

AGENDA
CITY COMMISSION MEETING
CITY HALL, 501 W MEADOW STREET
MONDAY, AUGUST 8, 2022 5:30 PM

1. CALL TO ORDER

INVOCATION

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

2. PROCLAMATIONS:

A. None

3. PRESENTATIONS:

A. Certificates to Miss Leesburg winners: Miss Leesburg - Meagann Goodridge; Teen Miss - Reese Ponds; Junior Miss - Makenna Richey; Little Miss - Allison Carter; and Tiny Miss - Hartley Sellars

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 July 25, 2022

B. PURCHASING ITEMS:

1. None

C. RESOLUTIONS:

1. Resolution of the City Commission of the City of Leesburg, Florida, authorizing the Leesburg Parks and Recreation Department to apply for, and if awarded, accept a Capital Improvement Grant for the Susan Street Sports Complex project from Lake County Tourism Development Council; and providing an effective date.
2. Resolution of the City Commission of the City of Leesburg, Florida, appointing one member to the Library Advisory Board for a five-year term, said term ending September 30, 2027; and providing an effective date.
3. Resolution of the City Commission of the City of Leesburg, Florida, authorizing the adoption of the revised *Collection Development and Management Policy* for the Leesburg Public Library; and providing an effective date.
4. Resolution of the City Commission of the City of Leesburg, Florida, authorizing the Leesburg Police Department to initiate and maintain a Reserve Officer Program to supplement patrol, investigative and administrative functions of the Leesburg Police Department; and providing an effective date.
5. Resolution of the City Commission of the City of Leesburg, Florida, authorizing the Leesburg Police Department to apply for, and if awarded, accept an Edward Byrne FY 2022 Local Solicitation Grant from the U.S. Department of Justice (JAG) to supplement costs associated with the purchase of department equipment; 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. An Ordinance of the City of Leesburg, Florida, annexing certain real property consisting of approximately 33 +/- acres; and being generally located on the south side of County Road 48, east of County Road 33, and

west of Haywood Worm Farm Road, lying in Sections 14 & 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 Future Land Use Map of the Comprehensive Plan of the City of Leesburg, changing the Future Land Use Map Designation of certain property containing 33 +/- acres from Lake County Regional Office to City of Leesburg Estate Residential, for a property generally located on the south side of County Road 48, east of County Road 33, and west of Haywood Worm Farm Road, as legally described in Sections 14 & 15, Township 20 South, Range 24 East, Lake County, Florida; and providing an effective date. (Sundance Subdivision SSCP)**
3. **An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 33 +/- acres from Lake County A (Agriculture) to PUD (Planned Unit Development) to allow for a mixed use development of single-family residential and mini-warehouse storage units for a property generally located on the south side of County Road 48, east of County Road 33, and west of Haywood Worm Farm Road, as legally described in Sections 14 & 15, Township 20 South, Range 24 East, Lake County, Florida; and providing an effective date. (Sundance PUD)**
4. **An Ordinance of the City of Leesburg, Florida modifying the existing zoning of PUD (Planned Unit Development) on approximately 214.84 acres, for a property generally located east and west of U.S. Highway 27 and north of Florida's Turnpike, as legally described in Section 01, Township 21 South, Range 24 East, and Section 06, Township 21 South, Range 25 East, Lake County, Florida; and providing an effective date. (Lyden-Nicholson)**
5. **An Ordinance of the City of Leesburg, Florida changing the zoning on approximately 32.86 +/- acres from City of Leesburg PUD (Planned Unit Development) to City of Leesburg PUD (Planned Unit Development) to replace 208 townhouses with 83 detached single family residential units for a property generally located north of Sunnyside Drive and west of Fern Drive, as legally described in Section 30, Township 19 South, Range 25 East, Lake County, Florida; and providing an effective date. (Sunnyside Oaks)**
6. **An Ordinance of the City of Leesburg, Florida changing the zoning on approximately 280 +/- acres for a property generally located south of**

Florida's Turnpike and east of County Road 33, lying in Sections 34 and 35, Township 20 South, Range 24 East, Lake County, Florida; and providing an effective date. (Battaglia)

- 7. An Ordinance of the City Commission of the City of Leesburg, Florida providing for amendments of the City Charter; amending Article I, Section 5 relating to Powers of the City; providing requisite ballot language for submission to electors; providing for severability; providing for inclusion in the Charter; providing for conflict; and providing an effective date.**

B. FIRST READING OF ORDINANCES

- 1. None**

C. NON-ROUTINE ITEMS

- 1. None**

7. INFORMATIONAL REPORTS:

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

- A. None**

8. CITY ATTORNEY ITEMS:

9. CITY MANAGER ITEMS:

10. ROLL CALL:

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.

**AGENDA MINUTES
CITY COMMISSION MEETING
CITY HALL, 501 W MEADOW STREET
MONDAY, JULY 25, 2022 5:30 PM**

1. CALL TO ORDER

The City of Leesburg Commission held a regular meeting on Monday, July 25, 2022, at Leesburg City Hall. Mayor Pederson called the meeting to order at 5:32 p.m. with the following members present:

Commissioner Jimmy Burry
Commissioner John Christian
Commissioner Jay Connell
Commissioner Dan Robuck
Mayor Mike Pederson

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

Commissioner Christian gave the invocation followed by the Pledge of Allegiance to the Flag of the United States of America.

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

2. PROCLAMATIONS:

A. None

3. PRESENTATIONS:

A. 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.

Don Friend, 1023 McNamee Street, Leesburg, stated he is the owner of this apartment complex. The reason he was here was to bring up a matter of concern and to request assistance from the city commission to address a safety problem that had been reported to him by his tenants. Recently, several tenants have reported that they feel unsafe due to the activity that occurs across the street at John L. Johnson park on Sunday nights. This event happens on a weekly basis and it is known as the "Park and Chill". These events can include hundreds of people, their cars, drug use, alcohol and excessive noise. It has very loud music and they leave a significant amount of trash. It causes a significant disruption to the residents as well as the businesses in the area. Many of his tenants, especially those with small children, are rightfully concerned for their safety. He would like to ask the commission for help on this matter. He asked for any recommendations to help solve this problem. **Mayor Pederson** asked for help with the address. He was trying to understand what part of town this neighborhood was in. **Mr. Friend** stated his apartments are located directly across the street from John L. Johnson Park, on the south side of US 441. **Mayor Pederson** said that helps him. **Commissioner Robuck** wondered if this group of people were getting permits from the city to run these functions. **CM Minner** responded no, they are not. We do have this issue that arises from time to time. He does not have an immediate solution to the situation. It is something that we periodically deal with through the police department. He asked if Mr. Friend had spoken with the police department when these issues arise. **Mr. Friend** answered that he had spoken with the police department. Recently there was gunfire reported at this event about four weeks ago. He drove by last night and the event was still occurring. It happens every week. **CM Minner** advised the commission that we deal with this from time to time and it would be best for Mr. Friend to get with the Chief of Police. We can set up neighborhood watches and do these types of things. We do deal with this periodically and sometimes we have success and sometimes we do not. Unfortunately, right now, that is the best answer he could provide. It is a matter of police issues and keeping up with them. He asked that he speak with the chief and give him more information about the issue so we could move forward. **Mayor Pederson** wanted to be clear that the issues were not on his property and that the issues were happening at John L. Johnson Park. **Mr. Friend** said it is directly across the street from his property. There is such a large number of people that attend. However, they park in their parking lot, so it does directly affect their tenants and residents and they leave a lot of trash in their parking lot. **Mayor Pederson** stated that we would get it right. **Mr. Friend** thanked him.

5. CONSENT AGENDA:

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

Items pulled for discussion:

5.C.6 - Purchase and sale and lot line deviation with Concire, Inc. for real estate within the Lake Harris Shopping Center in order to accommodate the expansion of Lift Station #72

5.C.7 - Accepting a Right of Way Deed from Village Community Development District No. 14, for the purpose of dedicating all roadways located within Villages of Westlake Unit No. 40, Unit No. 41, Unit No. 50, Unit No. 51, Unit No. 52, Unit No. 53, and Unit No. 54 as described therein.

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

The roll call vote was:

Commissioner Christian	Yes
Commissioner Burry	Yes
Commissioner Robuck	Yes
Commissioner Connell	Yes
Mayor Pederson	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 July 11, 2022**

B. PURCHASING ITEMS:

- 1. None**

C. RESOLUTIONS:

- 1. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute Public Transportation Grant Agreement 451127-1-94-01 between the City of Leesburg and the Florida Department of Transportation (FDOT), for the purpose of obtaining funding for the Leesburg International Airport Wildlife Hazard Assessment; and providing an effective date.**

ADOPTED RESOLUTION 11,134

- 2. Resolution of the City Commission of the City of Leesburg, Florida accepting and approving a plat for Villages of West Lake Unit No. 65, a subdivision of the City of Leesburg, Florida, being a portion of Section 08, 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. 65)**

ADOPTED RESOLUTION 11,126

- 3. Resolution of the City Commission of the City of Leesburg, Florida accepting and approving a plat for Villages of West Lake Unit No. 67, a subdivision of the City of Leesburg, Florida, being a portion of Section 08, 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. 67)

ADOPTED RESOLUTION 11,127

- 4. Resolution of the City Commission of the City of Leesburg, Florida amending the Fiscal Year 2021-22 Budget for the Stormwater, Airport and Fleet Services Funds for the Third Quarter; and providing an effective date.**

ADOPTED RESOLUTION 11,128

- 5. Resolution of the City Commission of the City of Leesburg, Florida authorizing approval of the Interlocal Agreement between Lake County, Florida and the City of Leesburg regarding use of Impact Fee Trust Funds for the Leesburg Public Library; and providing an effective date.**

ADOPTED RESOLUTION 11,129

- 6. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a contract for purchase and sale and lot line deviation with Concire, Inc for real estate within the Lake Harris Shopping Center in order to accommodate the expansion of Lift Station #72; and providing an effective date.**

ADOPTED RESOLUTION 11,131

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

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

Mayor Pederson requested comments from the Commission and the audience.

Commissioner Robuck said he was the one that pulled this. This is the property for the waste station. We have no good alternative. We have to have a lift station, and it has to be expanded. However, this company Concire, Inc. is charging us the equivalent of one point six million dollars an acre for a twelve hundred square foot piece of property and that is just ridiculous. We do not have a choice so he will support it, but if this guy or company ever needs something from the city, he would encourage the city to never do him any favors. **Mayor Pederson** appreciated him pulling this and explaining this, but he came up with one point eight million, just to throw gas on that fire. **Commissioner Burry** remarked he accidentally pulled the wrong item. His comments are the same as Commissioner Robuck. There is some extortion here, because it is only twelve hundred square feet, which is a thirty by forty pad and we are paying fifty thousand dollars. The public should know what these guys are doing to us. He had a discussion with the city manager about it today, and our choices are very limited. If we do not move on with this, we will have to spend a lot more money to buy a bigger piece of property. However, we are

being taken to the cleaners for this. **CM Minner** understands where the commission is on this and it should be made public. However, we still need to do the deal even though the price is so high and included in the packet was the explanation. We need to upgrade the lift station to accommodate the growth in South Leesburg. That project is slated to be about a million dollars and that amount has been put in the FY 2022-2023 budget. It is set to be approved in September and was reviewed during the budget workshops. To make those improvements to the lift station at a cost of a million dollars, we need twelve hundred square feet in order to make that lift station bigger. If we do not get the twelve hundred square feet, we will need to look for a new site. If we have to go off and look for a new site; buy it, build a new lift station at the size we need, that million dollar project now becomes a two million dollar project. Unfortunately, we are getting a bad deal on twelve hundred square feet, but spending fifty thousand dollars saves a million dollars. **Mayor Pederson** appreciated the comments. He believed the public needed to know what was going on.

The roll call vote was:

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

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

7. **Resolution of the City Commission of the City of Leesburg, Florida accepting a Right-of-Way Deed to the City of Leesburg from Village Community Development District No. 14, for the purpose of dedicating all roadways located within Villages of West Lake Unit No. 42, Unit No. 43, Unit No. 44, Unit No. 45, and Unit No. 46 as described therein; and providing an effective date.**

ADOPTED RESOLUTION 11,132

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

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

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

The roll call vote was:

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

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

8. **Resolution of the City Commission of the City of Leesburg, Florida**

accepting a Right-of-Way Deed to the City of Leesburg from Village Community Development District No. 14, for the purpose of dedicating all roadways located within Villages of West Lake Unit No. 40, Unit No. 41, Unit No. 50, Unit No. 51, Unit No. 52, Unit No. 53, and Unit No. 54 as described therein; and providing an effective date.

ADOPTED RESOLUTION 11,130

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

A. SECOND READING OF ORDINANCES

1. WITHDRAWN BY APPLICANT

An Ordinance of the City of Leesburg, Florida, annexing certain real property consisting of approximately 0.59 acres; and being generally located on the west side of County Road 468 and north of Schoolview Street, lying in Section 21, Township 19 South, Range 24 East, Lake County, Florida; providing that said property so annexed shall be liable for its proportionate share of the existing and future indebtedness of said city; providing that such annexed property shall be subject to all laws and ordinances of said city as if all such territory had been 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 2; and providing an effective date. (Schoolview AX)

DENIED ORDINANCE 22-31

Mayor Pederson pointed out for clarity that the second reading of ordinances items one, two, and three were withdrawn by the applicant. They would still go through the readings for discussion. They would all be read at one time and combined for discussion purposes.

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

Mayor Pederson stated we could accept the withdrawal by the applicant and we also have the right to vote on this if the commission so chooses. This applicant has come before the commission a few times and we have never voted on it, but there are a lot of concerns regarding this application. **CA Grant** said the commission could combine the discussion on these items, but there would have to be separate motions for each item. He then swore in city staff and the public who wished to provide evidence for items 6.A.1, 6.A.2 and 6.A.3. **Mayor Pederson** pointed out that we had a lot of discussions on this in the past and he wanted to know where the commission stands on this. **Commissioner Burry** wanted clarification when making a motion to vote. With the outcome of that vote, how would that influence the ability for Schoolview to reapply? **CA Grant** responded there would be a one-year time period where they would not be able to apply if the commission voted to reject the application. **Mayor Pederson**

commented that if we vote to withdraw they could bring it back at the next meeting or two. **CM Minner** commented that he spoke with the city attorney about this. Just as a formality, and because it is a scheduled public hearing, it is best that the commission deal with this and vote on the matter. They should take the applicants withdrawal as they do not want to be in the city any longer. He does not think he is saying anything against the quasi-judicial proceeding, but they withdrew, so your vote should be no. That would close this matter formally and they would have to wait a year to come back. **CA Grant** mentioned that the applicant did seem to indicate they were planning to deal with the county as opposed to the city, so that seems consistent with not wanting to move forward in the city. **Mayor Pederson** thanked him for that clarification.

Commissioner Connell commented on the way he read it is that they asked for it to be withdrawn. We should vote and honor their request versus vote against it. If they decide to come back to the city because they cannot work something out with the county, they will have to wait a year. We should go with what they asked for. **Mayor Pederson** wanted to clarify about the withdrawal, they could bring it back at any time. If we vote no, they would have to wait one year. **CA Grant** stated that was correct. **Commissioner Connell** said he would recommend honoring what they requested, which is the withdrawal. If they want to come back with a modified plan, they can do that. If we vote to deny it tonight, they cannot come back for a year. They asked for it to be withdrawn and that is what we should vote on tonight. They can always come back at a later date with a modified plan if they cannot work out something with the county. **CM Minner** stated when we had these discussions at the first reading there were concerns about having six units on less than an acre. The commission expressed their concerns that this development was too dense and that it did not properly fit the code, which was the reason for the delay and the subsequent withdrawal. Now, because of the public hearing, he would say to vote on this and finish it. It does not preclude them from coming back, it only precludes them from bringing back six units on one acre. It will be up to the planning and zoning departments' discretion, as we have seen in the past, if they want to come back. They would just have to make substantial changes. As we had those discussions about what we believe the petitioner is going to find out, when he talks to the county, they will not be able to get six units per acre, as they want from the county. It will not be compliant with their code and they will need to come back to the city for water. We advised him at the last meeting that the plan would not work. Therefore, if we kill this by a no vote tonight, there is a formality and it forces them to substantially change the plan. Then, if they bring back a plan like you guys would like to see, they can come back before the six months is over. The new plan will have to accomplish what we want. **Commissioner Connell** thought it was not necessarily the six units per acre. He thought it dealt more with the concern over the parking for those units. **CM Minner** replied that all those things added up. It was the parking, the attached garages for each unit. When we do that plan in accordance with the land development regulations, we are not going to get six units. **Commissioner Christian** stated he lives the closest to this development. It would be uncomfortable for us to say we are going to permit twelve units an acre. When we talk about other parts of our city, how can we allow or even think about allowing twelve units an acre? This is six units on a half acre lot. He does not think anyone on this commission has or would vote to approve this. In fact, we even talked about three units an acre. However, now in this neighborhood we are going to say it is okay. We are going to approve twelve units an acre, which is six houses on a half acre with no garages, no parking or sidewalks. We asked the applicant and we gave them a month and a half, almost two months, to come up with a new plan. Now, we read an email that he sent to staff that says he is going to the county to see what he can do there and then maybe he will come back to the city. For him, whether he is on the commission or off the commission, he will be in the hallway telling the new commission members if you bring twelve units an acre to his neighborhood, he wants them to do it in their neighborhood. We should not be discussing this. When we talk about Sunnyside, Silver Lake, South US 27 or anywhere else in the city, he does not think any neighborhood could handle six units on a half acre lot with no garages. What are we saying to this community? It is okay because you are near a bus line. That was one of the craziest lines of defense anybody could have said. How can we expect

someone with a three-bedroom house to have only one car and then they are supposed to park it in front of their house and everybody else in that house is supposed to catch the bus? He will vote no on this today with or without the applicant being present. Withdrawing this is not an option. Let them come back with a plan and build one house or whatever on half an acre, but not six units. That is not fair to the Montclair Carver Heights Redevelopment organization. We have a CRA and it is not fair to us. We have worked hard on redevelopment and to just throw this on half an acre. **Commissioner Connell** wanted to clarify that he was not saying it was a good plan, he would have voted against it. What he is saying is he would hate to completely shut the door on them. It would lock them out without the ability to come back. If they make significant improvements, we could go that route, but he did not want to completely shut the door that could not be done with the City of Leesburg. However, he did not support the plan as drawn, the density is too high and there was not enough parking. He does not want to make it where they cannot develop something on the property. He believes in property rights and they should have an opportunity to do something. **Commissioner Christian** agrees with that, but not at six units an acre. **Commissioner Robuck** commented that he would definitely support six or more units an acre with a very different type of project. If someone wants to come with condos, apartments or townhouses with parking garages and all sorts of stuff. Absolutely bring that, but not anything like this. He agrees with Commissioner Christian's comment on the sense that six single family homes on a half acre is too much.

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

Mayor Pederson requested comments from the Commission and the audience. **Commissioner Connell** asked if we were voting to approve or withdraw? **Mayor Pederson** said he needed clarification on that because he did not make the motion. **Commissioner Robuck** stated the motion was to approve the item, it would be a yes or no for the item. He did not make a motion to withdraw. **CM Minner** remarked there was a motion on the floor to annex half an acre into the city. Based on discussions in the public hearing, he recommended if they do not like this development they should vote no. They should not bring the parcel into the city. Voting no does not preclude the developer from significantly changing the plan and bringing it back to the city. His direction, based on the vote, would be to work with the developer. If they vote yes on this and then vote no on the next two subsequent items, that hamstrings the developer because now they would be in the city. The best thing to do would be to vote no and the planning and zoning department will let the developer know how this commission voted. We would still continue the process and plan, but they would be required to substantially modify the plan to address all the concerns. **Commissioner Christian** wanted to clarify that the city prefers this to not be annexed. **CM Minner** recommended that this not be annexed. **Mayor Pederson** mentioned there were discussions about whether we should vote to withdraw or vote it down. **CA Grant** said it depends on the motion that is made. It all depends on the motion that the commissioner wants to make. **Commissioner Robuck** stated he had already made a motion and it was to approve the annexation. **CM Minner** confirmed the motion was to approve the annexation. **Commissioner Christian** asked if we do not approve the annexation, do we need to move on with the next two items? **CA Grant** answered those items would become null because the property would not be annexed. **Commissioner Robuck** stated that by doing this, it gives clarity to the county about how we feel, so they do not have to come and ask for water and utilities.

The roll call vote was:

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

One yeas, four nays, the Commission denied the ordinance.

2. WITHDRAWN BY APPLICANT

An Ordinance Amending the Comprehensive Plan of the City of Leesburg, changing the Future Land Use Designation of certain property containing approximately 0.59 acres, from Lake County Urban Medium Density to City of Leesburg Medium Density Residential for a property generally located west of County Road 468 and north of Schoolview Street, as legally described in Section 21, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date. (Schoolview Properties)

ORDINANCE 22-32 FAILED DUE TO DENIAL OF THE ANNEXATION

3. WITHDRAWN BY APPLICANT

An Ordinance of the City of Leesburg, Florida, rezoning approximately 0.59 +/- acres from Lake County RP (Residential Professional) to City of Leesburg SPUD (Small Planned Unit Development) to allow for residential development for a property generally located west of County Road 468 and north of Schoolview Street, as legally described in Section 21, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date. (Schoolview Properties)

ORDINANCE 22-33 FAILED DUE TO DENIAL OF THE ANNEXATION

B. FIRST READING OF ORDINANCES

- 1. An Ordinance of the City of Leesburg, Florida modifying the existing zoning of PUD (Planned Unit Development) on approximately 214.84 acres, for a property generally located east and west of U.S. Highway 27 and north of Florida's Turnpike, as legally described in Section 01, Township 21 South, Range 24 East, and Section 06, Township 21 South, Range 25 East, Lake County, Florida; and providing an effective date. (Lyden-Nicholson)**

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

Mayor Pederson requested comments from the Commission and the audience.

Commissioner Burry said he was very happy to see interest in the property. He requested that we alter the PUD to include the road clauses that we have been putting in all the other PUDs along with the darksky lighting and trees. **Commissioner Robuck** asked that we add all the prohibited uses. We have the permitted uses that include a bunch of commercial, but no prohibited uses. It does have a language about it, but they are not specifically listed. He would like everything listed out very clearly, so nobody can

come back and say we did not say that. **Mayor Pederson** stated this item would lay over.

2. **An Ordinance of the City of Leesburg, Florida changing the zoning on approximately 32.86 +/- acres from City of Leesburg PUD (Planned Unit Development) to City of Leesburg PUD (Planned Unit Development) to replace 208 townhouses with 83 detached single family residential units for a property generally located north of Sunnyside Drive and west of Fern Drive, as legally described in Section 30, Township 19 South, Range 25 East, Lake County, Florida; and providing an effective date. (Sunnyside Oaks)**

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

Mayor Pederson requested comments from the Commission and the audience.

Commissioner Burry questioned the entrance to Sunnyside. He had a few people asking where that would be. Are they going to make the three-way into a four-way or how is that going to be handled? **PZD Miller** said he heard discussion about that, but the answer would have to come from Lake County Public Works because these are Lake County roads. However, the city staff does not have a problem with roundabouts from a planning and zoning standpoint. We could talk to the Lake County Public Works and get their take on it for you. **Commissioner Burry** replied that the road is kind of like a roundabout now. Few people stop. **Commissioner Robuck** questioned if the decision was completely up to the county on that or if we could put a preference in the PUD. If we mentioned a preference to the county, do you think that would matter or can we add something to the PUD? **PZD Miller** responded from that standpoint, because we have no legal authority over the roads, we would need to be careful. We could put something in there that says what the city would prefer to see, but he does not know if that language would be legally binding.

Mayor Pederson stated this item would lay over.

3. **An Ordinance of the City of Leesburg, Florida annexing certain real property consisting of approximately 9.74 +/- acres; and being generally located east of Sleepy Hollow Road and north of Sunnyside Drive, lying in Section 29, Township 19 South, Range 25 East, Lake County, Florida; providing that said property so annexed shall be liable for its proportionate share of the existing and future indebtedness of said city; providing that such annexed property shall be subject to all laws and ordinances of said city as if all such territory had been a part of the City of Leesburg at the time of passage and approval of said laws and ordinances; providing that such annexed territory shall be placed in City Commission District 1; and providing an effective date. (Frazier's Sleepy Hollow)**

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

Mayor Pederson requested comments from the Commission and the audience.

Commissioner Burry commented that this property lies north of the east-west transfer of Sunnyside. He

does not know if the property owner has any disagreements with it dating back to the 2004 agreement between the county, the city and the property owners. Other than that, he thinks this is a good project. **Mayor Pederson** thanked him for clarifying that and stated this item would also lay over.

4. **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 9.74 +/- acres from Lake County Rural Transition to City of Leesburg Estate Residential, for a property generally located east of Sleepy Hollow Road and north of Sunnyside Drive as legally described in Section 29, Township 19 South, Range 25 East, Lake County, Florida; and providing an effective date. (Frazier's Sleepy Hollow SSCP)**

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

Mayor Pederson requested comments from the Commission and the audience.

Max Parker, 7822 Silver Drive, Leesburg, asked where this property was located north of Sunnyside. He wondered if there was a map for this? **Mayor Pederson** responded that there was a map available in the packet on the city's website. **CM Minner** referred to the map in the packet that showed where it was located. **Mayor Pederson** stated this item would lay over.

5. **An Ordinance of the City of Leesburg, Florida changing the zoning on approximately 9.74 +/- acres from Lake County R-1 (Rural Residential) to City of Leesburg PUD (Planned Unit Development) to allow a single-family residential development for a property generally located east of Sleepy Hollow Road and north of Sunnyside Drive, as legally described in Section 29, Township 19 South, Range 25 East, Lake County, Florida; and providing an effective date. (Frazier's Sleepy Hollow)**

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

Mayor Pederson requested comments from the Commission and the audience. There being none, he stated this item would lay over.

6. **An Ordinance of the City of Leesburg, Florida changing the zoning on approximately 280 +/- acres for a property generally located south of Florida's Turnpike and east of County Road 33, lying in Sections 34 and 35, Township 20 South, Range 24 East, Lake County, Florida; and providing an effective date. (Battaglia)**

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

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

stated this item would lay over.

7. **An Ordinance of the City Commission of the City of Leesburg, Florida providing for amendments of the City Charter; amending Article I, Section 5 relating to Powers of the City; providing requisite ballot language for submission to electors; providing for severability; providing for inclusion in the Charter; providing for conflict; and providing an effective date.**

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

Mayor Pederson requested comments from the Commission and the audience.

Commissioner Connell stated he would have liked to have seen this item come up as a discussion item. He was a bit blindsided by this when he saw it on the agenda. He does not feel that he has had enough time to gather the information needed to compare the pros and cons of doing this. He would like to postpone this item for further discussion, possibly even a workshop. Anytime we propose a change to the charter, that is a big deal, so to randomly put it on the agenda without any discussion or without looking at the pros and cons of doing this is a bit premature. He would like to see further discussion, so he has time to look at both sides to see which way looks best. We could have the first reading, but he would like to postpone the second reading until there is further discussion on it. **CA Grant** said they could do that and the first reading is tonight. This item could be continued until another time, depending on what the commission refers to. **Commissioner Robuck** pointed out that this item being on the agenda this quickly was his fault. This is all based on getting it on the ballot. If we postpone the first reading, he is not sure it would allow enough time to get it on the ballot or if we hold off on the second reading. **CM Minner** stated he has spoken with most of the commissioners individually about this and he wanted to share those discussions. Obviously, the discussion has been the same with all the commissioners. As he prepared for this and with no disrespect to Commissioner Robuck because this is his swansong before he leaves the commission. However, almost eight years ago, he approached him about the concept of a utility authority. The purpose of the utility authority was to better monitor the cash flow, the transfers and operations of the enterprise fund. We endeavored to put together an enterprise authority and we created some broader strokes of how they would function in reviewing the budget and those types of things. We put some advertisements out with hopes of getting folks on the utility authority. Nonetheless, we did not get a lot of interest from folks who wanted to serve on that committee. Now, time has passed and we have a functional board by ordinance. The utility authority is supposed to review our enterprise funds, but we have not practiced that. He would take responsibility for that because the utility authority concept is not favorable to the city commission. He thinks that is because we have a commission manager form of government and this commission, since inception, has managed the utilities. We have had some ups and downs through the years, but this commission has done an excellent job of managing the enterprise funds. With this commission being the ultimate body, there are questions about additional reviews that are repetitive and where the ultimate authority lies with this body on how you manage those funds. He has had discussions with Commissioner Robuck and he also approached him on Thursday last week at the FMPA Conference and he did not digress too much. He believes Commissioner Robuck's response "was okay. I get it. I see what you are saying about the utility authorities, but I am leaving the commission." He wants to do something that ensures the utilities are handled in the way they have been handled over the past eight years. He asked what would happen if the community mismanaged or if this body mismanaged the utilities to the point where an investor or other utility association may want to come in and try to buy our utilities. We have seen it happen across the state from time to time. At this time, it is volatile. Gas prices are spiking. We saw the notice that was sent out today and the projection is

still low. We projected it to bump so we bumped the BPCA power cost adjustment up to twenty five dollars per thousand because three weeks ago we thought power costs were going to be in the hundred dollar megawatt range. Now, the cost came through in July and one hundred dollars was blown away by one hundred and twenty dollars, all based on gas prices. We reacted quickly and August power cost adjustments went up fifty dollars. We are at a volatile time right now and it is not of our doing, it is the circumstances of the natural gas industry. Natural gas runs the power wholesale and it runs the power generation in this state. It is not just the City of Leesburg municipal utilities, our co-op utilities and our investor-owned friends, we are all suffering from these spikes. Another dynamic thing happening in our community is that we have massive growth occurring in our city. We see it along CR 44 and the Radio Road corridor. We also have it at the south end of our city, along the US 27 corridor south of Commissioner Connell's neighborhood, which is a Duke and SECO territory. Right now, our composite, especially the electric fund, of in-city versus out-of-city residents, is about fifty-five to sixty percent. That means fifty-five to sixty percent of our electric customers are in the city limits. That is a high number for municipal utilities, but that number will start to shrink as our city keeps growing. He can foresee that percentage going below fifty percent. We have Whispering Hills, Lyden Nichols and a lot of the other big subdivisions coming, including The Villages. When these subdivisions develop, we will have a significant number of city residents who are not on our utility system. That could leave future commissioners of this legislative body questioning why we need this, and why this is an important thing? Now, those commissioners will be dealing with our finances and they will deal with rate control issues, but at the end of the day it may not be a benefactor of the great things that come with Leesburg electric, which is local control and local ownership. When it comes to hurricanes, emergency response times, and controlling how we do it and how quickly we respond to things, that is the area where municipal utilities are the best. We saw that in the hurricane season when Leesburg electric was back up and running and Duke was not. It was back when Commissioner Dennison was still on the commission. There was a two to three weeks of lag time after that hurricane. **Commissioner Connell** stated that it was Hurricane Irma. **CM Minner** continued to say the control issues are significant and the principle behind the referendum is that we want to make it hard to sell our enterprise funds. We do that by embedding something in the charter by charter amendment. It is a two-step process of an ordinance and a vote of the people. For example, when we did the districts, we did that by charter amendment and we had a vote of the people. We established that by an ordinance that was passed by a majority vote of the commission, it then went on the ballot to a majority vote of the electors. That is the process for changing the charter. It makes it harder to sell the utility because it is embedded in the charter. The utilities can not be sold unless you climb hurdles, which is what this would do. The first thing this would do is put a hurdle into selling the system by making it a charter issue. It would make it harder because it would not be a three-vote majority from the city commission, it would require a four-vote majority to even ask the electors the question. Now, in the future, we may have three commissioners who are on the system and two that are not. That could be how the commission is ten or fifteen years from now, so we need to make it a four commission yes vote in order to ask the question. Then, if it does get a four out of five vote from the city commission, it would need a two-thirds vote of the electors to say yes. It would not be a simple majority. It will make it harder to sell the systems.

