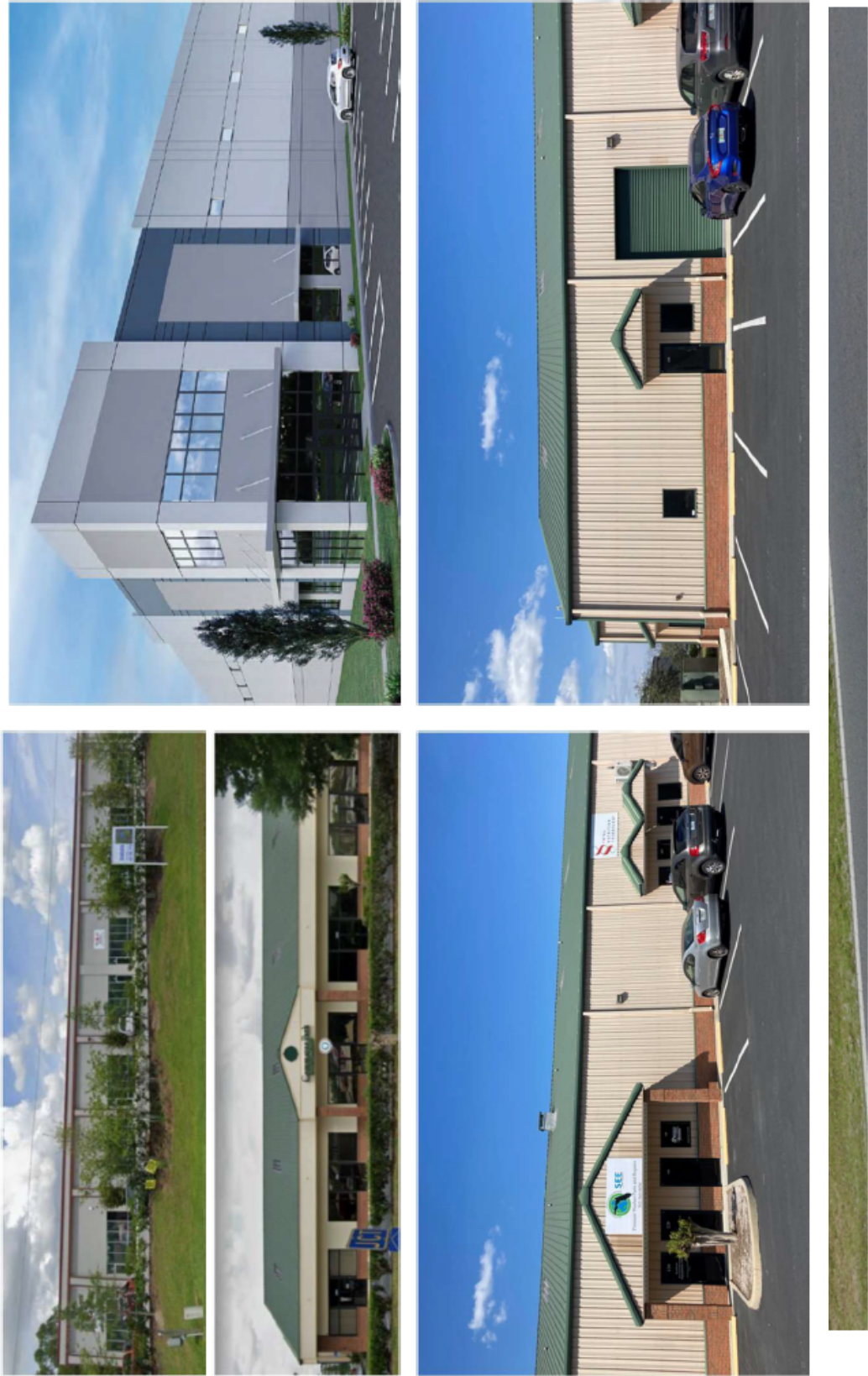
The West 3/4 of the North 1/2 of the Northeast 1/4 of the Southeast 1/4 of Section 15, Township 20 South, Range 24 East, Lake County, Florida.

LESS the right-of-way for State Road No. 48 along the North lot line thereof.

CONCEPTUAL SITE PLAN



CONCEPTUAL ARCHITECTURE Sundance – Example Architecture





**CITY OF LEESBURG PLANNING & ZONING DIVISION
RECOMMENDATIONS**

OWNER: 33 AC SR 48, LLC
PETITIONER: Germana Engineering and Associates, LLC on behalf of Roper Real Estate, Inc.
PROJECT: Sundance Commercial and Industrial
REQUEST: Rezoning to PUD (Planned Unit Development)
CASE NO.: PUD-22-586

THE PLANNING & ZONING DIVISION RECOMMENDS:

APPROVAL of the request

for the following reason(s):

1. The proposed request for a PUD (Planned Unit Development) zoning as conditioned, is compatible with the current surrounding zoning districts of Lake County A (Agriculture), Lake County HM (Heavy Industrial), Lake County LM (Light Industrial), Lake County CP (Planned Commercial), Lake County MP (Planned Industrial), and Lake County R-6 (Urban Residential), and Lake County R-7 (Mixed Residential).
2. Under the proposed PUD (Planned Unit Development) conditions for this property, the proposed Future Land Use designation of City of Leesburg Industrial is compatible with adjacent properties having Future Land Use designations with Lake County having designations of Industrial, Regional Office, Regional Commercial, and Urban Medium.
3. The site is located along a major growth corridor and near existing city utilities which are available at US-27.
4. The proposed zoning designation for the site is consistent with the City's Growth Management Plan, Future Land Use Element, Goal I, Objective 1.6.

Action Requested:

1. Vote to approve the proposed rezoning from Lake County A (Agriculture) to City of Leesburg PUD (Planned Unit Development) and forward the recommendation to the City Commission for consideration.

**CITY OF LEESBURG PLANNING & ZONING DIVISION
STAFF SUMMARY**

DATE: March 23, 2023

OWNER: 33 AC SR 48, LLC

PETITIONER: Germana Engineering and Associates, LLC

PROJECT: Sundance Commercial and Industrial

REQUEST: Small Scale Comprehensive Plan Amendment to Industrial; Zoning to PUD
(Planned Unit Development)

CASE NO.: SSCP-22-585; PUD-22-586

GENERAL LOCATION: South of County Road 48 and West of Haywood Worm Farm Road.

FUTURE LAND USE DESIGNATION: Lake County Regional Office

SURROUNDING FUTURE LAND USE DESIGNATION:

North – Lake County Regional Office

South – Lake County Industrial

East – Lake County Medium Density

West – Lake County Urban Medium Density

PROPOSED FUTURE LAND USE DESIGNATION: Industrial

EXISTING ZONING DESIGNATION: Lake County A (Agriculture)

SURROUNDING ZONING DESIGNATIONS:

North – Lake County MP (Planned Industrial)

South – Lake County HM (Heavy Industrial) (Vacant); Residential (Vacant; Unbuildable)

East – Lake County R-1 (Rural Residential); Lake County C-2 (Community Commercial);

Lake County R-7 (Mixed Residential); Lake County A (Agriculture)

West – Lake County A (Agriculture); Lake County R-6 (Urban Residential)

PROPOSED ZONING DESIGNATION: PUD (Planned Unit Development)

EXISTING LAND USE: Improved pasture/hay

SURROUNDING EXISTING LAND USE:

North – Residential; Industrial

South – Industrial; Commercial

East – Commercial (Vacant); Residential

West – Residential

PROPOSED LAND USE: Mixed-Use

**CITY OF LEESBURG PLANNING & ZONING DIVISION
DEPARTMENTAL REVIEW SUMMARY**

DATE: March 23, 2023

OWNER: 33 AC SR 48, LLC

PETITIONER: Germana Engineering and Associates, LLC on behalf of Roper Real Estate, Inc.

PROJECT: Sundance Commercial and Industrial

REQUEST: Small Scale Comprehensive Plan Amendment to Industrial; Zoning to PUD (Planned Unit Development)

CASE NO.: SSCP-22-585; PUD-22-586

THE FOLLOWING COMMENTS RECEIVED FROM EACH DEPARTMENT:

POLICE

No comments – As of 03/17/2023

FIRE

No comments from Leesburg Fire Department. – Amanda Stevenson, 03/17/2023

ELECTRIC

This is outside Leesburg Electric Territory. – Steve Davis 03/03/2023

GAS

Natural gas is available and directed per City Ordinance. – Brandon Smith 03/03/2023

GIS

No comments – As of 03/17/2023

BUILDING

No comments – As of 03/17/2023

PUBLIC WORKS

Public Works has no issues with this item. – Clifford Kelsey 03/03/2023

ADDRESSING

No comments – As of 03/13/2023

HOUSING & REDEVELOPMENT

No comments – As of 03/17/2023

LAKE COUNTY PUBLIC WORKS

Major comments for CR 48 and Haywood Worm Farm Road

- Turn Lanes are required on CR 48 at the development's proposed access.
- A right turn lane on Haywood Worm Farm Road at the development's access will be required with further evaluation of left turn lane with future development application and site plan.
- Additional right-of-way may be required for the two county roads
- A traffic impact analysis will be required, meeting the Lake-Sumter MPO guidelines for traffic analysis
- The traffic impact analysis is highly recommended, to be submitted by the developer and reviewed by Lake-Sumter MPO and Lake County prior to PUD hearing

Lake County Department of Public Works recommended requirements for the Sundance Subdivision PUD impacts to roadways and drainage systems:

CR 48:

- Access to the development off CR 48 will require both left and right turn lanes on CR 48.
- The development is proposed to be mixed use with commercial and industrial/warehouse. The development will need to provide interconnectivity for access between the different uses.
- The traffic impact analysis for the site will need to analysis the storage queue for the existing turn lanes and a signal warrant analysis for the intersection.
- The Trail Master Plan has identified the Central Lake Trail along CR 48. The development will need to accommodate this trail in the site's design.
- Additional right-of-way will be required for the Central Lake Trail.
- Additional right-of-way will be required to accommodate the right turn lane in the ultimate condition for the future CR 470/48 four lane plan.
- A Grading, Drainage, and Utility easement will need to be provided along CR 48.

Haywood Worm Farm Rd:

- A right turn lane on Haywood Worm Farm Road will be required at the development's entrance and a left turn lane will be further evaluated with future development application and site plan.
- Additional right-of-way maybe required along development's frontage.
- Sidewalk will need to be provided along road frontage to meet city and county requirements.

Internal connectivity:

- The development is recommended to have internal pedestrian and bicycle connectivity throughout the development and to the Central Lake Trail along CR 48.

Traffic:

- A Traffic Impact Analysis will be required of this development for review by Lake-Sumter MPO and Lake County.

Stormwater Management:

- The site's stormwater management design will need to be reviewed by Lake County when submitted to both the City of Leesburg and St Johns River Water Management District. We may require Lake County stormwater design standards on ponds that outfall or affect surrounding unincorporated lands or onto county roads.

– Seth Lynch, Development Engineer/Project Manager – 02/17/2023

LAKE COUNTY SCHOOLS

The residential component of the mixed-use project is subject to school concurrency review. Proportionate share mitigation may be required at time of submittal. Please refer the applicant to me for more information on the process. – Helen LaValley 02/02/2023

PUBLIC RESPONSES

Approval

2

Disapproval

No comments – As of 03/17/2023

No comment

Notice of Appearance filed:

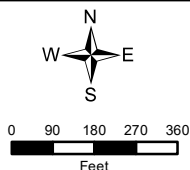
PUBLIC COMMENTS (APPROVAL WITH REQUESTS)

PUBLIC COMMENTS (DISAPPROVAL)

Aerial



**Planning
& Zoning
Division**

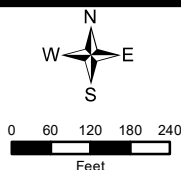


Sundance Commercial and Industrial
 ANN-22-584; SSCP-22-585; PUD-22-586
 Alternate Key #'s: 1111005; 1295815; 3319796
 3822 County Road 48, Okahumpka
 Sections 14, 15; Township 20 South; Range 24 East
 January 5, 2023

Surrounding Land Uses

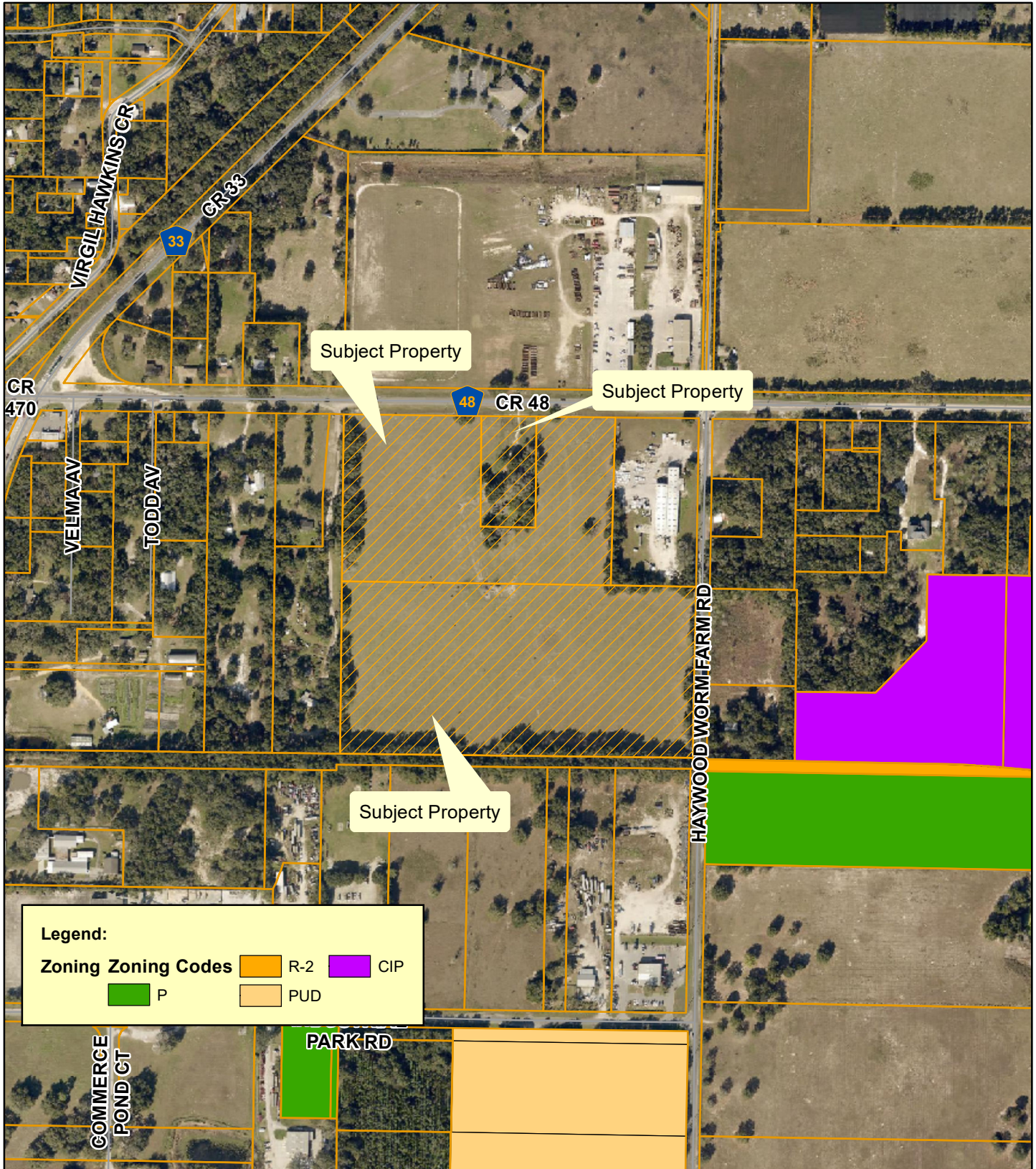


**Planning
& Zoning
Division**

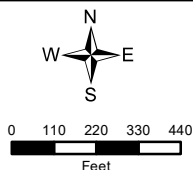


Sundance Commercial and Industrial
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January 5, 2023

Zoning

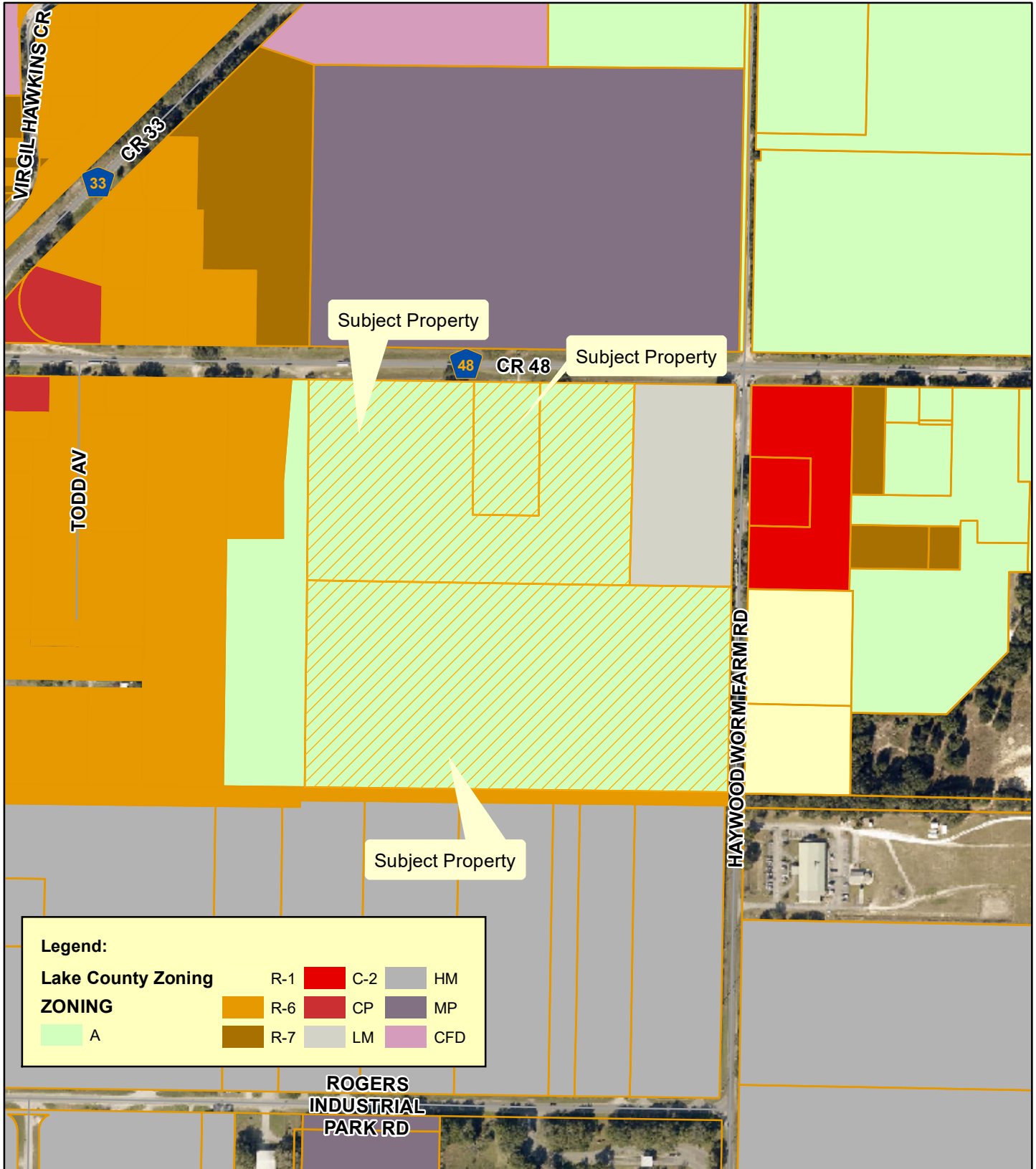


**Planning
& Zoning
Division**

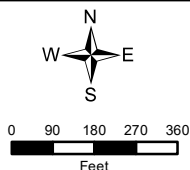


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Lake County Zoning

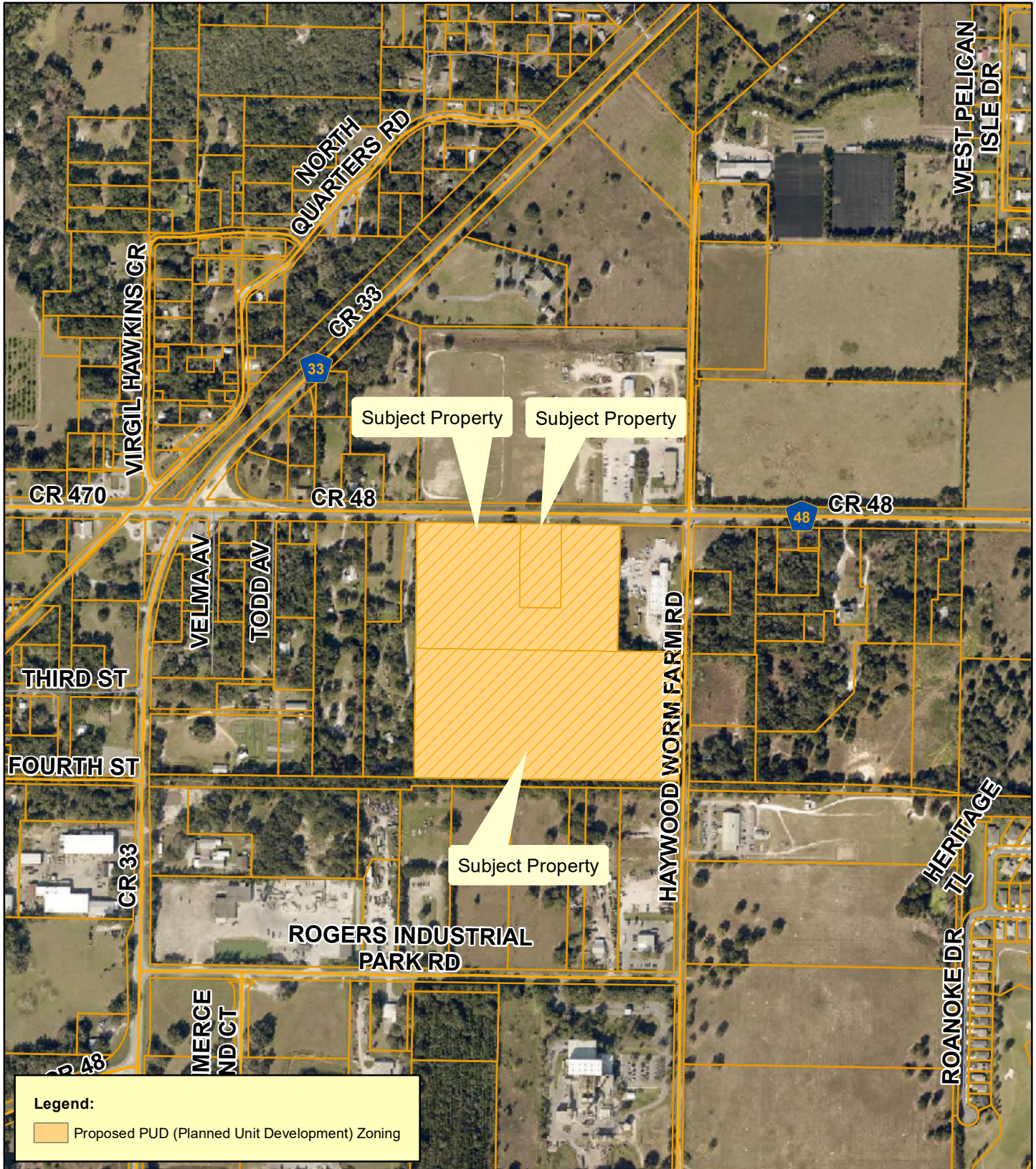


**Planning
& Zoning
Division**

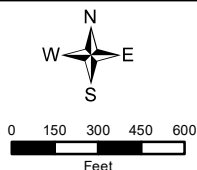


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 3822 County Road 48, Okahumpka
 Sections 14, 15; Township 20 South; Range 24 East
 January 5, 2023

PROPOSED Zoning



**Planning
& Zoning
Division**



Sundance Commercial and Industrial
 3822 County Road 48, Okahumpka
 Alternate Key #'s: 1111005; 1295815; 3319796
 Sections 14, 15; Township 20 South; Range 24 East
 January 5, 2023

Sundance Commercial and Industrial



Looking south into the property on CR 48



Looking west on CR 48



Looking north on CR 48



Looking east on CR 48



Looking west into the property on Haywood Worm Farm Road



Looking north on Haywood Worm Farm Rd



Looking east on Haywood Worm Farm Road



Looking south on Haywood Worm Farm Road



DRAFT SUMMARY MINUTES OF THE REGULAR MEETING
OF THE PLANNING COMMISSION
CITY HALL
THURSDAY, MARCH 23RD, 2023 - 4:30 P.M.