The enterprise fund systems are the electric fund, the water fund, the sewer fund and the gas fund. Those are the systems that we control. We need to protect these systems, especially the gas side, because if we did all our work right in the last eight years, that cash flow will come from the gas system. We will have extra money coming back to re-invest in the core of Leesburg. We want to protect that from a whim or an outside agency who may have different goals and perspectives on different financial strategies than we do. We need to keep future commissions from selling our utility. Our utilities return capital when we want them to return capital and that is a very important statement. We only want them to return capital to the city after we have been a utility first. That means we make sure our rates are in the right spot, our systems are in the right spot and our inside and outside customers are taken care of. We also need to

make sure we have competitive rates and when all those things are done, that is when we can have party money. Right now, we see that in the gas fund and he hopes to see it again. We do not see that much in the water and sewer funds other than the transfer issues, but hopefully we will see it again in the gas fund. The future will tell us, but we are seeing it right now. He does not think we will see that in the electric fund, because when the electric system was created, we were getting wholesale and we made our own energy, then we got wholesale deals, but that was back in the glory days of the 70's through the 90's, when we were able to buy power for forty dollars a megawatt. Those days are gone and they are never coming back. That all stopped in February of 2001 during the "all requirements project" which this city is a member of, when everybody bought gas for one or two dollars a deck a therm and then over night it went to fifteen dollars. Then we had the hedging and the economy crashed and there was global chaos. We saw numbers go from fifty dollars a megawatt to seventy up to ninety dollars. Well, now we are back in that timeframe. There is a real concern that we have to be a utility first. Utilities are not just about providing us with reserve monies or transfer monies, especially on the electric side, it is the service part of that. It is how we manage the system, it is how we respond and control it. We do not want to give that up. We need to protect that from potential citizens who might not be a benefactor of those who may be intrigued by the cash. Another thing the referendum does is it says we know we need to be competitive in electric, it says to keep the transfer from the electric fund to the general fund, which we do in all of our funds, at six percent. Our current policy right now is ten percent and we have imposed six percent on ourselves. We do not think electric was ever ten percent. He knows it was in the mid-nines or so, but we whittled that down from nine percent to six percent and that is where we are now. In the next part of the referendum, we are asking that it stay at six percent because six is the universal franchise number. If you are not a municipal electric utility, you have a franchise agreement with your electric provider, which is a co-op, potentially another city or an investor in a utility, so you will have a franchise agreement with them because providing electricity is a municipal service. It is our right to provide that by Florida statutes in exchange for them using our municipal service in our right-of-way. They have to pay us a franchise fee. We have a franchise fee in place with two other utilities; SECO and Duke. For those customers that reside within the city limits that we do not serve, which is not within our recognized territorial limits, the best thing we can do is to stay competitive and show our customers by charter amendment that we will not transfer more than six percent of total revenues. Now, the secret to total revenues is that we have some wiggle room for whoever is sitting in these chairs later. We had a discussion a couple of weeks ago regarding gross revenues and net revenues and we were dealing with net revenues which reduces the six percent even more. So, honestly, depending on total volume, we have somewhere between a quarter and a half a million dollars of wiggle room and that is sufficient. We purposely have some wiggle room in the total revenues. However, we do not want the intrusion of having to fend off people who would want to sell the utility and we want to show our customers that we want to be super competitive while keeping the electric fund transfer at six percent. That was the conversation he had with Commissioner Robuck and he acted quickly. The referendum question only comes with special elections and we have the primary election August 23rd and the general election November 8th. To get this question on the ballot we have to move quickly. It has to be at the Supervisor of Elections office by August 25th. That is why he lit up the city attorney and he told him he needed an ordinance like tomorrow and here it is. That is why it is on the agenda so quickly. These are things that should be widely accepted by the city and widely accepted by the commission. We will have time to discuss it in this forum. He cannot say anything as far as data, because the only other city that has done something like this is a utility authority in Key West. They made a charter amendment to their community which makes it harder to sell their utilities. There have been some communities who have flirted with it. It is not a bleeding edge. It is a bit of a different animal. The city attorney and himself had a conversation with Jody Finklea from FMPA. He is the general counsel there who, when we posed the idea to him, he jumped out of his chair with excitement because our electric advisors like to see communities do things to protect their electric funds from crazy spending and we have to be competitive.

That is the gist behind all of this. He can work with any commissioner on whatever data they need. Frankly, he would not recommend postponing this because the 22nd would make it too tight. On August 8th we need to get this done and run it down to the Supervisor of Elections because the deadline is the 25th. He would not want the city clerk running down there on the 23rd asking to get it in because that cuts it too close. He thinks it is an easy question and he would be happy to work with anybody on what they need. The conversations he had with FMPA show we have their support and there has really only been one or two communities who have done this. It is super critically important that we protect the systems and maintain our competitiveness. It will show at this time to our customers that even though our prices are going up, those are things that are out of our control, so we are doing things to protect our ratepayers who are both in and outside the city limits. **Mayor Pederson** agreed that we need to move this along. This is the first reading and we can discuss it tonight. He complimented both the city manager and Commissioner Robuck for bringing this forward and moving it. He asked if we were tying our hands with the six percent? **CM Minner** answered yes, we are tying our financial hands and we are doing that on purpose. Historically, we have been up around eight and it has ticked up above eight, but it dropped back down. We have been at six for about the last three fiscal years. Ever since he has been here, we have trimmed the transfers little by little to get to the goal of being a municipal utility that has a six percent transfer to match a non-electric utility or a non-municipal electric utility city that has a six percent franchise fee. **Commissioner Robuck** commented that there is one other way that, outside of the transfer, the electric helps and that is through the cost allocated to the departments and there is a real cost. Obviously, a large part of the city manager's time goes to electric because it is the biggest revenue line and a big part of IT, but it allows us to have a level of service throughout the city that we would not be able to afford without the utilities. If we were to get rid of utilities, we would have to cut staff, the lineworkers and the support staff. There would be a thirty percent reduction if we did not have the utilities. That is a big number. We are able to provide better customer service throughout the city because of the utilities. When the electric transfer was in that nine range, there were political consultants contacting people in Leesburg about launching campaigns to have the utility sold just as they did in Vero Beach. When City Manager Minner came aboard, he started reducing that number and their attention was no longer on Leesburg, and that was an odd thing. So, if you are an investor in utilities like Duke or Florida Power, you are not allowed to raise your rates like we do, you will have to go to the Public Service Commission and the only way you are allowed to raise your rates is you have to get a guaranteed return on your assets. The best way to make more money is to overpay for assets. They paid way over what they should have for Vero Beach and they are adding that to the bill. It was added to the rates and now the people in Vero Beach who thought they would have cheaper electricity ended up paying more, as does everyone else in Florida because of that. In fact, the FMPA and the all requirements project is closing a deal on some gas power plants that came available for sale and they are paying about twenty percent of what they are worth and that is because the investor and utilities do not want discounted power facilities. They only want to build new facilities even though it does the exact same thing. They all come in and do some weird things. **Mayor Pederson** asked if he was okay with the six percent. **Commissioner Robuck** replied he was. Even though he would love to have some more, it is where you have to be to protect yourself. **Commissioner Burry** inquired when it was at nine was that irresponsible spending on our part? **Commissioner Robuck** answered that at that time we had the second highest electric rate in the State of Florida. **CM Minner** said he was hired in December of 2013. The previous year, the commission had approved a three-year fifteen percent rate increase, that went in five percent increments each year. He thinks at the time we measured it per thousand. We went from one thirty-two to one thirty-eight to one forty-two in the fourth year. The first year he was here, we approved the increase to one thirty-eight and we stayed there for a little bit. We worked it down from one thirty-eight all the way to one o-three. Then a couple of years ago, we started giving back power cost monies and power cost adjustments. That year the cost was about sixty-five dollars a megawatt and it was so super competitive. Then, as the price slowly leaked back up, we started running out of the power cost adjustment money like we thought we would because we were holding nine million and we wanted to stay around three, so we

started giving it back. Now, today we are back to one twenty five or one twenty seven. Come August we will be up about one fifty-two and that is higher than we have ever been. When we were headed to one forty-two, that was the highest rate. One fifty two is going to be about equivalent to Duke, but next month we also have DUKE and FPL before the Public Service Commission looking for a rate increase, which they will probably get due to the economy and the gas world. That is the condition it is in and everybody will be seeing that. Even at one fifty, the unfortunate thing is we will still be competitive, and that is the reason why we provided those slides during the workshops. We want to see what Duke, Mount Dora and SECO are doing and even at that number we are going to be competitive. Now, there will be other utilities that go beyond that, but we will not know the fallout until the fall because that is when all this is disclosed. At that time we will compare, but even with the fifty dollars on the power cost adjustment, it will be pretty tight, meaning competitive. It will be important to watch the six percent as we get tight on the other end. That is why we have done stuff on the general fund side to get that fund independent so that taxes and other fees start paying their share. We do not want the enterprise funds, and with no disrespect to the fire and police, because fire and police are sixty-five percent of the general fund, but we do not want the enterprise fund paying for fire and police services. However, we have done a great job because we have made advancements in our emergency services with our collective bargaining agreements. We have become more competitive with their pay and we have brought in a couple more officers. We do go up and down, but all the while we have lowered our transfers. It will not be easy to put out a charter amendment that says six percent, but it is the right fiduciary responsibility to show that rate to our customers. Especially the outside-rate customers, because as the environment becomes more competitive, and depending on where everything goes, when we get more non-electric customers who are residents of Leesburg, we will be managed. Territories are going away and everyone is fighting the fight. The only way to remain competitive in the regulated utility world is for those investors who invest in utilities will need more customers. When they want more customers and when they want to expand their portfolio, they will pick off the municipal utilities that are not competitive. They will wine and dine commissioners. They will say we do not know the business. We saw that with gas, but when we went into that battle with TECO over gas and the theme of that at the Public Service Commission was that Leesburg did not know what they were doing. However, we showed the Public Service Commission that we have been in the business longer than TECO and that we do have a better safety record and we do know the business. Municipal utilities started electrification and those people who are not in the industry do not know that and this community needs to protect that. The coming years will be volatile because the dog is not sleeping. Actually, the dog is out running around. He is not even near his dog's house, but when he comes back, we need to be ready. We have to have the rules changed. **Commissioner Robuck** said he knows where it would come from because he was one of those people that was pushing to raise our electric rates before he was on the Commission. As Commissioner Christian probably remembers, it was between 2010 and 2012 and we were still very much in recession here in Central Florida. The city was struggling for property tax revenues and we had already cut and cut again. The idea was that we needed to raise a little more revenue, so they were floating a property tax increase. Now, people like him who own a business said, whoa, my business is struggling and we do not have a homestead extension on a business. If you are going to raise my property tax, that is going to cost a lot of money, so why don't you just raise the utilities a little bit because that will hit everyone. Then, supporting the business position, we have everyone like Duke who comes in and says, raise the electric rates. Do not raise the property tax rates. So, the next time we have a recession, that is where it will come from. His concern is that it will be a lot worse, because we will have a lot more people who are paying property taxes, but do not have an electric bill from the City of Leesburg. It is well-meaning, but it would be the natural thing to do is to ask us to raise it. That is where all this came from. **Mayor Pederson** thanked them both for the clarification. **Commissioner Christian** commended Commissioner Robuck because he has been very consistent for eight years on lowering electric rates. He is right on point, because between 2008 and 2010 we had business owners who basically said people who do not own houses would not get hit by raising their property taxes. Leesburg has been blessed because we have been able to

transfer six or seven percent from utilities to keep our property taxes low. If you look at our property taxes, we are really low compared to Mascotte or other cities. We will have to do a balancing act when we get a whole lot of people in the south end of the county. They will fill up this room asking why their rates are high and what are we going to do about it. Then we may get an investor who says we will give you ninety million dollars and that would give Leesburg a lot of cash. There could be three commissioners who say, oh yeah, that is a great idea. We do not have to worry about the electric and all this other stuff. Let's give it to them. This is a good idea to explore and the city manager can get with any commissioner who has questions. Plus, we still have the second reading and we can talk more there and get more educated, but this is something that we need to protect. The pressure would come because when Vero Beach was going through their scenario it became political and one of the state reps was pushing and leading the fight. It even came out of the community. They even had the state pushing and, of course, people started talking about millions of dollars. Then you get a headache. Remember what we went through with the Smartgrid where everybody in the community was complaining and fussing saying to get rid of it. No matter what we talk about, whether it is a light bill for five hundred dollars, the average resident is going to care less. They do not care about the kilowatts, with one thirty-five, they do not care to be compared to Mount Dora or Duke. They just care about their electric bill being five hundred dollars and what we are going to do about it. What we are doing is good, and if we need the city manager to give any further explanations, he can do that. We just need to make sure we are competitive. They do not care, they just want to know what is coming out of their pocket at the first of the month. Our charge is to see and make sure that we are competitive and that we keep rates as low as possible while maintaining a great productive city. He applauded Commissioner Robuck. This is your swansong, you go off to conferences and come back with these great ideas. That is it. **Mayor Pederson** thanked everyone for their comments. He asked for any further comments. There being none, he stated the second reading would be August 8th.

C. NON-ROUTINE ITEMS

- 1. Resolution of the City of Leesburg, Florida authorizing the issuance of the City's not to exceed \$30,000,000 Utility System Revenue Bond, Series 2022 for the purpose of financing the costs of the Acquisition, Construction and Equipping of the Construction of a Wastewater Treatment Facility and other Capital Projects of the Utility System and pay costs of issuance for such bond; authorizing the Mayor, Mayor Pro-Tem, City Manager or Finance Director to award the sale of such bonds to Truist Bank, in accordance with certain parameters set forth herein; approving the form and authorizing the execution and delivery of a loan agreement to secure the repayment of said 2022 bond; providing for the payment of such 2022 bond from the pledged revenues of the City's Water, Sewer and Gas systems on parity with certain existing city utility system debt, all as provided in the loan agreement; approving the form and authorizing the execution and delivery of an allonge to its Utility System Revenue Refunding Note, Series 2010 originally purchased by Truist Bank (Successor to SunTrust Bank); authorizing the proper officials of the City to do any other additional things deemed necessary or advisable in connection with the execution of the loan agreement, such 2022 Bond, and the security therefor; authorizing the execution and delivery of documents in connection with said loan; providing for severability and other matters in regard thereto; and providing an effective date.**

ADOPTED RESOLUTION 11,133

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

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

Mayor Pederson requested comments from the Commission and the audience.

Commissioner Burry commented that he called the city manager earlier and he had some enlightening comments and he thinks it would be good information for the public. Two years ago, he was in the audience and the commission talked about going from two mgd to four mgd. There was also a discussion about going from two mgd to six mgd. The conversation had a lot of conversation about being conservative and what would happen if we did not need the six mgd. It was decided to go with four mgd. Now, tonight we are looking at another increment and he asked the city manager the question of whether we should look at eight mgd instead of six mgd. We had a conversation about who would end up paying for the freight. He thought it was germane to at least discuss the possibility. **CM Minner** said that the predicament we are in is that we have major growth in the south. We have a non-related contractual relationship with The Villages and these things did not come in a fashion where we could tackle them all at once. We endeavored and we went off and we made a deal with The Villages to bring in three mgd of their wastewater. In 2000, when we thought we were going to get a lot of growth and development, we built a big giant wastewater treatment facility, which was the heart of the commissioner's question. Right after we did that, the economy dropped and we did not have the housing and the growth that we anticipated filling that up. The existing ratepayers then paid the bonds that were on that plant. So, fifteen years after everything crashed, we have this three and a half million gallon plant with one mgd in it. We have now partnered with The Villages. At that point, we asked ourselves the question when we should expand this one-point-five mgd, and should we go up to five or six. We talked about that in 2018. The bottomline is that it was a super hard decision because we felt with our current growth that we would have some wiggle room. That once the load from The Villages would come in, we would not be at eighty percent of the nameplate, four point five capacity. We thought we would have some time to figure it out. Well, that was in 2018. Since then, we issued some debt in 2020 and now we are in 2022. In those four years, we have gone from a thousand units, which is a couple of subdivisions, to having twenty-seven subdivisions, so now we are looking at thirty thousand. We could argue whether it is 27 or 30, but right now we have enough platted units or approved units that we are going to double the size of the city. When that actually happens, we do not know. However, our new growth projections for wastewater treatment say we are going to need six mgd by 2031. Basically, by the time The Villages fill up, we will already be at eighty percent of the nameplate capacity of the plant. When we hit eighty percent of the nameplate capacity of the plant, we have to start building. So, now we are asking ourselves the same question that we did back in 2018. Do we need to build bigger than what we have on the table and the honest answer is that we do not know. The professional answer is we do the conservative thing and we do the right thing, which is what we can afford. We do not want to start building a lot of capacity that the current ratepayers have to pay for. It will sit empty waiting for houses that may or may not be built. We could go out and get eighty million instead of thirty million dollars. We could look at sixty million dollars. So, instead of a two point two million dollar annual debt payment, we would be looking at four and a half to five million dollars that the sewer fund cannot afford. The things that we know are that we have a lot of houses on the books and it seems that a lot of them will be built. We have been clipping at seventy houses a month for single-family residential permits issued, which is the biggest we have ever been and we have sustained that for the last six to nine months. Now, will it continue probably, and some of the things helping that is Commissioner Robucks company because he cannot sell roofs, doors, or

windows that fast. That is probably helping us and artificially keeping growth from really growing. Long story short, what the six million level does is it gets us a little bit of extra capacity. It is affordable and it kicks the can down the road. Probably somewhere around 2030. It gives us an eight-year window where we can breathe a little bit. In 2025, we will be at eighty capacity, so now we have to start building. He does not think we should build beyond six, because then we start building too much capacity. We would make existing rate payers pay the debt proceeds and we would have to raise rates. We also cannot guarantee that additional. We may be sitting at fifty percent capacity if we stop around four mgd. What we can assume is that The Villages will grow and we will hit four mgd by 2025. Once we hit that number, that is when we will have to expand. When we get to 2025, we will have a three-year window to see our side and if we need to start filling up our side of the plant. If we do, we have time to think about how we should do it. We will start seeing impact fees coming in, so all the other houses, like Whispering Hills and the ones that were approved before, those twenty-seven thousand houses that are sitting out there, half of them are not Village houses. If we multiply that number by two thousand eight hundred, that is your sewer impact fee money that is waiting to be collected. That number will help get us from six to eight. He does not think the system and the number will support anything more than six right now. Having said that, he said very confidently that we can afford this number. The projections are already in the fiscal year 2022-23 budget, so we have already crunched those numbers and we will continue to do that. As long as those trends are there, we will easily cover this. He thinks when the bond council went out they saw our trends, they saw our numbers and we know interest rates went up recently, but we still got a competitive interest rate. We are 3.37%, which is super good right now. At two point two million a year we are right in that envelope. We know we have the cash flow to cover. **Mayor Pederson** asked if we were pulling all the money down at one time. **FD Williams** replied yes. **CM Minner** commented that we are about two years into this. We are looking at starting construction in October of this year and it would take about eighteen months. We would be looking at mid 2024 when we are at six mgd. That is when we would start repaying the entire full number. **Commissioner Robuck** jokingly commented that the public works director needed enough time for everyone to forget his jokes from the last one. He questioned the impact fees. Have we looked at those lately? He knows the costs have gone way up since we first started talking about building this. He thinks we have to do studies or something to change the fees since it has been a long time. We might want to revisit it at that twenty-eight hundred number. **CM Minner** answered that he thinks twenty-eight is low. **Commissioner Robuck** said he hates raising fees, but he knows construction costs on everything are going crazy. **CM Minner** said the numbers today, a million gallons, cost us thirty million bucks. If we have thirty thousand houses on the books and half of those are in The Villages, that is fifteen thousand homes. So, that is fifteen thousand times twenty-eight hundred. That would be forty-two million dollars not being collected. That is a good chunk at the next rate, but we can go do a study on the impact fees. He would bet lunch that we would probably need to go up at least twenty-five percent. **Commissioner Robuck** remarked that would be doable. He has seen municipalities go out and hire firms. Those firms will give you whatever you want, and tell you what you want to hear to cover what they want to do. He does not want to see us raise the fee by three hundred percent because we think we need to cover the entire thing at one time. We are also getting revenues, but the twenty-eight hundred seems low. That is twenty-five percent. **CM Minner** said he thinks what we could do if the commission wants, is look at our existing costs on this expansion for the upgrade from three to four and a half. We will compare it with the next jump to six and we can put that cost in the hopper. We could put a reasonable inflation number in it and divide it by the number of houses on the books. That would be the impact fee with some reduction in numbers there, because we know that is going to grow. That will get us about twenty five to thirty percent. **Commissioner Robuck** said to go from twenty-eight hundred we are talking about another seven hundred and fifty dollars. That will not be the difference in building or not building these houses, but it is substantial in terms of making sure we have capacity so they can be built in the first place. **Mayor Pederson** asked about the agreement with The Villages. Do we have the right to adjust rates as needed? **CM Minner** answered yes, the simple sentence in the agreement is their rate is adjusted as we adjust all our other rate users.

The roll call vote was:

Commissioner Christian	Yes
Commissioner Burry	Yes
Commissioner Robuck	Yes
Commissioner Connell	Yes
Mayor Pederson	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 May 2022

Mayor Pederson asked if there were any comments from the commission. There were none.

8. CITY ATTORNEY ITEMS:

CA Watson commented that the closed session, the attorney client session is coming up. He wanted to remind everybody that his firm has a conflict so he would not be able to stick around for that meeting. He reminded everybody attending the meeting that there would be a court reporter present and that all discussion would be recorded and transcribed as a public record. The subject matter is settlement discussions and strategy sessions related to litigation expenditures. He would not be there, but he would be happy to stick around until the session was over. He could come back in and close down the meeting and answer any questions. **Mayor Pedesron** said the commission appreciates the offer, but they could talk about it at a later date. **CA Watson** informed the commission that he would be attending the municipal attorneys conference later this week and he will be out a couple of days. He will share updates when he returns.

9. CITY MANAGER ITEMS:

CM Minner stated he wanted to formalize the Art Committee. About a month ago, we endeavored, collected and put together an Art Committee. Everybody was supposed to come up with appointments for that committee. Just for formality purposes, he spoke to each commissioner individually and he wanted to publicly recognize who was being appointed. Maria Stefanovic has already talked with him about having a meeting on some issues that are pending. Commissioner Robuck, appoints Danielle Strode; Commissioner Burry, Semeion Richardson; Commissioner Christian, Vonda Parker; Commissioner Connell, Darel Craine; and Mayor Pederson, Vicki Murphy. This should be the Art Committee. He offered the commission chambers to the Art Committee for their meetings and the services of the city clerk to advertise for the public meetings, along with taking and keeping the minutes for records. Maria would work through him and the city clerk to keep everything running according to standards.

10. ROLL CALL:

Commissioner Christian stated every year there is an issue with the hotel on the boulevard, the old Stay and Safe. It looked like they started some work and then it stopped. Do we have any updates on that? **CM Minner** said he would have to get back to him on that.

Commissioner Burry had no comment.

Commissioner Robuck had no further comment.

Commissioner Connell had no comment.

Mayor Pederson had no comment.

11. SUSPEND REGULAR MEETING

Mayor Pederson suspended the regular meeting at 7:00 p.m. to move into the closed attorney client session. He stated the average time for the meeting would be about forty-five minutes. He announced the attendees who were allowed to stay for that meeting.

12. OPEN the CLOSED ATTORNEY-CLIENT SESSION

13. EXIT all BUT THE FOLLOWING INDIVIDUALS:

A. Mike Pederson - Jimmy Burry - John Christian - Jay Connell - Dan Robuck, III - Mark Brionez - Stephanie Brionez - John Metcalf - Al Minner - Court Reporter

14. END CLOSED SESSION AND REOPEN COMMISSION MEETING

The closed attorney client session closed at 8:07 p.m. and the Commission meeting was reopened.

15. ADJOURN:

The commission meeting adjourned at 8:07 p.m.

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 5.C.1.

Meeting Date: August 8, 2022

From: Travis Rima, (Recreation Director)

Subject: Resolution of the City Commission of the City of Leesburg, Florida, authorizing the Leesburg Parks and Recreation Department to apply for, and if awarded, accept a Capital Improvement Grant for the Susan Street Sports Complex project from Lake County Tourism Development Council; and providing an effective date.

Staff Recommendation:

Staff recommends applying and accepting, if awarded, the Capital Improvement Grant from Lake County TDC.

Analysis:

The purpose of this grant application is to apply for a \$1,000,000 capital improvement grant for the improvements at the Susan Street Sports Complex.

Procurement Analysis:

N/A

Options:

1. Approve the application and acceptance, if approved, of the Lake County TDC Capital Improvement grant; or
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact:

Additional \$1,000,000 for the Susan Street Sports Complex project.
Account No. 031-0000-337-4300

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG,
FLORIDA, AUTHORIZING THE LEESBURG PARKS AND RECREATION
DEPARTMENT TO APPLY FOR, AND IF AWARDED, ACCEPT A CAPITAL
IMPROVEMENT GRANT FOR THE SUSAN STREET SPORTS COMPLEX
PROJECT FROM LAKE COUNTY TOURISM DEVELOPMENT COUNCIL;
AND PROVIDING AN EFFECTIVE DATE.**

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

THAT the Mayor and City Clerk are hereby authorized to execute an agreement with Lake County Tourism Development Council / Lake County Board of County Commissioners, whose address is 315 W Main St. #3813, Tavares, FL 32778, for application and acceptance of the Lake County TDC Capital Improvement Grant.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held on the 8th day of August 2022.

Mayor

ATTEST:

City Clerk

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 5.C.2.

Meeting Date: August 8, 2022

From: Lucy Gangone, (Library Director)

Subject: Resolution of the City Commission of the City of Leesburg, Florida, appointing one member to the Library Advisory Board for a five-year term, said term ending September 30, 2027; and providing an effective date.

Staff Recommendation:

Staff recommends the appointment of one member to the Library Advisory Board for a term of five years, said term ending September 30, 2027. The position was advertised, as required.

Analysis:

Elizabeth Boast has applied to be a member of the Library Advisory Board. Elizabeth served as the Treasurer of the Friends of the Leesburg Library from 2010 - 2015, is a longstanding member of the Friends of the Leesburg Library, and volunteered in the Friends' Bookstore for many years. She resides in Hawthorne at Leesburg, where she also served on the Board of Directors.

Procurement Analysis:

N/A

Options:

1. Appoint the applicant, Elizabeth Boast, to the Library Advisory Board;
2. Appoint another candidate of the Commission's own choosing; or
3. Such alternative action as the Commission may deem appropriate.

Fiscal Impact:

There is no fiscal impact.

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG,
FLORIDA, APPOINTING ONE MEMBER TO THE LIBRARY ADVISORY
BOARD FOR A FIVE-YEAR TERM, SAID TERM ENDING SEPTEMBER 30,
2027; AND PROVIDING AN EFFECTIVE DATE.**

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

THAT the City Commission of the City of Leesburg, Florida, does find that there is one appointment to be made to the Library Advisory Board in keeping with Section 2, Division 3 (2-92) of the Code of Ordinances of the City relating to the provision of library services.

THAT the City Commission hereby appoints _____ to the term ending September 20, 2027.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held on the 8th day of August 2022.

Mayor

ATTEST:

City Clerk



City of Leesburg Appointed Boards & Commission Application

Date:	7/3/2022	Name:	ELIZABETH A. BOAST	
Mailing Address:				
Home Address:	136 SAGO PALM DR. LEESBURG, FL 34748			
Home Telephone Number	352-396-1723			
Business Name & Type				
Business Address:				
Business Telephone Number:				
Position				
Education, Training Or Experience Related To The Activities Of The Advisory Body To Which Appointment Is Sought:				
I HAVE BEEN A LONG TIME MEMBER OF THE FRIENDS OF THE LIBRARY AND HAVE SERVED ON THE BOARD. I ALSO WORKED IN THE FRIENDS' BOOKSTORE FOR A NUMBER OF YEARS.				
Professional Organizations/Membership:				
I HAVE SERVED ON THE HAWTHORNE BOARD OF DIRECTORS, CLUB HAWTHORNE COUNCIL AND CURRENTLY HELP MANAGE OUR MEMORIAL GARDEN.				
Have You Served On A City Board Or Committee In The Past?			Yes	No ☒
If Yes – Dates Served:				
Name of Board or Committee:				
☒	Library Board	☐	Historic Preservation Board	
☐	Planning Commission	☐	Greater Leesburg CRA	
☐	Carver Heights & Vicinity CRA	☐	General Employees Retirement Board of Trustees	
☐	Fire Department Pension Board of Trustees	☐	Police Department Pension Board of Trustees	
☐	Other (Specify):			
I will attend meetings in accordance with the adopted policies of the City of Leesburg. If at any time my business or professional interests conflict with the interests of the Advisory Body, I will not participate in such deliberations.				
Signature of Applicant		Return To:	City Clerk's Office City of Leesburg P.O. Box 490630 Leesburg, FL 34749-0630	

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 5.C.3.

Meeting Date: August 8, 2022

From: Lucy Gangone, (Library Director)

Subject: Resolution of the City Commission of the City of Leesburg, Florida, authorizing the adoption of the revised *Collection Development and Management Policy* for the Leesburg Public Library; and providing an effective date.

Staff Recommendation:

Staff recommends adoption of the revised *Collection Development and Management Policy* for the Leesburg Public Library.

Analysis:

This policy replaces the Library's *Collection Development and Management Plan* adopted by the City Commission in 2011. The revised policy broadens the material selection policy from specific criteria on each subject area to broad guidelines for selection, replacement, and withdrawal of materials in all collections held by the Library. Procedures for accepting gift materials and disposition of such are covered. The process for reevaluation of a library item or items when questioned by a patron, including the form to be used and the timeframe for a decision, is included. The policy was approved by the Library Advisory Board at its July 6, 2022 meeting for recommendation to the City Commission for adoption.

Procurement Analysis:

N/A

Options:

1. Approve the adoption of the *Collection Development and Management Policy* for the Leesburg Public Library; or
2. Such alternative action as the City Commission may deem appropriate.

Fiscal Impact:

There is no fiscal impact.

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG,
FLORIDA, AUTHORIZING THE ADOPTION OF THE
REVISED *COLLECTION DEVELOPMENT AND MANAGEMENT POLICY* FOR
THE LEESBURG PUBLIC LIBRARY; AND PROVIDING AN EFFECTIVE
DATE.**

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

THAT the City Commission of the City of Leesburg, Florida, hereby approves adoption of the revised Collection Development and Management Policy for the Leesburg Public Library.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held on the 8th day of August 2022.

Mayor

ATTEST:

City Clerk

Leesburg Public Library

COLLECTION DEVELOPMENT AND MANAGEMENT POLICY

Purpose

The Leesburg Public Library provides and maintains a balanced and broad collection of materials in appropriate and varied formats for the use and enjoyment of the community as space and financial considerations allow.

Responsibility

The Library Director is responsible to the Library Advisory Board for the selection of materials and development of the collection. Collection management, including decisions about selection, gifts and weeding, is done by professional librarians with an ALA-accredited master's degree in library science (or equivalent), or by qualified staff under their supervision. No employee may be disciplined or dismissed for the selection of library materials when the selection is made in good faith and in accordance with this written policy.

Guidelines

1. Selection:

- **Criteria:** Literary merit; enduring value; accuracy; authoritativeness; reputation of the publisher; social significance; importance of subject matter to the collection; timeliness; popular demand; cost; scarcity of material on the subject and availability elsewhere; quality and suitability of the format. Other considerations may be applicable in specific subject areas. Selectors should choose materials that build a well-rounded collection reflecting various viewpoints and opinions. While the library does endeavor to support school curricula, textbooks are not collected.
- **Tools:** Professional journals; trade journals; subject bibliographies; publishers' catalogs and promotional materials; reviews from reputable sources; lists of recommended titles; and purchase suggestions.

2. Replacement: Items damaged beyond reasonable repair, as well as items lost or stolen, are evaluated for withdrawal or replacement. An item will be replaced if it is available, affordable, not out-of-date, and if it meets any one or more of the following criteria:

- it is considered part of a core collection, or
- it is in steady demand, or
- it is the best source for information on a relevant topic

Items not meeting the above criteria will be withdrawn.

3. Withdrawal/Weeding: On a regular and ongoing basis, library staff will evaluate the library's collections based on usage and general wear and tear. Items that are in poor physical condition are evaluated for potential replacement according to the above criteria. Items not meeting those criteria are withdrawn from the collection in order to make room for newer materials. The library reserves the right to dispose of withdrawn items in any manner deemed cost-effective by library staff, including selling them.

4. Multiple Copies: The Library purchases multiple copies of titles that have high patron demand and/or broad popular appeal, whenever possible.

5. Format:

- Materials should be purchased in a variety of formats for library patron use.
- Multimedia formats are considered and collections established when a significant portion of the community has access to the necessary technology to make use of the format.

Gift Materials: The Leesburg Public Library accepts donations of books and other materials only when there are no limiting conditions or restrictions regarding the classification, distribution, use or disposal of the material. Donated materials may be added to the collection in accordance with the library's selection guidelines. Materials not added to the collection may be sold in used book sales or shared with other local organizations. The Library also accepts monetary donations for the purchase of materials for the collection (a gift book or in memoriam). The library's selection guidelines apply to any materials purchased with these funds. The Library reserves the right to accept or discard, at its discretion, any donated materials.

Reevaluation of Library Materials

A singular obligation of the public library is to reflect within its collection differing points of view on controversial or debatable subjects. The Leesburg Public Library does not promote particular beliefs or views, nor does the selection of an item express or imply an endorsement of the author's viewpoint. Library materials will not be marked or identified to show approval or disapproval of the contents, nor will items be sequestered, except for the purpose of protecting them from damage or theft. Comments from members of the community about the collection or individual items in the collection frequently provide librarians with useful information about interests or needs that may not be adequately met by the collection. The Library welcomes expression of opinion by patrons, but will be governed by this Collection Development and Management Policy in making additions to or deleting items from the collection.

Procedures:

The following procedures shall be followed when a person whose tax dollars support the Leesburg Public Library requests reevaluation of materials owned by the library.

Patrons who request the reevaluation of library materials must complete and sign the "Request for Reevaluation of Library Materials" form. Upon receipt of the completed and signed Request for Reevaluation form, the Director shall inform the person within two (2) business days that a decision concerning the material shall be made within twenty (20) business days.

The Director will appoint an ad hoc committee from the professional staff including, but not limited to, the selector for the subject area of the item in question and the appropriate Supervisor. The committee will make a written recommendation to the Director who will then make a decision regarding the disposition of the material. Within the stated time frame, the Library Director will communicate this decision, and the reasons for it, in writing, to the person who initiated the request for reevaluation. The Library Director will inform the Library Advisory Board of all requests for Reevaluation of library materials and their disposition.

To appeal the decision of the Library Director a written request for hearing before the Library Advisory Board should be made to the President of the Library Advisory Board within fifteen (15) business days of receipt of the decision. The person shall be notified, in advance, of the date, time and location of the meeting. The Library Advisory Board reserves the right to limit the length of presentation and number of speakers at the hearing. The Board will determine whether the request for Reevaluation has been handled in accordance with stated policies and procedures of the Leesburg Public Library. The Board may vote to uphold or override the decision of the Director. All decisions of the Library Advisory Board are final.

While an item or items are being reevaluated and until a final decision has been made, it (they) shall retain its normal place in the library collection.