The Planning Commission of the City of Leesburg held its regular meeting Thursday, March 23rd, 2023, at City Hall.

Chairman Tim Sennett called the meeting to order at 4:30 p.m.

The following Commission members were present:

Tim Sennett - Chairman
Ted Bowersox – Vice-Chairman
John O’Kelley
Stewart Kaplan
Nathaniel Sanders

The following Commission members were absent:

Frazier Marshall
Ze’Shieca Carter
Ken Simeone
Rosalind Peebles-Johnson

City staff in attendance included Dan Miller, Planning & Zoning Director, Sabrina Mitchell, Administrative Assistant II, Dianne Yekel, Senior Planner, Kandi Harper, Senior Planner, Max Van Allen, Planner, Melissa Medders, Planner and City Attorney Grant Watson was also present.

The meeting opened with an invocation given by Vice-Chairman Bowersox, followed by the Pledge of Allegiance to the Flag.

Dan Miller informed the audience of the rules of participation and the need to sign the speaker’s registry. He also informed Commissioners and the audience that the City Commission meeting dates are tentatively scheduled.

DRAFT SUMMARY MINUTES OF THE PLANNING COMMISSION MEETING

FOR THURSDAY, FEBRUARY 23RD, 2023.

Vice-Chairman Bowersox moved to APPROVE the draft minutes from the FEBRUARY 23RD, 2023 meeting. Commissioner Sanders SECONDED the motion, which PASSED by a vote of 5-0.

Sabrina Mitchell swore in staff as well as anyone in the audience wishing to speak.

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

NEW BUSINESS

1) PUBLIC HEARING CASE # SSCP-22-585 – SUNDANCE COMMERCIAL AND INDUSTRIAL – SMALL SCALE COMPREHENSIVE PLAN AMENDMENT

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF LEESBURG, CHANGING THE FUTURE LAND USE DESIGNATION OF CERTAIN PROPERTY CONTAINING 33.45 +/- ACRES FROM LAKE COUNTY REGIONAL OFFICE TO CITY OF LEESBURG INDUSTRIAL FOR A MIXED-USE DEVELOPMENT ON A PROPERTY GENERALLY LOCATED SOUTH OF COUNTY ROAD 48 AND WEST OF HAYWOOD WORM FARM ROAD, AS LEGALLY DESCRIBED IN SECTIONS 14 AND 15, TOWNSHIP 20 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. **(CITY COMMISSION DATES ARE TENTATIVELY SCHEDULED FOR FIRST READING ON MONDAY, APRIL 10TH, 2023 AND SECOND READING TENTATIVELY SCHEDULED FOR MONDAY, JUNE 12TH, 2023) (Sundance Commercial and Industrial) (POSTPONED AT APPLICANT'S REQUEST FROM THE FEBRUARY 23RD, 2023 PLANNING COMMISSION REGULAR MEETING)**

Dan Miller requested to discuss the next two cases together and vote on each case separately.

Dan Miller introduced case number #SSCP-22-585 – Sundance Commercial and Industrial – Small Scale Comprehensive Plan Amendment and case number #PUD-22-586 Planned Unit Development into the record and entered the exhibits into the record with maps and photo exhibits including aerial, zoning, future and surrounding land use, wetlands/flood zone maps, CRA maps, staff summary, departmental review summary, and staff recommendations.

Mr. Miller gave a background and explanation of the subject property, location, zoning, requests, went over aerial map, conceptual architectural samples Exhibit D, and PUD (Planned Unit Development).

Max Van Allen utilized a power point presentation to demonstrate the area of the proposed site for both cases.

Department Review Summary: This case was sent out to all the different City departments, Lake County Public Works, and the School Board there were no substantive comments from the City departments. Lake County Public Works did note the need for turn lanes on CR 48, plus a right turn lane on Haywood Worm Farm Road and additional right of way for the proposed future Central Lake Trail, as well as for the possibility of the widening of CR 48 which rolls into 470. Public responses – we did not receive any major comments from the City of Leesburg notice requirements. Staff did receive two written responses for approval, we didn't receive any recommendations for denial in response to the posted signs and newspaper.

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

Chairman Sennett stated if the Commission have any questions of Staff or applicant.

Dwight Sadoff with Project Finance & Development at 7575 Dr. Phillips Blvd. Suite 165 Orlando, Florida 32819 stated the primary reason to come to the City; utilities, 33 acres, no wetlands, no endangered species, flat, used for cattle, uses seeking; very consistent, frontage on CR 48; removed any reference industrial uses, permitted/conditional uses; City Code, not seeking to have use in plan, fronts on two roads, different; County did not want access on CR 48; County permission, uses stated very specifically; concept plan, Exhibit C, few things in conditions of approval; carryovers from prior plan, hopefully, Dan Miller will clean up before City Commission; uses; slightly misstated; conditions, specific; concept plan, design standards, material; applicable to residential development, not applicable to our plan; commercial/industrial development, going smoothly, very high on the area, intensity of people, went over PUD standards with Dan Miller to make changes; (5A) elevations applicable to SF units; (B1), Dan Miller stated and read into the record (7C) the elevations of SF should be taken out, plan; open space 35% minimum, Code 30%, match Code; Dan Miller replied change in Code; our City Commission requires every PUD; 35%, about two years ago started wanting increases on that; in order to move forward, very particular worded permitted uses; stick with what proposed, consistent with what we discussed; Dan Miller replied allowing industrial uses; 6.5 acres; define industrial uses; Dwight Sadoff stated we just referenced the Code, M1 permitted uses, not M1 conditional; Dan Miller stated think we can make that work if the Commission will allow me to work with the applicants on that, make sure nothing nauseous; don't see a problem with his request, request permission from Commission, clarification; about conditional uses/permitted in the industrial; applicant is correct, happy to work with applicant to make change; before City Commission, Dwight Sadoff stated on the concept plan; walls on the east/west side wall or 6' opeg security fence, Staff report; provides/allows for fence on east and wall on the west side.

Dan Miller replied it was intended to be a wall on west and fence on east; Dwight Sadoff stated the difference in cost; wall/fence, substantial cost difference; value of brick or block wall; fence, both provide opeg barrier; Dan Miller replied can work with that if 25' buffer remains on west side, fence responsibility of POA if Commission agrees; Dwight Sadoff stated (7A.3); gated; depends on use; don't want to say shall be gated.

Dan Miller replied it depends on the use we are alright with that on Haywood Worm Farm, if use requires a gate; will need to put one up, may be gated, fine with Staff; Dwight Sadoff stated he has question on paragraph (6C), reference to upland buffer; section landscaping/buffer requirements, section (11E); wetlands, flood zones, and wildlife, upland buffer; paragraph dealing with landscape/buffer requirements, not required to put in walkway, buffer; Dan Miller replied allowed in upper buffers but limited to, but not required; Dwight Sadoff read condition into record; Dan Miller replied if you wanted to put a hiking trail; thanks the applicant.

Commissioners, and Mr. Miller discussed PUD conditions are written as they should be, so if we have anything to clean up; let's move forward, architectural standards; originally architectural presented were metal buildings; added some architectural standards; Dan Miller went over façade samples; conceptual; Exhibit D; language in PUD; Staff can work with applicant on architectural designs, something that looks good, these are examples; not locked in, read standards; looks like a residential standard, how they work, non-predominance of metal, stucco, 50:50, some angles; doesn't just stand out as a metal building; Dan Miller requested permission to work the applicants on the changes; Commission agreed.

Chairman Sennett stated if the Commission have any questions of the applicant or if anyone in the audience would like to speak on this case.

Chairman Sennett closes discussion from the Public, entertained a motion, and then the voting took place.

Commissioner Sanders made a MOTION for APPROVAL of case # SSCP-22-585 – SUNDANCE COMMERCIAL AND INDUSTRIAL – SMALL SCALE COMPREHENSIVE PLAN AMENDMENT Commissioner Kaplan SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 5-0 .

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

2) PUBLIC HEARING CASE # PUD-22-586 – SUNDANCE COMMERCIAL AND INDUSTRIAL – PLANNED UNIT DEVELOPMENT

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, CHANGING THE ZONING ON APPROXIMATELY 33.45 +/- ACRES FROM LAKE COUNTY A (AGRICULTURE) TO THE CITY OF LEESBURG PUD (PLANNED UNIT DEVELOPMENT) TO ALLOW FOR A MIXED-USE DEVELOPMENT, FOR A PROPERTY GENERALLY LOCATED SOUTH OF COUNTY ROAD 48 AND WEST OF HAYWOOD WORM FARM ROAD, AS LEGALLY DESCRIBED IN SECTIONS 14 AND 15, TOWNSHIP 20 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. **(CITY COMMISSION DATES ARE TENTATIVELY SCHEDULED FOR FIRST READING ON MONDAY, APRIL 10TH, 2023 AND SECOND READING TENTATIVELY**

SCHEDULED FOR MONDAY, JUNE 12TH, 2023) (Sundance Commercial and Industrial) **(POSTPONED AT APPLICANT'S REQUEST FROM THE FEBRUARY 23RD, 2023 PLANNING COMMISSION REGULAR MEETING)**

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

Commissioner Kaplan made a MOTION for APPROVAL of case # PUD-22-586 – SUNDANCE COMMERCIAL AND INDUSTRIAL – PLANNED UNIT DEVELOPMENT with the changes Vice-Chairman Bowersox SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 5-0.

DISCUSSION

None

ANNOUNCEMENTS

None

Chairman Sennett entertained a motion to adjourn.

Motion to adjourn made by Vice-Chairman Bowersox and seconded by Commissioner O'Kelley.

ADJOURNMENT

Meeting was adjourned at 5:36 p.m.

Tim Sennett, Chairman

Sabrina Mitchell, Administrative Assistant II

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 6.B.4.

Meeting Date: April 10, 2023

From: Dan Miller, (Planning and Zoning Director)

Subject: An Ordinance amending the comprehensive plan of the City of Leesburg, Florida, changing the future land use map designation of certain property containing 8.03 +/- acres from Medium Density Residential to High Density Residential, for a multi-family development on a property generally located south of Park Holland Road and east of Picciola Road as legally described in Section 15, Township 19 South, Range 24 East; Lake County, Florida; and providing an effective date. (PMF Leesburg SSCP)

Staff Recommendation:

The Planning & Zoning Staff and the Planning Commission recommend approval of the proposed small-scale comp plan map amendment to the City's Future Land Use Map on 8.03 +/- acres from Medium Density Residential to High Density Residential.

Analysis:

The project site is approximately 8.03 acres, and is generally located south of Park Holland Road and west of Picciola Road. Currently, the property is undeveloped. The proposed use is to construct a 144 unit apartment complex for workforce housing. The surrounding Future Land Use Map designations of High Density Residential, Low Density Residential and General Commercial are compatible with the proposed future land use designation of High Density. The proposed zoning designation of SPUD (Small Planned Unit Development) will provide for development that is consistent with the City's adopted Growth Management Plan.

The Planning Commission held a public hearing on the application on March 23, 2023 and, by a vote of 5 to 0, recommended approval.

Procurement Analysis:

N/A

Options:

1. Approve the requested small scale comprehensive plan amendment to High Density Residential; or
2. Other action as the Commission may deem appropriate.

Fiscal Impact:

A positive fiscal impact will result from the annexation and development of this property due to increased tax revenue added to the General Fund. Future development of the property will increase this anticipated impact.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF LEESBURG, FLORIDA, CHANGING THE FUTURE LAND USE MAP DESIGNATION OF CERTAIN PROPERTY CONTAINING 8.03 +/- ACRES FROM MEDIUM DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL, FOR A MULTI-FAMILY DEVELOPMENT ON A PROPERTY GENERALLY LOCATED SOUTH OF PARK HOLLAND ROAD AND EAST OF PICCIOLA ROAD AS LEGALLY DESCRIBED IN SECTION 15, TOWNSHIP 19 SOUTH, RANGE 24 EAST; LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. (PMF LEESBURG SSCP)

WHEREAS, the City Commission has received written objections, recommendations, and comments from the City of Leesburg Planning Commission acting as the Local Planning Agency, regarding amendment of the Comprehensive Plan of the City of Leesburg, and has made recommendations to the City Commission for amendment of the Plan; and

WHEREAS, the City Commission of the City of Leesburg has held public hearings on the proposed amendment to the plan, in light of written comments, proposals and objections from the general public;

NOW, THEREFORE,

BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA, that:

Section 1.

The Growth Management Plan of the City of Leesburg, adopted by the City of Leesburg on December 10, 2012, pursuant to the Community Planning Act of 2011, Chapter 163, Part II, Florida Statutes, after public hearings by the City of Leesburg Planning Commission, is hereby amended in the following manner:

The Future Land Use Map is amended by changing the designation of an approximate 8.03 acre parcel of land generally located south of Park Holland Road, and east of Picciola Road, from Medium Density Residential to High Density Residential, as shown on the revised map of said area, lying in Section 15, Township 19 South, Range 24 East, Lake County, Florida, legally described as:

Legal Description

(See Exhibit A)

Section 2.

All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

Section 3.

This ordinance shall become effective upon its passage and adoption, according to law.

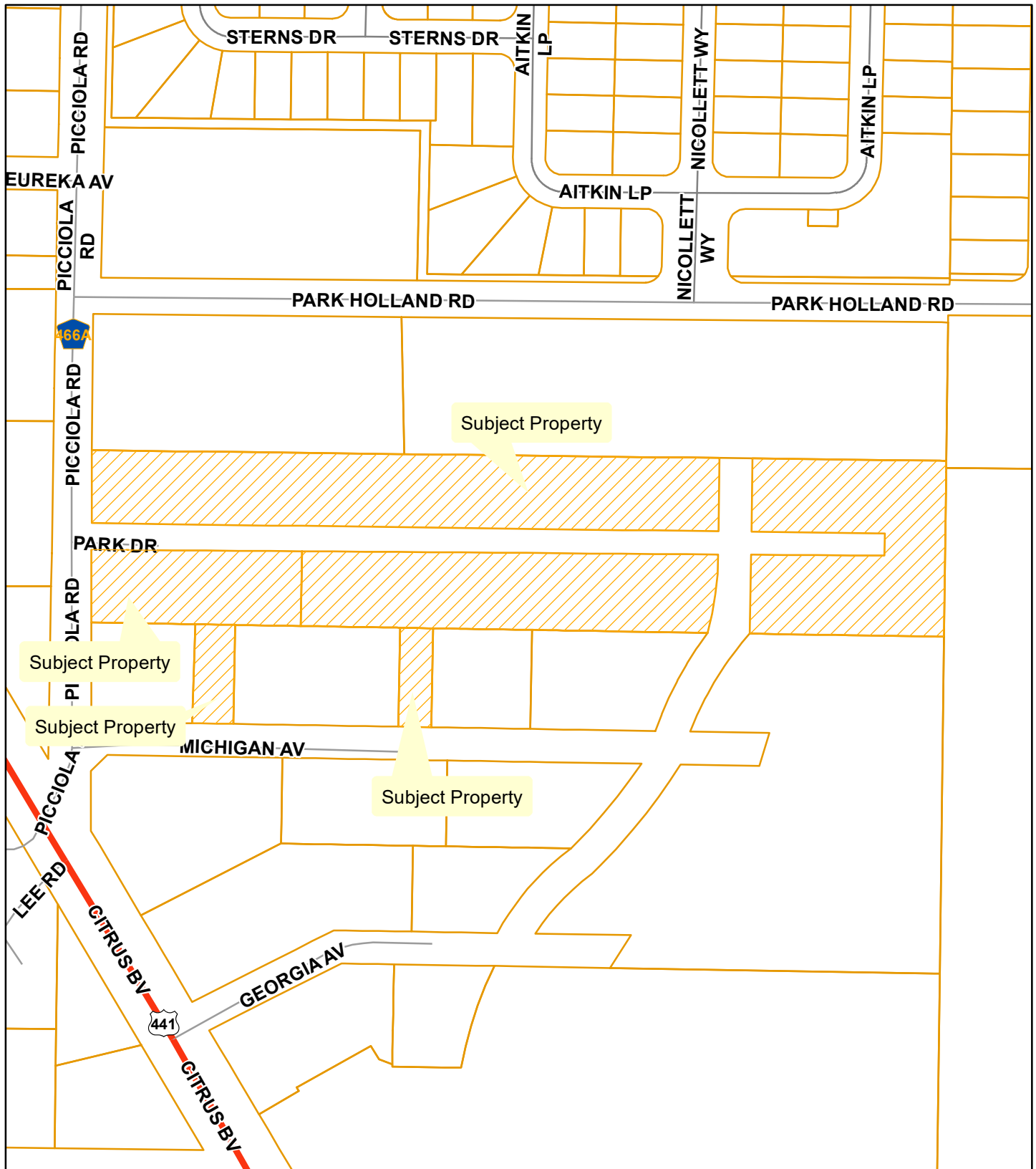
PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held on the _____ day of _____ 2023.

Mayor

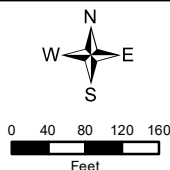
ATTEST:

City Clerk

Locator

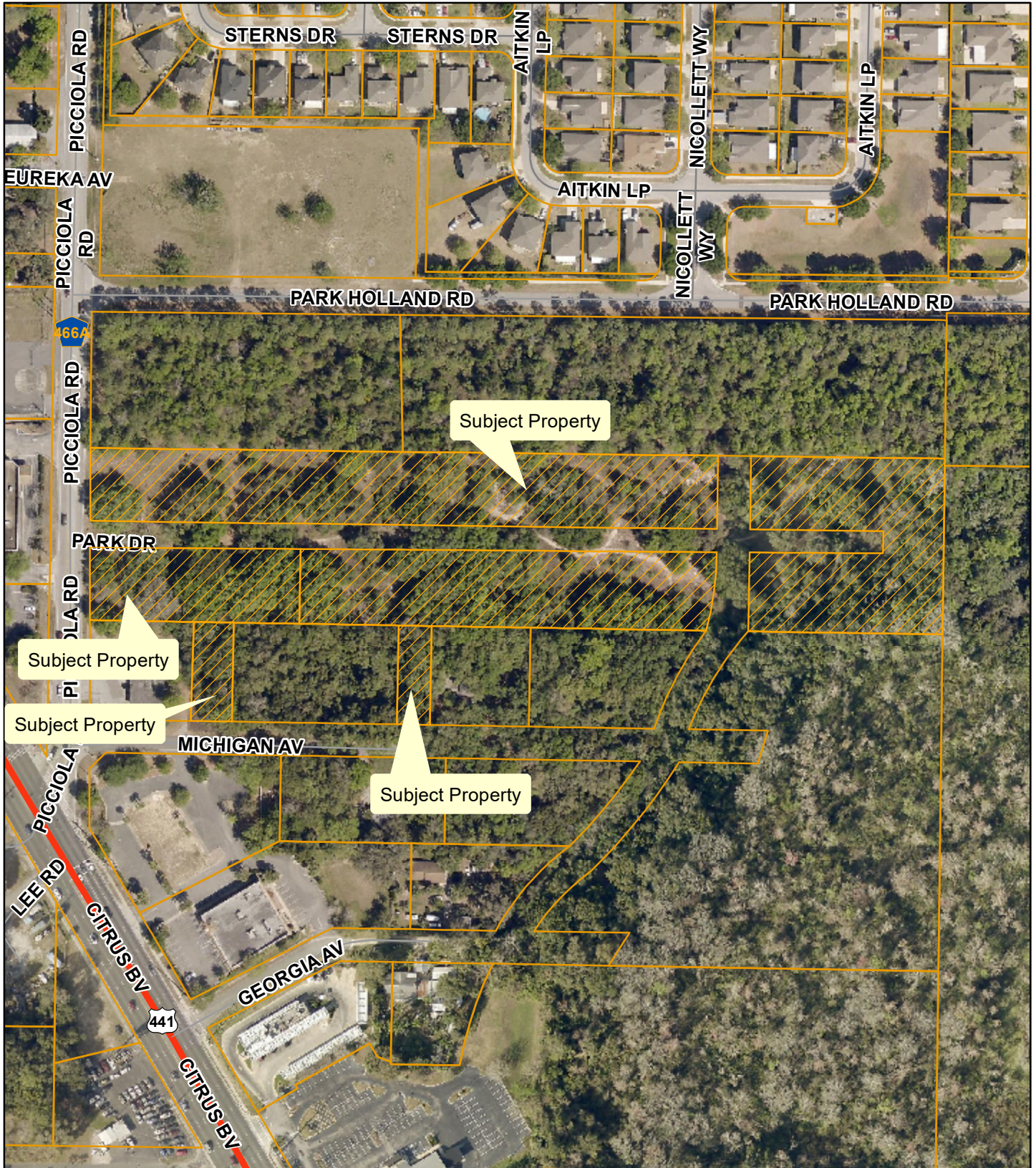


**Planning
& Zoning
Division**

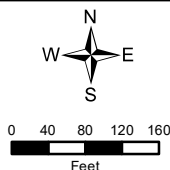


Picciola Project PMF Leesburg
SSCP-23-31; SPUD-23-32
Alternate Keys: 3764773, 1489733, 1654939, 3764889
Section 15, Township, 19 South, 24 East
March 1, 2023