Attachments:

Attachment 1.: *Library Bill of Rights*, American Library Association, adopted June 19, 1939, amended January 29, 2019

Attachment 2: The Freedom to Read Statement, American Library Association and the American Book Publishers Council, adopted June 25, 1953, amended June 30, 2004

Attachment 3: Freedom to View Statement, American Library Association, endorsed June 10, 1990

Attachment 4: Request for Reevaluation of Library Materials

Library Bill of Rights

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

- I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.
- II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.
- III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.
- IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.
- V. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.
- VI. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.
- VII. All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use. Libraries should advocate for, educate about, and protect people's privacy, safeguarding all library use data, including personally identifiable information.

Adopted June 19, 1939, by the ALA Council; amended October 14, 1944; June 18, 1948; February 2, 1961; June 27, 1967; January 23, 1980; January 29, 2019.

Inclusion of "age" reaffirmed January 23, 1996.

Although the Articles of the *Library Bill of Rights* are unambiguous statements of basic principles that should govern the service of all libraries, questions do arise concerning application of these principles to specific library practices. See the documents designated by the Intellectual Freedom Committee as Interpretations of the Library Bill of Rights (<http://www.ala.org/advocacy/intfreedom/librarybill/interpretations>).

The Freedom to Read Statement

The freedom to read is essential to our democracy. It is continuously under attack. Private groups and public authorities in various parts of the country are working to remove or limit access to reading materials, to censor content in schools, to label "controversial" views, to distribute lists of "objectionable" books or authors, and to purge libraries. These actions apparently rise from a view that our national tradition of free expression is no longer valid; that censorship and suppression are needed to counter threats to safety or national security, as well as to avoid the subversion of politics and the corruption of morals. We, as individuals devoted to reading and as librarians and publishers responsible for disseminating ideas, wish to assert the public interest in the preservation of the freedom to read.

Most attempts at suppression rest on a denial of the fundamental premise of democracy: that the ordinary individual, by exercising critical judgment, will select the good and reject the bad. We trust Americans to recognize propaganda and misinformation, and to make their own decisions about what they read and believe. We do not believe they are prepared to sacrifice their heritage of a free press in order to be "protected" against what others think may be bad for them. We believe they still favor free enterprise in ideas and expression.

These efforts at suppression are related to a larger pattern of pressures being brought against education, the press, art and images, films, broadcast media, and the Internet. The problem is not only one of actual censorship. The shadow of fear cast by these pressures leads, we suspect, to an even larger voluntary curtailment of expression by those who seek to avoid controversy or unwelcome scrutiny by government officials.

Such pressure toward conformity is perhaps natural to a time of accelerated change. And yet suppression is never more dangerous than in such a time of social tension. Freedom has given the United States the elasticity to endure strain. Freedom keeps open the path of novel and creative solutions, and enables change to come by choice. Every silencing of a heresy, every enforcement of an orthodoxy, diminishes the toughness and resilience of our society and leaves it the less able to deal with controversy and difference.

Now as always in our history, reading is among our greatest freedoms. The freedom to read and write is almost the only means for making generally available ideas or manners of expression that can initially command only a small audience. The written word is the natural medium for the new idea and the untried voice from which come the original contributions to social growth. It is essential to the extended discussion that serious thought requires, and to the accumulation of knowledge and ideas into organized collections.

We believe that free communication is essential to the preservation of a free society and a creative culture. We believe that these pressures toward conformity present the danger of limiting the range and variety of inquiry and expression on which our democracy and our culture depend. We believe that every American community must jealously guard the freedom to publish and to circulate, in order to preserve its own freedom to read. We believe that publishers and librarians have a profound responsibility to give validity to that freedom to read by making it possible for the readers to choose freely from a variety of offerings.

The freedom to read is guaranteed by the Constitution. Those with faith in free people will stand firm on these constitutional guarantees of essential rights and will exercise the responsibilities that accompany these rights.

We therefore affirm these propositions:

1. *It is in the public interest for publishers and librarians to make available the widest diversity of views and expressions, including those that are unorthodox, unpopular, or considered dangerous by the majority.*

Creative thought is by definition new, and what is new is different. The bearer of every new thought is a rebel until that idea is refined and tested. Totalitarian systems attempt to maintain themselves in power by the ruthless suppression of any concept that challenges the established orthodoxy. The power of a democratic system to adapt to change is vastly strengthened by the freedom of its citizens to choose widely from among conflicting opinions offered freely to them. To stifle every nonconformist idea at birth would mark the end of the democratic process. Furthermore, only through the constant activity of weighing and selecting can the democratic mind attain the strength demanded by times like these. We need to know not only what we believe but why we believe it.

2. *Publishers, librarians, and booksellers do not need to endorse every idea or presentation they make available. It would conflict with the public interest for them to establish their own political, moral, or aesthetic views as a standard for determining what should be published or circulated.*

Publishers and librarians serve the educational process by helping to make available knowledge and ideas required for the growth of the mind and the increase of learning. They do not foster education by imposing as mentors the patterns of their own thought. The people should have the freedom to read and consider a broader range of ideas than those that may be held by any single librarian or publisher or government or church. It is wrong that what one can read should be confined to what another thinks proper.

3. *It is contrary to the public interest for publishers or librarians to bar access to writings on the basis of the personal history or political affiliations of the author.*

No art or literature can flourish if it is to be measured by the political views or private lives of its creators. No society of free people can flourish that draws up lists of writers to whom it will not listen, whatever they may have to say.

4. *There is no place in our society for efforts to coerce the taste of others, to confine adults to the reading matter deemed suitable for adolescents, or to inhibit the efforts of writers to achieve artistic expression.*

To some, much of modern expression is shocking. But is not much of life itself shocking? We cut off literature at the source if we prevent writers from dealing with the stuff of life. Parents and teachers have a responsibility to prepare the young to meet the diversity of experiences in life to which they will be exposed, as they have a responsibility to help them learn to think critically for themselves. These are affirmative responsibilities, not to be discharged simply by preventing them from reading works for which they are not yet prepared. In these matters values differ, and values cannot be legislated; nor can machinery be devised that will suit the demands of one group without limiting the freedom of others.

5. *It is not in the public interest to force a reader to accept the prejudgment of a label characterizing any expression or its author as subversive or dangerous.*

The ideal of labeling presupposes the existence of individuals or groups with wisdom to determine by authority what is good or bad for others. It presupposes that individuals must be directed in making up their minds about the ideas they examine. But Americans do not need others to do their thinking for them.

6. *It is the responsibility of publishers and librarians, as guardians of the people's freedom to read, to contest encroachments upon that freedom by individuals or groups seeking to impose their own standards or tastes upon the community at large; and by the government whenever it seeks to reduce or deny public access to public information.*

It is inevitable in the give and take of the democratic process that the political, the moral, or the aesthetic concepts of an individual or group will occasionally collide with those of another individual or group. In a free society individuals are free to determine for themselves what they wish to read, and each group is free to determine what it will recommend to its freely associated members. But no group has the right to take the law into its own hands, and to impose its own concept of politics or morality upon other members of a democratic society. Freedom is no freedom if it is accorded only to the accepted and the inoffensive. Further, democratic societies are more safe, free, and creative when the free flow of public information is not restricted by governmental prerogative or self-censorship.

7. *It is the responsibility of publishers and librarians to give full meaning to the freedom to read by providing books that enrich the quality and diversity of thought and expression. By the exercise of this affirmative responsibility, they can demonstrate that the answer to a "bad" book is a good one, the answer to a "bad" idea is a good one.*

The freedom to read is of little consequence when the reader cannot obtain matter fit for that reader's purpose. What is needed is not only the absence of restraint, but the positive provision of opportunity for the people to read the best that has been thought and said. Books are the major channel by which the intellectual inheritance is handed down, and the principal means of its testing and growth. The defense of the freedom to read requires of all publishers and librarians the utmost of their faculties, and deserves of all Americans the fullest of their support.

We state these propositions neither lightly nor as easy generalizations. We here stake out a lofty claim for the value of the written word. We do so because we believe that it is possessed of enormous variety and usefulness, worthy of cherishing and keeping free. We realize that the application of these propositions may mean the dissemination of ideas and manners of expression that are repugnant to many persons. We do not state these propositions in the comfortable belief that what people read is unimportant. We believe rather that what people read is deeply important; that ideas can be dangerous; but that the suppression of ideas is fatal to a democratic society. Freedom itself is a dangerous way of life, but it is ours.

This statement was originally issued in May of 1953 by the Westchester Conference of the American Library Association and the American Book Publishers Council, which in 1970 consolidated with the American Educational Publishers Institute to become the Association of American Publishers.

Adopted June 25, 1953, by the ALA Council and the AAP Freedom to Read Committee; amended January 28, 1972; January 16, 1991; July 12, 2000; June 30, 2004.

A Joint Statement by:

American Library Association (/)

Association of American Publishers (<http://www.publishers.org/>)

Subsequently endorsed by:

American Booksellers for Free Expression (<http://www.bookweb.org/abfe>)

The Association of American University Presses (<http://www.aaupnet.org/>)

The Children's Book Council (<http://www.cbcbooks.org/>)

Freedom to Read Foundation (<http://www.ftrf.org>)

National Association of College Stores (<http://www.nacs.org/>)

National Coalition Against Censorship (<http://www.ncac.org/>)

National Council of Teachers of English (<http://www.ncte.org/>)

The Thomas Jefferson Center for the Protection of Free Expression

Freedom to View Statement

The **FREEDOM TO VIEW**, along with the freedom to speak, to hear, and to read, is protected by the First Amendment to the Constitution of the United States. In a free society, there is no place for censorship of any medium of expression. Therefore these principles are affirmed:

1. To provide the broadest access to film, video, and other audiovisual materials because they are a means for the communication of ideas. Liberty of circulation is essential to insure the constitutional guarantee of freedom of expression.
2. To protect the confidentiality of all individuals and institutions using film, video, and other audiovisual materials.
3. To provide film, video, and other audiovisual materials which represent a diversity of views and expression. Selection of a work does not constitute or imply agreement with or approval of the content.
4. To provide a diversity of viewpoints without the constraint of labeling or prejudging film, video, or other audiovisual materials on the basis of the moral, religious, or political beliefs of the producer or filmmaker or on the basis of controversial content.
5. To contest vigorously, by all lawful means, every encroachment upon the public's freedom to view.

This statement was originally drafted by the Freedom to View Committee of the American Film and Video Association (formerly the Educational Film Library Association) and was adopted by the AFVA Board of Directors in February 1979. This statement was updated and approved by the AFVA Board of Directors in 1989.

Endorsed January 10, 1990, by the ALA Council

(/offices/oif)

Leesburg Public Library

Request for
REEVALUATION OF LIBRARY MATERIALS

Title: _____

Author: _____ Item Barcode Number: _____

☐ Book ☐ DVD ☐ Magazine ☐ Audio ☐ Game ☐ Other: _____

Call Number or Current Location : _____

Request Initiated by:

Name: _____ E-mail Address: _____

Address: _____

Phone: (Home #) _____ Street _____ City _____ State _____ Zip _____
(Work #) _____ (Cell #) _____

Whom do you represent? Yourself An Organization (Please name) _____

Other Group (Please name) _____

1. To what in the work do you object? (Please be specific, cite pages, scenes, language, etc.)

2. What do you feel might be the result of reading/viewing/listening to this material?

3. Is there anything good about this material?

4. For what age group would you recommend this material?

____ Pre-School ____ Child ____ Young Adult ____ Adult

5. Did you finish the entire work? ____ Yes ____ No If not, which parts have you read/viewed/listened to?

6. Are you aware of the judgment of this work by professional critics?

7. What do you believe is the theme of this work?

8. In its place, what work of equal quality would you recommend that would convey a similar picture and perspective of this topic?

9. What action would you like the library to take regarding this material?

(If you require more space to answer any question above, please attach additional pages)

Signature of Complainant _____

_____ Date

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 5.C.4.

Meeting Date: August 8, 2022

From: Robert Hicks, (Police Chief)

Subject: Resolution of the City Commission of the City of Leesburg, Florida, authorizing the Leesburg Police Department to initiate and maintain a Reserve Officer Program to supplement patrol, investigative and administrative functions of the Leesburg Police Department; and providing an effective date.

Staff Recommendation:

Staff recommends approval of the resolution authorizing the Leesburg Police Department to initiate and maintain a Reserve Officer Program to supplement patrol, investigative and administrative functions of the Leesburg Police Department.

Analysis:

Currently, nationwide, many law enforcement agencies are experiencing difficulties hiring and retaining full-time, sworn law enforcement officers, which causes personnel shortages that negatively impacts personnel morale and well-being. To assist with staffing and alleviate some of the negative impact, many agencies, including local law enforcement agencies, have instituted part-time, reserve officer programs to supplement the full-time sworn members of the agency. A Reserve Officer Program for the Leesburg Police Department, would permit the department to hire experienced and/or retired officers part-time, to supplement the full-time sworn members of the agency. Based upon the experience level of the Reserve applicant, they can be assigned to assist with patrol functions, investigative functions, criminal intelligence, internal affairs and other administrative functions of the department.

Procurement Analysis:

N/A

Options:

1. Approve the resolution authorizing the implementation and maintenance of a Reserve Officer Program; or,
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact:

By using the proposed Reserve Officer Program, the City would not have to pay for full-time benefits

(health/life insurance and pension). The Reserve Officer would be paid an hourly rate comparable to an Officer/Detective depending on prior work experience/training. The City is anticipating a savings in the Police Personnel budget due to these reduced benefits costs.

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG,
FLORIDA, AUTHORIZING THE LEESBURG POLICE DEPARTMENT TO
INITIATE AND MAINTAIN A RESERVE OFFICER PROGRAM TO
SUPPLEMENT PATROL, INVESTIGATIVE AND ADMINISTRATIVE
FUNCTIONS OF THE LEESBURG POLICE DEPARTMENT; AND
PROVIDING AN EFFECTIVE DATE.**

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

THAT the Leesburg Police Department is hereby authorized to implement and maintain a Reserve Officer Program.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held on the 8th day of August 2022.

Mayor

ATTEST:

City Clerk

	POLICY RESERVE OFFICER PROGRAM		
	CHIEF OF POLICE Robert W. Hicks		
GENERAL ORDER 02-5	EFFECTIVE DATE	REVISED DATE 01/05/2022	CFA STANDARD

CONTENTS:

- 1.0 [DEFINITIONS](#)
- 2.0 [RESERVE OFFICER ORGANIZATION](#)
- 3.0 [RESERVE OFFICER AUTHORITY AND RESTRICTIONS](#)
- 4.0 [RULES AND REGULATIONS](#)
- 5.0 [DUTIES AND COMMITMENT](#)
- 6.0 [ELIGIBILITY AND SELECTION CRITERIA](#)
- 7.0 [TRAINING](#)
- 8.0 [UNIFORMS](#)
- 9.0 [INSURANCE COVERAGE](#)
- 10.0 [EVALUATIONS](#)

PURPOSE: To provide guidelines for the establishment and management of a Reserve Officer force of trained law enforcement officers, to assist and supplement regular units within the Department and perform specifically designated assignments as determined by the Chief of Police or their designee.

DISCUSSION: N/A

POLICY: It shall be the policy of the Leesburg Department to provide an avenue for retired officers with at least twenty years of full-time service to volunteer as law enforcement officers while at the same time supplementing the staffing of the Leesburg Police Department.

1.0 DEFINITIONS

Regular Officer – A person appointed by the Chief of Police as a full-time, sworn, certified law enforcement officer, who is vested with the authority to bear arms and make arrest; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of this state.

Reserve Officer – A person appointed by the Chief of Police as a part-time, sworn, certified law enforcement officer, with or without compensation, who is vested with the authority to bear arms and make arrest; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of this state.

Reserve Officer Job Description:

GENERAL DESCRIPTION OF CLASS: The purpose of the class is to protect life and property, enforce laws, and investigate crime. The class is responsible for surveillance, law enforcement activities, investigations, apprehension, and general reporting requirements. Reserve Officers perform their work assignments according to established procedures, while using independent reasoning under general supervision.

ESSENTIAL TASKS: *The tasks listed below are those that represent the majority of the time spent working in this class. Management may assign additional tasks related to the type of work of the class as necessary.*

- A. Conducts routine patrols in residential and business areas; maintains contact with businesses and residents to establish good relations.
- B. Responds to calls for police service and responds to crimes, domestic disputes, disturbances, disputes among neighbors, juveniles, or other incidents; apprehends law breakers as necessary; conducts follow-up investigations of crimes and other incidents, conducts surveillance of areas for suspected or potential criminal activity
- C. Provides information and/or assistance to the public, informing citizens of services in the community, or providing referrals to other city, county, or state agencies.
- D. Maintains the peace and safety of the community by quelling public disturbances and maintaining order at group functions.
- E. Provides for the safe and convenient flow of traffic and pedestrians within the community, investigates traffic accidents, enforces traffic violations, promotes vehicular and pedestrian safety, reports unsafe road conditions, and conducts DUI or other investigations.
- F. Issues civil or legal documents such as traffic citations; prepares written reports, forms, and other documents as required; may testifies in civil and criminal court proceedings or give depositions.
- G. Provides specialized police service when trained and assigned such as K-9, Bicycle Patrol, Motorcycle Patrol, or other.
- H. May perform administrative or specialized functions when trained and assigned such as administrative support services, property and evidence, field and firearms training, public information, athletics, or other.

INVOLVEMENT WITH DATA, PEOPLE, AND THINGS:

DATA INVOLVEMENT: *Data is any information, knowledge or concept obtained or formulated by observation, investigation, interpretation and visualization of facts and circumstances through use of the officer's mental faculties and sensory perception.*

- A. A Reserve Officer gathers, organizes, analyzes, examines and/or evaluates data and prescribes action based on the data and independent judgment and reasoning skills.

PEOPLE INVOLVEMENT: *People include coworkers, workers in other areas or agencies and the general public.*

- A. A Reserve Officer must effectively interact with people for the purpose of persuading others in favor of a point of view or course of action as well as enforcing laws, rules, regulations and ordinances.

INVOLVEMENT WITH THINGS: *Things are inanimate objects such as substances, materials, machines, tools, equipment, work aids, and products. A thing is tangible and has shape, form, and other physical characteristics.*

- A. A Reserve Officer handles or uses machines, tools, or equipment that require moderate instruction and experience such as protective equipment, police vehicles, firearms, computers, and software programs such as word processing, spreadsheets or custom law enforcement applications.

COGNITIVE REQUIREMENTS:

REASONING REQUIREMENTS: *A Reserve Officer must use sound reasoning in resolving problems/conflicts on an almost constant basis.*

- A. Performs skilled work involving rules/systems but solves problems almost constantly.

MATHEMATICAL REQUIREMENTS: *Mathematics requires the use of symbols, numbers and formulas to solve mathematical problems.*

- A. Performs addition and subtraction, multiplication and division and/or calculates ratios, rates and percents.

LANGUAGE REQUIREMENTS: *Language involves the ability to read, write, and speak.*

- A. A Reserve Officer must possess the ability to read technical instructions, procedure manuals and charts to resolve problems and/or conflicts as well as for purposes of composing routine and specialized reports, forms, and letters; an officer must possess the ability to speak clearly and effectively using normal grammar and word form.

MENTAL REQUIREMENTS: *Mental ability involves analysis, initiative, ingenuity, creativity, and concentration while performing job functions and the ability to deal with presence of unusual pressures attendant to the job.*

- A. Performs technical tasks requiring a wide range of procedures and requiring intensive understanding of a restricted field or complete familiarity with the functions of a unit or small division of an operating agency; requires normal attention with short periods of concentration for accurate results or occasional exposure to unusual pressure.

JUDGMENTS AND DECISIONS: *Judgments and decisions refers to the ability of an officer, through assimilating facts and circumstances, to render a determination with due regard for the nature, impact and type of determination made.*

- A. Guides others, making frequent decisions, affecting the individual, coworkers, and others that depend on the service or product.

- B. Guides others, making frequent decisions affecting the individual, coworkers, crime victims, and others that depend on the service or product.

VOCATIONAL/EDUCATIONAL PREPARATION: *Vocational/Educational preparation includes job specific training and education required for entry into this job. The training and education may be acquired in a school, work, military, institutional or vocational environment. It does not include the orientation time required of a fully qualified worker to become accustomed to the special conditions of any new job, nor does it include the amount of time that a worker spends to learn reasoning, language, and mathematical skills, which are often learned in school.*

- A. Requires a high school diploma or GED.

SPECIAL CERTIFICATIONS AND LICENSES: *Special Certifications and Licenses refers to state, federal, or professional certifications or licenses required to enter or maintain the job.*

1. Valid State of Florida Driver license
2. Police Officer Certification for State of Florida.

EXPERIENCE REQUIREMENTS: *Experience refers to prior exposure and training required for entry level position that results in the reasonable expectation the officer can perform the essential functions of the job.*

AMERICANS WITH DISABILITIES ACT REQUIREMENTS:

PHYSICAL AND DEXTERITY REQUIREMENTS: *Physical and dexterity refers to the ability of the officer to perform tasks and essential functions of the position, including the task of physical exertion, having coordination and control of limb and body movements, as well as hand/eye coordination.*

- A. Requires medium work that involves walking, running, standing, stooping, jumping, or lifting much of the time, involves exerting between 20 and 50 pounds of force on a regular and recurring basis, and exceptional skill, adeptness, and speed in the use of fingers, hands, or limbs in tasks involving suspect restraint, firearms, and other law enforcement duties.

ENVIRONMENTAL HAZARDS: *Environmental hazards refers to the job conditions that may lead to injury or health hazards even though precautions have been taken.*

- A. The job may risk exposure to extreme heat and/or cold, bright/dim light, dusts and pollen, wet or humid conditions, extreme noise levels, animals/wildlife, fumes and/or noxious odors, traffic, moving machinery, heights, disease/pathogens, toxic/caustic chemicals and violence.

SENSORY REQUIREMENTS: *Sensory ability refers to hearing, sight, touch, taste, and smell required by the job.*

- A. The job requires normal visual acuity and field of vision, hearing, speaking, color perception, sense of taste, sense of smell, depth perception, and texture perception.

Reserve Officer Classifications:

Reserve Officer I: A Reserve Officer I is a sworn law enforcement officer who has retired in good standing from Leesburg Police Department or other recognized law enforcement agency. Reserve Officers serves as a volunteer to the agency. Reserve officers can be assigned patrol related duties within the police department as determined by the Chief of Police or their designee.

Reserve Officer II: A Reserve Officer II is a sworn law enforcement officer who has retired in good standing from Leesburg Police Department or other recognized law enforcement agency. Reserve Officer II serves as a volunteer to the agency. Reserve officers can be assigned various administrative and investigative related duties within the police department as determined by the Chief of Police or their designee.

2.0 RESERVE OFFICER ORGANIZATION

- 2.1 The Police Reserve Officer Program will be under the command of the Uniform Patrol Commander.
 - A. Reserve Officers may be utilized by other divisions of the Department, upon approval by the Chief of Police or their designee.
- 2.2 The Uniform Patrol Commander, or their designee, shall have the responsibility to coordinate all activities of the Reserve Officers of the Department.
- 2.3 The Reserve Officer Unit will be composed of Reserve Officers, who shall be subordinate to Regular Officers in the organizational hierarchy.
- 2.4 Complaints against Reserve Officers will be handled in the same manner as Regular Officers.
- 2.5 The Reserve Unit will have a chain of command within the Reserve ranks. Selection of officers for the Reserve rank and file positions are appointed and will be at the discretion of the Chief of Police.
- 2.6 A Reserve Administrator is a Reserve Officer appointed by the Chief of Police. This position is strictly administrative in nature, and the only supervisory and command authority allotted for this position is within the Reserve Unit. The Reserve Administrator has no supervisory or command authority over any sworn, full-time police officer.
 - A. The Reserve Administrator assists the Uniform Patrol Commander with administrative duties for the Reserve Unit and must volunteer at least 16 hours a month.
 - B. Such hours can be completed in an administrative role or any role at the direction of the Chief of Police or their designee.
 - C. Administrative duties of this position include coordination and supervision of required training and any other activities and requirements of the unit as directed by the Uniform Patrol Commander.

- 2.7** The Reserve Supervisor are Reserve Officers appointed by the Chief of Police and serves in this capacity at the discretion and approval of the Chief of Police. This rank is strictly administrative in nature, and the only supervisory authority allotted for this position is within the Reserve Unit.
- A. The Reserve Supervisor has no supervisory authority over any sworn, full-time police officer.
 - B. The Reserve Supervisor assists the Reserve Administrator with administrative duties for the Reserve Unit and must volunteer at least 12 hours per month in this capacity or other assignment at the direction of the Chief of Police or their designee.

3.0 RESERVE OFFICER AUTHORITY AND RESTRICTIONS

- 3.1** Reserve Officers will be delegated with the full law enforcement powers of Regular Officers.
- 3.2** Reserve Officer I members must complete a required Field Training Program, before being allowed to work as a Reserve Officer in a solo capacity.
- A. All Field Training will be conducted with a Department Field Training Officer (FTO).
 - B. The field training program may be modified, at the discretion of the Chief of Police, based upon the prior experience of the Reserve Officer.
 - C. Reserve Officer II members shall receive in-service training in accordance with their administrative duty assignment.
- 3.3** All Field Training will be the responsibility of the Reserve Officer to complete.
- 3.4** Reserve Officers are not eligible to work extra-duty employment and special events for compensation unless approved by the Chief of Police or their designee and only after completion of the FTO program.
- A. If a Reserve Officers is working extra-duty jobs, they will comply with the current Extra-Duty Employment Policy and Procedure. Extra duty is a privilege: The Uniform Patrol Commander may suspend or revoke any Reserve Officer's extra-duty privileges.
 - B. Extra-duty jobs may only be worked by Reserve Officers if the position has not been filled by a Regular Officer.
- 3.5** Reserve Officers do not qualify for any additional form of retirement benefits from the City of Leesburg.

4.0 RULES AND REGULATIONS

- 4.1** Reserve Officers will be subject to the General Orders, Special Orders, Procedural Directives, Training Bulletins and Legal Bulletins of the Department.
- A. They shall also regularly review all policies, procedures, directives and shall sign acknowledgment of the same as updated and distributed through PowerDMS.

- B. A Reserve Officer functions as a Police Officer and will be held accountable for acts of misconduct both on and off duty, as established in the General Orders, Procedural Directives, Training Bulletins and Legal Bulletins of the Department.
- 4.2 Reserve Officers shall be subject to dismissal upon failure to maintain requirements prescribed by the Department as well as those required by the Criminal Justice Standards and Training Commission (CJSTC).
- 4.3 Since Reserve officers serve at the pleasure of the Chief of Police, they will not be governed by the same disciplinary procedures that govern full-time officers. Any decisions relative to their continued service at the Leesburg Department will be at the sole discretion of the Chief of Police.

5.0 DUTIES AND COMMITMENT

- 5.1 The primary duties of a Reserve Officer will be to augment and supplement all divisions of the Department based on need and the mission of each Division; i.e., special events, shift shortages, special investigations, etc.
 - A. All Reserve Officers will only participate in law enforcement duties for which they have received sufficient training and demonstrate proficiency to the minimum standard required to perform such duties.
- 5.2 Members of the Reserve Unit shall work at least 12 hours per month in an administrative, investigative, patrol first-responder or any other assignment approved by Chief of Police. Specialized assignment that has been pre-approved by the Chief of Police.
- 5.3 Reserve officers are responsible to arrange their reserve time. The hour commitment hours may not be carried.
 - A. In certain cases and on occasions, the hours may be worked in advance only if the member has submitted a request in writing to the Office of the Chief of Police, or their designee and approval was granted.
 - B. Only in the case of illness or family emergency shall the commitment hours be permitted to be accrued in a post-month or as determined by the Chief of Police or their designee.
- 5.4 Members of the Reserve Unit will be required to attend the bi-monthly meetings, training sessions, physical examinations, qualifications, court, etc.
 - A. Time spent in the above will not be credited mandatory time.
 - B. Reserve Unit members shall sign up for all Departmental training and have their respective Reserve supervisor's approval.
 - C. Reserve Unit members shall attend and successfully complete all scheduled training.
 - D. Reserve members shall also complete all computerized training mandated by the Department.
- 5.5 Members of the Reserve Unit may volunteer for extra patrol time or specialized activities in addition to the month commitment.

- A. These hours will not count towards their mandated Reserve hours unless approved by the Office of the Chief of Police or their designee.
- 5.6 Reserve Unit members may request to be excused from a bi-monthly meeting; however, requests shall be made in writing to the Uniform Patrol Commander at least 30 days prior to the commitment.
- 5.7 Reserve officers shall be subject to recall to duty at the sole discretion of the Chief of Police or their designee.
 - A. Reserve Unit members travelling for vacation, may be excused from a recall if they have submitted proper notification to the Uniform Patrol prior to the recall.
- 5.8 Reserve officers shall check their City email and respond to all emails in a timely manner.
- 5.9 Reserve officers may have mailboxes assigned. If a mailbox is assigned it will be checked bi-weekly or as determined by the Uniform Patrol Commander.

6.0 ELIGIBILITY AND SELECTION CRITERIA

- 6.1 All applicants for the Reserve Officer Program must have successfully completed an approved CJSTC Basic Law Enforcement Academy.
 - A. All applicants for the Reserve Officer program must pass the State Officer Certification Exam (SOCE).
- 6.2 Applicants for the Reserve Officer Program must meet all of the eligibility requirements that apply to a full-time sworn Law Enforcement Officer, i.e., urine testing, background check, psychological exam, medical examination, physical fitness testing, residency requirement, etc.
 - A. Retired Leesburg Police Department officers without a break in service will not be required to undergo the aforementioned eligibility requirements, with the exception of the residency requirement.
- 6.3 Applicants with full-time employment in fields that might be considered a conflict of interest will not be considered, unless they are willing to give up the employment determined to be in conflict.
 - A. Final determination of a conflict of interest will be the responsibility and discretion of the Chief of Police.
- 6.4 Reserve Officers shall be appointed by the Chief of Police.
 - A. Reserve officers considered for appointment to the Reserve Unit are volunteer workers, at-will employees.
- 6.5 The selection process shall be identical to that utilized for full-time officers.
 - A. Retired Leesburg Police Department officers without a break in service will not be required to undergo the aforementioned selection process and may be approved by the Chief of Police.

- 6.6** Reserve Officers have no promotion rights and serve at the exclusive discretion of the Chief of Police.

7.0 TRAINING

- 7.1** The Uniform Patrol Commander or their designee shall ensure the proper training of all Reserve Officers.
- 7.2** Reserve Officers will receive the necessary in-service or outside training the Uniform Patrol Commander deems as mandatory for the proper functioning of their position; i.e., firearms qualifications, CPR/First Aid, Use of Force, less lethal weapons, Taser, etc.
- A. If training is scheduled for Reserve Officers, attendance will be mandatory unless excused by the Uniform Patrol Commander or their designee.
 - B. The Reserve Officer will be responsible to meet their Mandatory Re-Training as required by CJSTC. (Human Diversity, Domestic Violence, etc.)
 - 1. Mandatory training will be coordinated with the Training Coordinator, through the Uniform Patrol Commander.
 - C. Reserve Officers will be required to participate in:
 - 1. Annual demonstration of proficiency with firearms they are authorized to carry;
 - 2. Use of force training;
 - 3. Annual Dart-Firing Stun Gun training, if issued and carried;
 - 4. Biennial less-lethal weapon training (other than dart-firing stun gun, ie: OC Spray, Baton, etc.); and
 - 5. Legal Updates.
- 7.3** If, during any training session, the Reserve Officer does not meet the minimum standard criteria established for the training, they will be required to receive remedial training addressing the deficiency.
- A. The Reserve Officer receiving remedial training will not be permitted to perform law enforcement duties until the remedial training is completed and minimum standards are met.
- 7.4** Any Reserve Officer failing to meet the minimum standards after remedial training is provided may receive disciplinary action, including termination.
- 7.5** All Reserve Officer training records will be maintained the same as Regular Officers, in the Training Section of the Department.

8.0 UNIFORMS

- 8.1** The authorized uniform of a Reserve Officer shall be the same as any full-time Regular Officer.

- 8.2** The Leesburg Police Department will supply all Reserve Officers with their uniforms and weapon(s).

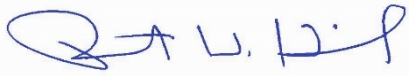
9.0 INSURANCE COVERAGE

- 9.1** Reserve Officers are covered under current City Policies for Police Professional Liability, Accidental Death and Dismemberment, and Workers' Compensation Insurance, during the period of time that they are on duty as a Reserve Officer with the City of Leesburg.

10.0 EVALUATIONS

- 10.1** Reserve officers are considered temporary employees; therefore, annual performance appraisals are not required.

By Order of:



Robert W. Hicks
Chief of Police

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 5.C.5.

Meeting Date: August 8, 2022

From: Robert Hicks, (Police Chief)

Subject: Resolution of the City Commission of the City of Leesburg, Florida, authorizing the Leesburg Police Department to apply for, and if awarded, accept an Edward Byrne FY 2022 Local Solicitation Grant from the U.S. Department of Justice (JAG) to supplement costs associated with the purchase of department equipment; and providing an effective date.

Staff Recommendation:

Staff recommends approval of the resolution of the City of Leesburg, Florida authorizing the Leesburg Police Department to apply for, and if awarded, accept the FY 2022 Edward Byrne Memorial Justice Local Solicitation Grant, Competition # C-BJA-2022-00154-PROD, in the amount of \$14,108.00 to defray the cost of a full-service canine.