Aerial

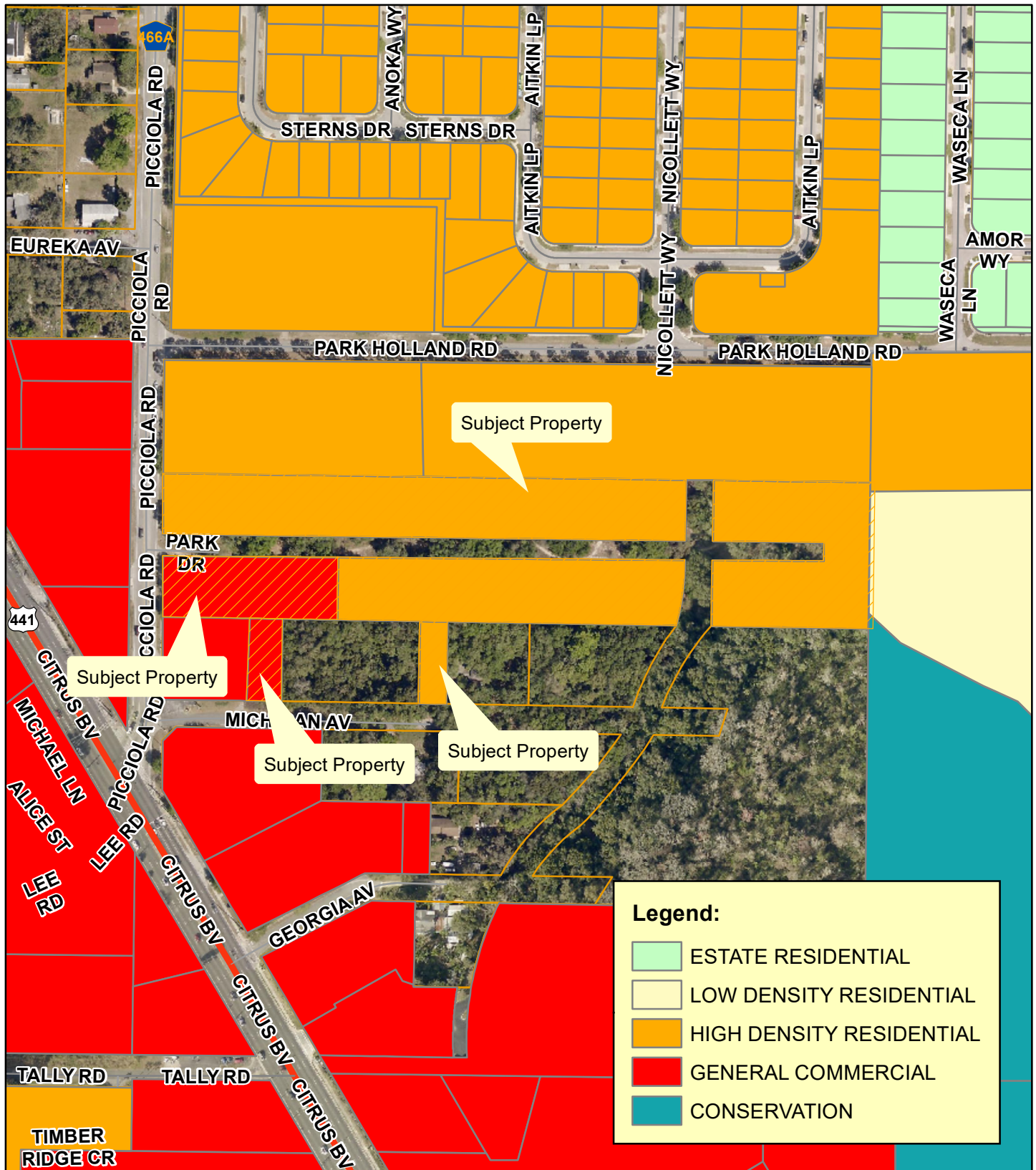


**Planning
& Zoning
Division**

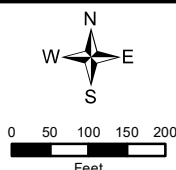


Picciola Project PMF Leesburg
SSCP-23-31; SPUD-23-32
Alternate Keys: 3764773, 1489733, 1654939, 3764889
Section 15, Township, 19 South, 24 East
March 1, 2023

Future Land Use - City of Leesburg

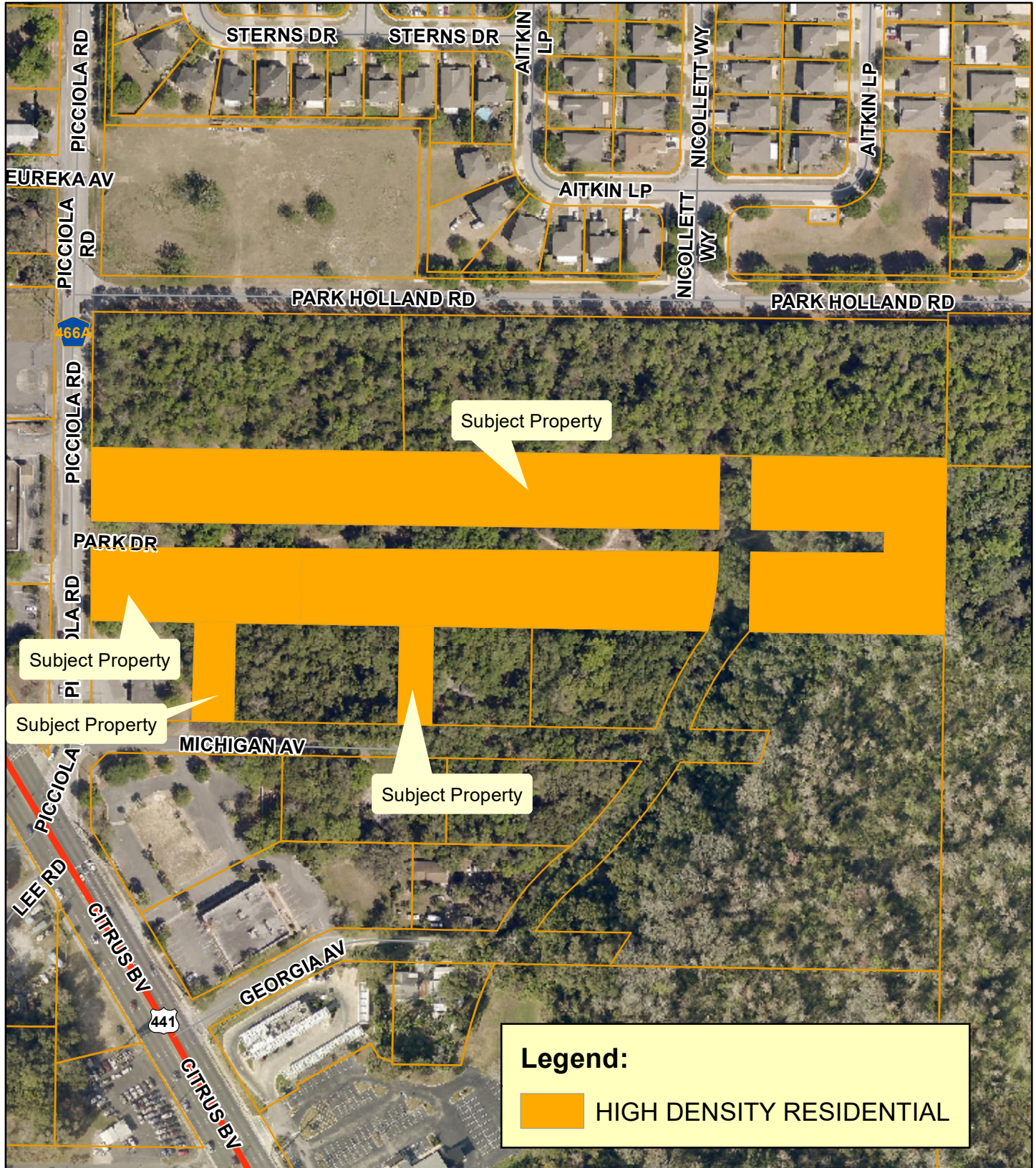


**Planning
& Zoning
Division**

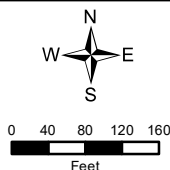


Picciola Project PMF Leesburg
SSCP-23-31; SPUD-23-32
Alternate Keys: 3764773, 1489733, 1654939, 3764889
Section 15, Township, 19 South, 24 East
March 1, 2023

Proposed Future Land Use



Planning
& Zoning
Division

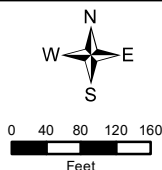


Picciola Project PMF Leesburg
SSCP-23-31; SPUD-23-32
Alternate Keys: 3764773, 1489733, 1654939, 3764889
Section 15, Township, 19 South, 24 East
March 1, 2023

Surrounding Land Uses

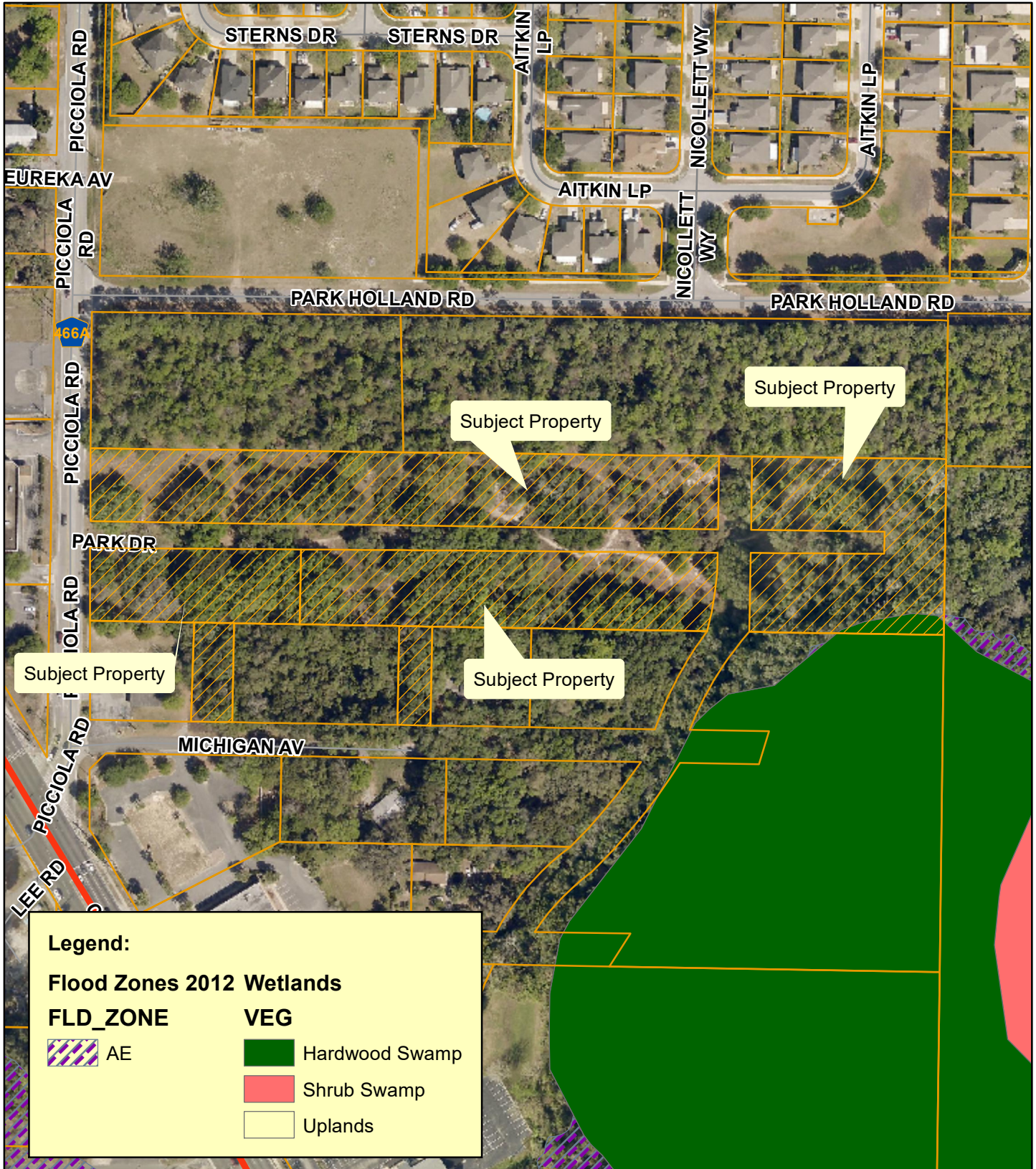


**Planning
& Zoning
Division**

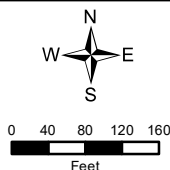


Picciola Project PMF Leesburg
SSCP-23-31; SPUD-23-32
Alternate Keys: 3764773, 1489733, 1654939, 3764889
Section 15, Township, 19 South, 24 East
March 1, 2023

Flood and Wetlands



**Planning
& Zoning
Division**



Picciola Project PMF Leesburg
SSCP-23-31; SPUD-23-32
Alternate Keys: 3764773, 1489733, 1654939, 3764889
Section 15, Township, 19 South, 24 East
March 1, 2023



DRAFT SUMMARY MINUTES OF THE REGULAR MEETING
OF THE PLANNING COMMISSION
CITY HALL
THURSDAY, MARCH 23RD, 2023 - 4:30 P.M.

The Planning Commission of the City of Leesburg held its regular meeting Thursday, March 23rd, 2023, at City Hall.

Chairman Tim Sennett called the meeting to order at 4:30 p.m.

The following Commission members were present:

Tim Sennett - Chairman
Ted Bowersox – Vice-Chairman
John O’Kelley
Stewart Kaplan
Nathaniel Sanders

The following Commission members were absent:

Frazier Marshall
Ze’Shieca Carter
Ken Simeone
Rosalind Peebles-Johnson

City staff in attendance included Dan Miller, Planning & Zoning Director, Sabrina Mitchell, Administrative Assistant II, Dianne Yekel, Senior Planner, Kandi Harper, Senior Planner, Max Van Allen, Planner, Melissa Medders, Planner and City Attorney Grant Watson was also present.

The meeting opened with an invocation given by Vice-Chairman Bowersox, followed by the Pledge of Allegiance to the Flag.

Dan Miller informed the audience of the rules of participation and the need to sign the speaker’s registry. He also informed Commissioners and the audience that the City Commission meeting dates are tentatively scheduled.

DRAFT SUMMARY MINUTES OF THE PLANNING COMMISSION MEETING

FOR THURSDAY, FEBRUARY 23RD, 2023.

Vice-Chairman Bowersox moved to APPROVE the draft minutes from the FEBRUARY 23RD, 2023 meeting. Commissioner Sanders SECONDED the motion, which PASSED by a vote of 5-0.

Sabrina Mitchell swore in staff as well as anyone in the audience wishing to speak.

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

NEW BUSINESS

1) PUBLIC HEARING CASE # SSCP-22-585 – SUNDANCE COMMERCIAL AND INDUSTRIAL – SMALL SCALE COMPREHENSIVE PLAN AMENDMENT

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF LEESBURG, CHANGING THE FUTURE LAND USE DESIGNATION OF CERTAIN PROPERTY CONTAINING 33.45 +/- ACRES FROM LAKE COUNTY REGIONAL OFFICE TO CITY OF LEESBURG INDUSTRIAL FOR A MIXED-USE DEVELOPMENT ON A PROPERTY GENERALLY LOCATED SOUTH OF COUNTY ROAD 48 AND WEST OF HAYWOOD WORM FARM ROAD, AS LEGALLY DESCRIBED IN SECTIONS 14 AND 15, TOWNSHIP 20 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. **(CITY COMMISSION DATES ARE TENTATIVELY SCHEDULED FOR FIRST READING ON MONDAY, APRIL 10TH, 2023 AND SECOND READING TENTATIVELY SCHEDULED FOR MONDAY, JUNE 12TH, 2023) (Sundance Commercial and Industrial) (POSTPONED AT APPLICANT'S REQUEST FROM THE FEBRUARY 23RD, 2023 PLANNING COMMISSION REGULAR MEETING)**

Dan Miller requested to discuss the next two cases together and vote on each case separately.

Dan Miller introduced case number #SSCP-22-585 – Sundance Commercial and Industrial – Small Scale Comprehensive Plan Amendment and case number #PUD-22-586 Planned Unit Development into the record and entered the exhibits into the record with maps and photo exhibits including aerial, zoning, future and surrounding land use, wetlands/flood zone maps, CRA maps, staff summary, departmental review summary, and staff recommendations.

Mr. Miller gave a background and explanation of the subject property, location, zoning, requests, went over aerial map, conceptual architectural samples Exhibit D, and PUD (Planned Unit Development).

Max Van Allen utilized a power point presentation to demonstrate the area of the proposed site for both cases.

Department Review Summary: This case was sent out to all the different City departments, Lake County Public Works, and the School Board there were no substantive comments from the City departments. Lake County Public Works did note the need for turn lanes on CR 48, plus a right turn lane on Haywood Worm Farm Road and additional right of way for the proposed future Central Lake Trail, as well as for the possibility of the widening of CR 48 which rolls into 470. Public responses – we did not receive any major comments from the City of Leesburg notice requirements. Staff did receive two written responses for approval, we didn't receive any recommendations for denial in response to the posted signs and newspaper.

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

Chairman Sennett stated if the Commission have any questions of Staff or applicant.

Dwight Sadoff with Project Finance & Development at 7575 Dr. Phillips Blvd. Suite 165 Orlando, Florida 32819 stated the primary reason to come to the City; utilities, 33 acres, no wetlands, no endangered species, flat, used for cattle, uses seeking; very consistent, frontage on CR 48; removed any reference industrial uses, permitted/conditional uses; City Code, not seeking to have use in plan, fronts on two roads, different; County did not want access on CR 48; County permission, uses stated very specifically; concept plan, Exhibit C, few things in conditions of approval; carryovers from prior plan, hopefully, Dan Miller will clean up before City Commission; uses; slightly misstated; conditions, specific; concept plan, design standards, material; applicable to residential development, not applicable to our plan; commercial/industrial development, going smoothly, very high on the area, intensity of people, went over PUD standards with Dan Miller to make changes; (5A) elevations applicable to SF units; (B1), Dan Miller stated and read into the record (7C) the elevations of SF should be taken out, plan; open space 35% minimum, Code 30%, match Code; Dan Miller replied change in Code; our City Commission requires every PUD; 35%, about two years ago started wanting increases on that; in order to move forward, very particular worded permitted uses; stick with what proposed, consistent with what we discussed; Dan Miller replied allowing industrial uses; 6.5 acres; define industrial uses; Dwight Sadoff stated we just referenced the Code, M1 permitted uses, not M1 conditional; Dan Miller stated think we can make that work if the Commission will allow me to work with the applicants on that, make sure nothing nauseous; don't see a problem with his request, request permission from Commission, clarification; about conditional uses/permitted in the industrial; applicant is correct, happy to work with applicant to make change; before City Commission, Dwight Sadoff stated on the concept plan; walls on the east/west side wall or 6' opeg security fence, Staff report; provides/allows for fence on east and wall on the west side.

Dan Miller replied it was intended to be a wall on west and fence on east; Dwight Sadoff stated the difference in cost; wall/fence, substantial cost difference; value of brick or block wall; fence, both provide opeg barrier; Dan Miller replied can work with that if 25' buffer remains on west side, fence responsibility of POA if Commission agrees; Dwight Sadoff stated (7A.3); gated; depends on use; don't want to say shall be gated.

Dan Miller replied it depends on the use we are alright with that on Haywood Worm Farm, if use requires a gate; will need to put one up, may be gated, fine with Staff; Dwight Sadoff stated he has question on paragraph (6C), reference to upland buffer; section landscaping/buffer requirements, section (11E); wetlands, flood zones, and wildlife, upland buffer; paragraph dealing with landscape/buffer requirements, not required to put in walkway, buffer; Dan Miller replied allowed in upper buffers but limited to, but not required; Dwight Sadoff read condition into record; Dan Miller replied if you wanted to put a hiking trail; thanks the applicant.

Commissioners, and Mr. Miller discussed PUD conditions are written as they should be, so if we have anything to clean up; let's move forward, architectural standards; originally architectural presented were metal buildings; added some architectural standards; Dan Miller went over façade samples; conceptual; Exhibit D; language in PUD; Staff can work with applicant on architectural designs, something that looks good, these are examples; not locked in, read standards; looks like a residential standard, how they work, non-predominance of metal, stucco, 50:50, some angles; doesn't just stand out as a metal building; Dan Miller requested permission to work the applicants on the changes; Commission agreed.

Chairman Sennett stated if the Commission have any questions of the applicant or if anyone in the audience would like to speak on this case.

Chairman Sennett closes discussion from the Public, entertained a motion, and then the voting took place.

Commissioner Sanders made a MOTION for APPROVAL of case # SSCP-22-585 – SUNDANCE COMMERCIAL AND INDUSTRIAL – SMALL SCALE COMPREHENSIVE PLAN AMENDMENT Commissioner Kaplan SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 5-0 .

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

2) PUBLIC HEARING CASE # PUD-22-586 – SUNDANCE COMMERCIAL AND INDUSTRIAL – PLANNED UNIT DEVELOPMENT

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, CHANGING THE ZONING ON APPROXIMATELY 33.45 +/- ACRES FROM LAKE COUNTY A (AGRICULTURE) TO THE CITY OF LEESBURG PUD (PLANNED UNIT DEVELOPMENT) TO ALLOW FOR A MIXED-USE DEVELOPMENT, FOR A PROPERTY GENERALLY LOCATED SOUTH OF COUNTY ROAD 48 AND WEST OF HAYWOOD WORM FARM ROAD, AS LEGALLY DESCRIBED IN SECTIONS 14 AND 15, TOWNSHIP 20 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. **(CITY COMMISSION DATES ARE TENTATIVELY SCHEDULED FOR FIRST READING ON MONDAY, APRIL 10TH, 2023 AND SECOND READING TENTATIVELY**

SCHEDULED FOR MONDAY, JUNE 12TH, 2023) (Sundance Commercial and Industrial) **(POSTPONED AT APPLICANT'S REQUEST FROM THE FEBRUARY 23RD, 2023 PLANNING COMMISSION REGULAR MEETING)**

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

Commissioner Kaplan made a MOTION for APPROVAL of case # PUD-22-586 – SUNDANCE COMMERCIAL AND INDUSTRIAL – PLANNED UNIT DEVELOPMENT with the changes Vice-Chairman Bowersox SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 5-0.