Item	Unit Price	Quantity	Cost
Full Service Canine	\$19,000.00	1	<u>\$19,000.00</u>
			Total: \$19,000.00
JAG Grant Award Amount			\$14,108.00
Remaining Balance (Excess)			\$4,992.00

Analysis:

The department utilizes full service canines to supplement patrol and investigative activities of the department and enhance officer safety in some situations. Full service canines are capable of conducting area searches for suspect(s) and evidence, apprehending fleeing violent suspect(s) and detecting controlled substances that are not readily visible or detectable by officers through normal perception. Similar to other law enforcement equipment and tools, canines have a service life and the need to remove a canine from service is necessary. Currently, the department has four, full-service canines, making a canine available 24 hours a day. One of the canines has reached its service life and needs to be removed from service. The grant, if awarded and accepted, will fund a large portion of the cost of replacement of the full-service canine.

Procurement Analysis:**Options:**

1. Approve the resolution authorizing the application and acceptance of the FY 2022 Edward Byrne JAG Local Solicitation grant of **\$14,108.00** and authorized source purchase; or
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact:

If awarded, a budget adjustment will be necessary to add this to the current budget. There is no local match required for this grant.

Account No. 001-0000-331-2100

Project No. JA0028

RESOLUTION NO. _____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA, AUTHORIZING THE LEESBURG POLICE DEPARTMENT TO APPLY FOR, AND IF AWARDED, ACCEPT AN EDWARD BYRNE FY 2022 LOCAL SOLICITATION GRANT FROM THE U.S. DEPARTMENT OF JUSTICE (JAG) TO SUPPLEMENT COSTS ASSOCIATED WITH THE PURCHASE OF DEPARTMENT EQUIPMENT; AND PROVIDING AN EFFECTIVE DATE.

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

THAT the Police Department apply for, and if awarded, accept an Edward Byrne FY 2022 Local Solicitation Grant from the U. S. Department of Justice (JAG) to supplement costs associated with the purchase of department equipment; and providing an effective date.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held on the 8th day of August 2022.

Mayor

ATTEST:

City Clerk

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 6.A.1.

Meeting Date: August 8, 2022

From: Dan Miller, (Planning and Zoning Director), Dianne Pacewicz, (Senior Planner)

Subject: An Ordinance of the City of Leesburg, Florida, annexing certain real property consisting of approximately 33 +/- acres; and being generally located on the south side of County Road 48, east of County Road 33, and west of Haywood Worm Farm Road, lying in Sections 14 & 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 and the Planning Commission recommend approval of the proposed ordinance for annexation of the Sundance Subdivision.

Analysis:

The applicant has submitted a request for annexation of approximately 33 acres of land generally located on the south side of County Road 48, east of County Road 33, and west of Haywood Worm Farm Road, as shown on the attached General Location Map. At this time, the property is in agricultural use and contains one single-family dwelling unit. The current zoning is Lake County A (Agriculture); the proposed zoning is City PUD (Planned Unit Development). The reason for this request is to attain water and sewer service for a single-family residential subdivision and mini-storage units.

The property is surrounded by Lake County MP (Planned Industrial District), Lake County R-6 (Urban Residential District), Lake County HM (Heavy Industrial District), Lake County R-1 (Rural Residential), Lake County C-2 (Community Commercial District) and Lake County R-7 (Mixed Residential District). Under the conditions of the PUD (Planned Unit Development) zoning case which is also on this agenda, no negative impacts are anticipated to adjacent properties.

This property lies within the ISBA (Interlocal Service Boundary Area) agreement. This agreement, which was approved by the City Commission on November 24, 2014, allows property within the ISBA area but

outside the current city limits to be annexed and obtain City of Leesburg utility services.

Also, on this City Commission agenda, is a Large-Scale Comprehensive Plan Amendment, which, along with the Planned Unit Development zoning application, had recommendations for approval from the staff and Planning Commission. The Planning Commission held a public hearing on this request on April 22, 2021, and by a vote of 6-0 recommended approval.

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 +/- ACRES; AND BEING GENERALLY LOCATED ON THE SOUTH SIDE OF COUNTY ROAD 48, EAST OF COUNTY ROAD 33, AND WEST OF HAYWOOD WORM FARM ROAD, LYING IN SECTIONS 14 & 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)

WHEREAS, the City Commission has received written objections, recommendations, and comments from the City of Leesburg Planning Commission, acting as the Local Planning Agenda, 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.

Based upon the petition of Germana Engineering and Associates, LLC, (Richard E. Bosserman, 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 8th day of August 2022.

THE CITY OF LEESBURG, FLORIDA

Mayor

ATTEST:

City Clerk

EXHIBIT A

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.

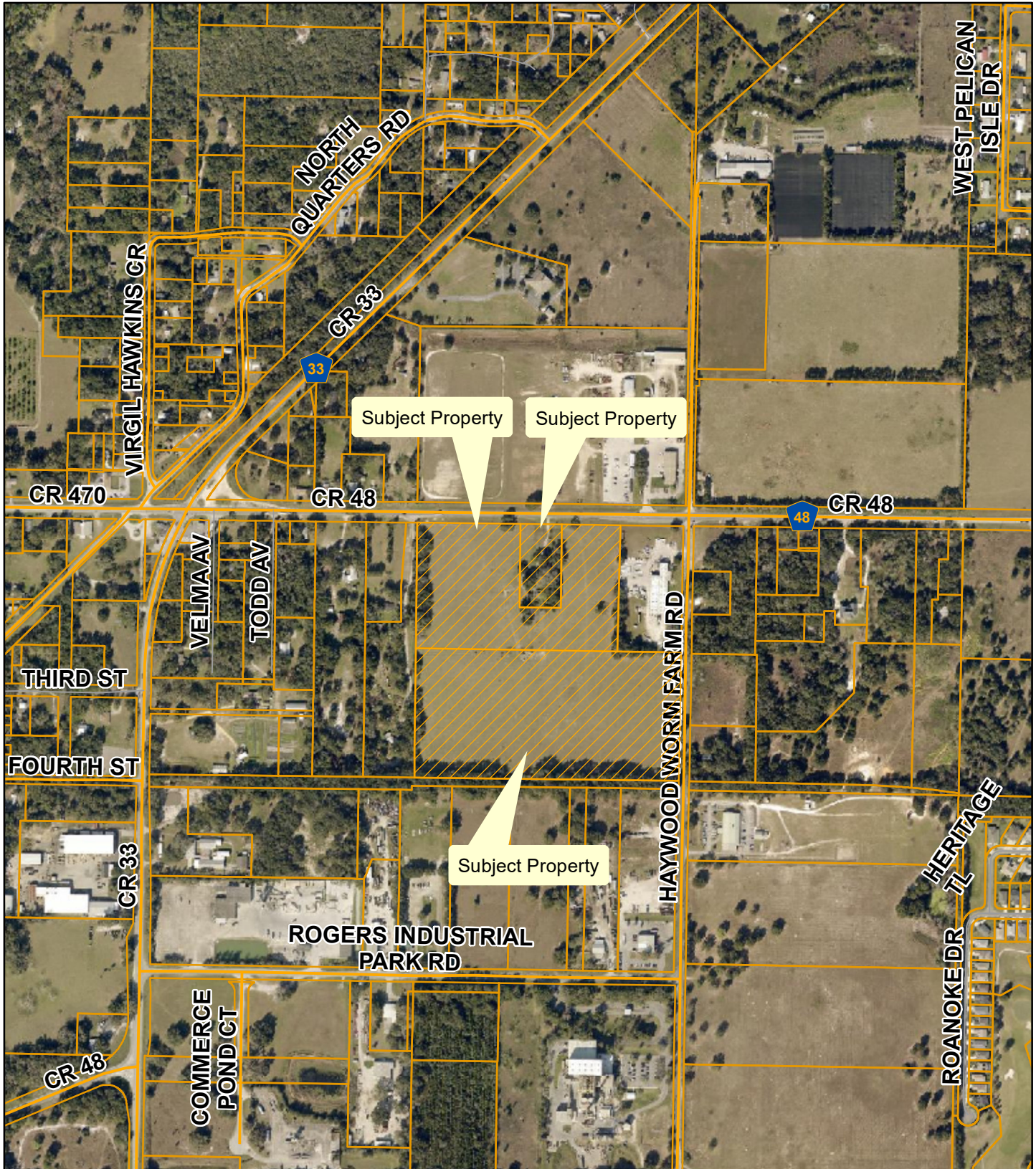
Also, LESS that part of Haywood Worm Farm Road over the East lot lines of said Lot 13, 14, 15 and 16 thereof.

AND

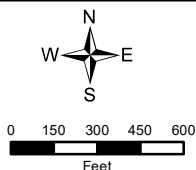
The West 3/4 of the North 1/2 of the Northeast 1/4 of the Southeast 1/4 of Section 15, Township 20 South, Range 24 East, Lake County, Florida.

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

Aerial



**Planning
& Zoning
Division**

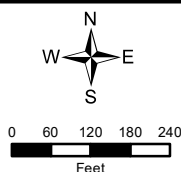


Sundance Mixed Use
3822 County Road 48, Okahumpka
Alternate Key #'s: 1111005; 1295815; 3319796
Sections 14, 15; Township 20 South; Range 24 East
December 29, 2021

Surrounding Land Uses

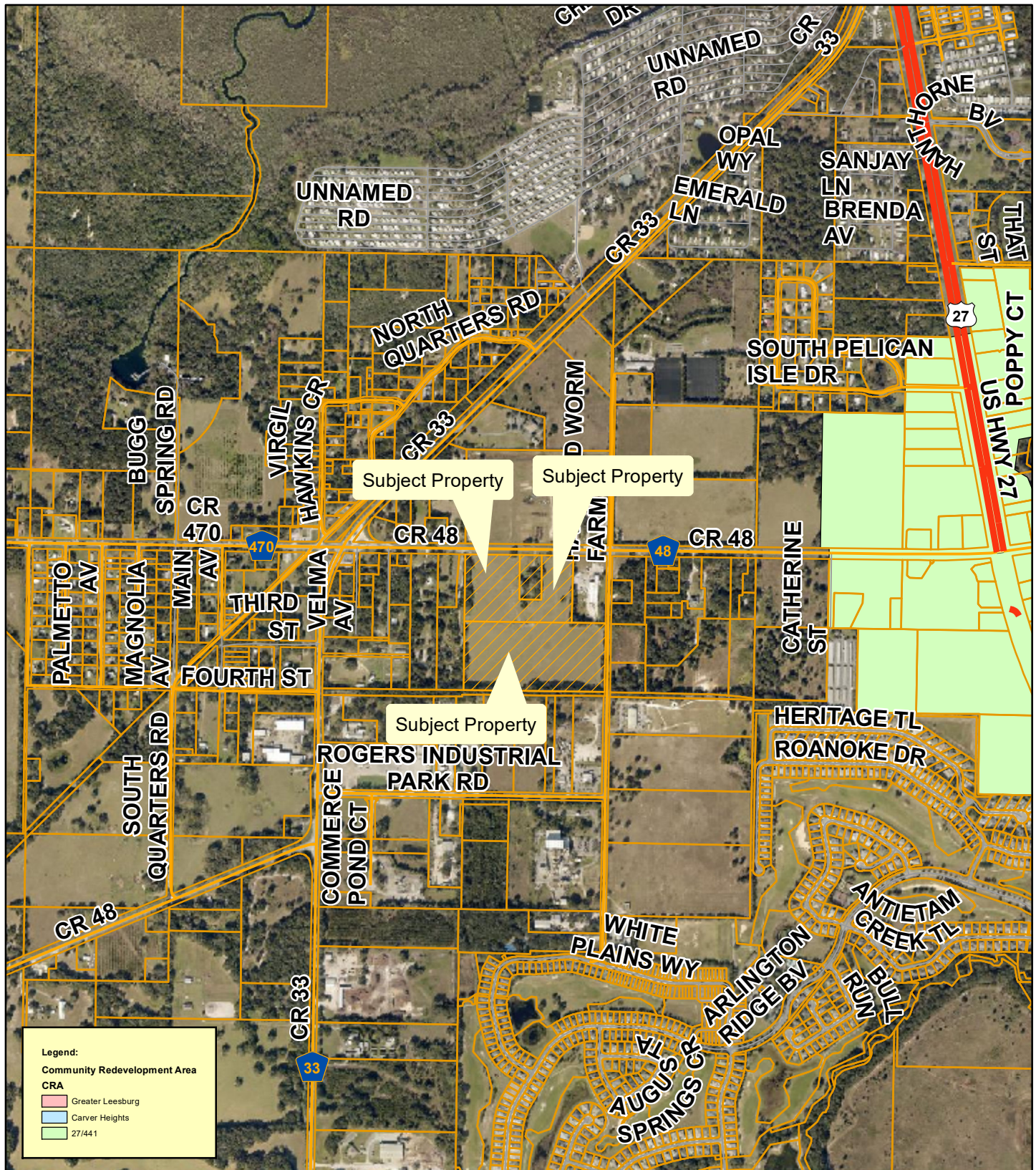


**Planning
& Zoning
Division**

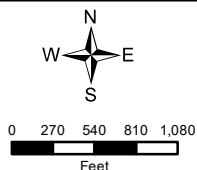


Sundance Mixed Use
3822 County Road 48, Okahumpka
Alternate Key #'s: 1111005; 1295815; 3319796
Sections 14, 15; Township 20 South; Range 24 East
December 29, 2021

Community Redevelopment Area

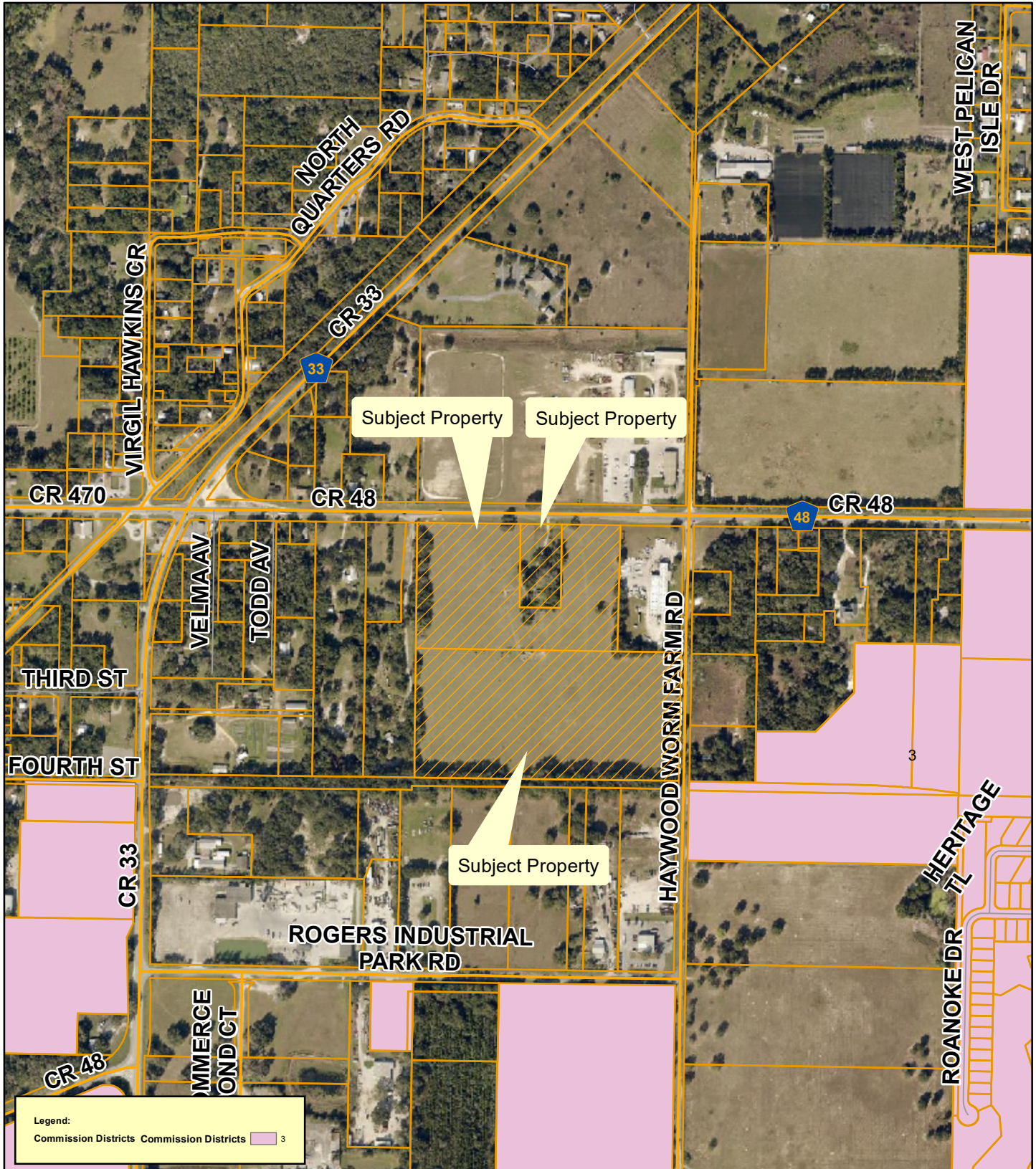


**Planning
& Zoning
Division**

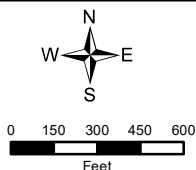


Sundance Mixed Use
3822 County Road 48, Okahumpka
Alternate Key #'s: 1111005; 1295815; 3319796
Sections 14, 15; Township 20 South; Range 24 East
December 29, 2021

Commission District



**Planning
& Zoning
Division**



Sundance Mixed Use
3822 County Road 48, Okahumpka
Alternate Key #'s: 1111005; 1295815; 3319796
Sections 14, 15; Township 20 South; Range 24 East
December 29, 2021

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 6.A.2.

Meeting Date: August 8, 2022

From: Dan Miller, (Planning and Zoning Director), Dianne Pacewicz, (Senior Planner)

Subject: 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 33 +/- acres from Lake County Regional Office to City of Leesburg Estate Residential, for a property generally located on the south side of County Road 48, east of County Road 33, and west of Haywood Worm Farm Road, as legally described in Sections 14 & 15, Township 20 South, Range 24 East, Lake County, Florida; and providing an effective date. (Sundance Subdivision SSCP)

Staff Recommendation:

The Planning & Zoning Staff and the Planning Commission recommend approval of the proposed large-scale comp plan amendment of the City's Future Land Use Map on 33 +/- acres from Lake County Regional Office to City of Leesburg Estate Residential.

Analysis:

The project site is approximately 33 acres. The property is generally located on the south side of County Road 48, east of County Road 33, and west of Haywood Worm Farm Road. Currently, the property is agricultural use with one single-family dwelling unit. The proposed use is for a single-family residential subdivision. The surrounding Future Land Use Map designation of Lake County MP (Planned Industrial), Lake County R-6 (Urban Residential), Lake County HM (Heavy Industrial), Lake County A (Agriculture), Lake County R-6 (Urban Residential), Lake County LM (Light Industrial), and Lake County R-1 (Rural Residential) is compatible, as conditioned in the PUD zoning, with the proposed future land use designation of City Estate Residential. 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 and would allow an appropriate use for the property.

The Planning Commission held a public hearing on the application on January 20, 2022 and recommended approval by a vote of 6-0.

Procurement Analysis:

N/A

Options:

1. Approve the requested large-scale comprehensive plan amendment from Lake County Regional Office to City of Leesburg Estate Residential; or
2. Other such action as the Commission may deem appropriate.

Fiscal Impact:

There is no direct fiscal impact to the City for this action. Future development of this site will create a substantial positive fiscal impact on the City of Leesburg, in the form of impact and utility fees, plus ad valorem taxes.

ORDINANCE NO. _____

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 33 +/- ACRES FROM LAKE COUNTY REGIONAL OFFICE TO CITY OF LEESBURG ESTATE RESIDENTIAL, FOR A PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF COUNTY ROAD 48, EAST OF COUNTY ROAD 33, AND WEST OF HAYWOOD WORM FARM ROAD, AS LEGALLY DESCRIBED IN SECTIONS 14 & 15, TOWNSHIP 20 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. (SUNDANCE SUBDIVISION SSCP)

WHEREAS, the City Commission has received written objections, recommendations, and comments from the City of Leesburg Planning Commission, acting as the Local Planning Agenda, 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 acres of land generally located on the south side of County Road 48, east of County Road 33, and west of Haywood Worm Farm Road, from Lake County Regional Office to City of Leesburg Estate Residential, as shown on the revised map of said area, lying in Sections 14 & 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 on the 8th day of August 2022.

THE CITY OF LEESBURG, FLORIDA

Mayor

ATTEST:

City Clerk

EXHIBIT A

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.



CITY OF LEESBURG PLANNING & ZONING DIVISION RECOMMENDATIONS

OWNER: 33 AC SR 48, LLC
PROJECT: Sundance Mixed Use
REQUEST: Future Land Use of Estate Residential
CASE NO.: SSCP-21-461
MEETING DATE: January 20, 2022

THE PLANNING & ZONING DIVISION RECOMMENDS:

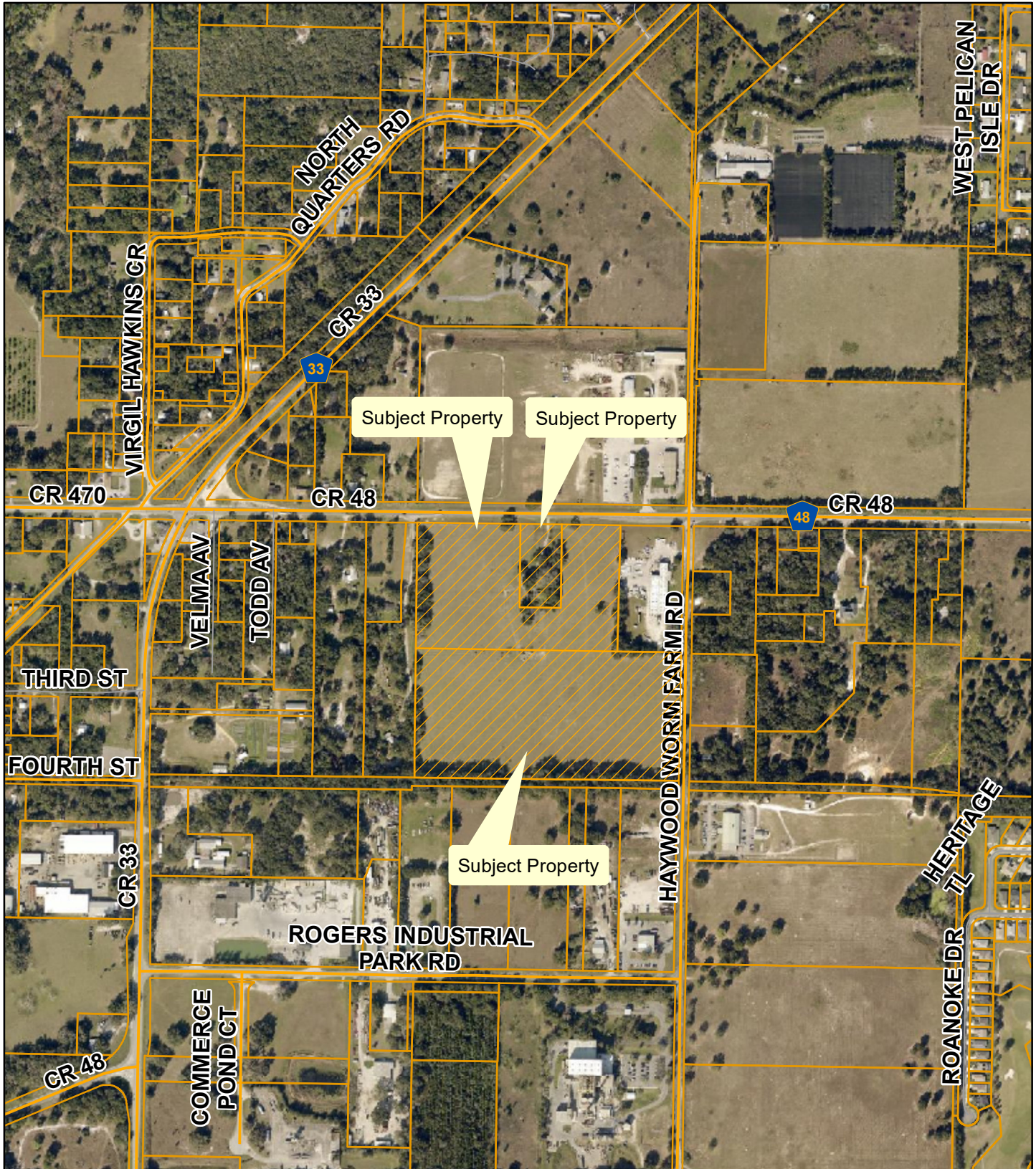
APPROVAL of the request for the following reason(s):

1. This project meets the requirements of Chapter 163.3184 Florida Statutes, for Comprehensive Plan Amendments.
2. The proposed request, as conditioned in City of Leesburg case number PUD 21-462, is compatible with the adjacent future land use designations of Lake County Regional Office, Lake County Industrial, and Lake County Urban Medium Density.
3. The proposed request as conditioned in City of Leesburg Case number PUD 21-462, is compatible with the current surrounding zoning districts in Lake County of MP (Planned Industrial), R-6 (Urban Residential), HM (Heavy Industrial), A (Agriculture), R-6 (Urban Residential), LM (Light Industrial), and R-1 (Rural Residential).
4. The proposed future land use designation for the site is consistent with the City's Growth Management Plan, Future Land Use Element, Goal I, Objective 1.6.

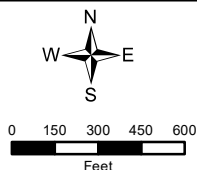
Action Requested:

1. Vote to approve the Small-Scale Comprehensive Plan designation from Lake County Regional Office to City of Leesburg Estate Residential and forward the recommendation to the City Commission for consideration.

Aerial

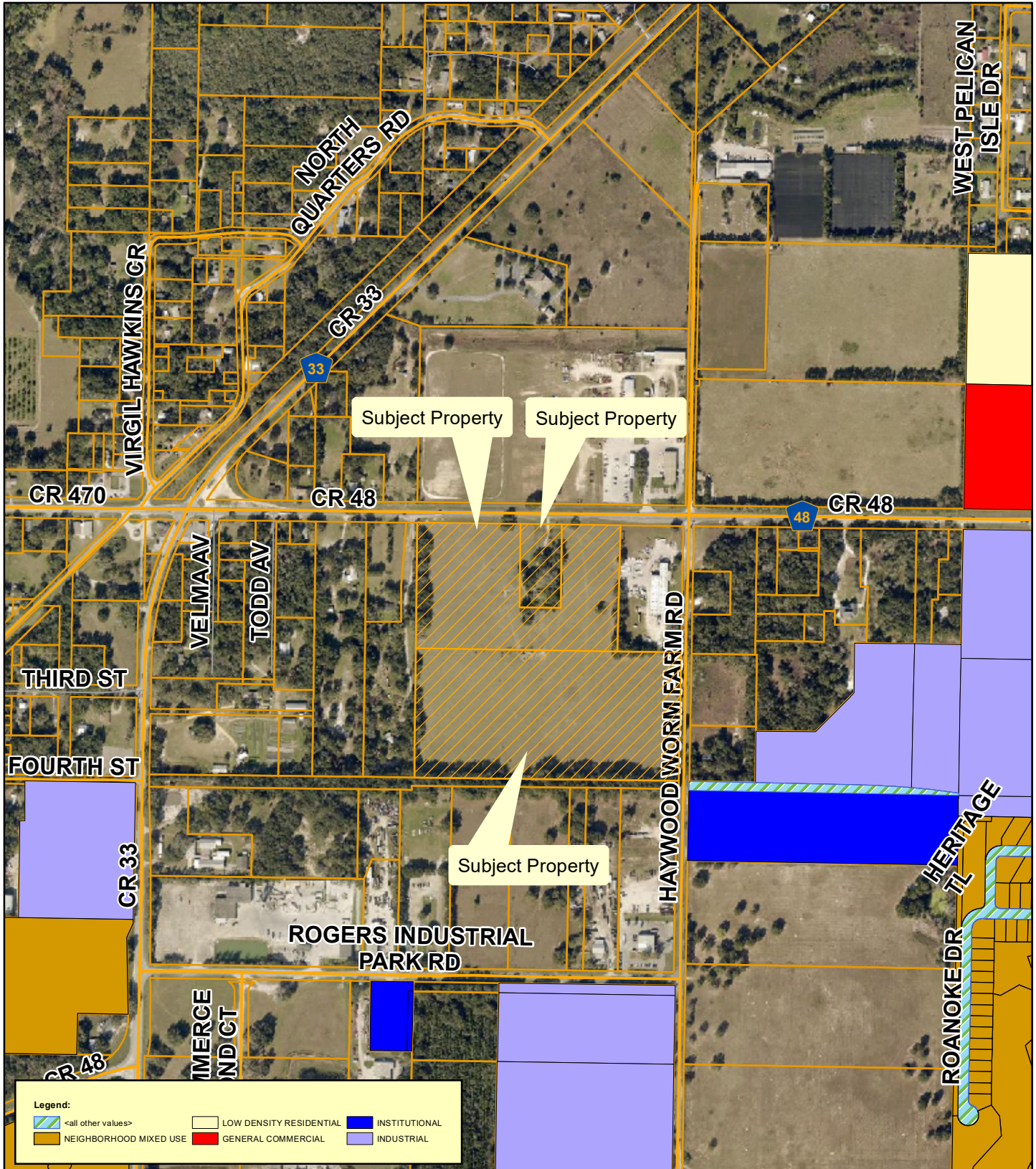


**Planning
& Zoning
Division**

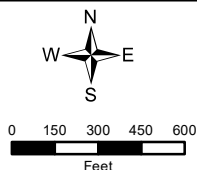


Sundance Mixed Use
3822 County Road 48, Okahumpka
Alternate Key #'s: 1111005; 1295815; 3319796
Sections 14, 15; Township 20 South; Range 24 East
December 29, 2021

Future Land Use

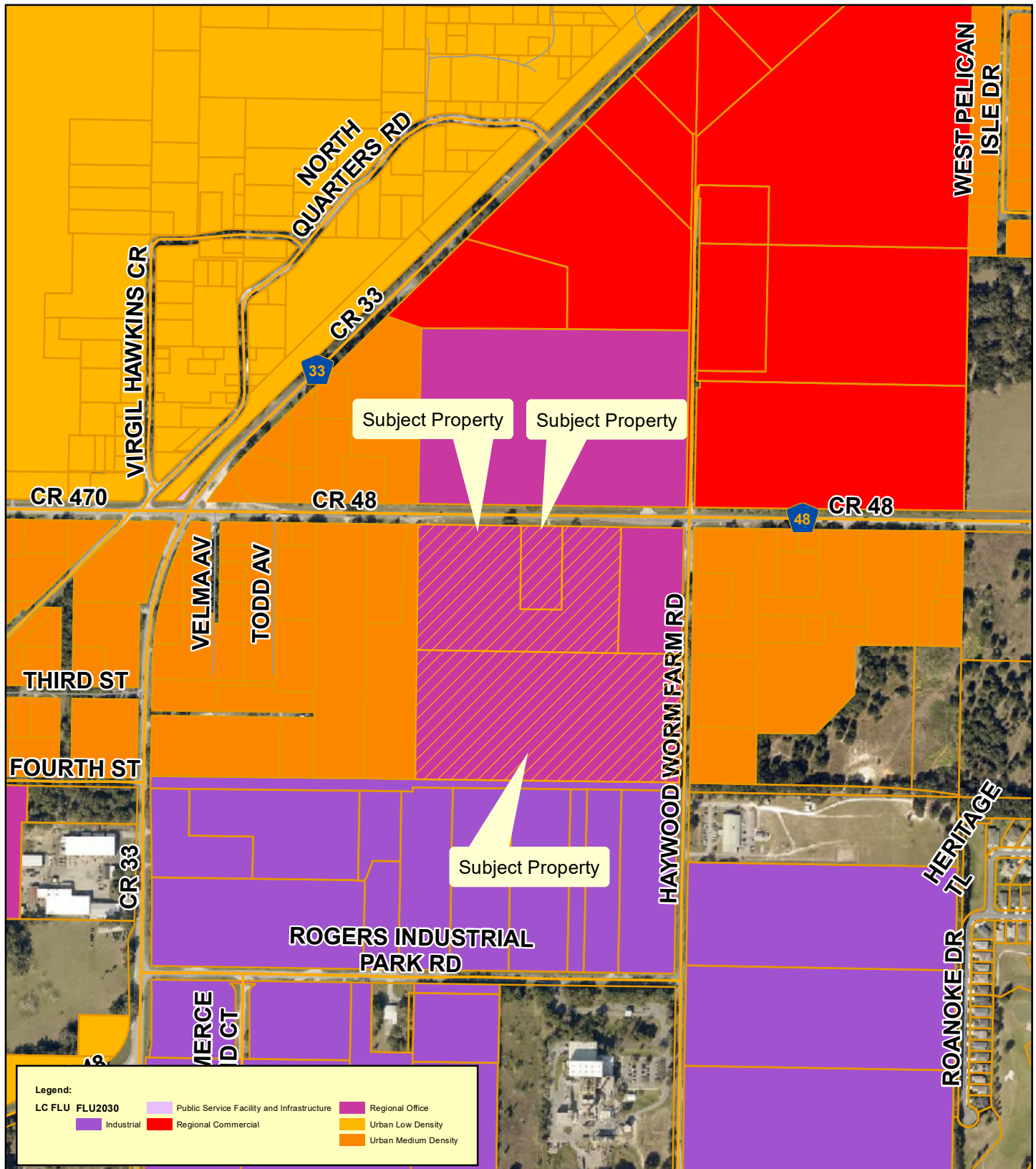


**Planning
& Zoning
Division**

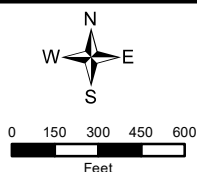


Sundance Mixed Use
3822 County Road 48, Okahumpka
Alternate Key #'s: 1111005; 1295815; 3319796
Sections 14, 15; Township 20 South; Range 24 East
December 29, 2021

Lake County Future Land Use

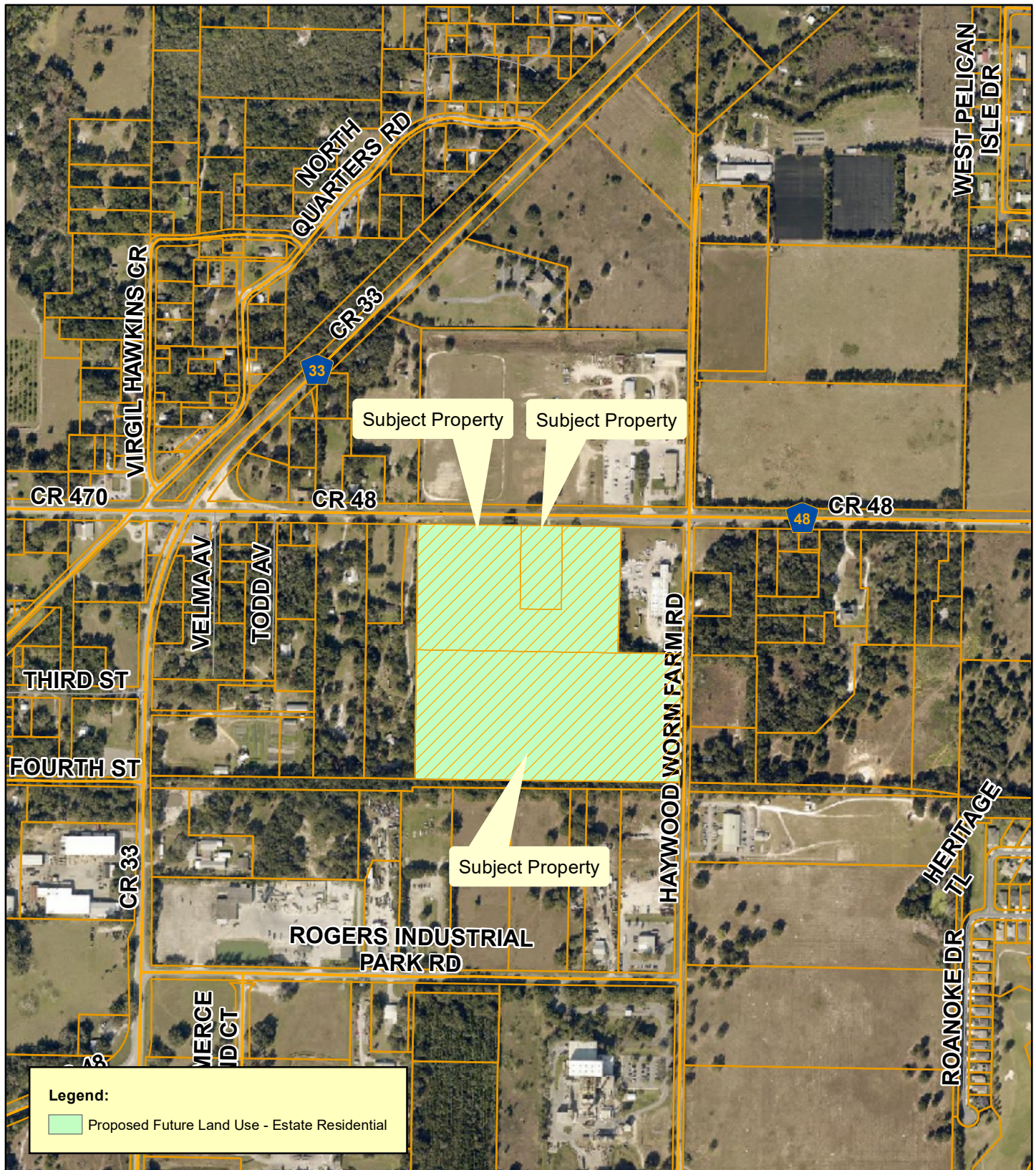


**Planning
& Zoning
Division**

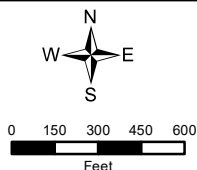


Sundance Mixed Use
3822 County Road 48, Okahumpka
Alternate Key #'s: 1111005; 1295815; 3319796
Sections 14, 15; Township 20 South; Range 24 East
December 29, 2021

PROPOSED Future Land Use



**Planning
& Zoning
Division**



Sundance Mixed Use
3822 County Road 48, Okahumpka
Alternate Key #'s: 1111005; 1295815; 3319796
Sections 14, 15; Township 20 South; Range 24 East
December 29, 2021

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 6.A.3.

Meeting Date: August 8, 2022

From: Dan Miller, (Planning and Zoning Director), Dianne Pacewicz, (Senior Planner)

Subject: An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 33 +/- acres from Lake County A (Agriculture) to PUD (Planned Unit Development) to allow for a mixed use development of single-family residential and mini-warehouse storage units for a property generally located on the south side of County Road 48, east of County Road 33, and west of Haywood Worm Farm Road, as legally described in Sections 14 & 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 PUD (Planned Unit Development) to allow for a mixed use development of single-family residential and mini-warehouse storage units.

Analysis:

The project site is approximately 33 +/- acres, and is generally located on the south side of County Road 48, east of County Road 33, and west of Haywood Worm Farm Road, as shown on the attached maps. At this time, the property is in agricultural use with one single-family dwelling unit. The proposal will allow for a single-family residential development. The existing land uses surrounding the property are residential and light manufacturing. City of Leesburg utilities are available nearby.

The Planning Commission held a public hearing on the application on January 20, 2022 and recommended approval.

Procurement Analysis:

N/A

Options:

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

Fiscal Impact:

Future development of this site will create a substantial 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 +/- ACRES FROM LAKE COUNTY A (AGRICULTURE) TO PUD (PLANNED UNIT DEVELOPMENT) TO ALLOW FOR A MIXED USE DEVELOPMENT OF SINGLE-FAMILY RESIDENTIAL AND MINI-WAREHOUSE STORAGE UNITS FOR A PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF COUNTY ROAD 48, EAST OF COUNTY ROAD 33, AND WEST OF HAYWOOD WORM FARM ROAD, AS LEGALLY DESCRIBED IN SECTIONS 14 & 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 Germana Engineering and Associates, LLC, (Richard E. Bosserman, agent) petitioner 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 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 8th day of August 2022.

THE CITY OF LEESBURG, FLORIDA

Mayor

ATTEST:

City Clerk

**SUNDANCE SUBDIVISION
PUD (PLANNED UNIT DEVELOPMENT CONDITIONS)
January 20, 2022**

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, 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 desirous of obtaining a Planned Unit Development (PUD) zoning district to allow future construction of a proposed residential development consisting of a maximum of 85 single family residential units and 136,500 square feet of light industrial and office uses on 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, “Permittee”)**, 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 platted single-family residential development, and light industrial development pursuant to City of Leesburg development codes and standards.

A. Permitted Uses (Residential Area A)

- 1) Detached single family residential units
- 2) Accessory structures for residential uses
- 3) Sales office in a single-family unit
- 4) Accessory retail within a recreation center or clubhouse, intended for the primary use of residents, such as a snack bar
- 5) Temporary modular sales center office (during construction and sales of new units) not to exceed one year, and construction office not to exceed two years from the approval of the final plat of the final phase for the subdivision. Model homes may be used as sales centers during the duration of the project.

B. Permitted Uses (Industrial Area B).

- 1) Mini-Warehouse/storage units
- 2) Office space

C. Prohibited Uses

- 1) Townhouses
- 2) Multi-family units (Apartments)
- 3) All other uses not specifically permitted within these conditions under Permitted Uses above shall be prohibited.

4. **RESIDENTIAL DEVELOPMENT STANDARDS (Area A)**

A. The project consists of approximately 33 acres, which shall be divided into two developable areas. "Area A" shall be the residential portion of the property consisting of the western 21.77+/- acres, and shall contain a maximum of 85 single family residential units, at a gross density not to exceed 3.9 units per acre as shown on the attached Conceptual Development Plan. "Area B" shall be that property consisting of the eastern 10.91+/- acres, and shall contain a maximum of 136,500 square feet of development to include mini-warehouse and office uses, as shown on the attached Conceptual Development Plan. All development shall be substantially consistent with the proposed **Exhibit C, Conceptual Development Plan**.

B. Area A Development Standards:

1. A mix of lot sizes is permitted as long as all lots are equal to or larger than the required minimums.
2. Along each street, homes with the same architectural design shall not be immediately adjacent (side by side) or directly across from a lot with the same design. Facades may be varied to meet this requirement. The maximum impervious surface for the project shall be 70%. Community and private swimming pools shall not count toward the impervious surface calculation.

3. The minimum lot development standards shall be:

For all lots:

- (a) Minimum house size: 1,600 square feet.
- (b) Each additional bedroom to the above the minimum house size shall be a minimum of 120 square feet.
- (c) Minimum lot size shall be 6000 square feet.
- (d) Minimum width 50 feet
- (e) Minimum depth 120 feet
- (f) Minimum building setbacks:
 - Front – 20 feet;
 - Rear – 18 feet;
 - Side – 5 feet;
 - Corner Side – 15 feet.
 - Porch – 14 feet (porch must be a minimum width of 6 feet).

4. For all structures:

- a) Each residential structure shall have a minimum two car garage.
- b) Minimum distance between structures shall be 10 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.
- c) Maximum building height: two (2) stories or 35 feet.
- d) 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.
- e) Attached screened enclosures (no solid roof) must maintain a minimum setback of five (5) feet from the side and rear property line. Attached swimming pool screened enclosure shall also maintain a minimum setback of five (5) feet from the side or rear property lines.
- f) Solid roof structures attached to the residence must meet the required rear setback as noted under “Minimum building setbacks.”
- g) 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. **INDUSTRIAL/COMMERCIAL DEVELOPMENT STANDARDS (Area B)**

A. The project consists of approximately 33 acres, which shall be divided into two developable areas. “Area B” shall be that property consisting of the eastern 10.91 +/- acres, and shall contain a maximum of 136,500 square feet of development to include mini-warehouse and office uses, as shown on the attached Conceptual Development Plan. All development shall be substantially consistent with the proposed **Exhibit C, Conceptual Development Plan**.

B. Area B Development Standards:

- 1. Area B shall utilize the C-3 (Highway Commercial) for general development standards. Uses for this area shall be as noted in this PUD agreement.

6. DESIGN/ARCHITECTURAL STANDARDS

- A. All buildings shall utilize at least three 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, provided there are 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. Unique design features shall be reviewed by the Community Development Director for compliance.
- C. Other similar design variations meeting the intent of this section may be approved by the Community Development Director or designee.
- D. The architectural styles and facades shown in **Exhibit D, Building Elevations** herein are considered to meet the requirements of this section.

- 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.

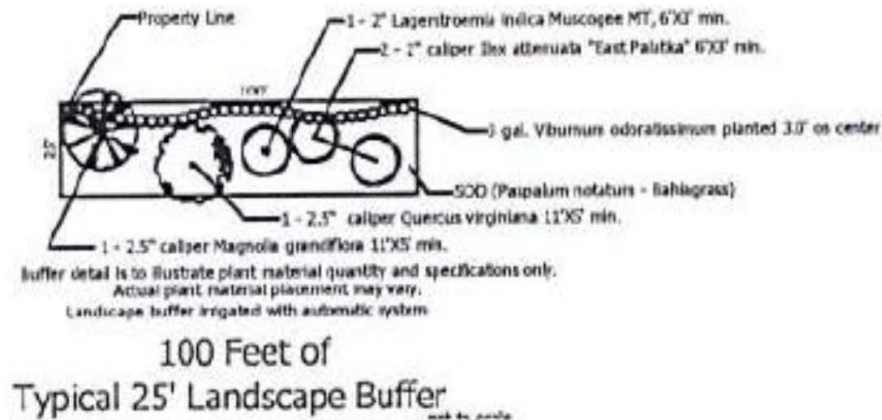
7. LANDSCAPING & BUFFER REQUIREMENTS

- A. A minimum twenty-five (25) foot buffer tract with plantings as shown in Figure A below, shall be provided along the entire boundary of the residential property. This landscape buffer shall be separate from all other platted lots, 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 or Homeowners Association.
- B. On the eastern and north eastern boundary of the property, in all areas adjacent to Industrial uses, a minimum six (6) foot solid wall shall be installed at the property line to provide a solid visual buffer between the subject property and the adjacent Industrial use. Fencing shall not be permitted in lieu of a wall.
- C. Land uses allowed within the upland buffers are limited to hiking trails, walkways, passive recreation activities and stormwater facilities as permitted by St. Johns River Water Management District.
- D. A six-foot privacy fence, consisting of PVC or other such synthetic material, shall be installed along the western, southern and eastern boundary of the property, not adjacent to Industrial uses or properties, in all areas not buffered by the wall required in Section 6.A. above.
- E. 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.

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



- 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.
- 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.
- H. Each platted single-family residential lot of record shall contain a minimum of one canopy tree, located within in the front yard, and selected from the list of trees within the City of Leesburg Code of Ordinances, *Section 25-328 Table 1, Canopy Trees*. All other requirements for tree planting based on lot size shall remain in effect.

8. 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. Actual location and design of the roads 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.

- 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 approved 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.
- B. 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.
- C. 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.
- D. 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.

9. 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 roads 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.

10. 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. Developer shall be responsible for the installation of a natural gas water heater and natural gas furnace in eighty percent (80%) of all homes in the development.
- D. 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.

11. 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.

12. 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 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.
- 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.

13. 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.

14. 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 consist of not less than 200 square feet of space per dwelling unit or 17,000 square feet (0.4 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 number of residential units.
- C. Credit for recreational space shall be given for areas dedicated to recreational space, to include items such as a clubhouse with 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.

- D. Active recreational activity space shall be calculated at a rate of 1.25 times for activities such as, but not limited to:
- 1) Trails, playgrounds, basketball, tennis, handball courts, etc.
 - 2) Community swimming pool, including the deck area surrounding such pools.
 - 3) Indoor recreation rooms provided such rooms are permanently maintained for the use of residents for recreational purposes.
 - 4) Other active recreational activities may be used for credit, subject to approval by the City of Leesburg.

15. 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.

16. 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. 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.

17. 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.

18. 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. 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. 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
 - 1. There are no previous commitments of any existing or planned excess capacity for this property.
- 3) Ability to Provide Services
 - 1. At this time, the City intends to provide water, wastewater and reclaimed water services within its service area for the foreseeable future.
 - 2. 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.

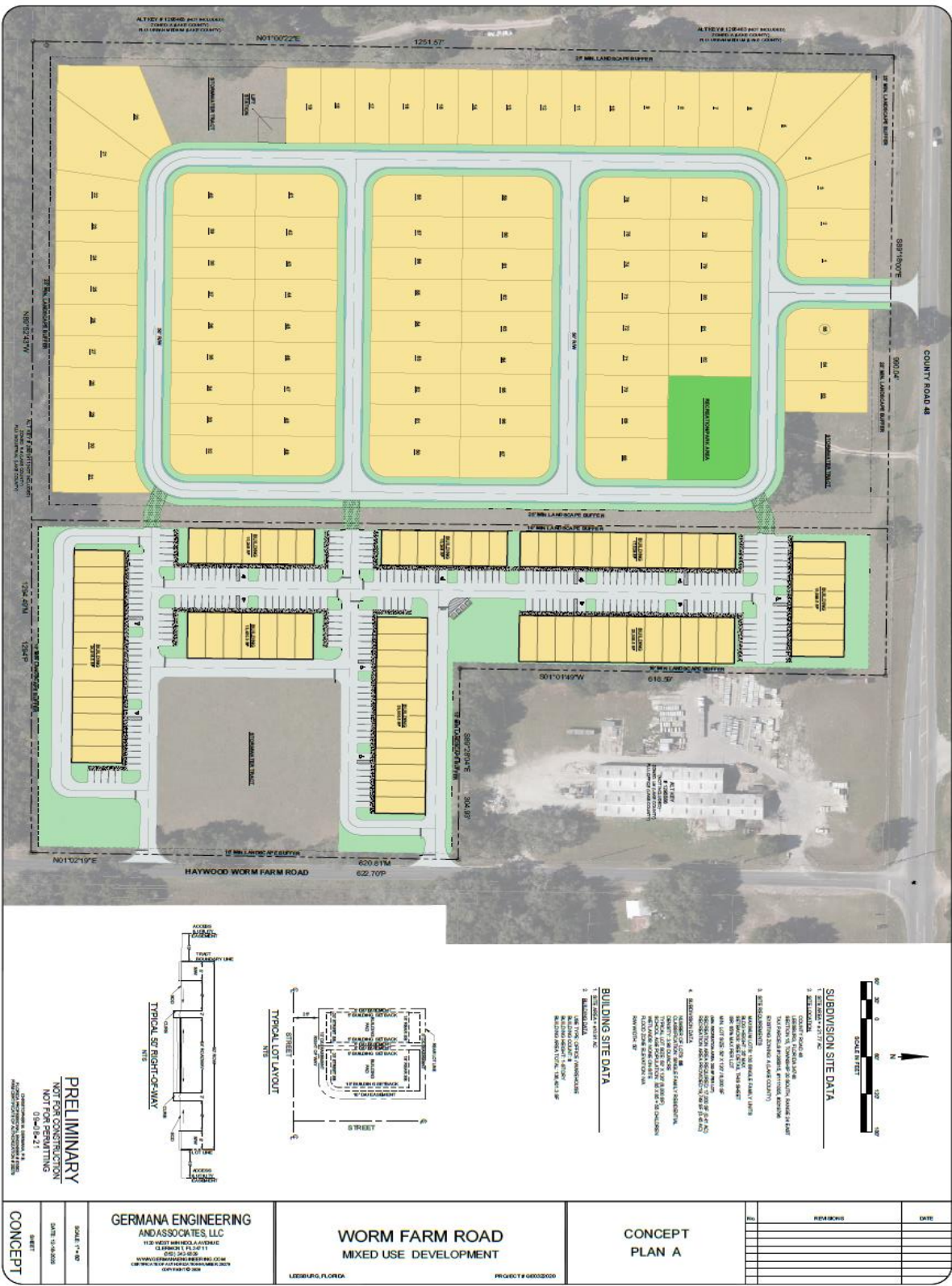
LESS the right-of-way for Atlantic Coastline Railroad along the South lot line of said Lot 13 thereof.

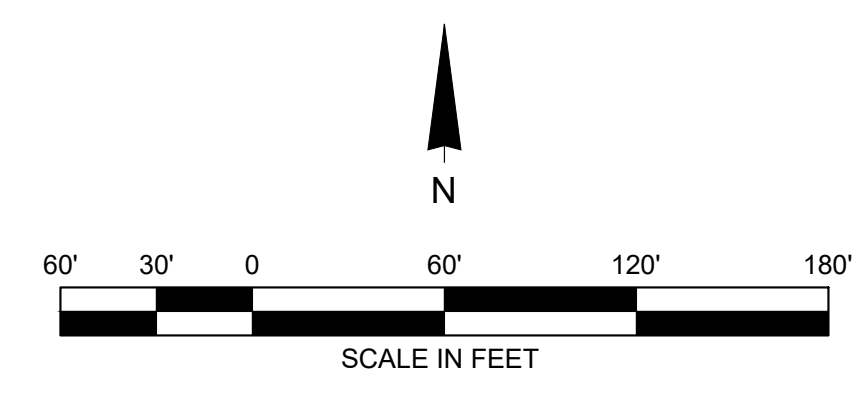
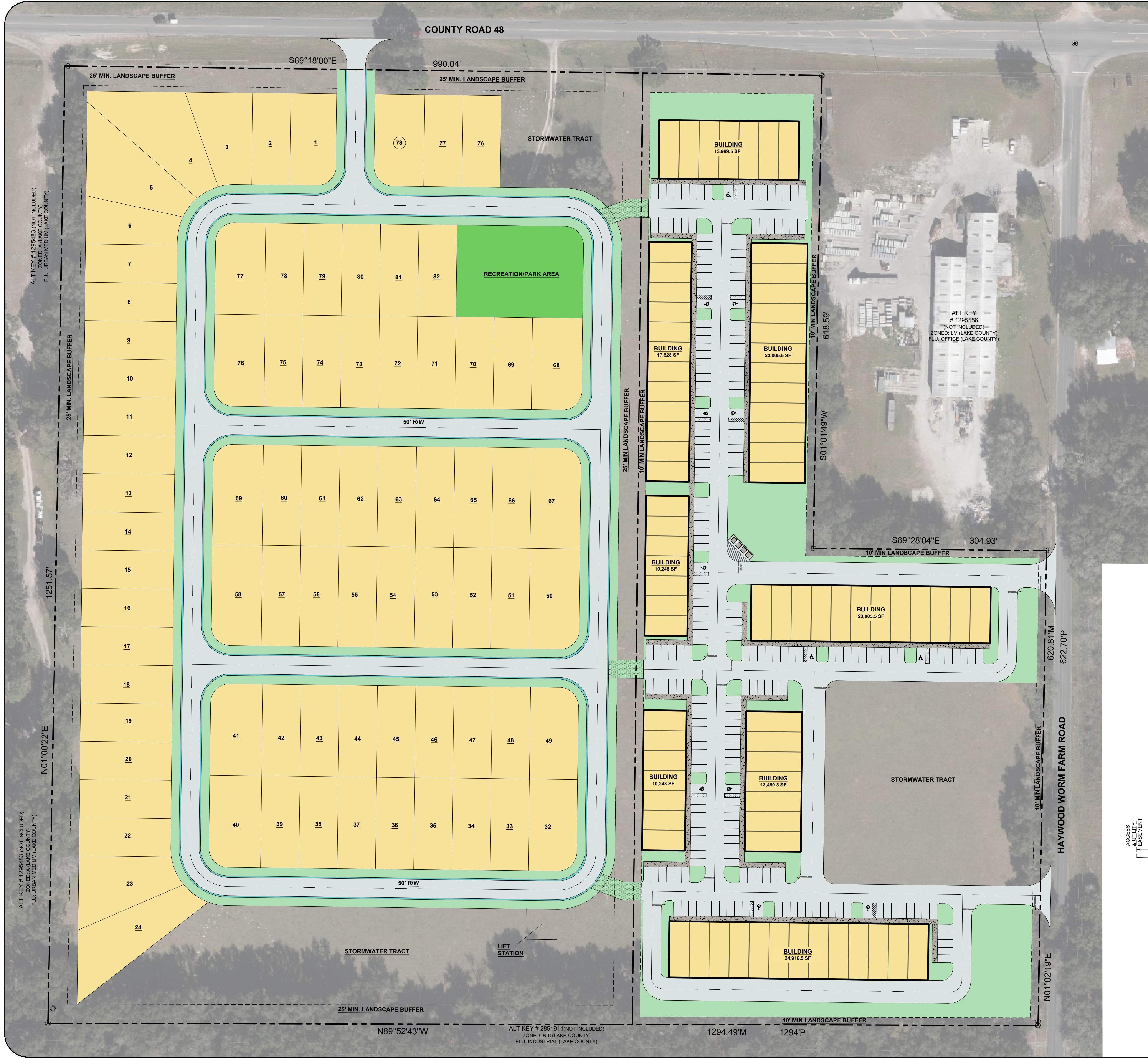
Also, LESS that part of Haywood Worm Farm Road over the East lot lines of said Lot 13, 14, 15 and 16 thereof.

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.



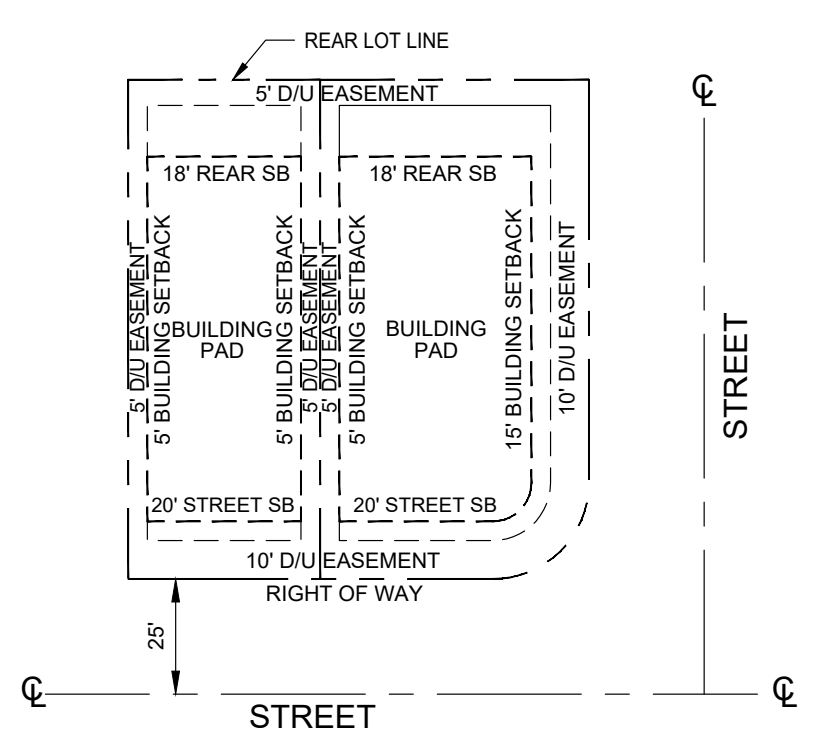


SUBDIVISION SITE DATA

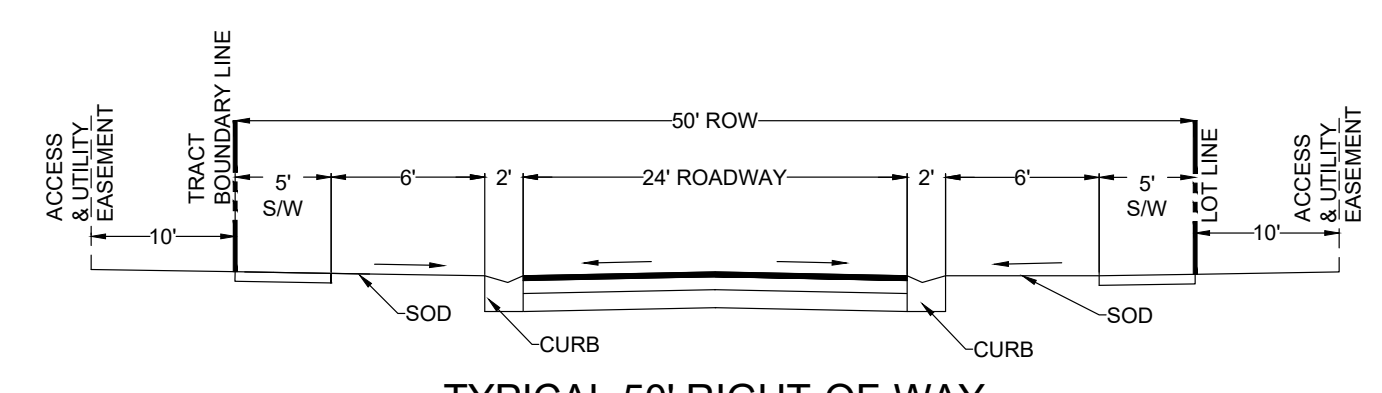
- 1. **SITE AREA** = ± 33.45 AC
- 2. **SITE LOCATION**
COUNTY ROAD 48
LEESBURG, FLORIDA 34748
SECTION 15, TOWNSHIP 20 SOUTH, RANGE 24 EAST
TAX PARCELS #1295815, #1111005, #3319796
EXISTING ZONING: A (LAKE COUNTY)
- 3. **SITE REQUIREMENTS**
MAXIMUM LOTS: 130 SINGLE FAMILY UNITS
BLDG HEIGHT: 35' MAX
SETBACKS: SEE DETAIL THIS SHEET
ISR: 65% MAX PER LOT
MIN. LOT SIZE: 50' X 120' / 6,000 SF
(MIN. RECREATION AREA: 200 SF PER LOT)
RECREATION AREA REQUIRED: 17,000 SF (0.41 AC)
RECREATION AREA PROVIDED: 19,749 SF (0.45 AC)
- 4. **SUBDIVISION DATA**
NUMBER OF LOTS: 85
CLASSIFICATION: SINGLE FAMILY RESIDENTIAL
DENSITY: 3.98 DU/ACRE
TYPICAL LOT SIZE: 50' X 120' (6,000 SF)
SCHOOL AGE POPULATION: .65 X 85 = 55 CHILDREN
WETLANDS: NONE ON-SITE
FLOOD ZONE ELEVATION: N/A
R/W WIDTH: 50'

BUILDING SITE DATA

- 1. **SITE AREA** = ± 10.91 AC
- 2. **BUILDING DATA**
USE TYPE: OFFICE / WAREHOUSE
BUILDING COUNT: 8
BUILDING HEIGHT: 1-STORY
BUILDING AREA TOTAL: 136,401 SF



TYPICAL LOT LAYOUT
NTS



TYPICAL 50' RIGHT-OF-WAY
NTS

PRELIMINARY
NOT FOR CONSTRUCTION
NOT FOR PERMITTING
12-01-2021
CHRISTOPHER M. GERMANA, P.E.
FLORIDA PROFESSIONAL ENGINEER # 61682
FIRM CERTIFICATE OF AUTHORIZATION # 29279

CONCEPT PLAN D	REVISIONS	DATE
	No	
SUNDANCE MIXED USE	PROJECT # GE032020	
	LEESBURG, FLORIDA	
GERMANA ENGINEERING AND ASSOCIATES, LLC	SCALE: 1" = 60'	
	DATE: 12-01-2021	
	SHEET	
CONCEPT		



CITY OF LEESBURG PLANNING & ZONING DIVISION RECOMMENDATIONS

OWNER: 33 AC SR 48, LLC
PROJECT: Sundance Subdivision
REQUEST: PUD (Planned Unit Development) zoning
CASE NO.: PUD-21-462
MEETING DATE: January 20, 2022

THE PLANNING & ZONING DIVISION RECOMMENDS:

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

1. The proposed request to rezone the subject property from Lake County A (Agriculture) to City of Leesburg PUD (Planned Unit Development), as conditioned, is compatible with adjacent property in Lake County zoned in industrial and residential districts, including MP (Planned Industrial), HM (Heavy Industrial), R-6 (Urban Residential), and R-1 (Rural Residential).
2. The proposed request, as conditioned, is compatible with surrounding Future Land Use designations of Regional Office, Industrial and Urban Medium Density, as well as with the proposed City of Leesburg Future Land Use designation of Estate.
3. The proposed request 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 recommendation to rezone the subject property from Lake County A (Agriculture) to PUD (Planned Unit Development) with the SUNDANCE SUBDIVISION PUD (PLANNED UNIT DEVELOPMENT CONDITIONS), attached as Exhibits A-C hereto, dated January 20, 2021 and forward to the City Commission for consideration.

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

DATE: January 20, 2022
OWNER: 33 AC SR 48, LLC
PETITIONER: Germana Engineering and Associates, LLC
PROJECT: Sundance Mixed Use
REQUEST: Future Land Use of Estate Residential; Zoning of PUD (Planned Unit Development)
CASE NO.: ANNX-21-460; SSCP-21-461; PUD-21-462

GENERAL LOCATION: The property is generally located south of County Road 48, east 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
West —	Lake County Urban Medium
East —	Lake County Urban Medium

PROPOSED FUTURE LAND USE DESIGNATION: Estate Residential

EXISTING ZONING DESIGNATION: Lake County (A) Agriculture

SURROUNDING ZONING DESIGNATIONS:

North —	Lake County MP (Planned Industrial District)
South —	Lake County R-6 (Urban Residential); Lake County HM (Heavy Industrial District)
West —	Lake County A (Agriculture); Lake County R-6 (Urban Residential)
East —	Lake County LM (Light Industrial); Lake County R-1 (Rural Residential)

PROPOSED ZONING DESIGNATION: City of Leesburg PUD (Planned Unit Development)

EXISTING LAND USE: Agricultural/single family dwelling unit

SURROUNDING LAND USE:

North —	Light Manufacturing
South —	Office; Vacant Industrial; Service Shop
West —	Residential
East —	Residential; Light Manufacturing; Vacant Commercial

PROPOSED LAND USE: Mixed Use: Mini-Warehouse and residential subdivision

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

DATE: January 4, 2022
OWNER: 33 AC SR 48, LLC
PETITIONER: Germana Engineering and Associates, LLC
PROJECT: Sundance Mixed Use
REQUEST: Future Land Use of High Density, Zoning of PUD (Planned Unit Development)
CASE NO.: SSCP 21-461; PUD-21-462

THE FOLLOWING COMMENTS RECEIVED FROM EACH DEPARTMENT:

POLICE

No comments received as of 1/14/22

FIRE

No comments from Fire Department. Amanda Stevenson 1/11/22

ELECTRIC

This one is outside of Leesburg Electric service territory. Steve Davis 1/5/22

GAS

No issues here. Robert Thilmony 1/6/22

Natural Gas is available. Brandon Smith 1/11/22

GIS

GIS has no comments. Tammy Magamoll 1/13/22

BUILDING

No comments received as of 1/14/22

PUBLIC WORKS

Public Works has no issues with this. The PUD will need a lift station to connect to the Forced Main and we will not take ownership of their internal roadways. Clifford Kelsey 1/6/22

ADDRESSING

No comments received as of 1/14/22

ECONOMIC DEVELOPMENT

No comments received as of 1/14/22

LAKE COUNTY PUBLIC WORKS

Lake County Public Works comment letter is attached. Also, the concept plan has changed to divide the

property and uses with a direct connection to CR 48 which was commented on in previous application from last year to not be allowed. If you have any questions, please let me know. Thanks, Seth Lynch 1/14/22

LAKE COUNTY SCHOOLS

The residential portion of the proposed Sundance mixed use project is subject to school concurrency review. Proportionate share mitigation may be required at time of submittal. Let me know if you have any questions. Thanks, Helen LaValley 1/14/22

PUBLIC RESPONSES

Approval

1 approval

Disapproval

none

No comment

Notice of Appearance filed:

PUBLIC COMMENTS (APPROVAL WITH REQUESTS)

PUBLIC COMMENTS (DISAPPROVAL)



Department of Public Works, Engineering Division
P.O. Box 7800 • 350 N. Sinclair Ave. • Tavares, FL 32778

January 13, 2022

Dan Miller,
Planning & Zoning Manager
City of Leesburg
Planning and Zoning Department
204 North 5th Street
Leesburg, Florida 34749
(sent via email)

RE: PROJECT: Sundance Subdivision / Planned Unit Development
CASE NO.: PUD-21-462

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 will need to be from Haywood Worm Farm Rd. and not directly from CR 48. There are currently turn lanes at the intersection of CR 48 and Haywood Worm Farm Rd.
- The development is proposed to be mixed use with residential and office/warehouse. The access for the residential portion of the site could utilize the south access proposed access off Haywood Worm Farm Rd.
- 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 may be required for the Central Lake Trail.
- Additional right-of-way may be required for the future CR 470/48 four lane plan.
- Grading, Drainage, and Utility easements will need to be provided along CR 48.