Tim Sennett, Chairman

Sabrina Mitchell, Administrative Assistant II

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 6.B.5.

Meeting Date: April 10, 2023

From: Dan Miller, (Planning and Zoning Director)

Subject: An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 8.03 acres from PUD (Planned Unit Development) and C-3 (General Commercial) to SPUD (Small Planned Unit Development) for a property generally located south of Park Holland Road and east of Picciola Road, as legally described in Section 15, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date. (PMF Leesburg PUD)

Staff Recommendation:

The Planning staff and the Planning Commission recommend approval of the proposed rezoning for the subject property from PUD (Planned Unit Development) and R-2 (Medium Density Residential) to SPUD (Small Planned Unit Development).

Analysis:

The project site is approximately 8.03+/- acres. The property is generally located south of Park Holland Road and east of Picciola Road, as shown on the attached Aerial Map. The present zoning for this property is PUD (Planned Unit Development) and R-2 (Medium Density Residential). Currently, the property is undeveloped. The proposed use of the property is a 144 unit apartment building for workforce housing. The surrounding zoning designations are PUD (Planned Unit Development), C-1 (Neighborhood Commercial) and C-3 (General Commercial).

The proposed zoning district of City SPUD (Small Planned Unit Development) is compatible with the adjacent and nearby properties in the area and with the proposed future land use designation of High Density Residential. City utilities are available in the area.

By a vote of 5 to 0 on March 23, 2023, the Planning Commission recommended approval of this request.

Procurement Analysis:

N/A

Options:

1. Approve the proposed rezoning to City SPUD (Small Planned Unit Development); or
2. Other action the Commission may deem appropriate.

Fiscal Impact:

Based on future development of this property, there will be a positive fiscal impact on the City of Leesburg through increased ad valorem taxes, impact and utility fees.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, CHANGING THE ZONING ON APPROXIMATELY 8.03 ACRES FROM PUD (PLANNED UNIT DEVELOPMENT) AND C-3 (GENERAL COMMERCIAL) TO SPUD (SMALL PLANNED UNIT DEVELOPMENT) FOR A PROPERTY GENERALLY LOCATED SOUTH OF PARK HOLLAND ROAD AND EAST OF PICCIOLA ROAD, AS LEGALLY DESCRIBED IN SECTION 15, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. (PMF LEESBURG PUD)

BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA, that:

Section 1.

Based upon the petition of Carolyn Haslam (Akerman, LLP, Petitioner) for Blue Cedar of the property hereinafter described, which petition has heretofore been approved by the City Commission of the City of Leesburg Florida, pursuant to the provisions of the Laws of Florida, the said property located in Lake County, Florida, is hereby rezoned from Lake County A (Agriculture) to City of Leesburg PUD (Planned Unit Development), to-wit:

(Legal Description)
(See Exhibit A)

Section 2.

This ordinance shall become effective upon its passage and adoption, according to law.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the _____ day of _____, 2023.

Mayor

ATTEST:

City Clerk

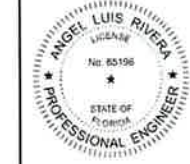


Civil Engineering
Land Planning
Inspections
Certificate of
Authorization:
No. 27697
14164 Stilton St
Tampa, FL 33626
Toll free : 844-426-6354
ARiveraProperties@gmail.com
www.abcompanies.com

ELECTRONIC SIGNATURE

Angel L. Rivera, State of Florida,
Professional Engineer, License No.
65196. This item has been
electronically signed and sealed by
Angel L. Rivera on the date indicated
here using a SHA authentication code.
Printed copies of this document are
not considered signed and sealed and
the SHA authentication code must be
verified on any electronic copies.

SEAL:



DATE
ANGEL L. RIVERA, P.E.
LIC. NO. 65196

PROJECT:

PARK DRIVE APARTMENTS
Park Drive
Leesburg, FL

REVISIONS

NO. ISSUED DATE

SCALE:
1" = 50'

DATE:
JAN 2023

SHEET TITLE:

SITE PLAN

DWG NO.:
C-2.0

SHEET: 6 OF 24

PROPOSED PROJECT: 144 APARTMENTS
BREAKDOWN
1-BR APARTMENTS (108 UNITS)
2-BR APARTMENTS (36 UNITS)

SITE DATA:
EXISTING ZONING PUD & R-2
PROPOSED ZONING PUD (PLANNED DEVELOPMENT)
FLU
PROPOSED USE MULTI-FAMILY APARTMENTS
SECTION / TWS / RNG 15 / 19 / 24
PROPERTY AREA 8.03 AC

DEVELOPMENT STANDARDS (FROM PUD 07-97):

RESIDENTIAL
LOT AREA 217,800 SF MIN.
LOT WIDTH TBD
SETBACKS:
FRONT TBD
REAR TBD
SIDE TBD
STREET SIDE TBD
BLDG SEPARATION 10FT MAX.
BUILDING HEIGHT MAXIMUM 3 STORIES OR 35 FT
IMPERVIOUS MAXIMUM 65% PROPOSED 52%
GROSS DENSITY 18 DU/AC MAX.

RECREATIONAL DEVELOPMENT:

RECREATION SPACE 200SF/DU (CREDITS AVAILABLE)
REQUIRED 28,800 SF PROVIDED 26,974 SF (+ WALKING TRAIL)

LANDSCAPE BUFFERS:

(PER PUD 07-97)
• 20' BUFFER AND 6" HIGH SOLID FENCE
• SEE LANDSCAPING PLANS (BY OTHERS)

FENCES:

TO BE DETERMINED DURING SITE PLAN REVIEW PROCESS

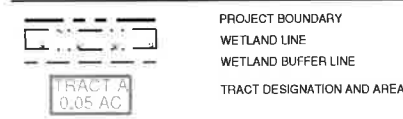
PUD APPROVAL NOTES:

- 1.
- 2.

OPEN SPACE:

Open Space Required: 2.8 ACRES(35%)
Open Space Provided: 4.42 ACRES(55%)
*WRA is 27.39% of Open Space

LEGEND



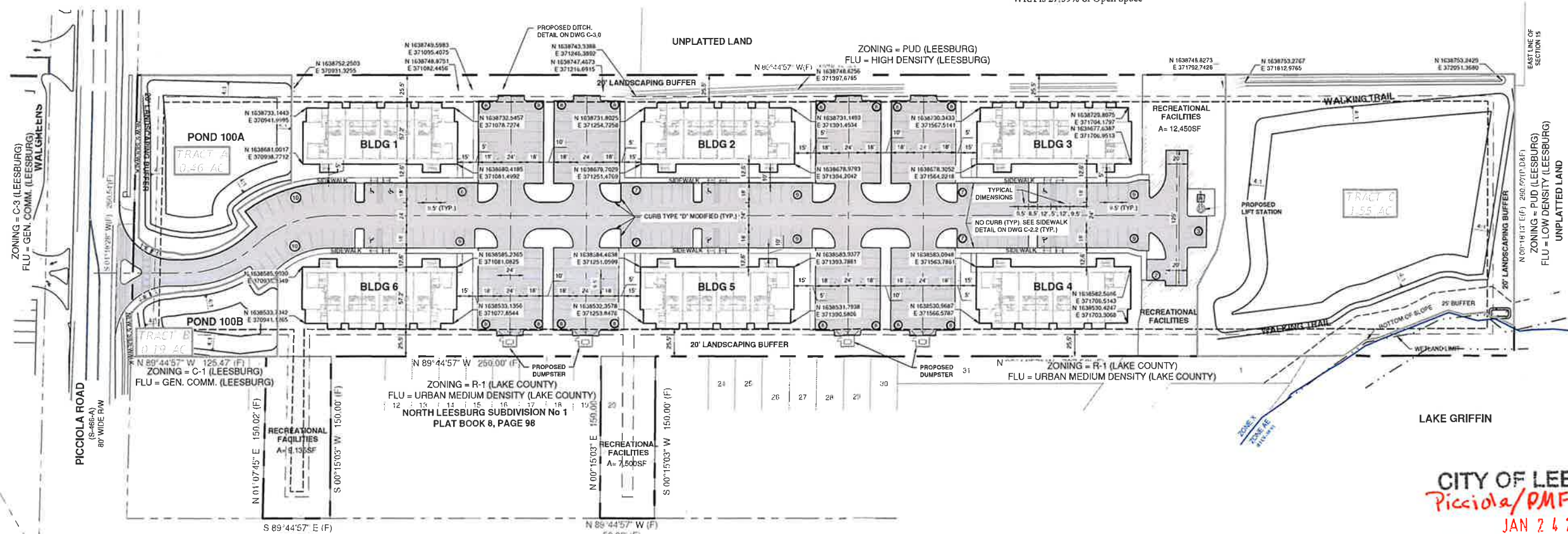
PARKING SUMMARY

TRACT & LAND USE	REQUIRED*		PROPOSED	
	STD	HC	STD	HC
MULTIFAMILY APARTMENTS	234	7	234	7

*LDC SECTION 25-358 1.5 SPACES FOR 1 BDRM, 2.0 SPACES FOR 2 OR MORE BDRMS



SCALE: 1" = 50'
0' 50' 100'



CITY OF LEESBURG
Picciola/PMF Leesburg Michigan, LLC
JAN 24 2023
SSCP-23-31 SPUD-23-32
RECEIVED

**PICCIOLA PROJECT PMF LEESBURG
SMALL PLANNED UNIT DEVELOPMENT CONDITIONS
FEBRUARY 23, 2023**

These Planned Unit Development Conditions for a SPUD (Small Planned Unit Development) District is granted by the City of Leesburg Planning Commission, Lake County, Florida to **PMF Leesburg, Michigan, LLC, 2693 W. Fairbanks Avenue, Suite 200, Winter Park, Florida,** (Mark Wilke, Bengé Development, 609 East Pine Street, Orlando Florida, 32801, "Permittee") for the purposes and subject to the terms and conditions as set forth herein pursuant to authority contained in Chapter 25 "Zoning", Section 25-278 "Planned Unit Development" of the City of Leesburg Code of Ordinances, as amended.

BACKGROUND

The "Permittee" has submitted an application requesting a SPUD (Small Planned Unit Development) zoning district to allow multi-family residential use on an approximately 8.03 +/- acre site within the City of Leesburg in accordance with their Planned Development application and supplemental information.

PURPOSE

The purpose of this document is to provide appropriate zoning standards for a high-quality built environment through the application of flexible and diversified land development requirements, which shall be implemented in conjunction with a master site development plan and the City of Leesburg Code of Ordinances, therefore allowing for more efficient and optimal use of the subject property, and to increase the overall economic opportunity and employment base of Leesburg, Florida.

CONDITIONS

The following conditions shall apply to the development proposed herein. If any instance where the conditions of this document may conflict with the City of Leesburg Code of Ordinances, this document shall prevail as the determining requirement.

1. **PERMISSION** is hereby granted to **PMF Leesburg, Michigan, LLC, 2693 W. Fairbanks Avenue, Suite 200, Winter Park, Florida,** (Mark Wilke, Bengé Development, 609 East Pine Street, Orlando Florida, 32801, "Permittee") to operate, and maintain a SPUD (Small Planned Unit Development) in and on real property in the City of Leesburg. The property is generally located generally located north of Citrus Boulevard, east of Picciola Road and south of Park Holland Road. The property is more particularly described as shown in the attached legal description below.
2. **LEGAL DESCRIPTION:**
See attached legal Exhibit B.
3. **LAND USES**

The above-described property shall be used for SPUD (Small Planned Unit Development) uses as limited herein, pursuant to the requirements of this document and City of Leesburg development codes, requirements and standards, and as noted below:

A. Permitted Uses

1. Multi-family residential
2. Internal commercial uses as accessory to the multi-family units.

B. Accessory Uses

1. Outdoor kitchens and pavilions
2. Sports/ball fields and courts (bocce/basketball/etc.)
3. Outdoor fitness equipment/ /indoor fitness room/swimming pool
4. Dog park with dog washing stations
5. Walking trails around the west and northern boundaries of the property terminating at the largest water retention pond on the east side of the property.
6. Other similar uses which are considered accessory to permitted uses which does not adversely impact the adjoining properties do to traffic, noise, dust, etc.

C. Prohibited Uses

All uses not specifically permitted by Sections 2.A and 2. B. above shall be considered prohibited.

D. Other Related Uses

1. Other uses, related to the primary use, may be included by written determination of the Planning & Zoning Director. Such uses shall be consistent with the intent and purpose of the zoning requirements set forth in these PUD conditions, and shall meet the parking standards as required herein. Parking availability may limit the permitted uses.

4. **DEVELOPMENT STANDARDS**

A. The project shall contain a maximum of 144 multifamily residential units on approximately 8.03 acres at a gross density not to exceed eighteen (18) units per acre. This proposed density, which is the maximum allowable under the Future Land Use district, combined with the location near an existing high traffic intersection, will require a secondary, non-emergency access point to alleviate traffic conditions at Picciola Road and U.S Highway 27. **(See Section 8.A. of this SPUD agreement)**

B. The minimum development standards shall be those required for the R-3 High Density Residential district except as amended by this agreement and as follows:

1. General Standards

- a. The development shall be a combination of one, two, and/or three-bedroom units. Each dwelling unit shall meet the following size requirements:
 - i. One-bedroom units shall not be less than 800 square feet.
 - ii. Two-bedroom units shall not be less than 1000 square feet.
 - iii. Three-bedroom units shall not be less than 1200 square feet.

2. Building Setbacks (as measured from the property lines)
 - a. Front: 30-feet
 - b. Side: 25-feet
 - c. Rear: 25-feet
 - d. Minimum distance between structures shall be 20 feet; measured from building wall to building wall.
3. Open Space
 - a. A minimum of thirty-five (35) percent of the site shall be developed as open space, including retention areas, buffer and landscaped areas. Parking areas and vehicle access areas shall not be considered in calculating open space.
4. Height
 - a. Maximum building height shall not exceed three (3) stories except for additional height approved by staff for roof, elevators, a/c units etc., as approved through the Development Review process.

5. PARKING

- A. The permittee shall construct off-street parking spaces within the development per the conceptual site plan, pursuant to the City of Leesburg Code of Ordinances, as amended, or as specified below, which shall include the required number of handicapped parking spaces.
 1. Parking space dimension shall be no less than 9.5' x 18'.
 2. The location and design of the proposed parking areas will be reviewed during the site plan review process to provide for adequate parking, which may limit the permitted uses of the site.

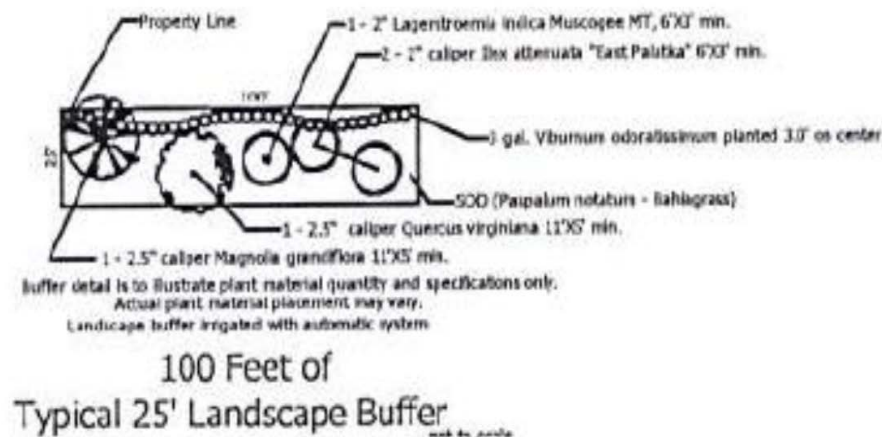
6. OPEN SPACE, LANDSCAPING, BUFFER, AND FENCING REQUIREMENTS

- A. A minimum of 35% open space shall be provided throughout the development. Open space may consist of buffers, wetlands, retention and recreation areas.
- B. A master landscape plan shall be submitted for review by City staff for all landscaping, buffer and boundary areas, parking lots, access roads, entry ways and new construction. This plan shall be reviewed for consistency with this PUD document and the Conceptual Site Plan (Exhibit C) and City of Leesburg landscape code requirements.
 1. Variable landscaped buffer yard around the proposed dumpsters as shown on Exhibit C, Conceptual Plan.
 2. A ten (10) foot landscaped buffer yards on all sides of the two (2) recreational facilities adjacent to the main site as shown on Exhibit C, Conceptual Plan.
 3. A minimum ten (10) foot landscaped buffer on the northern and southern property boundaries of the eastern most recreational facilities as shown on Exhibit C, Conceptual Plan.
- C. All other landscaping and buffering shall be in accordance with regulations contained within the City of Leesburg Code of Ordinances, Section 25-329, and at a minimum shall contain the following plantings as noted in Figures A and B below.

Figure A

Canopy Trees (per 100 l.f.)	2 per 100 linear ft
Tree CAL/Height	2" cal, 12' overall height
Optional Ornamental Trees (per 100 l.f.)	3 per 100 linear ft
Tree CAL/Height	2" cal, 7' overall height
Shrub Screen (per 100 l.f.)	
Square Ft. of Shrubs	(33) 3 gal plants, 18"—24" minimum at installation (depending on species); hedges to be 36"—42" high by thirty-six (36) inches wide hedge or continuous landscape screen with a ninety (90) percent opacity within one (1) year of planting
Container size	3 gal

Figure B



- D. Variations to the landscape and buffering requirements of this document may be approved by the Planning and Zoning Manager or designee, to the extent that the overall intent of the PUD and the Landscaping Code are maintained, including consideration of existing fencing on adjacent properties and existing natural vegetative buffers. Use of the University of Florida IFAS (Institute of Food and Agricultural Sciences) approved standards for "Florida Friendly Landscaping" will also be acceptable.
- E. A solid six (6) foot high privacy fence shall be provided along the northern, southern, and eastern property lines. The fence shall be constructed of PVC, or other such synthetic material that creates an opaque barrier between the subject property and adjacent lands in those locations. All fencing shall be constructed on or within the property lines, leaving the required buffers for landscaping as required herein.
- F. The surveying of trees on the property shall be conducted as follows:
1. All specimen, heritage and historic trees shall be surveyed. Staff will review the tree survey and such trees shall be saved where possible during the site plan review

process. This may include amending the site plan to save specimen, heritage and historic trees.

2. Site areas that are to preserve existing trees do not need to be included in the survey unless the trees are to be used in preservation/replacement requirements.
3. The tree survey shall be completed by a licensed surveyor.

7. DESIGN/ARCHITECTURAL STANDARDS

A. All buildings shall utilize at least three (3) of the following design features to provide visual relief along all elevations of the single-family units. Designs may vary throughout the development.

1. Dormers
2. Gables
3. Recessed or raised entries
4. Covered porch entries
5. Cupolas
6. Pillars or decorative posts
7. Bay window (minimum 12-inch projections)
8. Eaves (minimum 6-inch projections)
9. Front windows with arched glass tops and minimum 4-inch trim.
10. Garage vehicle doors shall incorporate the following elements: raised decorative panels, decorative glass panels or panes, decorative hinges, etc.
11. Front doors shall incorporate the following decorative elements: raised decorative panels, decorative glass panels or panes, decorative handles, etc.
12. Stone accents
13. Shutters
14. Board and batten siding
15. Hardy board siding
16. Raised banding
17. Craftsman style garage doors

B. Exterior building materials contribute significantly to the visual impact of a building on the community. These materials shall be well designed and integrated into a comprehensive design style for the project. The total exterior wall area of each building elevation shall be composed of one of the following:

1. At least thirty-five percent (35%) full-width brick or stone (not including window and door areas and related trim areas), with the balance being any type of lap siding and/or stucco.
2. At least thirty percent (30%) full-width brick or stone, with the balance being stucco and/or a “cementitious” lap siding. (A “cementitious” lap siding product is defined as a manufactured strip siding composed of cement-based materials rather than wood fiber-based or plastic-based materials. For example, Masonite or vinyl lap siding would not be allowed under this option.).
3. All textured stucco shall be permitted subject to the provision of at least five (5) unique design features such as recessed garages, tile or metal roofs, arched windows, porches, etc. in the elevations of the buildings or the buildings are all brick stucco.

4. For all designs, architectural facades and features shall be submitted and reviewed by the Planning and Zoning Manager or designee for compliance prior at time of site plan review.
- C. Other similar design variations meeting the intent of this section may be approved by the Planning and Zoning Manager or designee.
- D. The architectural styles and facades shown in **Exhibit D, Building Elevations** herein are considered conceptual.
- E. The Permittee shall utilize “Dark Sky” lighting principles when selecting lighting fixtures for all street lighting. Such lighting shall achieve the overall effect of containing and shielding excessive light pollution from adjacent properties. Appropriate designs are shown on as Exhibit E, attached hereto.

8. DEVELOPMENT PHASING

- A. The proposed project may be constructed in phases in accordance with the **Small Planned Unit Development Conditions and Conceptual Plan, Exhibit C**. Changes to the development conditions or conceptual plan, other than those conditions described in these PUD Conditions of Approval, shall be revised in accordance with the Planned Development review process, City of Leesburg Code of Ordinances.
- B. Implementation of the project shall substantially commence within one-hundred twenty (120) months after approval of this Small Planned Development by City Commission. In the event, the conditions of the SPUD have not been substantially implemented during the required time period, the City of Leesburg shall have the option of scheduling the SPUD, with due notice to the owner and surrounding property owners, for reconsideration by the Planning Commission at their next available regular meeting. The Planning Commission will consider whether to extend the PUD approval or rezone the property to another appropriate zoning classification. “Implementation” for purposes of this subsection shall mean, at a minimum, recording of a final plat, and final approval of construction plans, together with actual commencement of construction on the property.
- C. As part of the overall development process, if the project is constructed in phases, then plat of the lots for each approved phase shall contain only portions of the development approved under the Site Plan Review Process, i.e. each phase platted shall match each phase submitted for site plan review.

9. SIGNAGE

- A. Ground signs
 1. All ground signage for the property shall be monument style signs with design and architectural style consistent with the overall development, and consistent with the requirements of the sign regulations of the City of Leesburg.
- B. Alternative Designs.
 1. Alternative designs for the ground enclosure support and bases of a monument sign may be approved by the Planning and Zoning Director where the architectural style would be in keeping with the intent of these sign regulations.
- C. Landscaping for ground signs

1. Landscaping around all monument signs shall comply with the standards and requirements of the sign regulations of the City of Leesburg Code of Ordinances, as amended.
- D. Wall signs
 1. All wall signage for the property shall be designed and constructed to comply with the standards and requirements of the sign regulations of the City of Leesburg Code of Ordinances, as amended.