P 352.253.6000 • F 352.253.9025
Board of County Commissioners • www.lakecountyfl.gov

Douglas B. Shields
District 1

Sean M. Parks, AICP, QEP
District 2

Kirby Smith
District 3

Leslie Campione
District 4

Josh Blake
District 5

Haywood Worm Farm Rd:

- Two access connections for the proposed development may be allowed off Haywood Worm Farm Rd to accommodate the separation of the uses of the site with one for the office/warehouse and the other for residential.
- Additional right-of-way maybe required along development's frontage.
- Sidewalk will need to be provided along road frontage.

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.

Please be advised that this letter pertains to transportation, access management, stormwater, and floodplain related impacts foreseen from the proposed PUD application as reviewed by Lake County Department of Public Works. This letter does not include any land use, zoning, or any other elements that which be addressed by other departments, such as Lake County Department of Economic Growth - Office of Planning and Zoning.

Please let me know if you have any questions on the comments and recommendations I have provided in this letter.

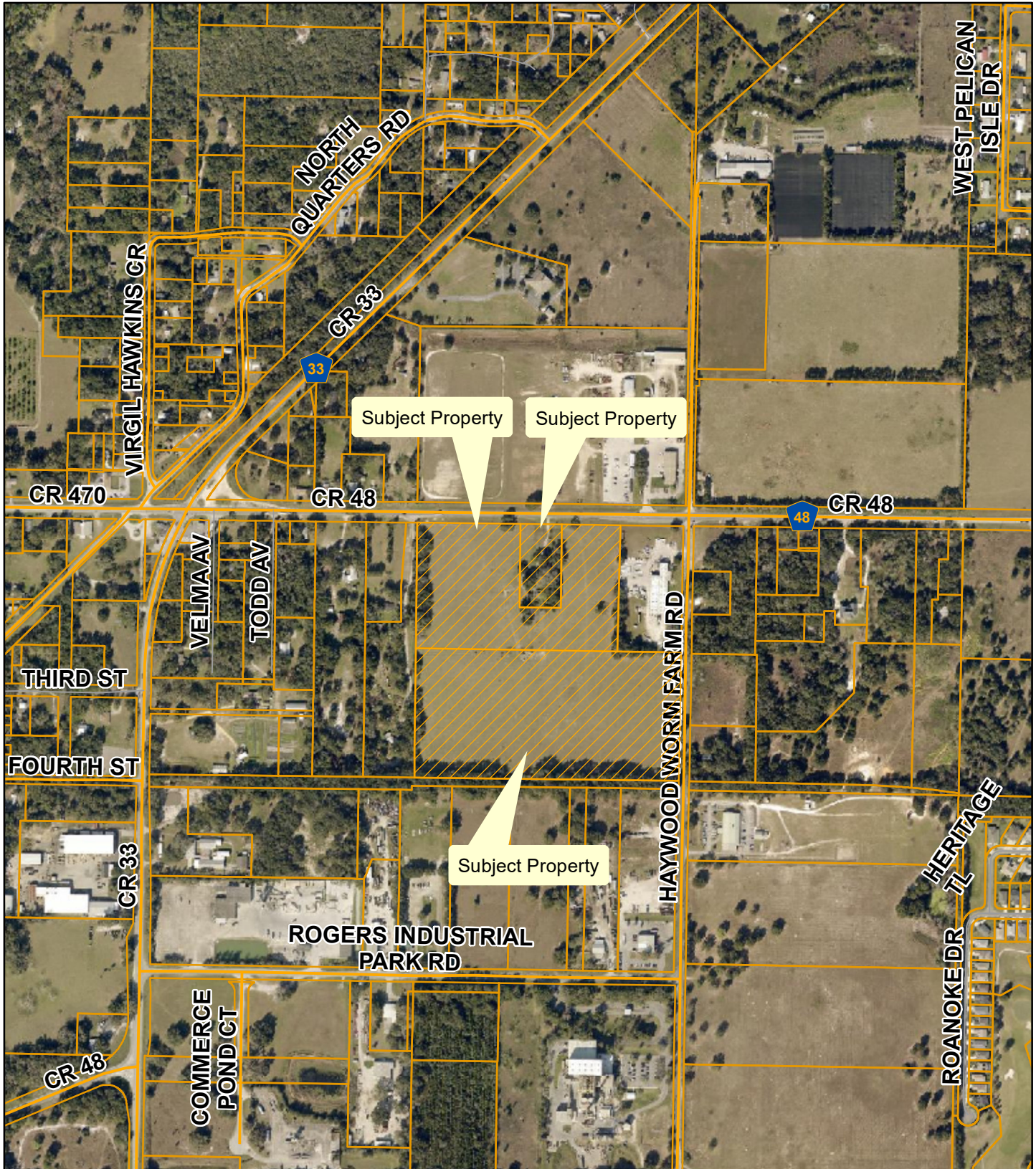
Sincerely,

Seth Lynch

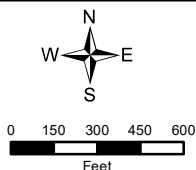
Seth Lynch
Development Engineer/Project Manager
Lake County Department of Public Works
Engineering Division
slynch@lakecountyfl.gov

Cc: Jeff Earhart, Engineering Manager for Lake County
Tim McClendon, Planning Director for Lake County
Michele Janiszewski, Chief Planner for Lake County
Kandi Harper, Senior Planner for City of Leesburg

Aerial

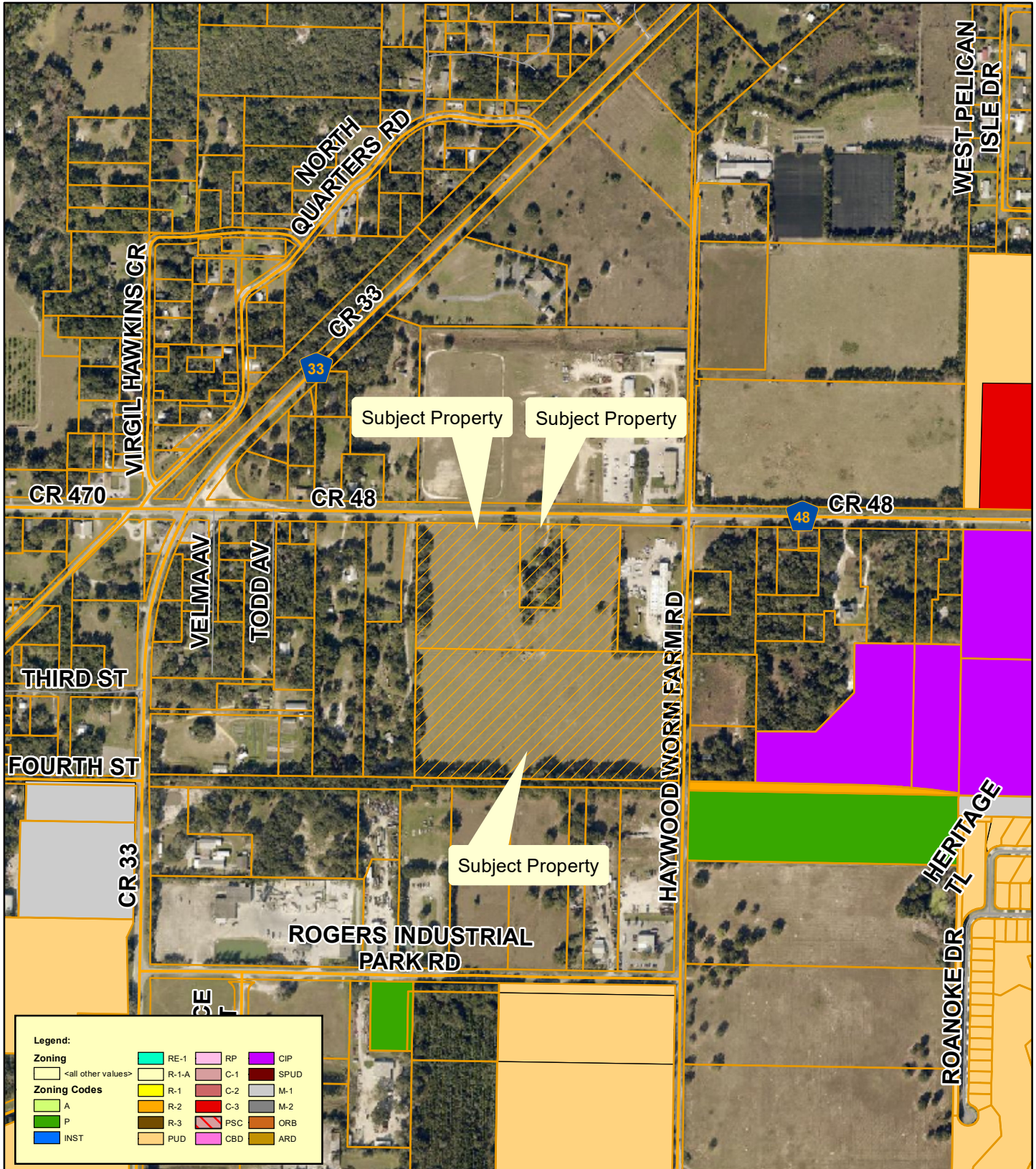


**Planning
& Zoning
Division**

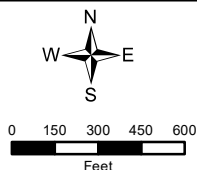


Sundance Mixed Use
3822 County Road 48, Okahumpka
Alternate Key #'s: 1111005; 1295815; 3319796
Sections 14, 15; Township 20 South; Range 24 East
December 29, 2021

Zoning

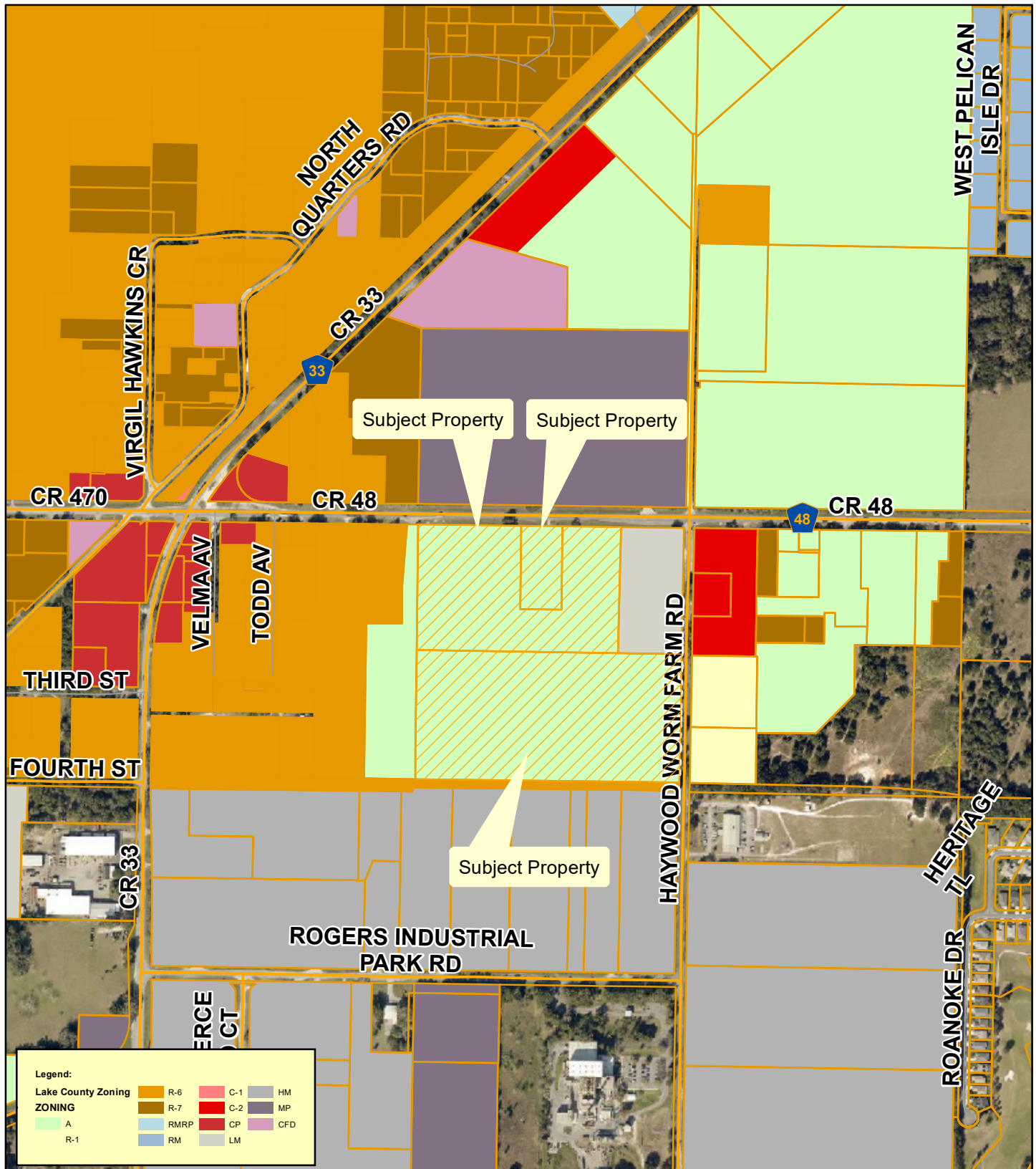


**Planning
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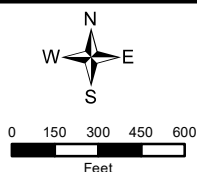


Sundance Mixed Use
3822 County Road 48, Okahumpka
Alternate Key #'s: 1111005; 1295815; 3319796
Sections 14, 15; Township 20 South; Range 24 East
December 29, 2021

Lake County Zoning

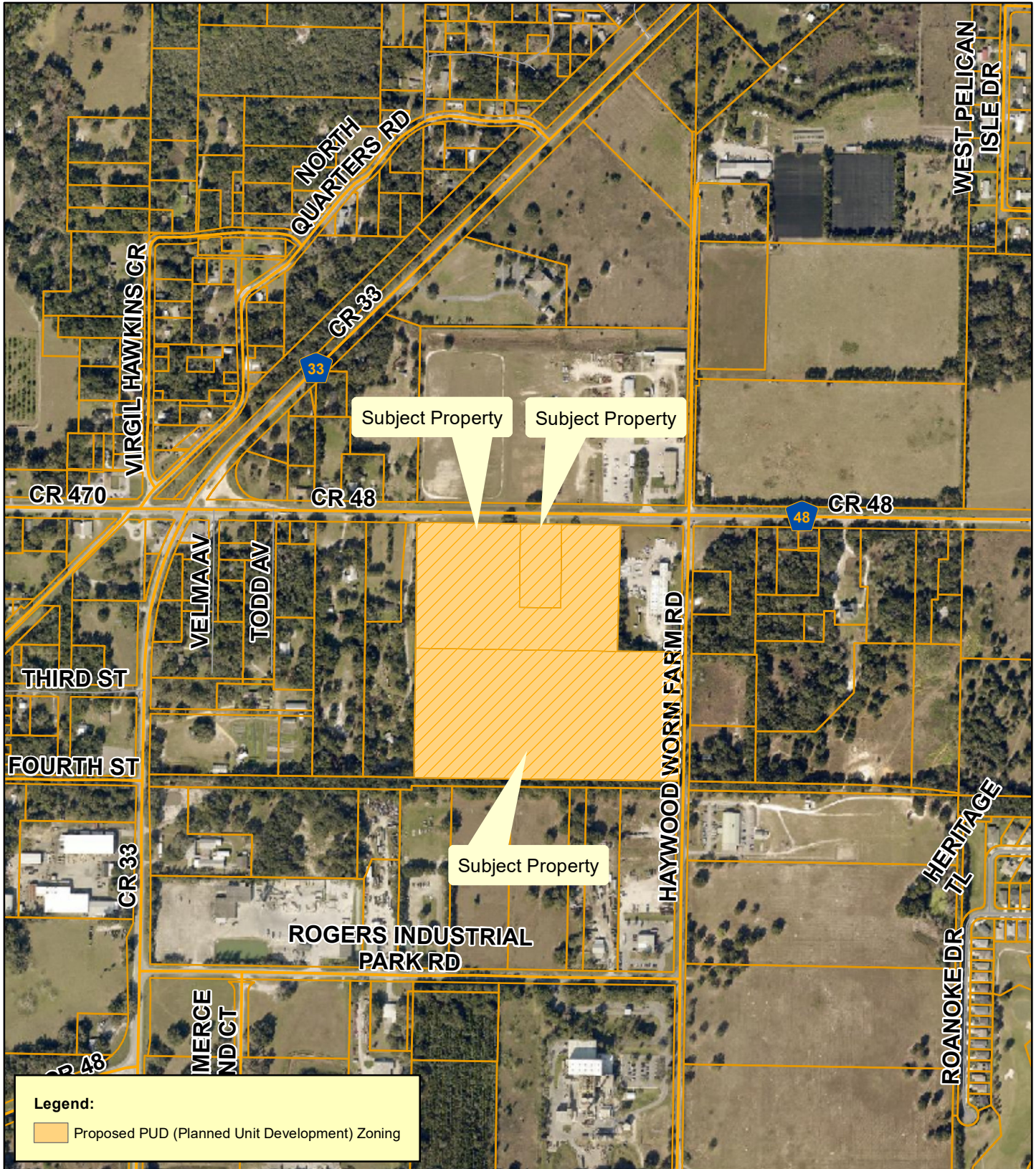


**Planning
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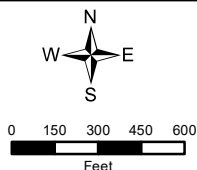


Sundance Mixed Use
3822 County Road 48, Okahumpka
Alternate Key #'s: 1111005; 1295815; 3319796
Sections 14, 15; Township 20 South; Range 24 East
December 29, 2021

PROPOSED Zoning



**Planning
& Zoning
Division**

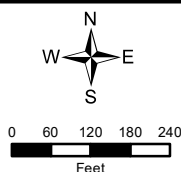


Sundance Mixed Use
3822 County Road 48, Okahumpka
Alternate Key #'s: 1111005; 1295815; 3319796
Sections 14, 15; Township 20 South; Range 24 East
December 29, 2021

Surrounding Land Uses

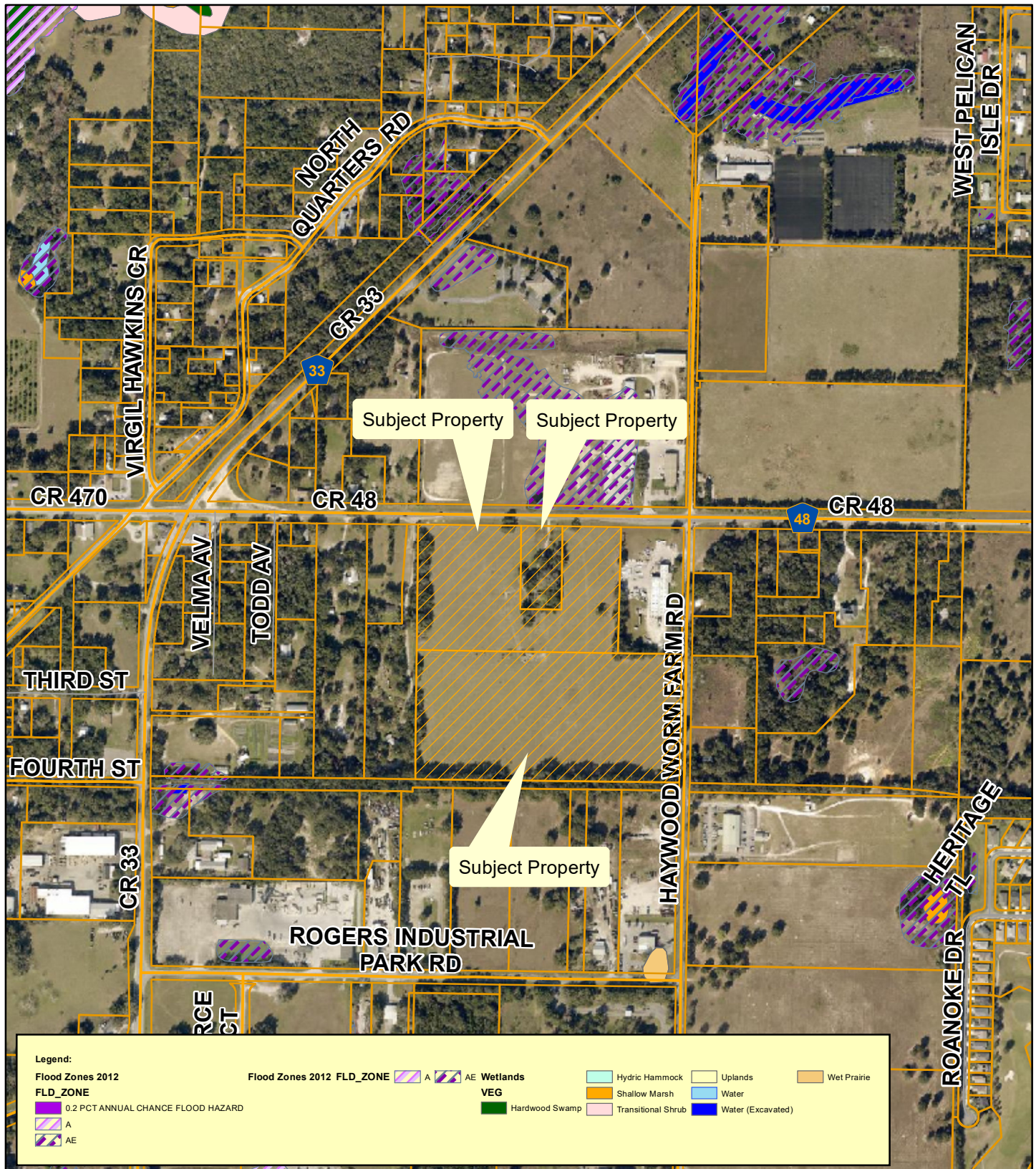


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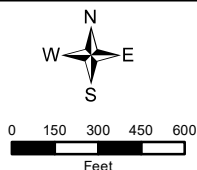


Sundance Mixed Use
3822 County Road 48, Okahumpka
Alternate Key #'s: 1111005; 1295815; 3319796
Sections 14, 15; Township 20 South; Range 24 East
December 29, 2021

Wetlands and Flood Zones



**Planning
& Zoning
Division**



Sundance Mixed Use
3822 County Road 48, Okahumpka
Alternate Key #'s: 1111005; 1295815; 3319796
Sections 14, 15; Township 20 South; Range 24 East
December 29, 2021

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 6.A.4.

Meeting Date: August 8, 2022

From: Dan Miller, (Planning and Zoning Director)

Subject: An Ordinance of the City of Leesburg, Florida modifying the existing zoning of PUD (Planned Unit Development) on approximately 214.84 acres, for a property generally located east and west of U.S. Highway 27 and north of Florida's Turnpike, as legally described in Section 01, Township 21 South, Range 24 East, and Section 06, Township 21 South, Range 25 East, Lake County, Florida; and providing an effective date. (Lyden-Nicholson)

Staff Recommendation:

Planning and Zoning Staff and Planning Commission recommend approval of the request to modify the existing zoning of PUD (Planned Unit Development) on the Lyden-Nicholson property.

Analysis:

The project site is approximately 214.84 +/- acres, and is generally located east and west of U.S. Highway 27 and north of Florida's Turnpike as shown on the attached maps. At this time, the property is undeveloped acreage. The proposal will decrease density to 3.34 DU/acre and include the following: 292 single-family detached lots, 138 single-family lots, 288 multi-family units, and 164,000 square feet of commercial property. The existing land uses surrounding the property are residential, timber, pasture, public lands, and wetlands. City of Leesburg utilities are available nearby.

The Planning Commission held a public hearing on the application on June 23, 2022 and recommended approval by a vote of 6-0.

Procurement Analysis:

N/A

Options:

1. Approve the proposed modification of the existing zoning of PUD (Planned Unit Development) on the Lyden Nicholson property; or
2. Other such action as the Commission may deem appropriate.

Fiscal Impact:

Future development of this site will create a substantial 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 MODIFYING THE EXISTING ZONING OF PUD (PLANNED UNIT DEVELOPMENT) ON APPROXIMATELY 214.84 ACRES, FOR A PROPERTY GENERALLY LOCATED EAST AND WEST OF U.S. HIGHWAY 27 AND NORTH OF FLORIDA'S TURNPIKE, AS LEGALLY DESCRIBED IN SECTION 01, TOWNSHIP 21 SOUTH, RANGE 24 EAST, AND SECTION 06, TOWNSHIP 21 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. (LYDEN-NICHOLSON)

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

Section 1.

Based upon the petition of Tara Tedrow for Lowndes Law petitioner 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, does hereby have their existing zoning of City of Leesburg PUD (Planned Unit Development) modified to decrease density to 3.34 DU/acre, 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 8th day of August 2022.

THE CITY OF LEESBURG, FLORIDA

Mayor

ATTEST:

City Clerk

Legal Description for the Lyden-Nicholson Property

PARCEL "1": (AK#1701384 and AK#1296773 West of Hwy 27)

THAT PART OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 LYING WEST OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 27 (STATE ROAD 8-A, PROJECT 5323) AND LYING NORTH OF THE NORTH RIGHT-OF-WAY LINE OF BRIDGES ROAD;

AND

THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 LYING NORTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF BRIDGES ROAD;

AND

THAT PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 LYING NORTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF BRIDGES ROAD ALL LYING IN SECTION 1, TOWNSHIP 21 SOUTH, RANGE 24 EAST, IN LAKE COUNTY, FLORIDA;

AND

BEGIN AT THE INTERSECTION OF THE WEST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 21 SOUTH, RANGE 24 EAST, IN LAKE COUNTY, FLORIDA, WITH THE NORTHERLY RIGHT-OF-WAY LINE OF BRIDGES ROAD AND RUN S.71°32'46"W. ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF BRIDGES ROAD A DISTANCE OF 66.25 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF FLORIDA'S TURNPIKE; THENCE N.42°34'17"W. ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF FLORIDA'S TURNPIKE, 250.00 FEET, MORE OR LESS, TO A POINT ON THE SOUTHERLY WATER'S EDGE OF LAKE, SAID POINT HEREBY DESIGNATED AS POINT "A"; RETURN TO THE POINT OF BEGINNING AND RUN N.00°30'47"E. ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE AFOREMENTIONED SECTION 1, A DISTANCE OF 325.44 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 1; THENCE S.89°23'11"E. ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 A DISTANCE OF 255.00 FEET, MORE OR LESS, TO A POINT ON THE WESTERLY WATER'S EDGE OF LAKE; THENCE NORTHERLY, WESTERLY, SOUTHWESTERLY, AND WESTERLY ALONG AND WITH SAID WATER'S OF LAKE TO INTERSECT THE AFOREMENTIONED POINT "A".

PARCEL "2": (AK#1296773 East of Hwy 27 and AK#1210283)

THAT PART OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4;

AND

THAT PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 21 SOUTH, RANGE 24 EAST, IN LAKE COUNTY, FLORIDA, LYING EAST OF THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 27 (STATE ROAD 8-A, PROJECT 5323);

AND

THAT PART OF SECTION 6, TOWNSHIP 21 SOUTH, RANGE 25 EAST, IN LAKE COUNTY, FLORIDA, BOUNDED AND DESCRIBED AS FOLLOWS: BEGIN AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 21 SOUTH, RANGE 25 EAST, AND RUN S.89°48'41"E. ALONG THE NORTH LINE OF THE SOUTHWEST 1/4, A DISTANCE OF 157.00 FEET, MORE OR LESS, TO A POINT ON THE WESTERLY WATER'S EDGE OF FISHHOOK LAKE; THENCE SOUTHEASTERLY, SOUTHERLY, AND SOUTHWESTERLY ALONG AND WITH SAID WESTERLY WATER'S EDGE OF FISHHOOK LAKE TO A POINT ON THE WEST LINE OF THE SOUTHWEST 1/4 OF THE AFOREMENTIONED SECTION 6;

THENCE N.00°33'49"E. ALONG THE WEST LINE OF THE SOUTHWEST 1/4 TO THE POINT OF BEGINNING.

PARCEL "3": (AK#3801754)

THAT PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 LYING WEST OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 27 (STATE ROAD 8-A, PROJECT 5323) AND SOUTH OF BRIDGES ROAD;

AND

THAT PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 LYING SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF BRIDGES ROAD AND EAST OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF FLORIDA'S TURNPIKE ALL LYING IN SECTION 1, TOWNSHIP 21 SOUTH, RANGE 24 EAST, IN LAKE COUNTY, FLORIDA;

AND

THE NORTH 25.00 FEET OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 12, TOWNSHIP 21 SOUTH, RANGE 24 EAST, IN LAKE COUNTY, FLORIDA.

PARCEL "4": (AK#1035546)

THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 21 SOUTH, RANGE 24 EAST, IN LAKE COUNTY, FLORIDA, LESS AND EXCEPT THE RIGHT-OF-WAY OF U.S. HIGHWAY NO. 27, AND ALSO LESS AND EXCEPT THE RIGHT-OF-WAY OF THE COUNTY ROAD ALONG THE NORTH PORTION OF THAT PART OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 1, WHICH LIES EAST OF HIGHWAY 27 IN LAKE COUNTY, FLORIDA, AND ALSO LESS AND EXCEPT THE NORTH 51 FEET OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 1 LYING WEST OF U.S. HIGHWAY NO. 27.

ALL THE ABOVE IS SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY, AND RESTRICTIONS OF RECORD, IF ANY.

~ End of Legal Description ~



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

DATE: June 23, 2022
OWNER: Lyden Holdings Two, LLC and Lyden Properties, LLC
PETITIONER: Lowndes, Drosdick, Doster, Kantor & Reed, P.A.; ATTN: Tara Tedrow, Esquire
PROJECT: Lyden Nicholson PUD Amendment
REQUEST: Amendment to existing PUD (Planned Unit Development)
CASE NO.: PUD-22-215

THE PLANNING & ZONING DIVISION RECOMMENDS:

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

1. The proposed request is compatible with the current surrounding zoning districts of Lake County RP (Residential Professional), Lake County PUD (Planned Unit Development), Lake County A (Agriculture), and Lake County RP (Residential Professional). As conditioned, the proposed use does not appear to be detrimental to surrounding properties.
2. The proposed zoning district of PUD (Planned Unit Development) as conditioned and shown in the attached "Exhibit A" is compatible with the existing City Future Land Use designation of Low Density Residential.
3. The rezoning of the subject properties is consistent with the City's Growth Management Plan, Future Land Use Element, Goal I, and Objective 1.6.

Action Requested:

1. Vote to approve staff's recommendation to rezone the subject property from City of Leesburg PUD (Planned Unit Development) to City of Leesburg PUD (Planned Unit Development) with amended conditions and forward the recommendation to the City Commission for consideration.

LYDEN NICHOLSON PROPERTIES
PLANNED UNIT DEVELOPMENT CONDITIONS
June 23, 2022

These Planned Unit Development Conditions for a revised PUD (Planned Unit Development) District is granted by the City of Leesburg Planning Commission, Lake County, Florida to Lyden Properties, LLC, and Donald L. Nicholson (Tara Tedrow, Agent) "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 requested a Planned Unit Development (PUD) zoning district to allow a mixed-use development on property consisting of 214 +/- acres. The project shall be comprised of a maximum of ~~484~~ 292 single family ~~units detached lots,~~ 283 138 single family attached lots, 288 multi-family units (townhouse and multifamily residential units), maximum of 718 residential units. The project shall also contain a maximum of ~~1,113,600~~ 164,000 square feet of ~~mixed use~~ commercial property. The property is generally located east and west of U.S. Highway 27, and north of the Florida Turnpike, on a site annexed into the City of Leesburg in accordance with their PUD application and supplemental information.

1. **PERMISSION** is hereby granted Lyden Properties, LLC, 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 and within all local, state and federal requirements. The property is more particularly described as follows:

2. LEGAL DESCRIPTION

See attached legal Exhibit B.

3. LAND USES

The above-described property, containing approximately 214 acres, shall be used for single family, townhouse and multi-family residential uses at a maximum density of ~~eight (8)~~ 3.34 dwelling units per acre, calculated within each phase, along with ~~a mix of commercial and institutional/government~~ uses, (max ~~1,113,600~~ 164,000 sf) as described below. The property is currently in agricultural uses and shall be allowed to remain in such use until such time as each individual phase develops. All uses and densities shall be consistent with the Land Use Matrix shown under Section D.2. herein.

A. Permitted Uses - Residential

1. Detached single family residential units
2. Townhouse single family residential units
3. Multi-family residential units
4. Accessory structures for residential uses.

B. Permitted Uses - Commercial

1. Retail shops

2. Banking and investment services
3. Restaurants/Diners
4. Bakeries
5. Liquor/package stores/lounges/bars
6. Indoor recreation and entertainment
7. Medical/ dental offices and services
8. Personal Services
9. Music/dance/gymnasium uses
10. Community Centers
11. Mini-storage/flex space
12. Churches/houses of worship
13. Museum/Art galleries
14. Hotels
15. General/professional office uses
16. Government offices and uses
17. Education facilities
18. Day Care
19. Community Activity Centers
20. ALF/Assisted living/nursing homes
21. RV/Boat Storage/Mini warehouse storage
22. Temporary sales center offices (modular or site-built) shall be allowed during construction and sales in all areas.
23. Interim Agricultural uses as noted above, to include timber, citrus, cattle, horses, hay and sod production. These uses shall be allowed to continue until such time as the nearest pod has achieved either 50% build out of the square footage for commercial uses or 50% of the total residential units are constructed for the nearest residential pod. Should any disagreement over use arise, City Staff may consult Lake County Agriculture zoning district regulations.

B. Prohibited Uses

1. All uses not specifically permitted within these conditions under Permitted Uses above shall be prohibited.

C. Other Related Uses

1. Other related uses may be included by written determination of the Planning & Zoning Manager. 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.

D. Development/Land Use Matrix

1. The land use matrix seen below shall be used to control the overall development potential for each phase of development of the property.

Land Use Conversion Matrix¹

Lyden Nicholson Property

Land Use Code	To Get:			
	210	215	220	821
Land Use	Single Family Detached (DU)	Single Family Attached (DU)	Multi-Family (DU)	Commercial (KSF)
Rate ²	0.968	1.000	0.500	9.030
Single Family Detached	-	0.968	1.937	0.107
Single Family Attached	1.033	-	2.000	0.111
Multi-Family	0.516	0.500	-	0.055
Commercial	9.326	9.030	18.061	-

Notes:

¹Land Use Conversion Matrix based upon gross PM peak-hour trip generation (two-way).

²Conversion rates based upon gross PM peak-hour trip generation from trip generation table.

Total Trip Generation (Sum of All Three Parcels)

Land Use	Total Two-Way Trips	Total Development	Overall Trip Generation Rate
Single Family Detached	275	284	0.97 trips/DU
Single Family Attached	84	84	1.00 trips/DU
Multi-Family	144	288	0.50 trips/DU
Commercial	1481	164	9.03 trips/KSF

© Kittelson & Associates, Inc., April 2022

4. DEVELOPMENT STANDARDS

A. General Development Standards

- Where not addressed by these Planned Unit Development Conditions, the minimum development standards for all development shall default to the requirements City of Leesburg Code of Ordinances as amended.
- Minimum distance between structures shall be a minimum of 10 feet, as measured from vertical wall to vertical wall unless otherwise required by Florida Building Code. The roof overhang shall not exceed 40 percent of the distance between the building wall and the property line.
- 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.
- An attached screened enclosure (no solid roof) must maintain a minimum setback of five (5) feet from the side and rear property line.
- 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.

B. Residential Development Standards

- The project shall contain a maximum gross density not to exceed limitations shown in the Development/Land Use Matrix in Section 3.D. above.
- The minimum residential lot development standards shall be as follows:

- a. For detached single family units:
 - i. Minimum house size: 1,750 square feet. Each additional bedroom to added above the minimum house size shall be a minimum of 120 square feet.
 - ii. Each residential structure shall have a minimum two car garage
 - iii. Minimum lot size shall be 6,000 square feet.
 - iv. Minimum lot width for all interior lots shall be no less than 50 feet.
 - v. Maximum impervious surface for residential lots shall be sixty-five (65) percent.
 - vi. Maximum building height: two (2) stories and 35 feet
 - vii. Minimum building setbacks for detached single family units shall be:
 - Front setback – 20 minimum (may be staggered);
 - Rear setback – 20 feet;
 - Side setback – 10 feet as stated in 4.A.2
 - Street side setback - 15 feet
 - Accessory structures – 5 feet (from side or rear)
- b. The minimum single-family attached lot development standards shall be:
 - i. Minimum house size: 1,400 square feet
 - ii. Minimum lot size shall be 2,200 sq. ft.
 - iii. Minimum lot width shall be no less than 22 feet.
 - iv. Maximum impervious surface for residential lots shall be sixty-five (65) percent.
 - v. Maximum building height: two (2) stories and 35 feet
 - vi. Minimum building setbacks for single family townhouse units shall be:
 - Front setback – 20 minimum (may be staggered);
 - Rear setback – 20 feet;
 - Side setback – 10 feet as stated in 4.A.2;
 - common wall setback is 0 feet.
 - Street side setback - 15 feet
 - Accessory structures – 5 feet (from side or rear)
- c. The minimum multi-family residential unit development standards shall be:
 - i. Shall meet the minimum lot and standards as prescribed under the C-3 (Highway Commercial) zoning designation for residential units.
 - ii. Shall be consistent with the Architectural and Design Standards as approved by the City Commission under Ordinance 16-35. If such standards do not exist at the time of development, the standards shown in section 5.C shall apply.
- d. Platting
 - i. All single-family lots (attached and detached) shall be required to be platted through the City of Leesburg subdivision plan approval process.

C. Commercial Development Standards

- 1. Commercial Development Standards shall follow the C-3 (Highway Commercial) development standards except as amended herein.

2. Impervious surface coverage for commercial, government/ institutional areas within this site shall not exceed eighty (80) percent of the gross site area.
3. A minimum of twenty (20) percent of the site within the commercial, government/institutional areas 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. Maximum Building Height:
Six (6) stories and 72 feet

D. Spatial, Signage and Parking Requirements

1. Spatial requirements
 - a. Spatial requirements set forth herein shall be deemed satisfied provided as-built measurements do not deviate from such requirement by more than five (5) percent.
2. Signage
 - a. All signs placed or constructed on the property shall comply with *Article VI- Sign Regulations, Section 25-421 through Section 25-426*, City of Leesburg Code of Ordinances, as amended.
3. Parking
 - a. The permittee shall have off-street parking spaces within the property per an approved site plan pursuant to the City of Leesburg Code of Ordinances, which shall include the required number of handicapped parking spaces.
 - b. 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.

5. DESIGN STANDARDS AND REQUIREMENTS

A. Residential Design

1. All buildings shall utilize at least three (3) of the following design features including garage vehicle doors to provide visual relief along all elevations of the single-family units. Designs may vary throughout the development.
 - a) Dormers
 - b) Gables
 - c) Recessed or raised entries
 - d) Covered porch entries
 - e) Cupolas
 - f) Pillars or decorative posts
 - g) Bay window (minimum 12 inch projections)
 - h) Eaves (minimum 6-inch projections)
 - i) Front windows with arched glass tops and minimum 4-inch trim.
 - j) Garage vehicle doors shall incorporate the following elements: raised decorative panels, decorative glass panels or panes, decorative hinges, etc.
 - k) Front doors shall incorporate the following decorative elements: raised decorative panels, decorative glass panels or panes, decorative handles, etc.
2. 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:

- a) 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.
- b) 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.).
- c) All textured stucco, provided there are unique design features such as recessed garages, tile or metal roofs, arched windows etc. in the elevations of the buildings or the buildings are all brick stucco. Unique design features shall be reviewed by the Community Development Director for compliance.

B. Commercial Design

1. The City of Leesburg has recently adopted Architectural Standards under Ordinance 16-35. These standards, as amended, shall govern the design of all structures within the commercial and government/institutional areas.

C. Design Variations

1. Other similar design variations meeting the intent of this section may be approved by the Community Development Director or designee.

6. LANDSCAPING AND BUFFER REQUIREMENTS

- A. Except as otherwise provided herein, a minimum twenty-five (25) foot landscape buffer, as shown on the attached Conceptual Site Plan (Exhibit C) shall be provided along the boundaries of the property. Boundaries located within a wetland area, and wetland buffer areas shall be exempt from this landscape buffer requirement and remain in an undisturbed condition.
- B. A berm, five (5) feet in height, shall be required within the 25-foot landscape buffer adjacent to residential lots 158 through 206, inclusive, contiguous to U.S. Highway 27.
- C. A fifty (50) foot natural upland buffer, as shown on the Conceptual Plan, shall be placed along wetland areas as required by the City of Leesburg, Florida Department of Environmental Protection, St. Johns River Water Management District and/or U.S. Army Corp of Engineers, whichever is more restrictive.
- D. Land uses allowed within the upland buffers are limited to overlooks, boardwalks, hiking trails, walkways, passive recreation activities and stormwater facilities as permitted by St. Johns River Water Management District, except that such uses shall not be allowed in the buffer described in 6.B. above.
- E. All other property shall meet all landscaping and buffering requirements in accordance with regulations contained within the City of Leesburg Code of Ordinances, 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



- C. Variations to the landscape 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.

7. SITE ACCESS

- A. Main access to the property ~~from U.S. Highway 27~~ will be a minimum of one boulevard type (divided landscaped roadway) as ~~shown on the conceptual plan~~ as approved by the Florida Department of Transportation, and as approved through the City of Leesburg Public Works development and permitting processes. Any additional access shall be subject to the City of Leesburg, Florida Department of Transportation, Lake~Sumter Metropolitan Planning Organization and Lake County permitting and review processes.
- B. All internal or external access points for the development 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.

- C. Each internal access along the main entry road as shown on the Conceptual Plan attached hereto shall provide a decorative entry feature to include a concrete, brick or stucco wall, fencing or signage at least five (5) feet in height, on each side of the entryway. This feature may be used for signage per City of Leesburg Code of Ordinances, as amended.

8. TRANSPORTATION IMPROVEMENTS

- A. All future transportation improvements requirements shall be based on a current traffic analysis and shall be contingent upon Site Plan approval of the project site by City staff during the development review and permitting process. All required transportation improvements shall comply with all regulations and permitting requirements of the City of Leesburg, Lake County, Lake-Sumter MPO and/or the Florida Department of Transportation as applicable. Said improvements will be the responsibility of the Permittee
- B. 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/signalization 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. However, 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.

9. STORMWATER MANAGEMENT/UTILITIES

- A. Prior to receiving final development approval for each phase, 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. 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.

10. 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 preliminary plat application. 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. Buildings or structures shall be a minimum of 50 feet from any wetland jurisdiction boundary.
- C. 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.
- D. Land uses allowed within the upland buffers for wetlands are limited to stormwater facilities as permitted by St. Johns River Water Management District.

- E. 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.
- F. 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.
- G. A map indicating the location of the 100-year flood plain.
- H. 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.

11. DRAINAGE AND UTILITIES

- A. Prior to receiving Final Development Plan Approval, the "Permittee" shall submit, if applicable, a Master Site Drainage Plan and Utility Implementation Plan acceptable to the City of Leesburg. Prior to removal, renovation or demolition of any existing development on the site, the permittee shall provide:
 - 1) A detailed site plan demonstrating no direct discharge of stormwater runoff generated by the development into any natural surface waters or onto adjacent properties shall be required.
 - 2) A detailed site plan indicating all provisions for electric, water, sewer, and natural gas in accordance with the site plan review process as required by the City of Leesburg Code of Ordinances.
 - 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 all water and wastewater lines and other necessary infrastructure such as lift stations to the development shall be the responsibility of the developer or property owner.

12. 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.

13. DEVELOPMENT PHASING

- A. The proposed project may be constructed in phases in accordance with the Planned Unit Development Conditions and Conceptual Plan. Each phase may be subdivided in to multiple sub-phases as needed by the Permittee. 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.
- B. As the project may be constructed in multiple phases, each phase shall have infrastructure necessary to support and serve that phase available at the time of construction.
- C. 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.

14. 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.
- F. A wildlife management plan for the project site shall be prepared based on the results of the environmental permit approvals obtained from applicable governmental agencies.

- G. All operations shall be carried on entirely within an enclosed structure, except as permitted under accessory uses of Section 25-284, City of Leesburg Code of Ordinances, as amended.

15. LEVELS OF SERVICE

A. Levels of Service

1. As submitted the proposed zoning change, when developed, 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

There are no previous commitments to this proposal for any existing or planned excess capacity.

3. Ability to Provide Services

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

Legal Description

Legal Description for the Lyden-Nicholson Property

PARCEL "1": (AK#1701384 and AK#1296773 West of Hwy 27)

THAT PART OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 LYING WEST OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 27 (STATE ROAD 8-A, PROJECT 5323) AND LYING NORTH OF THE NORTH RIGHT-OF-WAY LINE OF BRIDGES ROAD;

AND

THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 LYING NORTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF BRIDGES ROAD;

AND

THAT PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 LYING NORTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF BRIDGES ROAD ALL LYING IN SECTION 1, TOWNSHIP 21 SOUTH, RANGE 24 EAST, IN LAKE COUNTY, FLORIDA;

AND

BEGIN AT THE INTERSECTION OF THE WEST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 21 SOUTH, RANGE 24 EAST, IN LAKE COUNTY, FLORIDA, WITH THE NORTHERLY RIGHT-OF-WAY LINE OF BRIDGES ROAD AND RUN S.71°32'46"W. ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF BRIDGES ROAD A DISTANCE OF 66.25 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF FLORIDA'S TURNPIKE; THENCE N.42°34'17"W. ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF FLORIDA'S TURNPIKE, 250.00 FEET, MORE OR LESS, TO A POINT ON THE SOUTHERLY WATER'S EDGE OF LAKE, SAID POINT HEREBY DESIGNATED AS POINT "A"; RETURN TO THE POINT OF BEGINNING AND RUN N.00°30'47"E. ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE AFOREMENTIONED SECTION 1, A DISTANCE OF 325.44 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 1; THENCE S.89°23'11"E. ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 A DISTANCE OF 255.00 FEET, MORE OR LESS, TO A POINT ON THE WESTERLY WATER'S EDGE OF LAKE; THENCE NORTHERLY, WESTERLY, SOUTHWESTERLY, AND WESTERLY ALONG AND WITH SAID WATER'S OF LAKE TO INTERSECT THE AFOREMENTIONED POINT "A".

PARCEL "2": (AK#1296773 East of Hwy 27 and AK#1210283)

THAT PART OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4;

AND

THAT PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 21 SOUTH, RANGE 24 EAST, IN LAKE COUNTY, FLORIDA, LYING EAST OF THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 27 (STATE ROAD 8-A, PROJECT 5323);

AND

THAT PART OF SECTION 6, TOWNSHIP 21 SOUTH, RANGE 25 EAST, IN LAKE COUNTY, FLORIDA, BOUNDED AND DESCRIBED AS FOLLOWS: BEGIN AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 21 SOUTH, RANGE 25 EAST, AND RUN S.89°48'41"E. ALONG THE NORTH LINE OF THE SOUTHWEST 1/4, A DISTANCE OF 157.00 FEET, MORE OR LESS, TO A POINT ON THE WESTERLY WATER'S EDGE OF FISHHOOK LAKE; THENCE SOUTHEASTERLY, SOUTHERLY, AND SOUTHWESTERLY ALONG AND WITH SAID WESTERLY WATER'S EDGE OF FISHHOOK LAKE TO A POINT ON THE WEST LINE OF THE SOUTHWEST 1/4 OF THE AFOREMENTIONED SECTION 6; THENCE N.00°33'49"E. ALONG THE WEST LINE OF THE SOUTHWEST 1/4 TO THE POINT OF BEGINNING.

PARCEL "3": (AK#3801754)

THAT PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 LYING WEST OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 27 (STATE ROAD 8-A, PROJECT 5323) AND SOUTH OF BRIDGES ROAD;

AND

THAT PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 LYING SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF BRIDGES ROAD AND EAST OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF FLORIDA'S TURNPIKE ALL LYING IN SECTION 1, TOWNSHIP 21 SOUTH, RANGE 24 EAST, IN LAKE COUNTY, FLORIDA;

AND

THE NORTH 25.00 FEET OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 12, TOWNSHIP 21 SOUTH, RANGE 24 EAST, IN LAKE COUNTY, FLORIDA.

PARCEL "4": (AK#1035546)

THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 21 SOUTH, RANGE 24 EAST, IN LAKE COUNTY, FLORIDA, LESS AND EXCEPT THE RIGHT-OF-WAY OF U.S. HIGHWAY NO. 27, AND ALSO LESS AND EXCEPT THE RIGHT-OF-WAY OF THE COUNTY ROAD ALONG THE NORTH PORTION OF THAT PART OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 1, WHICH LIES EAST OF HIGHWAY 27 IN LAKE COUNTY, FLORIDA, AND ALSO LESS AND EXCEPT THE NORTH 51 FEET OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 1 LYING WEST OF U.S. HIGHWAY NO. 27.

ALL THE ABOVE IS SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY, AND RESTRICTIONS OF RECORD, IF ANY.



TYPICAL FIFTY FOOT BUFFER

EXHIBIT D



TABLE: PROPOSED MODIFICATION OF LAND USES**EXHIBIT E**

CURRENT:		PROPOSED:	
RZ-17-165		PUD-22-215	
Acreage:	214.84+/-	Acreage:	214.84 +/-
Density:	8.00	Density:	3.34
Residential Structures:	764	Residential Structures:	718
Single Family Detached:	481	Single Family Detached:	292
Single Family Attached:	-	Single Family Attached:	138
Multi-Family Units:	283	Multi-Family Units:	288
Commercial Square Feet:	1,113,600 (Mix of commercial, institutional, government uses.)	Commercial Square Feet:	164,000 (Commercial uses)

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

DATE: June 23, 2022
OWNER: Lyden Properties, LLC and Donald L. Nicholson
PETITIONER: Lowndes, Drosdick, Doster, Kantor & Reed, P.A.; ATTN: Tara Tedrow, Esquire
PROJECT: Lyden Nicholson PUD Amendment
REQUEST: Amendment to existing PUD (Planned Unit Development)
CASE NO.: PUD-22-215

GENERAL LOCATION: The property is generally located east and west of U.S. Highway 27 and north of Florida's Turnpike

FUTURE LAND USE DESIGNATION: Low Density Residential

SURROUNDING FUTURE LAND USE DESIGNATION:

North – Lake County Rural Transition; Lake County Urban Low Density
South – Lake County Regional Office
East – Lake County Rural Transition
West – Lake County Urban Low Density

PROPOSED FUTURE LAND USE DESIGNATION: N/A

EXISTING ZONING DESIGNATION: PUD (Planned Unit Development)

SURROUNDING ZONING DESIGNATIONS:

North – Lake County RP (Residential Professional); Lake County PUD (Planned Unit Development)
South – Lake County A (Agriculture); Lake County PUD (Planned Unit Development)
East – Lake County RP (Residential Professional); Lake County A (Agriculture)
West – Lake County A (Agriculture); Lake County PUD (Planned Unit Development)

PROPOSED ZONING DESIGNATION: PUD (Planned Unit Development) Modification

EXISTING LAND USE: Agriculture uses: row crop, timber, pasture

SURROUNDING LAND USE:

North – Residential; Timber
South – Pasture; Timber; Public Lands
East – Pasture
West – Residential; Wetlands; Public Lands

PROPOSED LAND USE: Residential and commercial mixed use

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

DATE: June 10, 2022
OWNER: Lyden Holdings Two, LLC and Lyden Properties, LLC
PETITIONER: Lowndes, Drosdick, Doster, Kantor & Reed, P.A.; ATTN: Tara Tedrow, Esquire
PROJECT: Lyden Nicholson PUD Amendment
REQUEST: Amendment to existing PUD (Planned Unit Development)
CASE NO.: PUD-22-215

THE FOLLOWING COMMENTS RECEIVED FROM EACH DEPARTMENT:

POLICE

No comments received as of 6/17/22

FIRE

In reference to Case Number PUD-22-215

NFPA 1710 Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments, 2020 Edition. The subject property referenced in Case Number PUD-22-215 is outside the recommended four-minute response time for initial responding fire apparatus. Amanda Stevenson 6/16/22

4.1 Fire Department Organizational Statement.

4.1.2.1

The fire department shall establish the following performance objectives for the first-due response zones that are identified by the AHJ:

- (1) Alarm handling time completion in accordance with 4.1.2.3
- (2) 80 seconds turnout time for fire and special operations response and 60 seconds turnout time for EMS response
- (3)* 240 seconds or less travel time for the arrival of the first engine company at a fire suppression incident
- (4) 360 seconds or less travel time for the arrival of the second company with a minimum staffing of 4 personnel at a fire suppression incident
- (5) For other than high-rise, 480 seconds or less travel time for the deployment of an initial full alarm assignment at a fire suppression incident
- (6) For high-rise, 610 seconds or less travel time for the deployment of an initial full alarm assignment at a fire suppression incident
- (7) 240 seconds or less travel time for the arrival of a unit with first responder with automatic external defibrillator (AED) or higher-level capability at an emergency medical incident
- (8) 480 seconds or less travel time for the arrival of an advanced life support (ALS) unit at an emergency medical incident, where this service is provided by the fire department provided a first responder with an AED or basic life support (BLS) unit arrived in 240 seconds or less travel time

ELECTRIC

This is outside Leesburg Electric Territory. We approve because of that. Steve Davis 6/9/22

GAS

Natural gas is available and directed per city ordinance. Thank you, Brandon Smith 6/20/22

GIS

Addressing/GIS has no comment. Mark Medley 6/10/22

BUILDING

No comments received as of 6/17/22

PUBLIC WORKS

Public Works has no issues with this item. Clifford Kelsey 6/13/22

ADDRESSING

Addressing/GIS has no comment. Mark Medley 6/10/22

ECONOMIC DEVELOPMENT

No comments received as of 6/17/22

LAKE COUNTY PUBLIC WORKS

Lake County Public Works comment letter is attached. Please let me know if you have any questions.
Thanks, Seth Lynch 6/17/22

LAKE COUNTY SCHOOLS

The school district does not have any comments for the PUD amendment.

The Lyden Nicholson PUD is subject to school concurrency review. Proportionate share mitigation may be required at time of the submittal. I am attaching an updated Adequate Public Facilities determination letter for the project. I did do one for the project back in 2017. I am also attaching it for your records. Let me know if you have any questions. Thanks, Helen LaValley 6/16/22

PUBLIC RESPONSES

Approval

1 approval

Disapproval

1 disapproval 1 with comments

Undecided

1 undecided 1 with comments

No comment

No comments received as of 6/17/22

Notice of Appearance filed: 1

PUBLIC COMMENTS (APPROVAL WITH REQUESTS)

PUBLIC COMMENTS (DISAPPROVAL)

Mario De La Victoria – Increase in traffic which results in increase of accidents, increase in noise, increase in crime, reduction in property value, environmental impact on nature preserves which surrounds the area to

be developed.

PUBLIC COMMENTS (UNDECIDED)

Phyllis Bichard Hayes – As long as our water acreage is not used for calculation on the # of residences built I see no objection. I do otherwise!



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

DATE: June 23, 2022
OWNER: Lyden Holdings Two, LLC and Lyden Properties, LLC
PETITIONER: Lowndes, Drosdick, Doster, Kantor & Reed, P.A.; ATTN: Tara Tedrow, Esquire
PROJECT: Lyden Nicholson PUD Amendment
REQUEST: Amendment to existing PUD (Planned Unit Development)
CASE NO.: PUD-22-215

THE PLANNING & ZONING DIVISION RECOMMENDS:

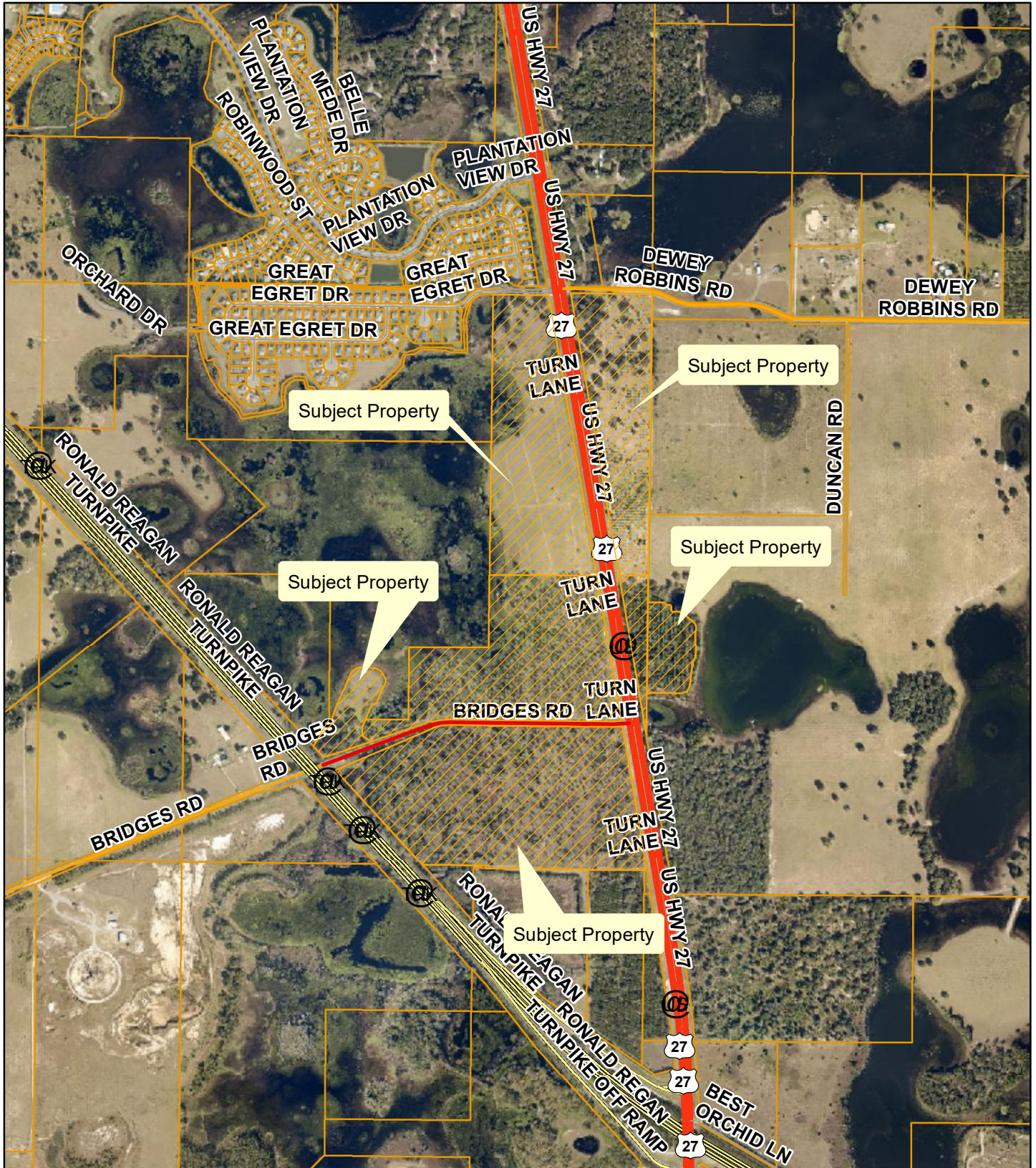
APPROVAL of this request for the following reason(s):

1. The proposed request is compatible with the current surrounding zoning districts of Lake County RP (Residential Professional), Lake County PUD (Planned Unit Development), Lake County A (Agriculture), and Lake County RP (Residential Professional). As conditioned, the proposed use does not appear to be detrimental to surrounding properties.
2. The proposed zoning district of PUD (Planned Unit Development) as conditioned and shown in the attached "Exhibit A" is compatible with the existing City Future Land Use designation of Low Density Residential.
3. The rezoning of the subject properties is consistent with the City's Growth Management Plan, Future Land Use Element, Goal I, and Objective 1.6.

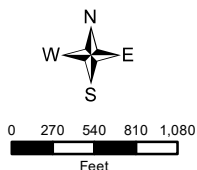
Action Requested:

1. Vote to approve staff's recommendation to rezone the subject property from City of Leesburg PUD (Planned Unit Development) to City of Leesburg PUD (Planned Unit Development) with amended conditions and forward the recommendation to the City Commission for consideration.

Aerial

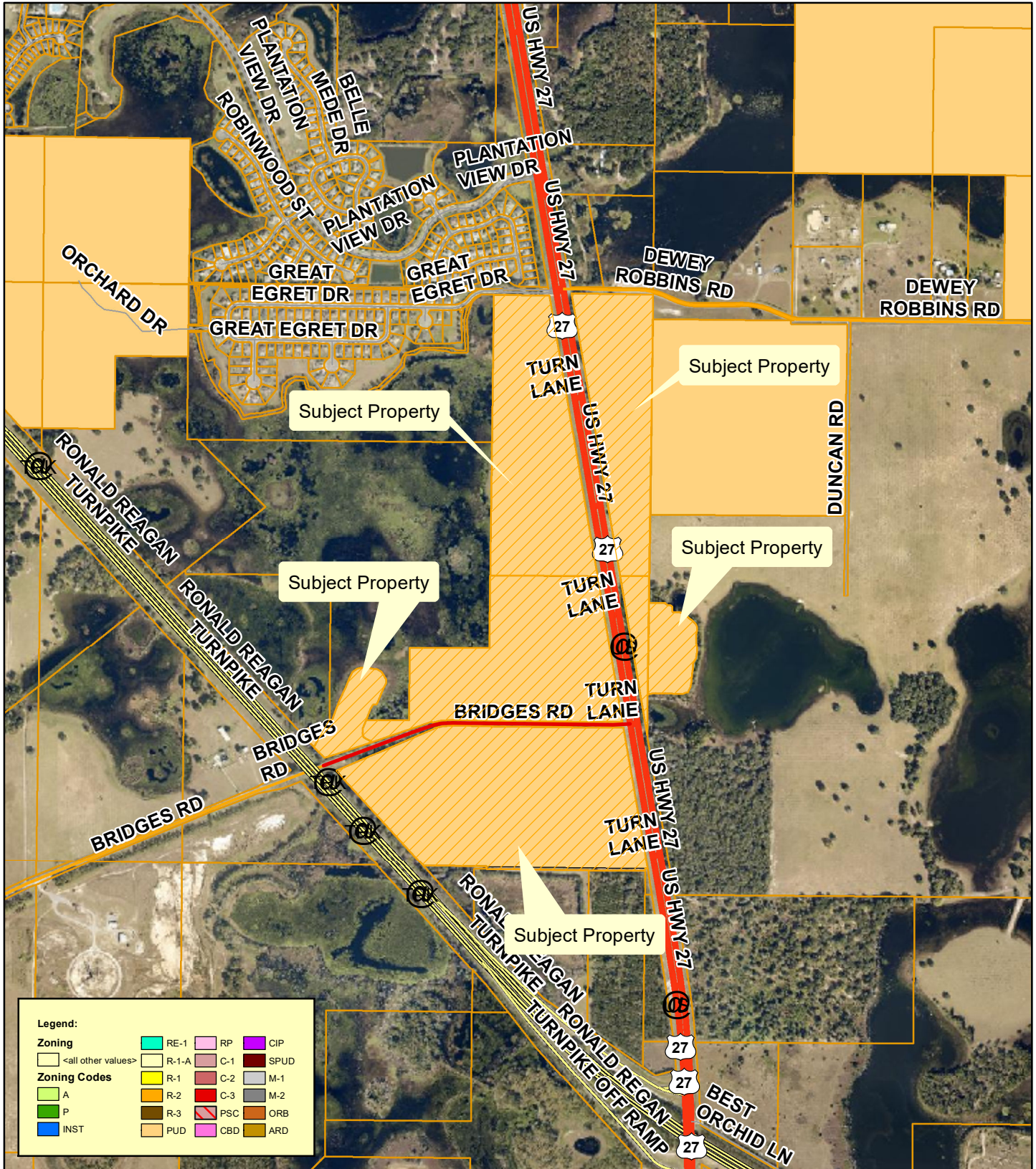


**Planning
& Zoning
Division**

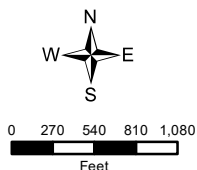


Lyden Nicholson PUD Amendment
US Highway 27 and Dewey Robbins Road
AK #s: 1296773, 1701384, 1210283, 1035546
Section 01, Township 21 South; Range 24 East and
Section 06, Township 21 South, Range 25 East
June 23, 2022