10. SITE ACCESS

- A. Access to the site shall be provided by a minimum of two access points. There shall be one “boulevard style” access point which maybe gated as shown on the conceptual Plan, which empties out onto Picciola Road as a right-turn only point. There shall also be one additional access point to the north, which will allow access to Park Holland Road. This second access must be available at the time of site plan review by the City of Leesburg.
- B. All other access shall be reviewed for necessity and requirements through Lake County and the City of Leesburg development and permitting processes. Any additional access points shall be subject site plan application review process. All access points shall be designed to allow emergency access vehicles room to maneuver and have appropriate traffic flow. Each entrance shall be reviewed and adjusted by staff as needed at the Site Plan and Construction Plan review.
 1. Offsite road improvements on existing roads adjacent to the property may be required based on finalized access locations. Such improvements may include, but are not limited to, left and right turn lanes, right-of-way dedication, and pavement rehabilitation. Any proposed offsite road improvements must be reviewed by Lake County Public Works.
 2. Prior to completion of the subdivision design plans, the developer shall work with the Lake County Department of Public Works to ensure all appropriate required roadway and access improvements for the development are made part of the plans submitted to the City of Leesburg.
 3. The Master Development Plan, and the access points proposed thereon, are considered conceptual until the appropriate engineering and site plan reviews, along with any required upgrades are completed for the project.
- C. All access points are subject to review and approval by the appropriate permitting agency, including FDOT, Lake-Sumter Metropolitan Planning Organization, Lake County and the City of Leesburg as applicable. The developer shall be responsible for on and offsite improvements required as a result of any access points. All access points shall be reviewed, as legally prescribed by Lake County Public Works, and/or FDOT as applicable, and shown on the Master Development Plan - Exhibit C, as amended. All access points are conceptual and may be amended subject to site constraints or requirements.
- D. Actual location and design of all roads shall be determined during the site plan review process and shall include consideration of, and connection to, sidewalks, recreation paths, etc. All other access shall be reviewed for necessity and requirements through Lake County and the City of Leesburg development and permitting processes. Any additional access points shall be subject to site plan application review process.

11. TRANSPORTATION IMPROVEMENTS

- A. Any transportation improvements or rights-of-way that may be required shall be based on projected needs and shall be contingent upon site plan approval by City staff during the development review and permitting process. The plan review process shall include consideration of required sidewalks, recreation paths etc.
- B. A traffic/transportation study shall be submitted for review and determination of any necessary access improvements, and including any off-site improvements legally required by Lake County, the Lake-Sumter MPO or the City of Leesburg. Said improvements will be the responsibility of the Permittee. Any right-of-way that may be required shall be based on projected needs and shall be contingent upon site plan approval by City staff during the development review and permitting process.
- C. The Permittee shall provide all necessary improvements within and adjacent to the development as required by Lake County, the Lake-Sumter MPO and City of Leesburg.
- D. All paved areas within the development shall be designed and constructed to meet the City of Leesburg requirements for roads, drive aisles and sidewalks, as applicable.
- E. The Permittee shall be responsible for obtaining all necessary Lake County permits and a copy of all permits shall be provided to the City of Leesburg.
- F. Drives and accesses shall be constructed within the interior of the development such that continuous vehicular access is available among and between all structures within the development.
- G. Sidewalks shall be provided on both sides of the entrance road(s) and internal roads, and shall provide cross connections to all recreation and residential areas. Internal road rights-of-ways shall contain sidewalks on both sides of each street. All sidewalks shall be constructed in accordance with City of Leesburg Codes.

12. STORMWATER/DRAINAGE MANAGEMENT

- A. All drainage shall be designed and constructed in a manner to meet all State of Florida and City of Leesburg codes, including the requirement that all stormwater runoff is contained within the boundaries of the properties, and does not create a detriment to surrounding properties.
- B. Prior to receiving final development approval, the Permittee shall submit a stormwater management plan and utility plan acceptable to the City of Leesburg. Prior to any clearing, grubbing, or disturbance of natural vegetation in any phase of the development, the Permittee shall provide:
 - 1. A detailed site plan that demonstrates no direct discharge of stormwater runoff generated by the development into any wetlands or onto adjacent properties.
 - 2. A stormwater management system designed and implemented to meet all applicable St. Johns River Water Management District and City of Leesburg requirements.

3. A responsible legal entity for the maintenance of the stormwater management system on the plat prior to the approval of the final plat of record. A homeowners or property owners association is an acceptable maintenance entity.
4. The 100-year flood plain shown on all plans and lots.
5. The appropriate documentation that any flood hazard boundary has been amended in accordance with Federal Emergency Management Agency requirements, if the 100-year flood plain is altered and /or a new 100 year flood elevation is established in reference to the applicable flood insurance rate map.
6. A copy of the Management and Storage of Surface Waters permit obtained from St. Johns River Water Management District shall be provided to the City during the site plan review process.
7. Should the Permittee desire to dedicate the proposed project's stormwater management system to the City of Leesburg; the City, at its discretion, may accept or not accept the stormwater management system.
 - i. Prior to acceptance, the Permittee shall demonstrate to the City the stormwater management system is in a suitable condition and meets City of Leesburg and St. Johns River Water Management District requirements.
 - ii. As a condition of accepting the system the City may create a special taxing district or make other lawful provisions to assess the cost of maintenance of the system to the residents of the project.

13. RECREATIONAL REQUIREMENTS

- A. Recreational development provided on the site may include active and passive uses, as well as enclosed or unenclosed recreational space, devoted to the joint use of the residents. Such recreational space shall be provided at a rate of 200 square feet per residential unit, and shall consist of not less than 28,800 square feet (0.67 acres).
- B. Recreational requirements shall include at least one primary active recreation area. Recreation areas may include such uses as a children's playground with equipment, dog park area or gazebo, swimming pool, clubhouse or other amenities as reviewed and approved by staff. The primary recreational facility shall be constructed in conjunction with and completed no later than the completion of 50% of the approved maximum number of residential units.
- C. Credit for recreational space shall be given for areas dedicated to recreational space, to include items such as a dedicated with a recreation room, swimming pool, outdoor cooking facilities such as grills, youth playgrounds, play courts, dog parks or other similar uses which will meet the intent of this document. Other similar uses which will meet the intent of this document may be supplied by the developer.

14. WETLANDS AND FLOOD ZONES

- A. All wetlands on the project site shall be identified by a jurisdictional wetland boundary line, and the location and extent of each wetland shall be determined by the Department of Environmental Protection, St. Johns River Water Management District and/or U.S. Army Corp of Engineers. Each wetland shall be placed on a suitable map, signed and sealed by a surveyor registered to practice in Florida and shall be submitted as part of the site plan process. Any notice of violation from any affected agency shall be cause for a cease and

desist order on permits issued by the City of Leesburg until such time as the violation has been resolved with the appropriate agency(s).

- B. To the extent practicable, wetlands shall be placed in a conservation easement, which shall run in favor of, and be enforceable by, the St. Johns River Water Management District or another legal entity such as a homeowner's association. The conservation easement shall require that the wetlands be maintained in their natural and unaltered state. Wetlands shall not be included as a part of any platted lot, other than a lot platted as a common area, which shall be dedicated to the St. Johns River Water Management District or another legal entity such as a homeowner's association for ownership and maintenance.
- C. Buildings or structures shall be a minimum of 50 feet from any wetland jurisdiction boundary.
- D. Wetlands shall have a minimum upland buffer as established by the Department of Environmental Protection, St. Johns River Water Management District and/or U.S. Army Corp of Engineers; whichever is more restrictive. All upland buffers shall be naturally vegetated and upland buffers that are devoid of natural vegetation shall be re-planted with native vegetation or as required by St. Johns River Water Management District and/or U.S. Army Corp of Engineers.
- E. Land uses allowed within the upland buffers for wetlands are limited to stormwater facilities as permitted by St. Johns River Water Management District.
- F. If wetland alteration is permitted by St. Johns River Water Management District and/or U.S. Army Corp of Engineers, wetland mitigation shall be required in accordance with permit approvals from St. Johns River Water Management District or U.S. Army Corp of Engineers, whichever is more restrictive.
- G. A wildlife management plan for the project site shall be prepared based on the results of an environmental assessment of the site and any environmental permit required from applicable governmental agencies. The wildlife management plan shall be submitted to the City as part of the site plan application process.
- H. A map indicating the location of the 100-year flood plain.
- I. The appropriate documentation that any flood hazard boundary has been amended in accordance with Federal Emergency Management Agency requirements, if the 100 year flood plain is altered and/or a new 100 year flood elevation is established in reference to the applicable flood insurance rate map.
 - a. Through the site plan review process, the developer shall coordinate with the City of Leesburg, Lake County and all impacted government agencies regarding elevation determinations, compensatory storage and overall design of the subdivision within and near flood hazard boundary areas, to ensure compliance with all regulations.

15. IRRIGATION AND WATER USAGE

- A. All landscaped areas shall be irrigated and designed to meet Section 25-327, Waterwise and Florida Friendly Landscaping, City of Leesburg Code of Ordinances.
- B. The use of St. Augustine grass, or other varieties of grass which require significant amounts of water are prohibited. The use of Bahia, Bermuda, Zoysia or other grasses which are more drought tolerant are permitted.

16. UTILITIES

- A. Prior to receiving final development approval, the Permittee shall submit a stormwater management plan and utility plan acceptable to the City of Leesburg. Water and wastewater services will be provided by the City of Leesburg. Prior to any clearing, grubbing, or disturbance of natural vegetation in any phase of the development, the Permittee shall provide:
 - 1. A detailed site plan that indicates all the provisions for electric, water, sewer, and/or natural gas in accordance with the City of Leesburg Land Development Codes.
 - 2. Developer shall bear all responsibility, financial and otherwise, for the construction and installation of all utility infrastructure and other improvements related to the use and development of the property, consistent with the typical pioneering agreement approved on new home projects in the city, including such off-site improvements required by the City and all other appropriate government agencies. All such requirements shall be constructed to the applicable specifications imposed by the ordinances and regulations of the City in effect at the time of construction.
 - 3. The City of Leesburg intends to service the property with water and wastewater services at this time. At the time of connection, all regulations in place at the time of the request shall be required, including but not limited to impact fees, connection and utility service deposit charges. The cost of supplying water and wastewater lines and other necessary infrastructure such as lift stations to the development shall be the responsibility of the applicant.

17. MAINTENANCE

- A. With the exception of any public utilities, streets and sidewalks, maintenance of all site improvements, including but not limited to roadways, drives, internal sidewalks, landscaping and stormwater retention/drainage shall be the responsibility of the property owner. A property owners' association shall serve as an appropriate entity for all common properties within the development.

18. MISCELLANEOUS CONDITIONS

- A. The uses of the proposed project shall only be those uses identified in the approved Planned Development Conditions. Any other proposed use must be specifically authorized in accordance with the Planned Development amendment process.
- B. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building structure, sign (wall, pole or monument signs) or alter the land in any manner without first submitting the necessary plans and obtaining appropriate approvals in accordance with the City of Leesburg Codes.

- C. Construction and operation of the proposed use(s) shall at all times comply with City and other governmental agencies rules and regulations.
- D. The transfer of ownership or lease of any or all of the property described in this SPUD Agreement shall include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions pertaining to the Small Planned Unit Development established and agrees to be bound by these conditions. The purchaser or lessee may request a change from the existing plans and conditions by following the procedures as described in the City of Leesburg Land Development Code, as amended.
- E. These SPUD Conditions shall inure to the benefit of, and shall constitute a covenant running with the land and the terms, conditions, and provisions hereof, and shall be binding upon the present owner and any successor, and shall be subject to each and every condition herein set out.

19. LEVELS OF SERVICE

A. Levels of Service

- 1. As submitted the proposed zoning change, the project may result in demands on public facilities which would exceed the current capacity of some public facilities, such as, but not limited to water, wastewater, roads, drainage, and solid waste. However, no final development order (site plan and building permits) shall be granted for proposed development until there is a finding that all public facilities and services required for the development have sufficient capacity at or above the adopted level of service (LOS) to accommodate the impacts of the development, or that improvements necessary to bring facilities up to their adopted LOS will be in place concurrent with the impacts of the development.

B. Utilities

1. Projected Capacities

- a. The City's utility planning efforts draw upon phasing, capacity and service requirements, based upon information provided by the applicant. The City develops its plans consistent with sound engineering principles, prudent fiscal practices and due regard for regulatory compliance.
- b. If the development requires construction of new distribution or collection lines, the developer will be required to construct such facilities to provide service. The developer will bear the cost of design, permitting and construction. Any such facilities must be constructed in a fashion consistent with the City's master plans and to the City standards and specifications.

2. Commitment of Capacity

- a. There are no previous commitments of any existing or planned excess capacity for this property.

3. Ability to Provide Services

- a. At this time, the City intends to provide water, wastewater and reclaimed water service to this development.

Legal Description

BEGINNING AT A POINT 252.5' SOUTH OF THE N.W. CORNER OF S.E. ¼ OF N.E. ¼ OF SEC. 15, TWP. 19 S, R 24 E. THENCE SOUTH 260.5'; THENCE EAST 1342.5'; THENCE NORTH 260.5'; THENCE WEST 1342.5' TO THE POINT OF BEGINNING.

AND

(PORTION OF OFFICAL RECORDS BOOK 1466, PAGE 0210)

LOTS 7, 8, AND 9 OF BLOCK A, NORTH LEESBURG SUBDIVISION, LESS: BEGIN AT SW CORNER OF SAID LOT 7 RUN EAST FOR 12.95 FEET, THENCE NORTH FOR 150 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 7 THAT IS 15.25 FEET EAST OF THE NORTHWEST CORNER OF SAID LOT 7, THENCE WEST FOR 15.25 FEET, THENCE SOUTH FOR 150 FEET TO THE P.O.B ALL IN NORTH LEESBURG SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 8, PAGE 98 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

AND

(PORTION OF OFFICAL RECORDS BOOK 5310, PAGE 2013)

LOTS 20 AND 21 IN BLOCK "A" IN CORRECTED PLAT OF NORTH LEESBURG SUBDIVISION NO. 1., IN LAKE COUNTY, FLORIDA, ACCFORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 8, PAGE 98, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

EXHIBIT C



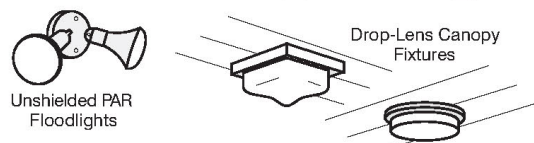
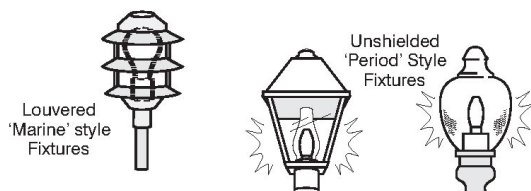
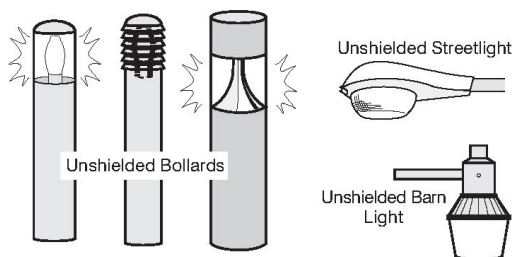
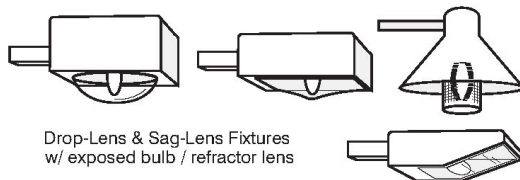
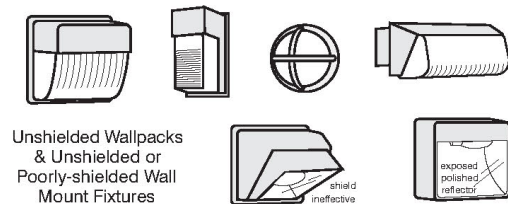
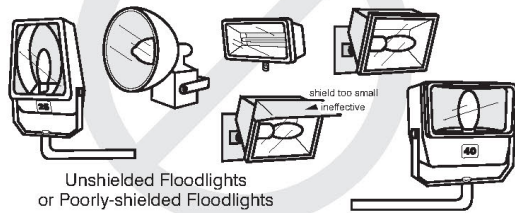
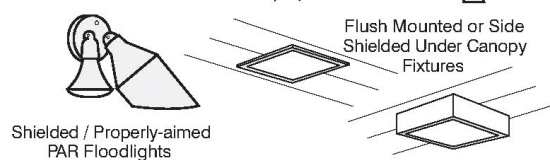
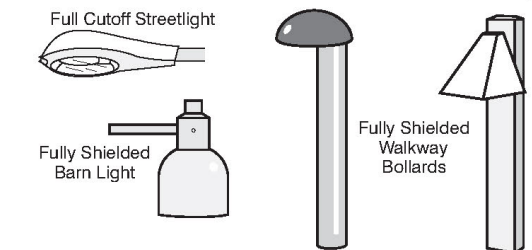
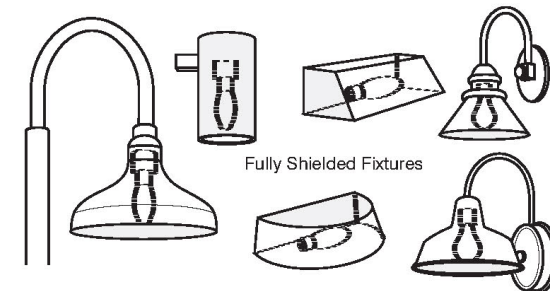
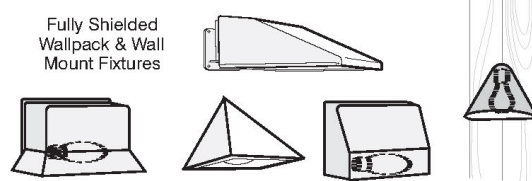
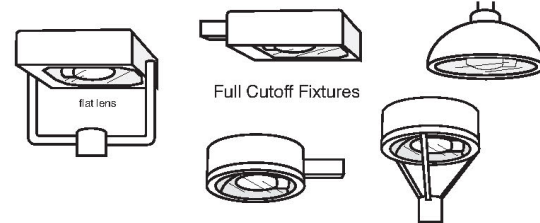


TYPICAL DARK SKY LIGHTING FIXTURES

Examples of Acceptable / Unacceptable Lighting Fixtures

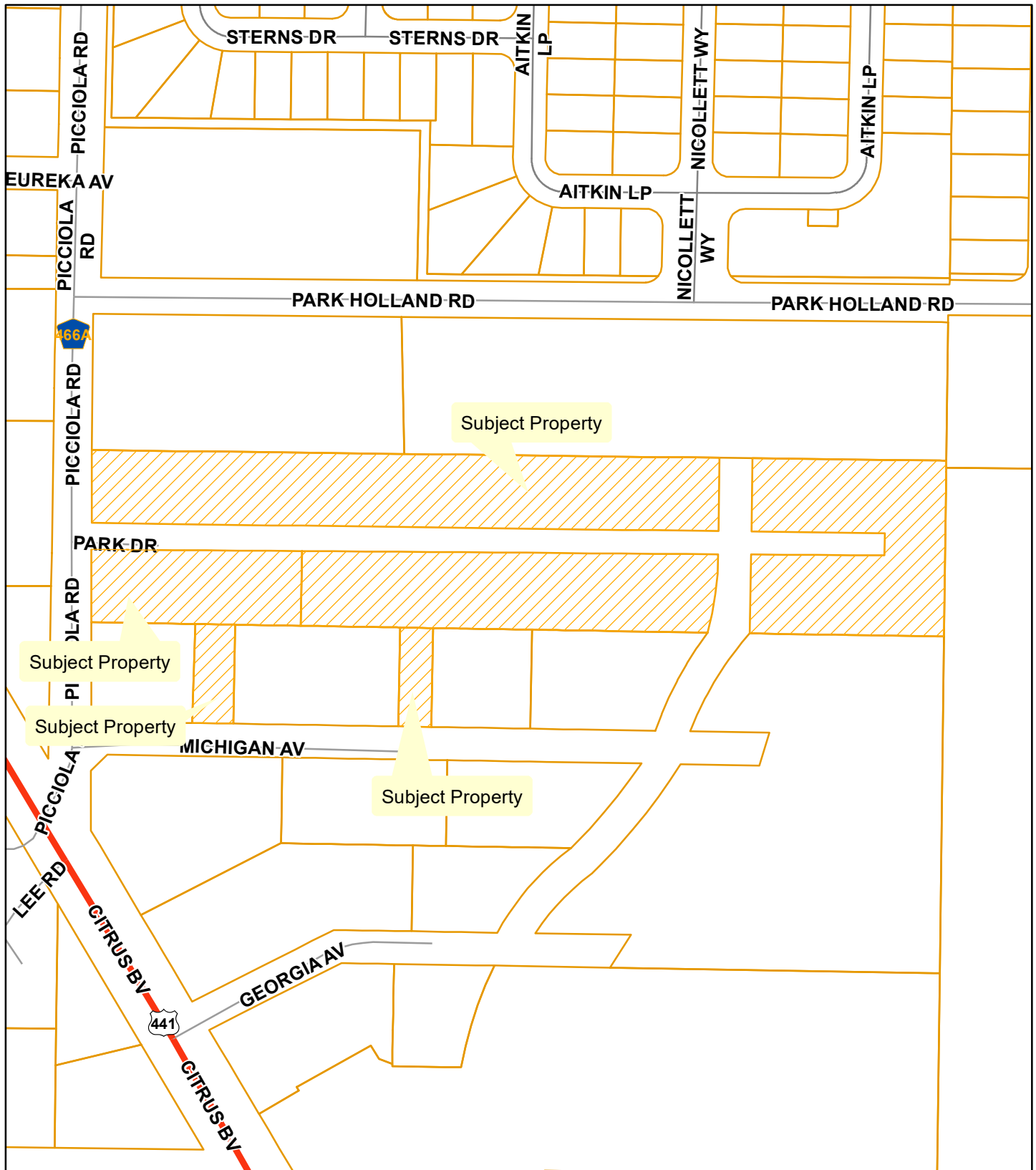
Unacceptable / Discouraged

Fixtures that produce glare and light trespass

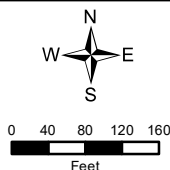
**Acceptable**Fixtures that shield the light source to minimize glare and light trespass
and to facilitate better vision at night

Illustrations by Bob Crelin © 2005. Rendered for the Town of Southampton, NY. Used with permission

Locator

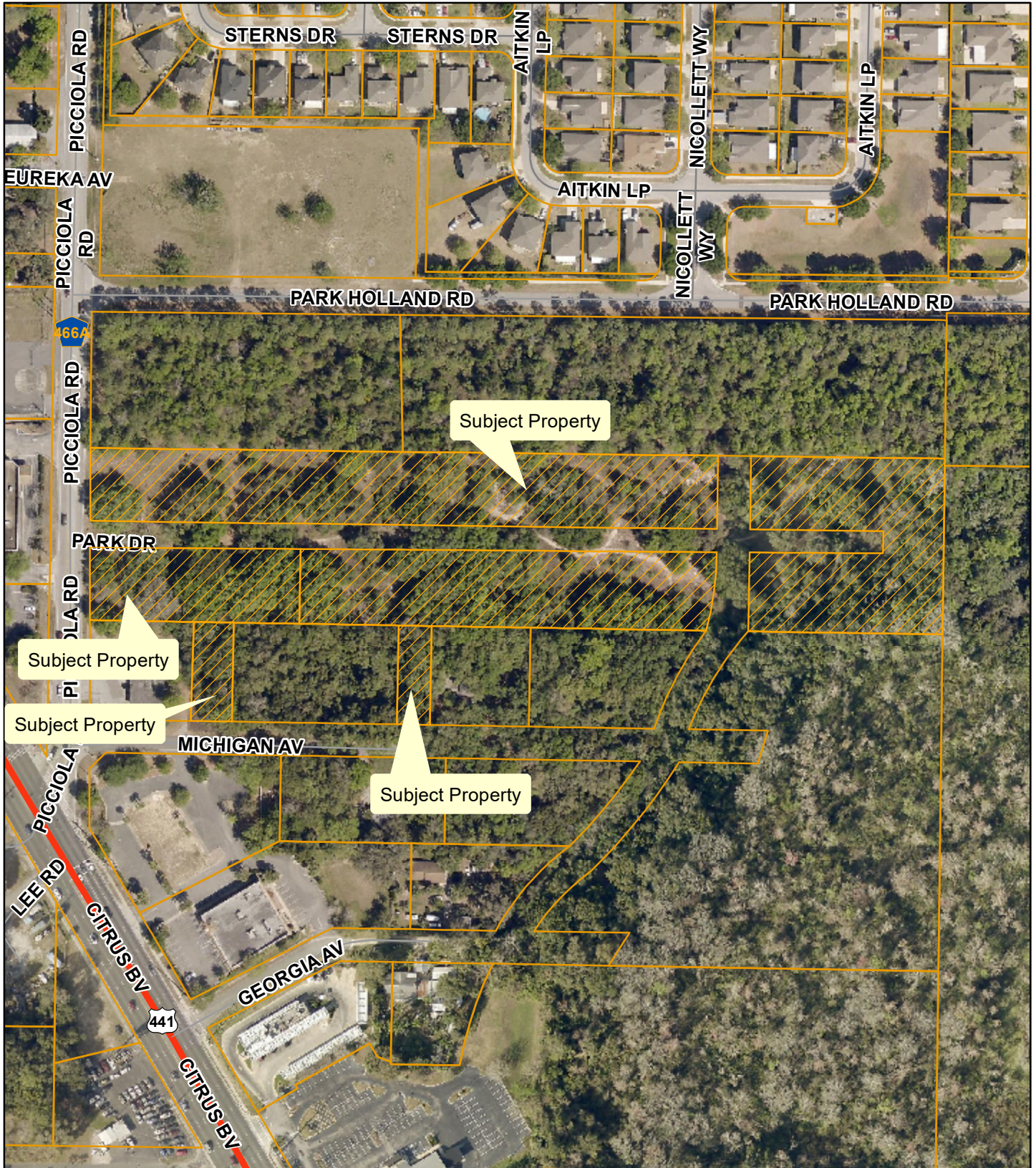


**Planning
& Zoning
Division**



Picciola Project PMF Leesburg
SSCP-23-31; SPUD-23-32
Alternate Keys: 3764773, 1489733, 1654939, 3764889
Section 15, Township, 19 South, 24 East
March 1, 2023

Aerial



Picciola Project PMF Leesburg

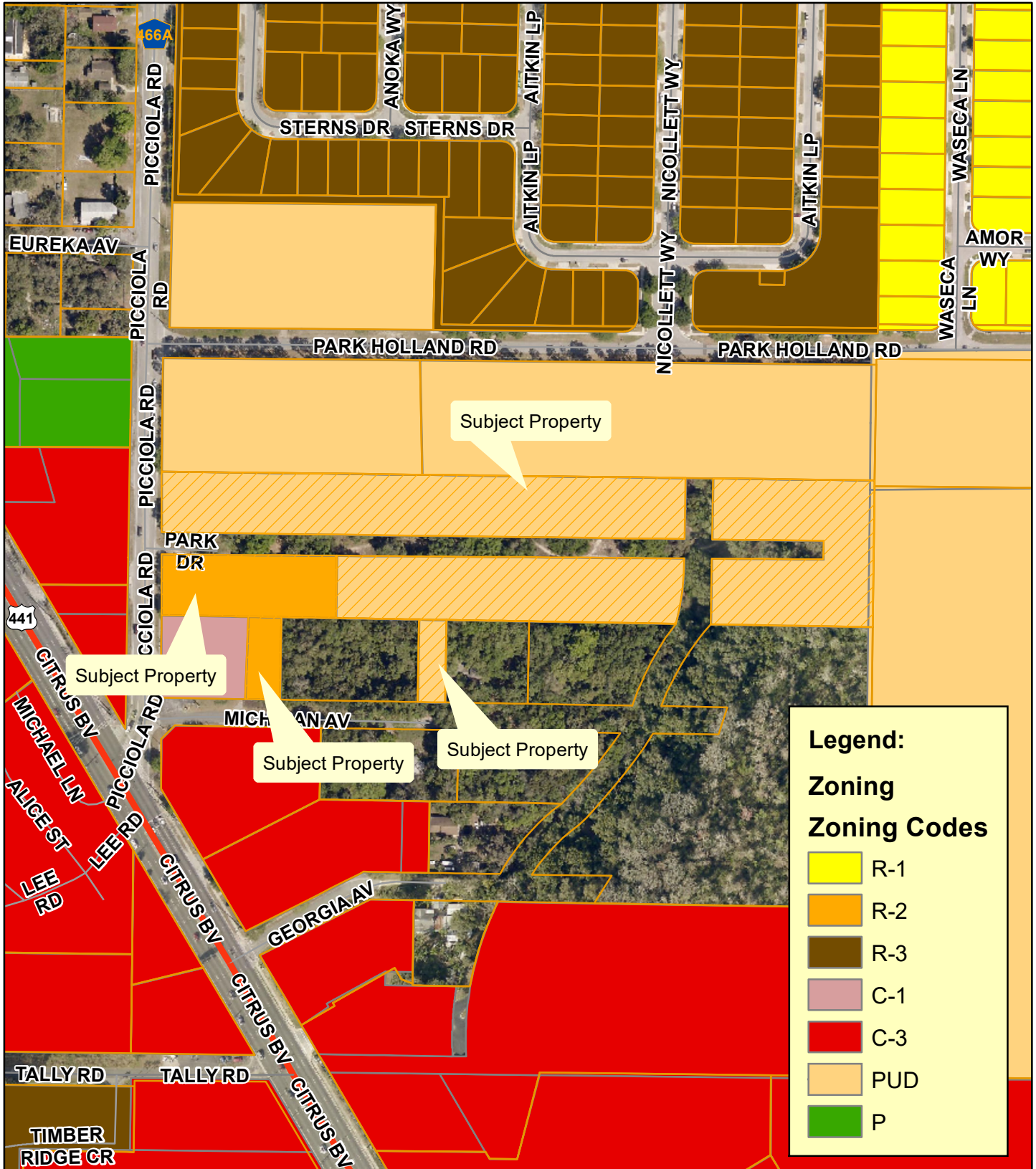
SSCP-23-31; SPUD-23-32

Alternate Keys: 3764773, 1489733, 1654939, 3764889

Section 15, Township, 19 South, 24 East

March 1, 2023

Zoning



Picciola Project PMF Leesburg

SSCP-23-31; SPUD-23-32

Alternate Keys: 3764773, 1489733, 1654939, 3764889

Section 15, Township, 19 South, 24 East

March 1, 2023



**Planning
& Zoning
Division**

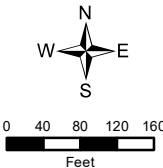


0 50 100 150 200
Feet

Proposed Zoning



**Planning
& Zoning
Division**

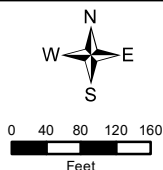


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Surrounding Land Uses

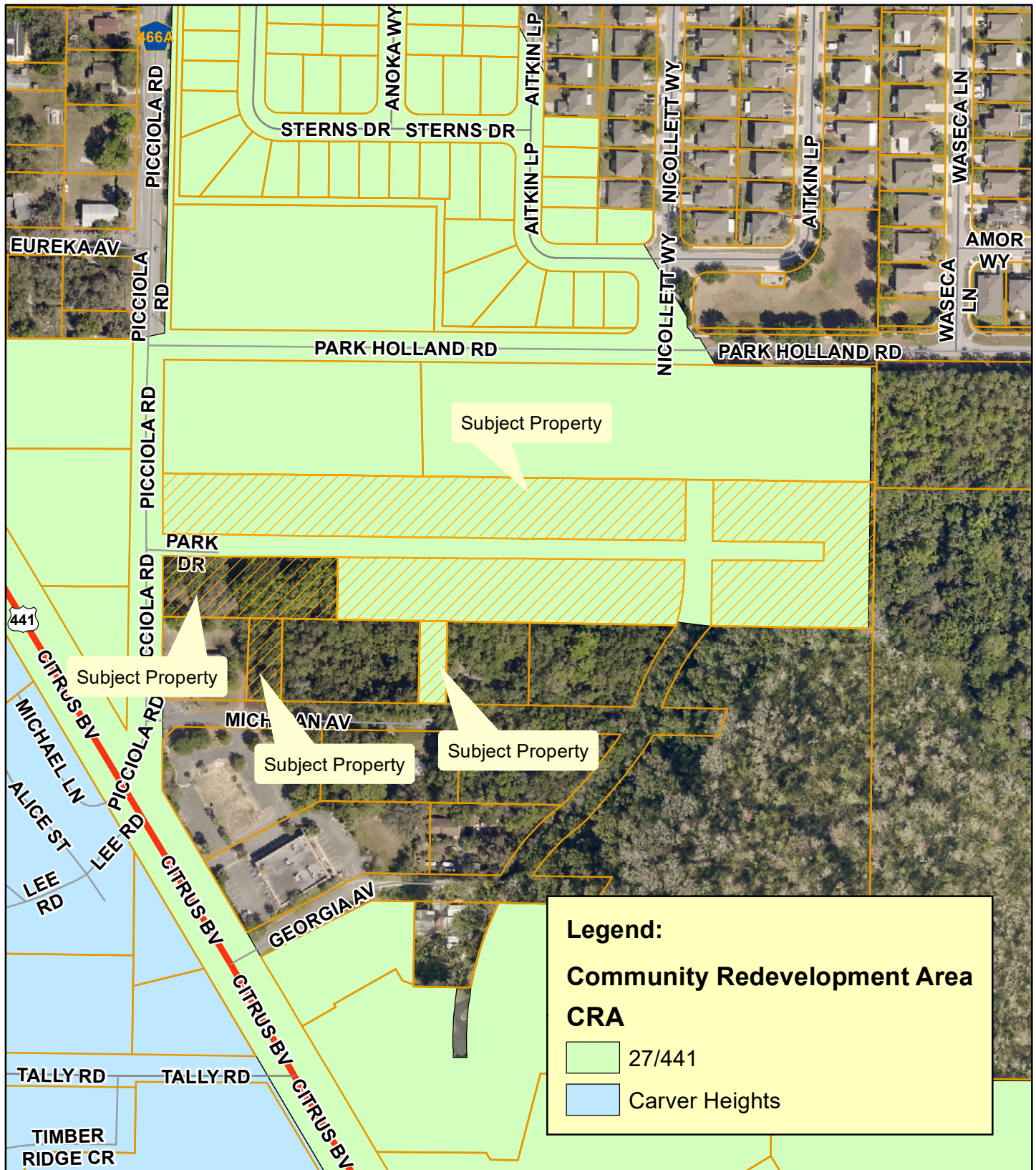


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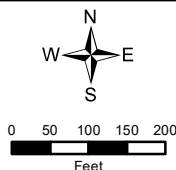


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Community Redevelopment Area

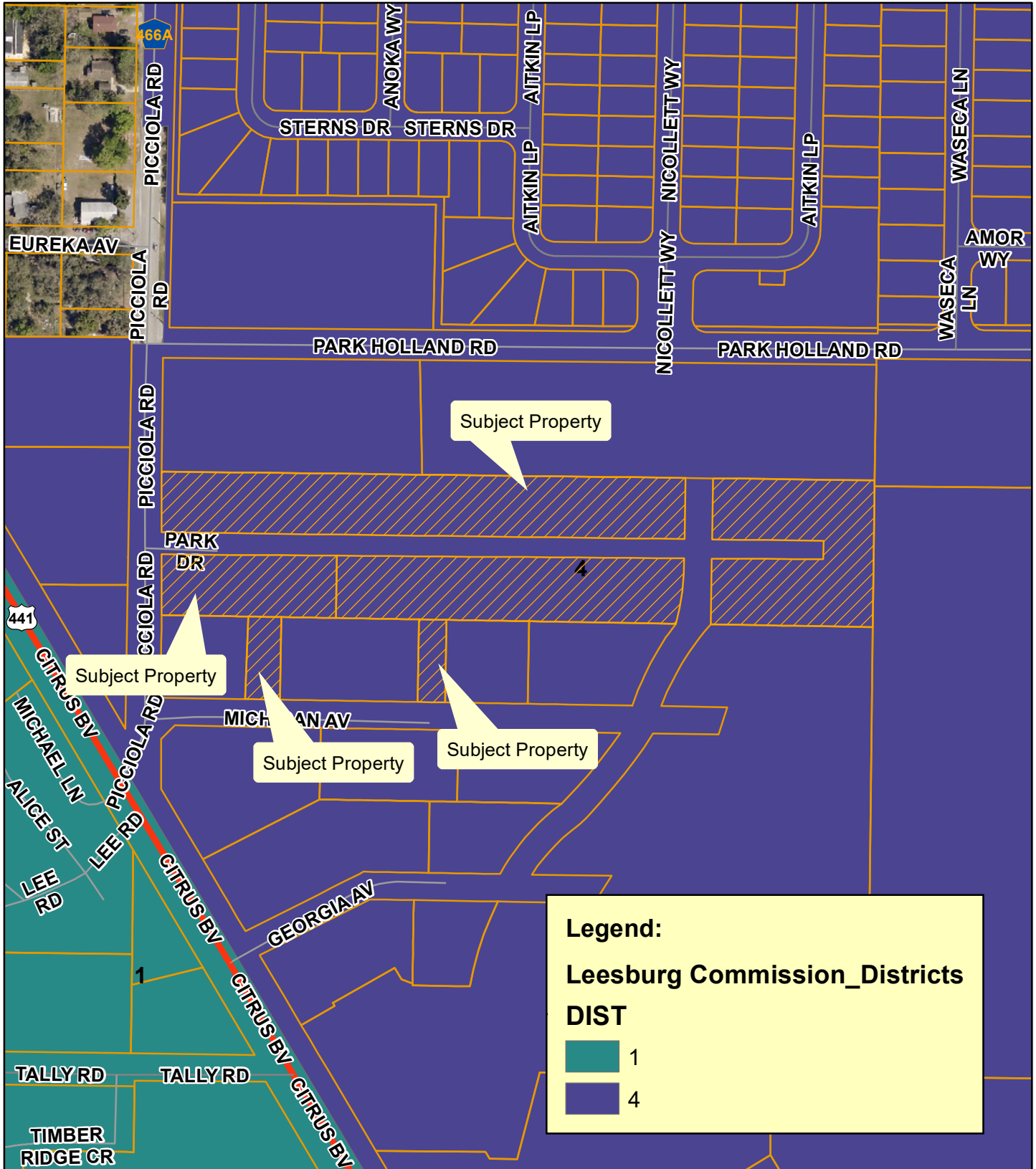


**Planning
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Division**

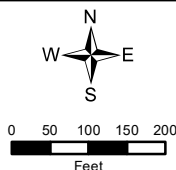


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Commission Districts



**Planning
& Zoning
Division**



Picciola Project PMF Leesburg
 SSCP-23-31; SPUD-23-32
 Alternate Keys: 3764773, 1489733, 1654939, 3764889
 Section 15, Township, 19 South, 24 East
 March 1, 2023



DRAFT SUMMARY MINUTES OF THE REGULAR MEETING
OF THE PLANNING COMMISSION
CITY HALL
THURSDAY, MARCH 23RD, 2023 - 4:30 P.M.

The Planning Commission of the City of Leesburg held its regular meeting Thursday, March 23rd, 2023, at City Hall.

Chairman Tim Sennett called the meeting to order at 4:30 p.m.

The following Commission members were present:

Tim Sennett - Chairman
Ted Bowersox – Vice-Chairman
John O’Kelley
Stewart Kaplan
Nathaniel Sanders

The following Commission members were absent:

Frazier Marshall
Ze’Shieca Carter
Ken Simeone
Rosalind Peebles-Johnson

City staff in attendance included Dan Miller, Planning & Zoning Director, Sabrina Mitchell, Administrative Assistant II, Dianne Yekel, Senior Planner, Kandi Harper, Senior Planner, Max Van Allen, Planner, Melissa Medders, Planner and City Attorney Grant Watson was also present.

The meeting opened with an invocation given by Vice-Chairman Bowersox, followed by the Pledge of Allegiance to the Flag.

Dan Miller informed the audience of the rules of participation and the need to sign the speaker’s registry. He also informed Commissioners and the audience that the City Commission meeting dates are tentatively scheduled.

DRAFT SUMMARY MINUTES OF THE PLANNING COMMISSION MEETING

FOR THURSDAY, FEBRUARY 23RD, 2023.

Vice-Chairman Bowersox moved to APPROVE the draft minutes from the FEBRUARY 23RD, 2023 meeting. Commissioner Sanders SECONDED the motion, which PASSED by a vote of 5-0.

Sabrina Mitchell swore in staff as well as anyone in the audience wishing to speak.

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

NEW BUSINESS

1) PUBLIC HEARING CASE # SSCP-22-585 – SUNDANCE COMMERCIAL AND INDUSTRIAL – SMALL SCALE COMPREHENSIVE PLAN AMENDMENT

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF LEESBURG, CHANGING THE FUTURE LAND USE DESIGNATION OF CERTAIN PROPERTY CONTAINING 33.45 +/- ACRES FROM LAKE COUNTY REGIONAL OFFICE TO CITY OF LEESBURG INDUSTRIAL FOR A MIXED-USE DEVELOPMENT ON A PROPERTY GENERALLY LOCATED SOUTH OF COUNTY ROAD 48 AND WEST OF HAYWOOD WORM FARM ROAD, AS LEGALLY DESCRIBED IN SECTIONS 14 AND 15, TOWNSHIP 20 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. **(CITY COMMISSION DATES ARE TENTATIVELY SCHEDULED FOR FIRST READING ON MONDAY, APRIL 10TH, 2023 AND SECOND READING TENTATIVELY SCHEDULED FOR MONDAY, JUNE 12TH, 2023) (Sundance Commercial and Industrial) (POSTPONED AT APPLICANT'S REQUEST FROM THE FEBRUARY 23RD, 2023 PLANNING COMMISSION REGULAR MEETING)**

Dan Miller requested to discuss the next two cases together and vote on each case separately.

Dan Miller introduced case number #SSCP-22-585 – Sundance Commercial and Industrial – Small Scale Comprehensive Plan Amendment and case number #PUD-22-586 Planned Unit Development into the record and entered the exhibits into the record with maps and photo exhibits including aerial, zoning, future and surrounding land use, wetlands/flood zone maps, CRA maps, staff summary, departmental review summary, and staff recommendations.

Mr. Miller gave a background and explanation of the subject property, location, zoning, requests, went over aerial map, conceptual architectural samples Exhibit D, and PUD (Planned Unit Development).

Max Van Allen utilized a power point presentation to demonstrate the area of the proposed site for both cases.

Department Review Summary: This case was sent out to all the different City departments, Lake County Public Works, and the School Board there were no substantive comments from the City departments. Lake County Public Works did note the need for turn lanes on CR 48, plus a right turn lane on Haywood Worm Farm Road and additional right of way for the proposed future Central Lake Trail, as well as for the possibility of the widening of CR 48 which rolls into 470. Public responses – we did not receive any major comments from the City of Leesburg notice requirements. Staff did receive two written responses for approval, we didn't receive any recommendations for denial in response to the posted signs and newspaper.

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

Chairman Sennett stated if the Commission have any questions of Staff or applicant.

Dwight Sadoff with Project Finance & Development at 7575 Dr. Phillips Blvd. Suite 165 Orlando, Florida 32819 stated the primary reason to come to the City; utilities, 33 acres, no wetlands, no endangered species, flat, used for cattle, uses seeking; very consistent, frontage on CR 48; removed any reference industrial uses, permitted/conditional uses; City Code, not seeking to have use in plan, fronts on two roads, different; County did not want access on CR 48; County permission, uses stated very specifically; concept plan, Exhibit C, few things in conditions of approval; carryovers from prior plan, hopefully, Dan Miller will clean up before City Commission; uses; slightly misstated; conditions, specific; concept plan, design standards, material; applicable to residential development, not applicable to our plan; commercial/industrial development, going smoothly, very high on the area, intensity of people, went over PUD standards with Dan Miller to make changes; (5A) elevations applicable to SF units; (B1), Dan Miller stated and read into the record (7C) the elevations of SF should be taken out, plan; open space 35% minimum, Code 30%, match Code; Dan Miller replied change in Code; our City Commission requires every PUD; 35%, about two years ago started wanting increases on that; in order to move forward, very particular worded permitted uses; stick with what proposed, consistent with what we discussed; Dan Miller replied allowing industrial uses; 6.5 acres; define industrial uses; Dwight Sadoff stated we just referenced the Code, M1 permitted uses, not M1 conditional; Dan Miller stated think we can make that work if the Commission will allow me to work with the applicants on that, make sure nothing nauseous; don't see a problem with his request, request permission from Commission, clarification; about conditional uses/permitted in the industrial; applicant is correct, happy to work with applicant to make change; before City Commission, Dwight Sadoff stated on the concept plan; walls on the east/west side wall or 6' opeg security fence, Staff report; provides/allows for fence on east and wall on the west side.

Dan Miller replied it was intended to be a wall on west and fence on east; Dwight Sadoff stated the difference in cost; wall/fence, substantial cost difference; value of brick or block wall; fence, both provide opeg barrier; Dan Miller replied can work with that if 25' buffer remains on west side, fence responsibility of POA if Commission agrees; Dwight Sadoff stated (7A.3); gated; depends on use; don't want to say shall be gated.

Dan Miller replied it depends on the use we are alright with that on Haywood Worm Farm, if use requires a gate; will need to put one up, may be gated, fine with Staff; Dwight Sadoff stated he has question on paragraph (6C), reference to upland buffer; section landscaping/buffer requirements, section (11E); wetlands, flood zones, and wildlife, upland buffer; paragraph dealing with landscape/buffer requirements, not required to put in walkway, buffer; Dan Miller replied allowed in upper buffers but limited to, but not required; Dwight Sadoff read condition into record; Dan Miller replied if you wanted to put a hiking trail; thanks the applicant.

Commissioners, and Mr. Miller discussed PUD conditions are written as they should be, so if we have anything to clean up; let's move forward, architectural standards; originally architectural presented were metal buildings; added some architectural standards; Dan Miller went over façade samples; conceptual; Exhibit D; language in PUD; Staff can work with applicant on architectural designs, something that looks good, these are examples; not locked in, read standards; looks like a residential standard, how they work, non-predominance of metal, stucco, 50:50, some angles; doesn't just stand out as a metal building; Dan Miller requested permission to work the applicants on the changes; Commission agreed.

Chairman Sennett stated if the Commission have any questions of the applicant or if anyone in the audience would like to speak on this case.

Chairman Sennett closes discussion from the Public, entertained a motion, and then the voting took place.

Commissioner Sanders made a MOTION for APPROVAL of case # SSCP-22-585 – SUNDANCE COMMERCIAL AND INDUSTRIAL – SMALL SCALE COMPREHENSIVE PLAN AMENDMENT Commissioner Kaplan SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 5-0 .

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

2) PUBLIC HEARING CASE # PUD-22-586 – SUNDANCE COMMERCIAL AND INDUSTRIAL – PLANNED UNIT DEVELOPMENT

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, CHANGING THE ZONING ON APPROXIMATELY 33.45 +/- ACRES FROM LAKE COUNTY A (AGRICULTURE) TO THE CITY OF LEESBURG PUD (PLANNED UNIT DEVELOPMENT) TO ALLOW FOR A MIXED-USE DEVELOPMENT, FOR A PROPERTY GENERALLY LOCATED SOUTH OF COUNTY ROAD 48 AND WEST OF HAYWOOD WORM FARM ROAD, AS LEGALLY DESCRIBED IN SECTIONS 14 AND 15, TOWNSHIP 20 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. **(CITY COMMISSION DATES ARE TENTATIVELY SCHEDULED FOR FIRST READING ON MONDAY, APRIL 10TH, 2023 AND SECOND READING TENTATIVELY**

SCHEDULED FOR MONDAY, JUNE 12TH, 2023) (Sundance Commercial and Industrial) **(POSTPONED AT APPLICANT'S REQUEST FROM THE FEBRUARY 23RD, 2023 PLANNING COMMISSION REGULAR MEETING)**

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

Commissioner Kaplan made a MOTION for APPROVAL of case # PUD-22-586 – SUNDANCE COMMERCIAL AND INDUSTRIAL – PLANNED UNIT DEVELOPMENT with the changes Vice-Chairman Bowersox SECONDED the MOTION which CARRIED UNANIMOUSLY by a vote of 5-0.

Tim Sennett, Chairman

Sabrina Mitchell, Administrative Assistant II

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 6.C.1.

Meeting Date: April 10, 2023

From: James Williams, (Finance Director), Brad Chase, (Electric Director)

Subject: Resolution of the City Commission of the City of Leesburg, Lake County, Florida, (I) Providing for Authority; (II) Providing for the incorporation of certain findings, defined terms, and general provisions; (III) Approving and authorizing the execution of an All-Requirements Project Solar III Energy Participation Agreement between Florida Municipal Power Agency (ALL-REQUIREMENTS POWER SUPPLY PROJECT) and the City of Leesburg for an additional Phase III Solar Rate Commitment, Providing for the making of payments pursuant to such All-Requirements Project Solar Energy Participation Agreement, and making certain covenants in conjunction with such payments; (IV) Requesting a number of additional Megwatts of Capacity and Energy from the Solar PPA which will serve as the basis for the calculation of each ARP Solar Participant's Additional Phase III Solar Rate commitment and authorizing the Authorized Officer of the City of Leesburg to approve a Final Phase III Solar Rate Commitment; (V) Authorizing the inclusion of such Final Phase III Solar Rate Commitment in the Solar PPA between Florida Municipal Power Agency (ALL-REQUIREMENTS POWER SUPPLY PROJECT) and the Seller; (VI) Providing for this Resolution to constitute a contract; (VII) Designating authorized officers of the City of Leesburg, designating authority of authorized officers, and providing for further actions; (VIII) Taking of other actions; (IX) Providing for severability; and (X) Providing an effective date.

Staff Recommendation:

Approve the Resolution and Participation Agreement for the City to participate in the Phase III Solar project with FMPA.

Analysis:

The documents attached will allow the City to participate in the Phase III Solar project for 10 MW of electric solar generation. This is the first time the City has opted into a Solar project with FMPA. The solar field will be located in North Central Florida with transmission access through the Duke Energy transmission lines.

Procurement Analysis:

N/A

Options:

1. Approve as presented; or
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact:

Upon completion of the project, from 2025 to 2026, the City will pay energy costs to FMPPA per the contract. The contract rate is competitive now and in the long term. Actual rate is a Trade Secret and not available for publication.

RESOLUTION NO. _____

(ALL-REQUIREMENTS POWER SUPPLY PROJECT
SOLAR III ENERGY PARTICIPATION AGREEMENT
ADDITIONAL PHASE III SOLAR RATE COMMITMENT)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, LAKE COUNTY, FLORIDA, (I) PROVIDING FOR AUTHORITY; (II) PROVIDING FOR THE INCORPORATION OF CERTAIN FINDINGS, DEFINED TERMS, AND GENERAL PROVISIONS; (III) APPROVING AND AUTHORIZING THE EXECUTION OF AN ALL-REQUIREMENTS PROJECT SOLAR III ENERGY PARTICIPATION AGREEMENT BETWEEN FLORIDA MUNICIPAL POWER AGENCY (ALL-REQUIREMENTS POWER SUPPLY PROJECT) AND THE CITY OF LEESBURG FOR AN ADDITIONAL PHASE III SOLAR RATE COMMITMENT, PROVIDING FOR THE MAKING OF PAYMENTS PURSUANT TO SUCH ALL-REQUIREMENTS PROJECT SOLAR ENERGY PARTICIPATION AGREEMENT, AND MAKING CERTAIN COVENANTS IN CONJUNCTION WITH SUCH PAYMENTS; (IV) REQUESTING A NUMBER OF ADDITIONAL MEGAWATTS OF CAPACITY AND ENERGY FROM THE SOLAR PPA WHICH WILL SERVE AS THE BASIS FOR THE CALCULATION OF EACH ARP SOLAR PARTICIPANT'S ADDITIONAL PHASE III SOLAR RATE COMMITMENT AND AUTHORIZING THE AUTHORIZED OFFICER OF THE CITY OF LEESBURG TO APPROVE A FINAL PHASE III SOLAR RATE COMMITMENT; (V) AUTHORIZING THE INCLUSION OF SUCH FINAL PHASE III SOLAR RATE COMMITMENT IN THE SOLAR PPA BETWEEN FLORIDA MUNICIPAL POWER AGENCY (ALL-REQUIREMENTS POWER SUPPLY PROJECT) AND THE SELLER; (VI) PROVIDING FOR THIS RESOLUTION TO CONSTITUTE A CONTRACT; (VII) DESIGNATING AUTHORIZED OFFICERS OF THE CITY OF LEESBURG, DESIGNATING AUTHORITY OF AUTHORIZED OFFICERS, AND PROVIDING FOR FURTHER ACTIONS; (VIII) TAKING OF OTHER ACTIONS; (IX) PROVIDING FOR SEVERABILITY; AND (X) PROVIDING AN EFFECTIVE DATE.

Whereas, Florida Municipal Power Agency ("FMPA"), on January 14, 2022, issued its Request for Proposals for Renewable Solar Generation Phase III, to solicit opportunities for FMPA, on behalf of [the City of Leesburg, Florida] and other members of FMPA who are Participants in the All-Requirements Power Supply

Project (“**ARP**”), to acquire additional capacity and energy from one or more renewable solar generation projects in the State (collectively, the “**RFP**”).

Whereas, FMPA received a number of proposals in response to the RFP and evaluated and ranked those proposals for discussion with the City of Leesburg, Florida and other FMPA ARP Participants that may have an interest in participating in an additional renewable solar generation project (each, including the City of Leesburg, Florida, being referred to hereafter as an “**ARP Solar Participant**” or, collectively, as the “**ARP Solar Participants**”).

Whereas, FMPA has now chosen a winning proposal from the responsive submissions to the RFP and entered into negotiations of contracts to provide for FMPA’s purchase of capacity and energy from one or more renewable solar generation facilities to be constructed, owned, and operated by Origis Development, LLC or its subsidiary or affiliated companies (collectively, “**Origis**”).

Whereas, the ARP is planning to commit to purchasing and receiving approximately 100 MW of capacity and energy from one or more renewable solar generation facilities owned and operated by Origis for the ARP portfolio of power supply resources (collectively, the “**Phase III Solar Resources**”), but certain ARP Solar Participants, including the City of Leesburg, Florida, desire to enter into an arrangement with Florida Municipal Power Agency (All-Requirements Power Supply Project) to receive additional capacity and energy from the Phase III Solar Resources pursuant to the pricing and terms negotiated between FMPA and Origis, based on the Origis proposal submitted in response to the RFP (for each ARP Solar Participant, its “**Additional Phase III Solar Rate Commitment**”).

Whereas, the staff of FMPA has kept the City of Leesburg, Florida informed of the status of its discussions with Origis which have, now, progressed to the point of FMPA requesting a commitment from the City of Leesburg, Florida as to its desire for an Additional Phase III Solar Rate Commitment for capacity and energy from one or more renewable solar generation facilities, through the ARP, and its request for up to a certain number of megawatts of capacity and energy from such renewable solar generation facilities as its Additional Phase III Solar Rate Commitment, pursuant to the terms of this Resolution, so that FMPA may finalize and enter into the necessary contractual arrangements with Origis to provide for such Additional Phase III Solar Rate Commitment to the City of Leesburg, Florida, as an ARP Solar Participant, and the other ARP Solar Participants who likewise commit to such Additional Phase III Solar Rate Commitments.

Whereas, upon FMPA receiving the appropriate commitments from all ARP Solar Participants, it is the intent of FMPA staff to request that the Executive

Committee of FMPA to approve one or more Solar PPAs to provide capacity and energy to the ARP from one or more renewable solar generation facilities, sufficient to satisfy the Executive Committee's desire for additional renewable solar capacity and energy and the Additional Phase III Solar Rate Commitment by the ARP Solar Participants, including the City of Leesburg, Florida.

Whereas, the City of Leesburg, Florida, as a Participant in the ARP, hereby expresses its desire to be an ARP Solar Participant and wishes to provide for the execution and delivery of an All-Requirements Project Solar III Energy Participation Agreement for its Additional Phase III Solar Rate Commitment, including hereby providing for the approval of certain amendments to Rate Schedule B-1 to permit the City of Leesburg, Florida and all of the ARP Solar Participants to voluntarily commit to the financial responsibility for its and their Additional Phase III Solar Rate Commitment(s).

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA THAT:

SECTION I. Authority for this Resolution. This Resolution is adopted pursuant to applicable provisions of Florida law, including Part II, Chapter 361, Florida Statutes, as amended; Section 163.01, Florida Statutes, as amended; and Part II, Chapter 166, Florida Statutes, as amended (collectively, the "Act").

SECTION II. Incorporation of Certain Findings, Defined Terms, and General Provisions. (A) The recitals set forth in the "whereas" clauses above are hereby incorporated into and are a material part of this Resolution. Any capitalized term used in this Resolution and not defined herein shall have the meaning given to such term in the form of the All-Requirements Project Solar III Energy Participation Agreement (as defined in Section III), and attached to this Resolution in substantial form as Exhibit A. The ARP Solar Participant hereby approves, ratifies, and confirms all actions taken by it and FMPA, as set forth in the "whereas" clauses above and otherwise, to bring the opportunity for the ARP Solar Participant to execute and deliver the All-Requirements Project Solar III Energy Participation Agreement for its Additional Phase III Solar Rate Commitment. References in this Resolution and in the All-Requirements Project Solar III Energy Participation Agreement to "MW" or "MWh" are megawatts or megawatt hours, respectively (associated with the capacity or energy of the renewable solar generation project), as measured after conversion from direct current into alternating current by the renewable solar generation facility invertors.

(B) It is hereby found, determined, and declared as follows:

- (i) The ARP Solar Participant has heretofore entered into the Interlocal Agreement Creating the Florida Municipal Power Agency, as amended (the “**Interlocal Agreement**”) pursuant to the Act. The ARP Solar Participant has also entered into the All-Requirements Power Supply Project Contract, as amended, with FMPA (the “**ARP Contract**”), and whereby the ARP Contract is substantially similar for all Participants (as defined in the ARP Contract), to share in the benefits and provide for its payment of ARP costs as provided in the ARP Contract.
- (ii) The ARP Solar Participant is authorized by terms of the Act and other applicable provisions of law to plan, finance, acquire, construct, reconstruct, own, lease, operate, maintain, repair, improve, extend or otherwise participate jointly in any electric project, including the ARP.
- (iii) It is necessary and desirable and in the best interests of the ARP Solar Participant and the residents of the State to whom the ARP Solar Participant furnishes, supplies, or distributes electrical energy that the Project Participant, together with the other ARP Participants, share in the costs of the Additional Phase III Solar Rate Commitment in the manner and under the terms and conditions provided in the All-Requirements Project Solar III Energy Participation Agreement and the ARP Contract.
- (iv) The ARP Solar Participant now owns an electric or integrated utility system for the production or distribution, or both, of electric energy within its boundaries and service area.

SECTION III. Approval and Authorization to Execute an All-Requirements Project Solar III Energy Participation Agreement Between Florida Municipal Power Agency (All-Requirements Power Supply Project) and the City of Leesburg, Florida for its Additional Phase III Solar Rate Commitment, providing for the Making of Payments Pursuant to such All-Requirements Project Solar III Energy Participation Agreement, and Making Certain Covenants in conjunction with such Payments. Subject to Sections IV and V, the terms of the “**All-Requirements Project Solar III Energy Participation Agreement**” authorized and attached hereto as Exhibit A are expressly approved and the Authorized Officers (as hereinafter defined) of the ARP Solar Participant are hereby authorized, on behalf of the ARP Solar Participant, to execute the All-Requirements Project Solar III Energy Participation Agreement and deliver the same to FMPA with such changes therein as the Authorized Officers of the ARP Solar Participant may approve as necessary or desirable, such approval to be evidenced conclusively by execution and delivery of the All-Requirements Project Solar III Energy Participation Agreement. The (i) payment obligations of the ARP Solar Participant as set forth in the All-Requirements Project

Solar III Energy Participation Agreement and the ARP Contract, and the (ii) covenants of the Project Participant in conjunction with such payments, as also provided for therein, respectively, are hereby ratified, confirmed, and approved.

SECTION IV. Requesting a Number of Megawatts of Capacity and Energy from the Solar PPA which will serve as the Basis for the Calculation of Each Project Participant's Additional Phase III Solar Rate Commitment, and Authorizing the Authorized Officer of the City of Leesburg, Florida] to Approve a Final Phase III Solar Entitlement Share. (A) The ARP Solar Participant hereby requests to be assigned an Additional Phase III Solar Rate Commitment which will be equivalent to approximately [10 MW].

(B) After the execution of the All-Requirements Project Solar III Energy Participation Agreement and delivery thereof to FMPA, Schedule 1 to each of such All-Requirements Project Solar III Energy Participation Agreements shall be completed by FMPA to set forth the names and addresses of each ARP Solar Participant, committing to make an Additional Phase III Solar Rate Commitment, and the Additional Phase III Solar Rate Commitment of such ARP Solar Participants (which shall aggregate to 100%), and which in the case of the ARP Solar Participant shall be that percentage (rounded to the nearest one-thousandth percentage point) equivalent to approximately [10 MW]. Such Additional Phase III Solar Rate Commitments shall be determined by FMPA by assigning to each such ARP Solar Participant an Additional Phase III Solar Rate Commitment equal to the percentage (rounded to the nearest one-thousandth percentage point) determined by (i) dividing the number of MW or capacity and energy requested by each such ARP Solar Participant by the aggregate number of MW of capacity and energy requested by all such ARP Solar Participants and (ii) multiplying the result by 100, with the Additional Phase III Solar Rate Commitments of all such ARP Solar Participants adjusted (as nearly as possible on a pro rata basis) as necessary so that the aggregate of all Additional Phase III Solar Rate Commitments equals 100%. The ARP Solar Participant hereby approves such method of calculation of its Additional Phase III Solar Rate Commitment and those of all such other ARP Solar Participants.

(C) The Additional Phase III Solar Rate Commitments expressed as percentages and the corresponding capacity and energy expressed in MW set forth above will be based upon an assumed capacity and energy of up to [five] 74.9 MW renewable solar generation facilities of Oris to be associated with the ARP, as determined by the FMPA Executive Committee. The ARP Solar Participant hereby approves such method of calculation of the total capacity and energy of the Additional Phase III Solar Rate Commitments.

SECTION V. Authorizing the Inclusion of such Final Phase III Solar Entitlement Share in the Solar PPA between Florida Municipal Power Agency (All-Requirements Power Supply Project) and Seller. (A) The ARP Solar Participant hereby (i) accepts and approves its Additional Phase III Solar Rate Commitment in the ARP as computed in accordance with Section IV(B) and (ii) approves the method of computation as set forth in Section IV(C) of the total capacity and energy of all Additional Phase III Solar Rate Commitments, and (iii) approves of the changes to Rate Schedule B-1, as may approved by the FMPA Executive Committee, to provide for the payment of all costs of the Additional Phase III Solar Rate Commitments, including insofar as a portion of those costs as expressly made an obligation of the ARP Solar Participant pursuant to the ARP Contract.

(B) After execution of the All-Requirements Project Solar III Energy Participation Agreement and delivery thereof to FMPA, the blanks (if any) in such agreement for the total capacity and energy of the Additional Phase II Solar Rate Commitment shall be completed by FMPA by insertions of the MW of total capacity and energy as determined pursuant to Section IV(C), and the blanks in each of such All-Requirements Project Solar III Energy Participation Agreement for all ARP Solar Participants, committing to make an Additional Phase III Solar Rate Commitment, for the Additional Phase III Solar Rate Commitments and the total capacity and energy of the Additional Phase III Solar Rate Commitments shall be completed by FMPA inserting the appropriate values as set forth in this Resolution.

SECTION VI. This Resolution shall Constitute a Contract. This Resolution shall be deemed to be and shall constitute a contract between the ARP Solar Participant and FMPA, with respect to the All-Requirements Power Supply Project. The covenants and agreements herein set forth to be performed by the ARP Solar Participant shall be solely for the benefit, protection, and security of FMPA.

SECTION VII. Designating Authorized Officers of the City of Leesburg, Florida; Designating the Authority of Such Authorized Officers, and providing for Further Actions. (A) The Mayor and the City Manager of the ARP Solar Participant are each hereby designated as an “**Authorized Officer**” for the purposes of executing and delivering the All-Requirements Project Solar III Energy Participation Agreement and other documents or instruments requested by FMPA related to the acquisition of additional renewable solar capacity and energy, and taking all other actions authorized by this Resolution. Each Authorized Officer may act individually in exercising the authority given to them pursuant to this Resolution, it hereby being expressly intended that both Authorized Officers need not act or execute a contract, document, or instrument to bind the ARP Solar Participant as authorized pursuant hereto.

(B) In addition to the authority provided in Section VII(A) of this Resolution, each Authorized Officer of the ARP Solar Participant is hereby authorized and empowered to execute and deliver, in the name of and on behalf of the ARP Solar Participant, such other documents, certificates, and papers, not specifically referred to in this Resolution, as are required or contemplated by the provisions of the All-Requirements Project Solar III Energy Participation Agreement and take all such further action as may be necessary or desirable in carrying out the terms and provisions of the All-Requirements Project Solar III Energy Participation Agreement.

SECTION VIII. **Certain Other Actions.** Each Authorized Officer designated hereunder is hereby authorized and empowered, individually, to take all further actions as may be necessary or desirable, or as otherwise requested by FMPPA, in carrying out the terms and provisions of this Resolution and each of the documents and instruments referred to herein, and in effecting the ARP Solar Participant's coordination with FMPPA for the ARP Solar Participants' participation in the All-Requirements Power Supply Project, including approving changes or modifications to the substantial form of documents or instruments referred to, or attached in substantial form as Exhibits to, this Resolution; *provided, however, that* for the purposes of approving subsequent changes or modifications to the documents or instruments substantially in the form of the Exhibits attached hereto each Authorized Officer may only act (1) on or pursuant to the grants of authority under this Resolution, and (2) if in the exercise of such authority the Authorized Officer determines that such subsequent changes or modifications do not present a material adverse change from the substantial form of such documents and instruments attached hereto. For purposes of the foregoing sentence, "**material adverse change**" means any material adverse change in the terms and conditions of a document or instrument to which the ARP Solar Participant would become a signatory, and which imposes on the ARP Solar Participant some additional, material risk of financial loss, indemnity obligation, covenant, warranty, or restriction of its legal rights in a manner that is not already contemplated, referenced, or within the scope of the documents substantially in the form of the Exhibits attached hereto.

SECTION IX. **Severability.** If one or more provisions of this Resolution should be determined by a court of competent jurisdiction to be contrary to law, such provisions shall be deemed to be severable from the remaining provisions hereof, and shall in no way affect the validity or enforceability of such remaining provisions.

SECTION X. **Effective Date.** This Resolution shall take effect immediately upon its adoption.

[Signature Page Follows]

This Resolution No. _____ is hereby approved and adopted by the City Commission of The City of Leesburg, Florida on April 10, 2023.

ATTEST:

James A. Burry, Jr.
Mayor

J. Andi Purvis
City Clerk

APPROVED AS TO FORM
AND CORRECTNESS:

Grant Watson
City Attorney

EXHIBIT A

All-Requirements Project Solar III Energy Participation Agreement

This All-Requirements Project Solar Energy Participation Agreement is entered into as of this April 10, 2023, (the "Effective Date") by and between the City of Leesburg ("ARP Solar III Participant"), and Florida Municipal Power Agency All-Requirements Power Supply Project ("FMPA") (FMPA and ARP Solar III Participant are hereinafter referred to individually as a "Party" or collectively as the "Parties").

WHEREAS, ARP Solar III Participant is a member of the Florida Municipal Power Agency ("FMPA") All-Requirements Power Supply Project ("ARP Project"); and

WHEREAS, as an ARP Participant, ARP Solar III Participant receives all of its power supply needs from the ARP Project; and

WHEREAS, ARP Solar III Participant desires that FMPA, as its wholesale power supply provider, include within its energy resource portfolio renewable energy resources; and

WHEREAS, FMPA has entered into Power Purchase Agreements between FMPA and Origis (the "Seller), (the "Solar III PPA") for approximately [##] MWs of the output from [##] photovoltaic electric generating facilities having nameplate capacities of 74.9 MW alternating current ("ac") each, which will be designed, financed, constructed and operated by Seller in [counties] Counties, Florida ("Solar Facility");

WHEREAS, FMPA has revised Rate Schedule B-1 of the All-Requirement Power Supply Contract to permit ARP Participants to voluntarily commit to financial responsibility for a percentage share of the costs incurred by FMPA pursuant to the Solar III PPA (the "Solar Rate Commitment"); and

WHEREAS, ARP Solar III Participant hereby determines that it is in the best interests of the health, safety, and welfare of the citizens and residents of ARP Solar III Participant to commit financially, subject to the conditions set forth in this Agreement, to the Solar Rate Commitment set forth in the revised Rate Schedule B-1.

NOW THEREFORE, for and in consideration of the mutual covenants by them to be kept and performed, all as hereinafter set forth, the Parties hereby mutually agree as follows:

SECTION 1. Term & Termination

(a) Term. This Agreement shall commence on the Effective Date, and shall thereafter continue in effect until terminated in accordance with the terms of this Agreement (the "Term").

(b) Termination. Unless terminated in accordance with SECTION 1(c) or SECTION 1(d) of this Agreement, this Agreement shall automatically terminate upon the expiration or early termination of the Solar III PPA, except that any accrued liabilities or obligations incurred by FMPA under the Solar III PPA shall survive termination of this Agreement and shall be billable to ARP Solar III Participants.

(c) Early Termination; Step-Up. ARP Solar III Participant may only terminate its Solar Rate Commitment if one of the following four conditions are met, subject to approval of the Executive Committee:

(1) Another ARP Solar III Participant assumes the ARP Solar III Participant's Solar Rate Commitment;

(2) An All-Requirements Project Participant assumes ARP Solar III Participant's Solar Rate Commitment;

(3) An FMPA Member that is not an All-Requirements Project Participant assumes the financial entitlement to ARP Solar III Participant's percentage share of the PPA and commits that it will take on the associated financial obligation in a form suitable to the Executive Committee; or

(4) ARP Solar III Participant pays all stranded cost obligations, as determined by FMPA, to hold the other, non-terminating, ARP Solar III Participants harmless from the costs associated with ARP Solar III Participant's termination. For purposes of this SECTION 1(c)(4), stranded cost obligations are defined as an estimate of the solar energy costs (defined in 10.1 of Rate Schedule B-1) that the ARP will pay for the terminating ARP Solar III Participant's Solar Rate Commitment during each remaining month of the remaining term of the Solar III PPA based on (i) a forecast of expected solar production and (ii) a reasonable assessment of unforeseen costs, and are to be paid at the time of exit. The forecast of expected solar production is defined as a P50 (probability of exceedance is 50 percent) production estimate under typical meteorological year conditions using an industry standard modeling tool (PVsyst or its successor/peer products) reflective of a degradation rate of 0.3% per year relative to the original nominal alternating current capacity of the solar resource in the current year (prorated over a partial year as applicable) and each subsequent remaining year of the Solar III PPA term.

(d) Solar III PPA Early Termination, Term Extension and ARP Solar Committee. The Solar III PPA includes several provisions that allow FMPA to exercise discretion regarding whether to extend the Term of the Solar III PPA or to continue the existing Term of the Solar III PPA despite a triggering event under the terms of the Solar III PPA that permit early termination (hereinafter referred to as "Discretionary Term Decisions"). Such Discretionary Term Decisions may include, for example but without limitation, options for extension of the Term of the Solar III PPA beyond the Initial Term, options for continuing or terminating obligations related to portions of the solar capacity that do not make commercial operation deadlines, and options for early termination of the Solar III PPA if certain conditions precedent are not met. In order to make Discretionary Term Decisions, ARP Solar III Participant and all other ARP Solar III Participants will each designate a representative to serve on the ARP Solar Committee. The Committee will meet in advance of any Discretionary Term Decisions provided for under the Solar III PPA, and as FMPA or any ARP Solar III Participant may request, with 30 day advance Notice (or less if the matter at hand so requires). The ARP Solar Committee shall meet not less than 180 days prior to the expiration of the Initial Term, or a Renewal Term, if any, to decide whether to extend the Term of the Solar III PPA. In making any Discretionary Term Decision, the ARP Solar Committee will vote on the matter. If the ARP Solar Committee unanimously decides to exercise a Discretionary Term Decision, then such unanimous consent shall be presented to the FMPA Executive Committee as a recommendation for action on the matter. If one or more ARP Solar III Participants do not wish to exercise a Discretionary Term Decision, then the other ARP Solar III Participants may elect to assume the Solar Rate Commitment of those ARP Solar III Participant(s) that do not wish to exercise the Discretionary Term Decision. In such event, the non-exercising ARP Solar III Participant(s)' ARP Solar Participation Agreement shall be terminated, and the ARP Solar Participation Agreement of the assuming Project Participant(s)', and Rate Schedule B-1, shall be amended to reflect the revised Solar Rate Commitments. In the event that the ARP Solar III Participant(s) that wish to exercise the Discretionary Term Decision cannot agree to assume 100% of the terminating Project Participant(s)' Solar Rate Commitment, then the Discretionary Term Decision shall not be exercised.

(e) No amendment shall be made to SECTION 1(c) or SECTION 1(d) of this Agreement without a contemporaneous amendment to the step-up provision in Rate Schedule B-1 of the ARP Contract.

SECTION 2. Solar Rate Commitment

(a) Solar Rate Commitment. ARP Solar III Participant agrees to be bound by all terms and conditions of section 10 of Rate Schedule B-1, a copy of the most recent version of which as of the Effective Date is attached hereto as Appendix A, or its successor provision. ARP Solar III Participant hereby commits during the Term of this Agreement to be financially responsible for its Solar Rate Commitment, which percentage share is set forth in Appendix A of this Agreement.

(b) Payment. On each ARP Solar III Participant's monthly ARP bill, FMPA shall add an amount, as calculated pursuant to section 10 of Rate Schedule B-1 of the ARP Contract, or its successor provision, which represents FMPA's Solar Rate Commitment share. Such amount shall be a Revenue Requirement, as that term is defined in the ARP Contract, of the All-Requirements Power Supply Project.

SECTION 3. Solar Capacity Value

(a) ARP Solar III Participant acknowledges that, as of the Effective Date, FMPA has excess capacity, and, as long as FMPA continues to have excess capacity, the Solar Facility will be given no capacity value and will have no impact on ARP demand billing. If, in the future, FMPA no longer has excess capacity and the Executive Committee determines that: (1) the Solar Facility can provide some degree of capacity to the ARP Project; and (2) that capacity provided by the Solar Facility has value to the ARP Project, then the ARP Solar III Participant may gain financial rights to that capacity value through a revised rate schedule as determined by the FMPA Executive Committee. If such financial rights are granted through a revision to the ARP Rate Schedule then: (i) the amount of solar capacity will be determined through statistical analysis of the Solar Facility Electric Energy output against the FMPA coincident peak on a monthly or seasonal basis and may vary month-to-month, and (ii) the financial value of solar capacity will be treated in an equivalent manner as Load Management discussed in Section 8(g) of the ARP Contract.

SECTION 4. Miscellaneous

(a) Definitions. Capitalized terms used in this agreement that are not otherwise defined in this Agreement shall have the meaning set forth in the Solar III PPA.

IN WITNESS WHEREOF, the parties hereto have caused this Participation Agreement to be executed by their proper officers respectively, being thereunto duly authorized, and their respective seals to be hereto affixed, as of the day and year first above written.

[Signature page follows]

FLORIDA MUNICIPAL POWER AGENCY

(SEAL)

By: _____
General Manager & CEO

Attest:

Date: _____

Secretary or Assistant Secretary

[M

(SEAL)

By: _____
Title:

Attest:

Date: _____

By:

APPENDIX A

**FLORIDA MUNICIPAL POWER AGENCY
POWER SUPPLY RATE SCHEDULE
FOR
ALL-REQUIREMENTS PROJECT PARTICIPANTS**

RATE SCHEDULE B-1
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APPENDIX A

DRAFT RATE SCHEDULE B-1
SUBJECT TO APPROVAL BY INDIVIDUAL ARP MEMBERS AND FMPA EXECUTIVE
COMMITTEE

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FLORIDA MUNICIPAL POWER AGENCY
POWER SUPPLY RATE SCHEDULE
FOR
ALL-REQUIREMENTS PROJECT PARTICIPANTS

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1. **Applicability.** Electric service for All-Requirements Services and Back-up and Support Services as defined in the All-Requirements Power Supply Project Contract for their own use and for resale.
2. **Availability.** This Schedule B-1 is available to the Project Participants purchasing electric capacity and energy from FMPA under the terms of the All-Requirements Power Supply Project Contracts as All-Requirements Services and, if applicable, as Back-Up and Support Services.
3. **Character of Service.** Electricity furnished under this Schedule B-1 at one or more Points of Delivery as set forth in Schedule A shall be sixty-hertz, three phase, alternating current.
4. **Billing Rate for All-Requirements Services.**
 - (a) For electricity furnished hereunder as All-Requirements Services, the charges for each month shall be determined as follows:

Customer Charge	For each Project Participant, the charge is \$1,000.00 per Point of Delivery. Notwithstanding the above, the charge for a Project Participant that has both (1) established its Contract Rate of Delivery and (2) does not receive Network Integration Transmission Service under an ARP agreement is \$0.00.
Demand Capacity Charge	\$ 16.23 per kilowatt ("kW") of capacity billing demand
Demand Transmission	\$ 4.35 per kilowatt ("kW") of transmission billing demand
Demand Transmission Kissimmee Utility Authority	\$ 0.92 per kilowatt ("kW") of transmission billing demand

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Energy Charge \$ 52.08 per megawatt-hour ("MWh") for all energy supplied as All-Requirements Services

Solar Energy Surcharge A \$ per megawatt-hour ("MWh") rate, as calculated monthly in accordance with 10 below, for all energy pursuant to the applicable solar Power Purchase Agreement(s) ("PPA"), as specifically agreed to by individual Project Participants pursuant to Solar Participant Agreements between the ARP and individual Project Participants (hereinafter "Solar Participants").

Reactive Demand Charge \$0.00 per kilo-var ("kVAR") of excess billing reactive demand

- (b) Delivery Voltage Adjustment for All-Requirements Services. The Billing Rates under paragraph (a) are based on delivery of electric capacity and energy to the Project Participant at 115,000 volts or higher. Where capacity and energy are delivered at voltages less than 115,000 volts, the Billing Rates under paragraph (a) shall be increased as follows:

<u>Delivery Voltage</u>	<u>Demand Charge Adjustment</u>	<u>Energy Charge Adjustment</u>
69,000 volts	\$0.00/kW	\$0.00/kWh
12,000/25,000 volts	<u>.722/kW</u>	\$0.0000
Under 12,000 volts	<u>.722/kW</u>	\$0.0000

5. **Billing Metering For All-Requirements Services.** The metered demand in kW in each month shall be the individual Project Participant's total 60 minute integrated demand at the time of the highest 60 minute integrated demand for the total of all ARP system Project Participants (or corrected to a 60 minute basis if demand registers other than 60 minute demand registers are installed) measured during the month.

The metered reactive demand in kVAR in each month shall be the reactive demand, which occurred during the same 60-minute demand interval in which the metered kilowatt demand occurred.

Demand and energy meter readings shall be adjusted, if appropriate, as provided in Schedule A of the All-Requirements Power Supply Project Contract.

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6. **Billing Demand-Capacity for All-Requirements Services.** The billing demand capacity in any period shall be the arithmetic average of the metered demands, as determined under paragraph 5, giving effect to all adjustments, less the Project Participant's Excluded Power Supply Resources capacity, if any, for the months of June, July, August, and September for the preceding three fiscal years. For avoidance of doubt, unless otherwise adjusted as follows in this paragraph 6, the monthly billing demand capacity for each Project Participant shall be based on the arithmetic average of 12 data points and shall remain fixed over the current fiscal year.

If a Project Participant has permanently lost a large load during the preceding three fiscal years that would cause the metered demands utilized for that Project Participant in the billing demand capacity calculation not to be representative of its current load, the metered demands utilized in the calculation for that Project Participant may be adjusted accordingly by a majority vote of the Executive Committee in its sole discretion. Such load must represent a minimum of five percent of the Project Participant's total load based on demonstrable load data. It is the responsibility of the Project Participant to notify FMPA of any such loss of load, and no adjustments shall be made to billings for months prior to the effective date of any adjustment approved by the Executive Committee.

If a Project Participant has added a large load during the preceding three years for which a demand-related financial incentive will be provided through a rider to this Rate Schedule B-1, the metered demands utilized in the calculation for that Project Participant will be adjusted as set forth in the respective rider.

Anomalous loads for an individual Project Participant may be excluded from the billing demand capacity calculation by majority vote of the Executive Committee.

7. **Billing Demand-Transmission for All-Requirements Services.** The billing demand capacity in any period shall be the metered demand for the period as determined under paragraph 5, giving effect to all adjustments, but including the Project Participant's, Excluded Power Supply Resources capacity, if any.
8. **Billing Reactive Demand for All-Requirements Services.** The billing reactive demand for any month shall be the amount of reactive demand in kVAR by which the metered reactive demand exceeds one-half of the metered kilowatt demands, or such other amount as shall be determined from time to time by FMPA.

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9. **Energy Cost Adjustment for All-Requirements Services.**

The monthly bill computed hereunder shall adjust the base energy rate by an amount to the nearest one-thousandth of a cent, determined by use of the formula below:

$$ER = \$0.05208/\text{kWh} \pm \text{ETCA}$$

Where:

ER = Energy Rate to be applied each kWh of billed energy.

ETCA = Energy Total Cost Adjustment to be determined according to the following procedure:

1. The number days of available cash will be determined each month and rounded to the nearest five days.
2. A confidence percentage based on following table will be selected to determine the amount of the total cost adjustment. The Confidence Percentage will then be applied to the output of the probabilistic model discussed below.

Days of Available Cash	Associated Confidence Percentage
30 day or less	95%
35 days	88%
40 days	80%
45 days	73%
50 days	65%
55 days	58%
60 days	50%
65 days	43%
70 days	35%
75 days	28%
80 days	20%
85 days	13%
90 days and over	5%

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3. A probabilistic model will be used to estimate next four months of projected energy total cost and projected total kWh sales for providing the All-Requirements Project power supply. For purposes of this adjustment, FMPA's owned and controlled generating units including purchased power or interchange power purchased by FMPA from other suppliers less the energy cost of sales to other utilities, will be used in the calculations.
4. A probabilistic model will also be used to allocate the most current ARP Participant over-recovery and under-recovery balance as listed ARP's Comparative Statement of Net Asset report. This balance will be applied over the next four months and tied to the appropriate percentage level listed in the table above.

10. Solar Energy Surcharge.

The Solar Energy Surcharge shall equal the difference between the adjusted energy rate calculated in 9 above (ER) and the actual monthly cost per MWh of the solar energy (note the surcharge could be negative). The following provisions shall apply to the calculation of the surcharge:

1. Solar energy costs shall equal the sum of the applicable solar PPA charges, FMPA A&G charges allocated to the solar PPA(s), the return to the Agency Development Fund of the costs advanced to enter into and implement the solar PPA(s), and other costs or charges that the ARP may incur related to utilizing solar energy as part of its resource portfolio, e.g. increased regulation charges assessed by the ARP's Balancing Authority.
2. The following All-Requirements Project Participants have responsibility for solar energy (MWh) in each hour that solar energy is produced under the applicable solar PPA(s):

Phase I solar PPAs between the ARP and NextEra Florida Renewables, or its successor or assigns:

The City of Jacksonville Beach	17.241%
Fort Pierce Utilities Authority	5.173%
Utility Board, City of Key West	8.621%
Kissimmee Utility Authority	51.724%
The City of Ocala	17.241%

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Phase II solar PPAs between the ARP and Origis Energy, or its successors or assigns:

The City of Jacksonville Beach	15.584%
Fort Pierce Utilities Authority	15.584%
The Town of Havana	0.260%
Utility Board, City of Key West	25.975%
Kissimmee Utility Authority	20.779%
The City of Newberry	1.039%
The City of Ocala	20.779%

Phase III solar PPAs between the ARP and Origis, or its successors or assigns:

<u>The City of Fort Meade</u>	<u>1.822%</u>
<u>Fort Pierce Utilities Authority</u>	<u>1.639%</u>
<u>The City of Jacksonville Beach</u>	<u>5.465%</u>
<u>Utility Board, City of Key West</u>	<u>14.026%</u>
<u>Kissimmee Utility Authority</u>	<u>16.576%</u>
<u>The City of Leesburg</u>	<u>18.215%</u>
<u>The City of Ocala</u>	<u>5.465%</u>

3. In the event that one or more of the Solar Participants defaults by not paying the Solar Energy Surcharge, the defaulting Project Participant(s) shall remain liable for all payments to be made on its part pursuant to this Rate Schedule B-1. In such event, each non-defaulting Solar Participant's All-Requirements bill shall be increased, on a pro rata basis based on its respective Solar Energy Surcharge percentage of the applicable solar PPA(s), the amount in default unless and until FMPA shall recover from the defaulting Solar Participant(s) all amounts owed, upon which FMPA shall reimburse the non-defaulting Solar Participants. If all Solar Participants default by not paying the Solar Energy Surcharge, the All-Requirements Project will be obligated for the applicable Power Purchase Agreement(s) and the solar costs will become part of the Energy Rate (ER) above applicable to all All-Requirements Project Participants, including the defaulting Solar

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Participants, unless and until FMPA shall recover from at least one of the defaulting Solar Participants all amounts owed by all Solar Participants, upon which FMPA shall reimburse the All-Requirements Project Participants either through rates or through such other method as directed by the Executive Committee

4. A Solar Participant may only exit from the financial obligation to pay the Solar Energy Surcharge if one of the following four conditions are met, subject to approval of the Executive Committee:
 - a. One or more Solar Participants assumes the exiting Solar Participant's entire Solar Energy Surcharge financial obligation to the ARP;
 - b. One or more All-Requirements Project Participants assumes the exiting Solar Participant's entire Solar Energy Surcharge financial obligation to the ARP
 - c. One or more FMPA Members that is not an All-Requirements Project Participant assumes the financial entitlement to the Solar Participant's percentage share of the applicable solar PPA(s) and commits that it will take on the (i) associated financial obligation and (ii) obligation to take solar energy, in a form suitable to the ARP; or
 - d. Pay stranded cost obligations, as determined by FMPA in its sole discretion, to hold the other Solar Participants harmless from the costs associated with the Solar Participant's exit.

Stranded cost obligations are defined as an estimate of the solar energy costs (defined in 10.1) that the ARP will pay for the exiting Solar Participant's solar energy entitlement during each remaining month of the remaining term of the applicable solar PPA(s) based on (i) a forecast of expected solar production and (ii) a reasonable assessment of unforeseen costs, and are to be paid at the time of exit. The forecast of expected solar production is defined as a P50 (probability of exceedance is 50 percent) production estimate under typical meteorological year conditions using an industry standard modeling tool (PV Syst or its successor/peer products) reflective of a degradation rate of 0.3% per year relative

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to the original nominal alternating current capacity of the solar resource in the current year (prorated over a partial year as applicable) and each subsequent remaining year of the applicable solar PPA(s) term.

11. Demand Cost True-up for All-Requirements Services.

Each Project Participant shall be charged or credited, as applicable, during the twelve months commencing with the billing for October service of a subsequent fiscal year by a dollar amount equal to one twelfth of the dollar amount share of the difference between the Project Participant's actual demand costs (excluding transmission) and the demand charges collected during the previous fiscal year. The amount to be charged or credited to each Project Participant shall be calculated on the basis of each Project Participant's demand costs (excluding transmission) collected during the previous fiscal year as a percentage of the total demand costs collected from all Project Participants.

12. Transmission Cost Adjustment for All-Requirements Services.

The monthly bill computed hereunder shall adjust the base demand transmission capacity rate by an amount to the nearest one-thousandth of a cent, determined by use of the formula below:

$$TR = \text{Transmission per kW/month} \pm TTCA$$

Where:

TR = Demand Transmission Rate to be applied each kW of billed transmission demand.

TTCA = Transmission Total Cost Adjustment to be determined according to the same procedure as the ETCA except where kWh will be replaced by kW in item 3 within section 9.

13. Funding for Participants' Load Retention Programs.

Each Participant shall be credited with an amount equal to the Participants monthly billing energy times \$0.30 per MWh. This credit may be used by the Participant to fund Load Retention Programs approved by the Participants' governing body, or for other lawful usage.

14. Tax Adjustment Clause for All-Requirements Services.

In the event of the imposition of any tax, or payment in lieu thereof, by any lawful authority on FMPA for production, transmission, or sale of electricity, the charges hereunder may be increased to pass on to the Project Participant its share of such tax or payment in lieu thereof.

15. Late Payment Charge. FMPA may impose a late payment charge on the unpaid balance of any amount not paid when due. Such charge shall be equal to the

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interest on the unpaid balance from the due date to the date of payment, with the interest rate being the arithmetic mean, to the nearest one-hundredth of one percent (.01%) of the prime rate values published in the Federal Reserve Bulletin for the fourth, third, and second months prior to the due date. The interest required to be paid under this clause will be compounded monthly.

16. **Month.** The month shall be in accordance with a schedule established by FMPA.
17. **Special Jacksonville Beach Charge.** In the event that FMPA pays or is billed for any amounts by the JEA for back-up transmission capability and/or transmission services and /or back-up electric service supplied by JEA for the City of Jacksonville Beach, such amounts shall be added to any amounts otherwise billed to the City of Jacksonville Beach by FMPA pursuant to this Schedule B-1, less one-third of such amounts, at such times as FMPA shall determine.

REVISIONS APPROVED BY THE FMPA EXECUTIVE COMMITTEE ON _____