Zoning

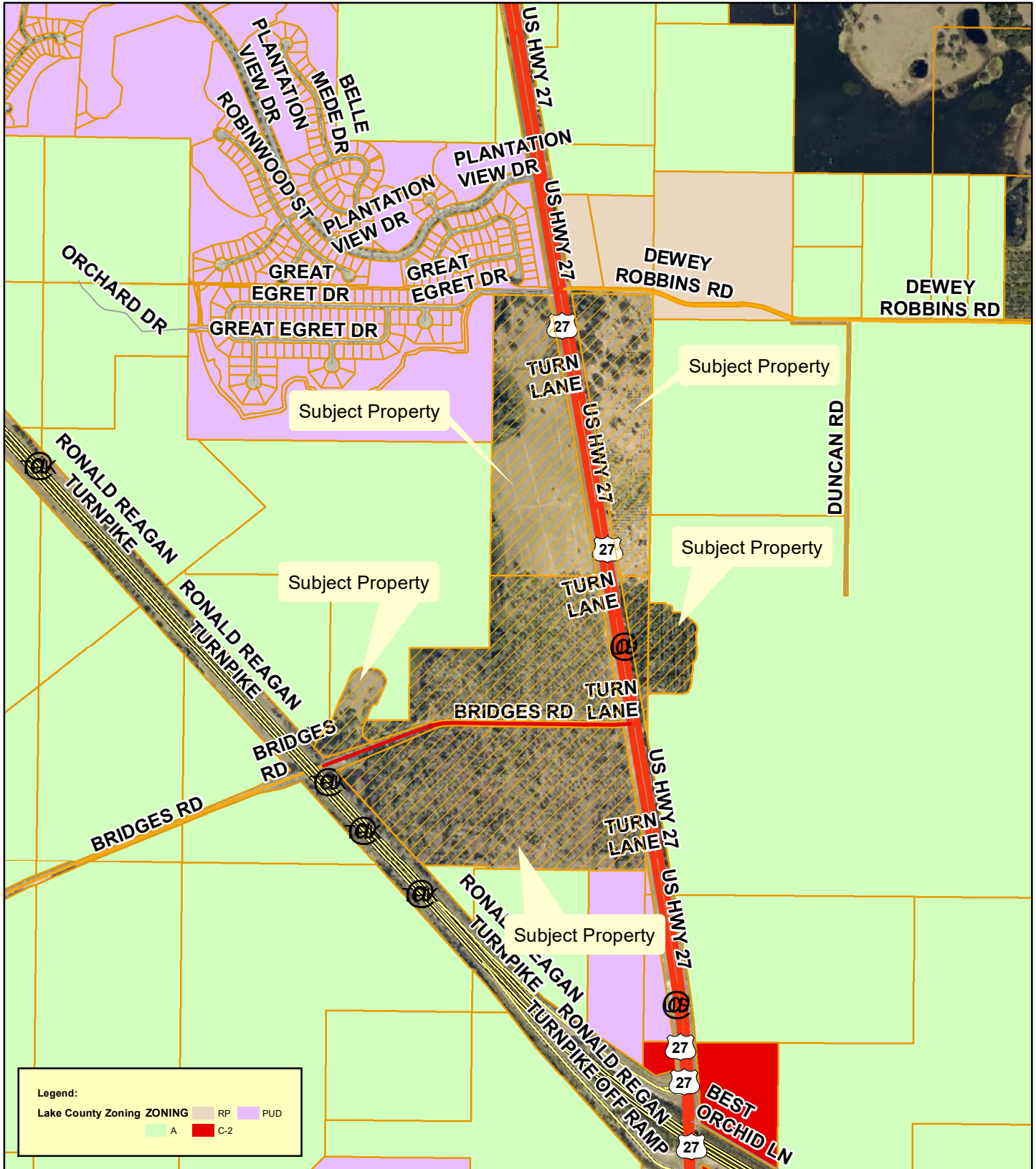


**Planning
& Zoning
Division**

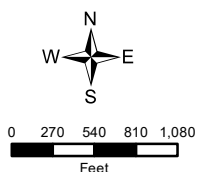


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Lake County Zoning



**Planning
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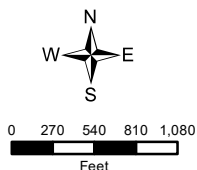


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PROPOSED Zoning

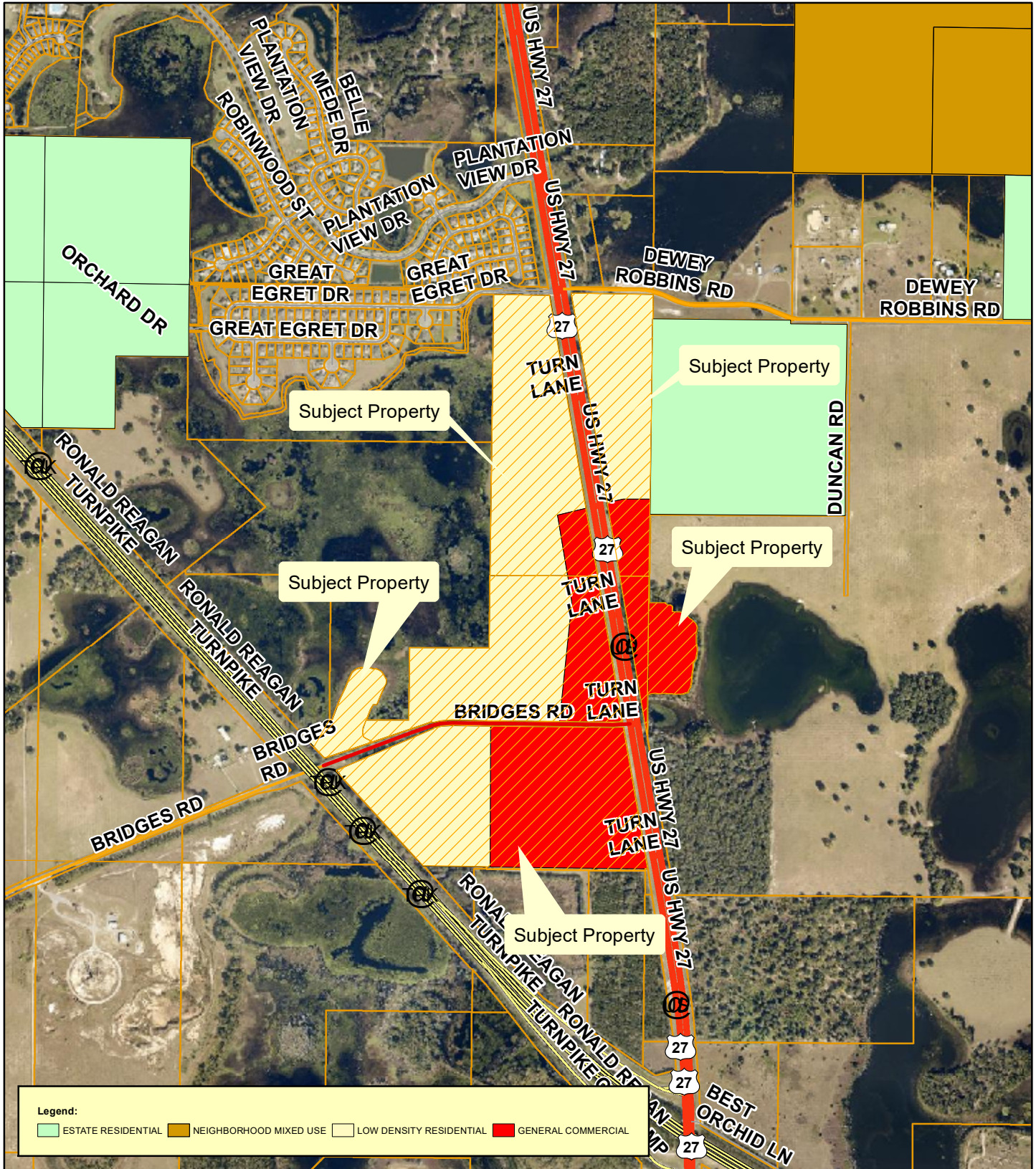


**Planning
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Division**

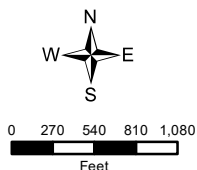


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Future Land Use

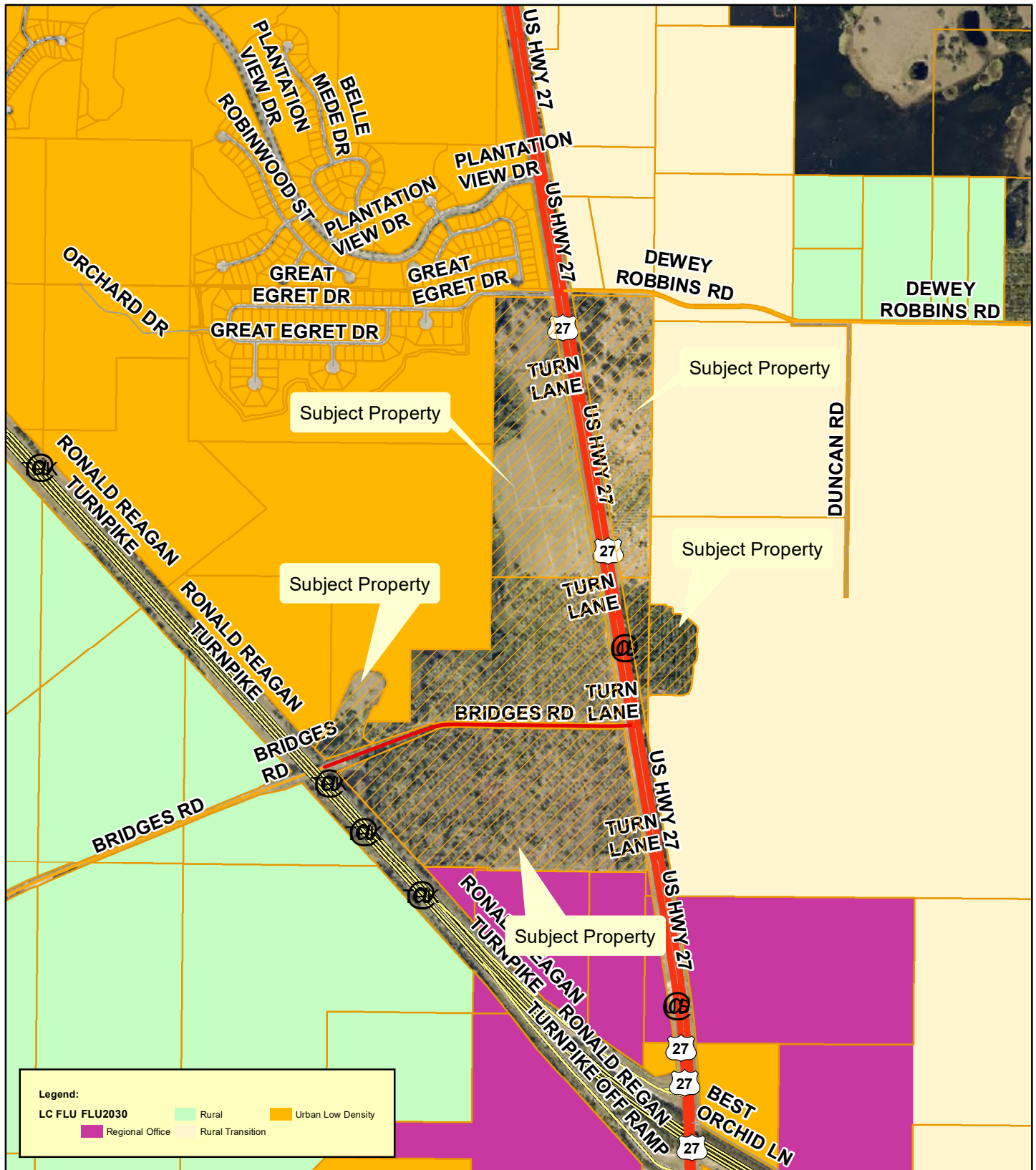


**Planning
& Zoning
Division**

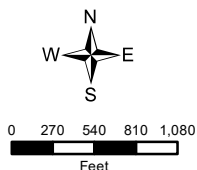


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Lake County Future Land Use



**Planning
& Zoning
Division**

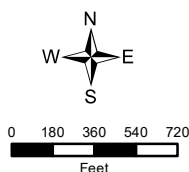


Lyden Nicholson PUD Amendment
 US Highway 27 and Dewey Robbins Road
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 Section 01, Township 21 South; Range 24 East and
 Section 06, Township 21 South, Range 25 East
 June 23, 2022

Surrounding Land Uses

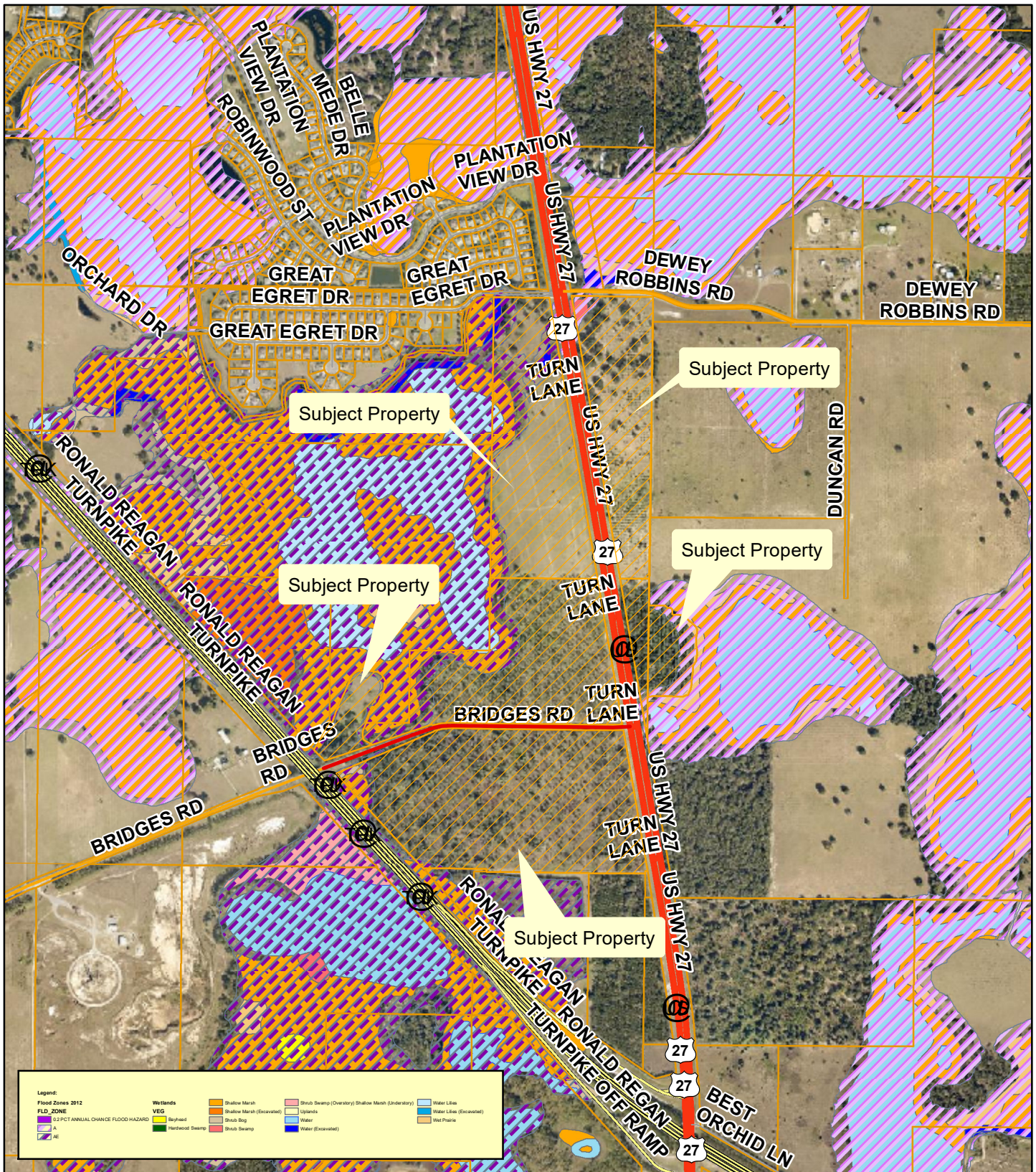


**Planning
& Zoning
Division**

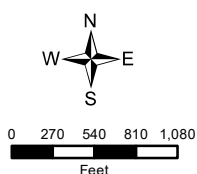


Lyden Nicholson PUD Amendment
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Section 01, Township 21 South; Range 24 East and
Section 06, Township 21 South, Range 25 East
June 23, 2022

Wetlands and Flood Zones



**Planning
& Zoning
Division**

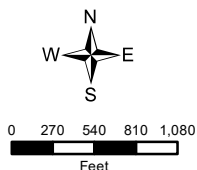


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June 23, 2022

Commission District



**Planning
& Zoning
Division**



Lyden Nicholson PUD Amendment
 US Highway 27 and Dewey Robbins Road
 AK #: 1296773, 1701384, 1210283, 1035546
 Section 01, Township 21 South; Range 24 East and
 Section 06, Township 21 South, Range 25 East
 June 23, 2022

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 6.A.5.

Meeting Date: August 8, 2022

From: Dan Miller, (Planning and Zoning Director)

Subject: An Ordinance of the City of Leesburg, Florida changing the zoning on approximately 32.86 +/- acres from City of Leesburg PUD (Planned Unit Development) to City of Leesburg PUD (Planned Unit Development) to replace 208 townhouses with 83 detached single family residential units for a property generally located north of Sunnyside Drive and west of Fern Drive, as legally described in Section 30, Township 19 South, Range 25 East, Lake County, Florida; and providing an effective date. (Sunnyside Oaks)

Staff Recommendation:

Planning and Zoning Staff and Planning Commission recommend approval of the request to rezone the subject property from City of Leesburg PUD (Planned Unit Development) to City of Leesburg PUD (Planned Unit Development) to replace 208 townhomes with 83 detached single-family units.

Analysis:

The project site is approximately 32.86 +/- acres, and is generally located north of Sunnyside Drive and west of Fern Drive as shown on the attached maps. At this time, the property is undisturbed acreage. The proposal will replace 208 townhomes with 83 detached single-family units. The existing land uses surrounding the property are vacant residential, single-family, auto sales/storage, plant nursery, and non-agricultural acreage. City of Leesburg utilities are available nearby.

The Planning Commission held a public hearing on the application on June 23, 2022 and recommended approval by a vote of 6-0.

Procurement Analysis:

N/A

Options:

1. Approve the proposed rezoning to PUD (Planned Unit Development) to replace 208 townhomes with 83 detached single-family units; or
2. Other such action as the Commission may deem appropriate.

Fiscal Impact:

Future development of this site will create a substantial 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 32.86 +/- ACRES FROM CITY OF LEESBURG PUD (PLANNED UNIT DEVELOPMENT) TO CITY OF LEESBURG PUD (PLANNED UNIT DEVELOPMENT) TO REPLACE 208 TOWNHOUSES WITH 83 DETACHED SINGLE FAMILY RESIDENTIAL UNITS FOR A PROPERTY GENERALLY LOCATED NORTH OF SUNNYSIDE DRIVE AND WEST OF FERN DRIVE, AS LEGALLY DESCRIBED IN SECTION 30, TOWNSHIP 19 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. (SUNNYSIDE OAKS)

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

Section 1.

Based upon the petition of Dennis Perez for Bellavista Building Group petitioner 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 City of Leesburg PUD (Planned Unit Development) to City of Leesburg PUD (Planned Unit Development) to replace 208 townhomes with 83 detached single-family units, 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 8th day of August 2022.

THE CITY OF LEESBURG, FLORIDA

Mayor

ATTEST:

City Clerk

EXHIBIT "A"

PARCEL NO. 1

BEGIN 1204.86 FEET EAST OF THE NORTHWEST CORNER OF THE SOUTH 1/2 OF GOVERNMENT LOT 1, IN SECTION 30, TOWNSHIP 19 SOUTH, RANGE 25 EAST, IN LAKE COUNTY, FLORIDA, RUN S00°12'00"W 879.20 FEET; THENCE N89°48'00"W 261.36 FEET; THENCE S00°12'00"W 232.00 FEET TO THE ROAD; THENCE SOUTHEASTERLY ALONG SAID ROAD TO THE EAST LINE OF GOVERNMENT LOT 1; THENCE NORTH TO THE NORTHEAST CORNER OF THE SOUTH 1/2 OF GOVERNMENT LOT 1; THENCE WEST TO THE POINT OF BEGINNING.

PARCEL NO. 2

THE NORTH 780.00 FEET OF THE WEST 645.00 FEET OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 19 SOUTH, RANGE 25 EAST, IN LAKE COUNTY, FLORIDA.

PARCEL NO. 3

ALL OF BLOCKS A, H, AND I, AND LOTS 1 THROUGH 8, AND LOTS 17 THROUGH 24, IN BLOCK B, SUNSET PARK SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 48, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

PARCEL NO. 4

THE SOUTH 498.00 FEET OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 19 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA, LESS THE NORTH 100.00 FEET OF THE SOUTH 498.00 FEET OF THE EAST 180.00 FEET THEREOF.

PARCEL NO. 5

BEGIN AT THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 19 SOUTH, RANGE 25 EAST, OF THE TALLAHASSEE MERIDIAN, LAKE COUNTY, FLORIDA, RUN WEST 675.00 FEET MORE OR LESS TO A POINT 15.00 FEET WEST OF THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4; THENCE SOUTH 475.30 FEET; THENCE EAST 675.00 FEET, MORE OR LESS TO THE EAST LINE OF SAID SOUTHWEST 1/4 OF THE NORTHEAST 1/4; THENCE NORTH 475.30 FEET TO THE POINT OF BEGINNING.

PARCEL NO. 6

THE NORTH 780 FEET OF THE WEST 1/2 OF THE SW 1/4 OF THE NE 1/4 OF SECTION 30, TOWNSHIP 19 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA; LESS THE EAST 15 FEET THEREOF, AND ALSO LESS THE WEST 645 FEET THEREOF.

LESS AND EXCEPT:

THE PROPERTY DESCRIBED IN OFFICIAL RECORDS BOOK 1048, PAGE 2296, AND IN OFFICIAL RECORDS BOOK 1115, PAGE 569, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.



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

DATE: June 23, 2022
OWNER: Casam Investment Properties, LLC
PETITIONER: Dennis Perez, Bellavista Building Group
PROJECT: Sunnyside Oaks Subdivision
REQUEST: Modification to PUD (Planned Unit Development) to replace 208 townhomes with 83 detached Single-Family Units
CASE NO.: PUD-22-218

THE PLANNING & ZONING DIVISION RECOMMENDS:

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

1. The proposed request is compatible with the current surrounding zoning districts of Lake County R-1 (Rural Residential), and City of Leesburg R-2 (Medium Density Residential) and City of Leesburg R-3 (High Density Residential).
2. The proposed modification of the PUD (Planned Unit Development) is compatible with the existing City Future Land Use designation of Low Density Residential.
3. The proposed modification does not appear to create a detriment to surrounding properties.

Action Requested:

1. Vote to approve staff's recommendation to rezone the subject property from City of Leesburg PUD (Planned Unit Development) to City of Leesburg PUD (Planned Unit Development) to allow for 83 detached Single-Family Units and forward the recommendation to the City Commission for consideration.

SUNNYSIDE OAKS SUBDIVISION
PUD (PLANNED UNIT DEVELOPMENT CONDITIONS)
June 23, 2022

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 **Casam Investment Properties, LLC, 5549 Banana Point Drive, Okahumpka, Florida, 34762 “Permittee” (Dave Schmitt Engineering, Inc. 12301 Lake Underhill Road, Suite 241, Orlando, Florida 32828- Agent)** 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 residential development consisting of approximately 32.86 acres containing a maximum of 76 detached single-family residential units generally located north of Sunnyside Drive and west of Fern Drive, 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 **Casam Investment Properties, LLC, 5549 Banana Point Drive, Okahumpka, Florida, 34762 “Permittee” (Dave Schmitt Engineering, Inc. 12301 Lake Underhill Road, Suite 241, Orlando, Florida 32828, Agent)** 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 32.86 acres, shall be used for platted single-family residential development, pursuant to City of Leesburg development codes and standards.

A. Permitted Uses

1. Detached single family residential units
2. Accessory structures for residential uses
3. Sales office in a single-family unit
4. Accessory retail within a recreation center or clubhouse, intended for the primary use of residents, such as a snack bar
5. Temporary modular sales center office (during construction and sales of new units) not to exceed one year, and construction office not to exceed two years from the approval of the final plat of the final phase for the subdivision. Model homes may be used as sales centers during the duration of the project.

B. Prohibited Uses

1. Duplex/Triplex uses
2. Multi-family units (Apartments)
3. Townhouses (single family attached units)
4. Commercial uses (as a primary use)
5. All other uses not specifically permitted within these conditions under Permitted Uses above shall be prohibited.

4. DEVELOPMENT STANDARDS

A. The project shall contain a maximum of 76 detached single-family residential units, at a gross density not to exceed 2.3 units per acre on the approximately 32.86-acre site, as shown on **Exhibit C, Conceptual Development Plan**.

B. A mix of lot sizes is permitted as long as all lots are equal to or larger than the required minimums.

C. Along each street, homes with the same architectural design shall not be immediately adjacent (side by side) or directly across from a lot with the same design. Facades may be varied to meet this requirement. The maximum impervious surface for the project shall be 65%. Community and private swimming pools shall not count toward the impervious surface calculation.

D. The minimum lot development standards shall be:

- a. Minimum house size: 1,700 square feet.
- b. Each additional bedroom to the above the minimum house size shall be a minimum of 120 square feet.
- c. Minimum lot size shall be 6,000 square feet.
- d. Minimum lot width 60 feet
- e. Minimum lot depth 120 feet
- f. Minimum building setbacks:
Front – 25 feet;
Porch – 20 feet (porch must be a minimum width of 5 feet).

Rear – 18 feet;
Side – 5 feet;
Corner Side – 15 feet.

E. For all structures:

1. Each residential structure shall have a minimum two car garage.
2. Each lot less than sixty (60) feet in width shall have gutters constructed on all four sides of the primary structure to direct stormwater away from the foundation.
3. Minimum distance between structures shall be as noted in in Section B *Development Standards* contained herein; as measured from building wall to building wall.
4. Roof overhang shall not exceed forty (40) percent of the distance between the building wall and the property line.
5. Maximum building height: two (2) stories or 35 feet.
6. 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.
7. Attached screened enclosures (no solid roof) must maintain a minimum setback of five (5) feet from the side and rear property line. Attached swimming pool screened enclosure shall also maintain a minimum setback of five (5) feet from the side or rear property lines.
8. Solid roof structures attached to the residence must meet the required rear setback as noted under “Minimum building setbacks.”
9. 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. DESIGN/ARCHITECTURAL STANDARDS

- A. All buildings shall utilize at least five (5) 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.

6. **OPEN SPACE, LANDSCAPING & BUFFER REQUIREMENTS**

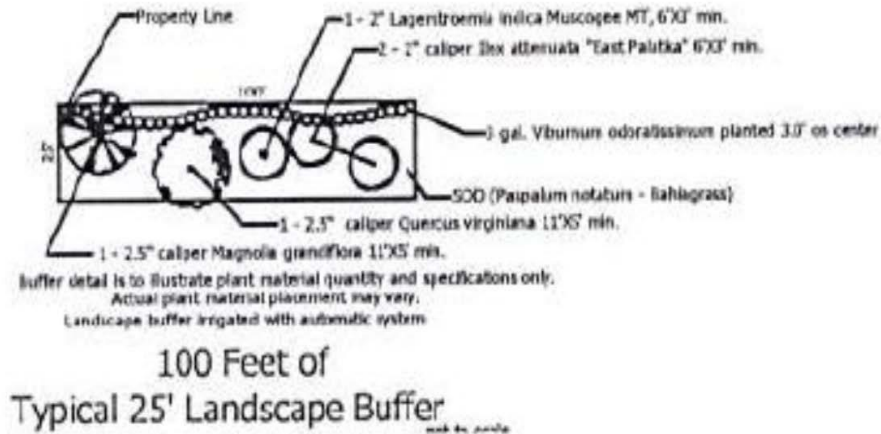
- A. A minimum of 35% open space shall be provided throughout the development. Open space may consist of buffers, wetlands retention and recreation areas.
- B. A minimum twenty-five (25) foot buffer tract with plantings as shown in Figure A below, shall be provided along the entire boundary of the property. This landscape buffer shall be separate from all other platted lots, 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 or Homeowners Association.

- C. Each platted single-family residential lot of record shall contain a minimum of one canopy tree, located within in the front yard, selected from the list of trees within the City of Leesburg Code of Ordinances, Section 25-,328 Table 1, Canopy Trees, plus at least one other tree, located in the back yard. All other requirements for tree planting based on lot size under the Code of Ordinances shall remain in effect.
- D. A spilt-rail fence, of either wood or vinyl/synthetic construction, shall be installed around the entire perimeter of the property. This fence shall be installed at a minimum height of four (4) feet. Said fence shall be maintained by the Property Owners or Homeowners Association. A solid six-foot fence of PVC or other synthetic material, shall be allowed as an option to the split-rail fence.
- E. Land uses allowed within the upland buffers are limited to hiking trails, walkways, passive recreation activities and stormwater facilities as permitted by St. Johns River Water Management District.
- F. 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.

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



G. Variations to the landscape and buffering requirements of the code 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.

H. 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 consist of at least one primary access point on Fern Drive and one access point on Sunnyside Drive, 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 subject to Lake County approval. 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.

- B. All access points shall be designed to allow emergency access vehicles room to maneuver. This 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. The developer shall be responsible for all on and offsite improvements required as a result of any access points.
- D. 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.
- E. Alternative designs for the ground enclosure support and bases of a monument sign may be approved by the Planning and Zoning Manager or designee, where the architectural style would be in keeping with the intent of these sign regulations.
- F. Roadway interconnectivity shall be provided as shown on the Conceptual Site Plan – Exhibit C, as needed, to allow for connection points between this development and future development of adjacent properties.

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 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.

- C. The Permittee shall provide necessary traffic improvements within and adjacent to the development which are legally 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 legally required Lake County permits and a copy of all permits shall be provided to the City of Leesburg.
- F. The City of Leesburg shall not be responsible for the construction of any roads or transportation improvements.
- G. 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.
- H. 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.

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. Developer shall be responsible for the installation of a natural gas water heater and natural gas furnace in eighty percent (80%) of all homes in the development as required by the City of Leesburg Code of Ordinances as amended.
- D. 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 or property owners association is an acceptable maintenance entity.
- D. The existing 100-year flood plain on the property 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.
 - 1. 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.
 - 2. 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 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.
- 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 25-327, 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.

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 16,600 square feet.
- 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 clubhouse with 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.
- D. Active recreational activity space shall be calculated at a rate of 1.25 times for activities such as, but not limited to:
 - 1. Trails, playgrounds, basketball, tennis, handball courts, etc.
 - 2. Community swimming pool, including the deck area surrounding such pools.
 - 3. Indoor recreation rooms provided such rooms are permanently maintained for the use of residents for recreational purposes.
 - 4. Other active recreational activities may be used for credit, subject to approval by the City of Leesburg.

14. 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.

15. 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 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 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.

16. 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 these PUD Conditions of Approval 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.

17. 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
 - i. 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.
- C. 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.

D. Commitment of Capacity

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

E. Ability to Provide Services

1. At this time, the City intends to provide water, wastewater and reclaimed water services within its service area for the foreseeable future.
2. Future development within the City of Leesburg utility service areas may impact the provision of utility services.

18. NOTICE REQUIREMENTS

- A. Agricultural operations are acknowledged to exist in the immediate area of the proposed development contemplated by this document. Section 823.14, F.S., protects existing agricultural operations which may, by their normal operations, potentially create noise or offensive odors. In order to reduce potential conflict and provide information regarding nearby agricultural operations, the developer/builder shall provide, prior to sale of any or all of the land contemplated within this document, a specific notice to each purchaser that agricultural operations are protected under Section 823.14, F.S., for the expressed purpose of eliminating potential complaints regarding such operations from property owners choosing to purchase land in the area of an existing agricultural operation.

EXHIBIT B
(from warranty deed)

LEGAL DESCRIPTION

INSTRUMENT# 2015040227 OR BOOK 4612/PAGE 666 PAGE 6 of 6

EXHIBIT "A"

PARCEL NO. 1

BEGIN 1204.86 FEET EAST OF THE NORTHWEST CORNER OF THE SOUTH 1/2 OF GOVERNMENT LOT 1, IN SECTION 30, TOWNSHIP 19 SOUTH, RANGE 25 EAST, IN LAKE COUNTY, FLORIDA, RUN S00°12'00"W 879.20 FEET; THENCE N89°48'00"W 261.36 FEET; THENCE S00°12'00"W 232.00 FEET TO THE ROAD; THENCE SOUTHEASTERLY ALONG SAID ROAD TO THE EAST LINE OF GOVERNMENT LOT 1; THENCE NORTH TO THE NORTHEAST CORNER OF THE SOUTH 1/2 OF GOVERNMENT LOT 1; THENCE WEST TO THE POINT OF BEGINNING.

PARCEL NO. 2

THE NORTH 780.00 FEET OF THE WEST 645.00 FEET OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 19 SOUTH, RANGE 25 EAST, IN LAKE COUNTY, FLORIDA.

PARCEL NO. 3

ALL OF BLOCKS A, H, AND I, AND LOTS 1 THROUGH 8, AND LOTS 17 THROUGH 24, IN BLOCK B. SUNSET PARK SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 48, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

PARCEL NO. 4

THE SOUTH 498.00 FEET OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 19 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA, LESS THE NORTH 100.00 FEET OF THE SOUTH 498.00 FEET OF THE EAST 180.00 FEET THEREOF.

PARCEL NO. 5

BEGIN AT THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 19 SOUTH, RANGE 25 EAST, OF THE TALLAHASSEE MERIDIAN, LAKE COUNTY, FLORIDA, RUN WEST 675.00 FEET MORE OR LESS TO A POINT 15.00 FEET WEST OF THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4; THENCE SOUTH 475.30 FEET; THENCE EAST 675.00 FEET, MORE OR LESS TO THE EAST LINE OF SAID SOUTHWEST 1/4 OF THE NORTHEAST 1/4; THENCE NORTH 475.30 FEET TO THE POINT OF BEGINNING.

PARCEL NO. 6

THE NORTH 780 FEET OF THE WEST 1/2 OF THE SW 1/4 OF THE NE 1/4 OF SECTION 30, TOWNSHIP 19 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA; LESS THE EAST 15 FEET THEREOF, AND ALSO LESS THE WEST 645 FEET THEREOF.

LESS AND EXCEPT:

THE PROPERTY DESCRIBED IN OFFICIAL RECORDS BOOK 1048, PAGE 2296, AND IN OFFICIAL RECORDS BOOK 1115, PAGE 569, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

EXHIBIT C
(to be revised to meet PUD standards)

CONCEPTUAL SITE PLAN

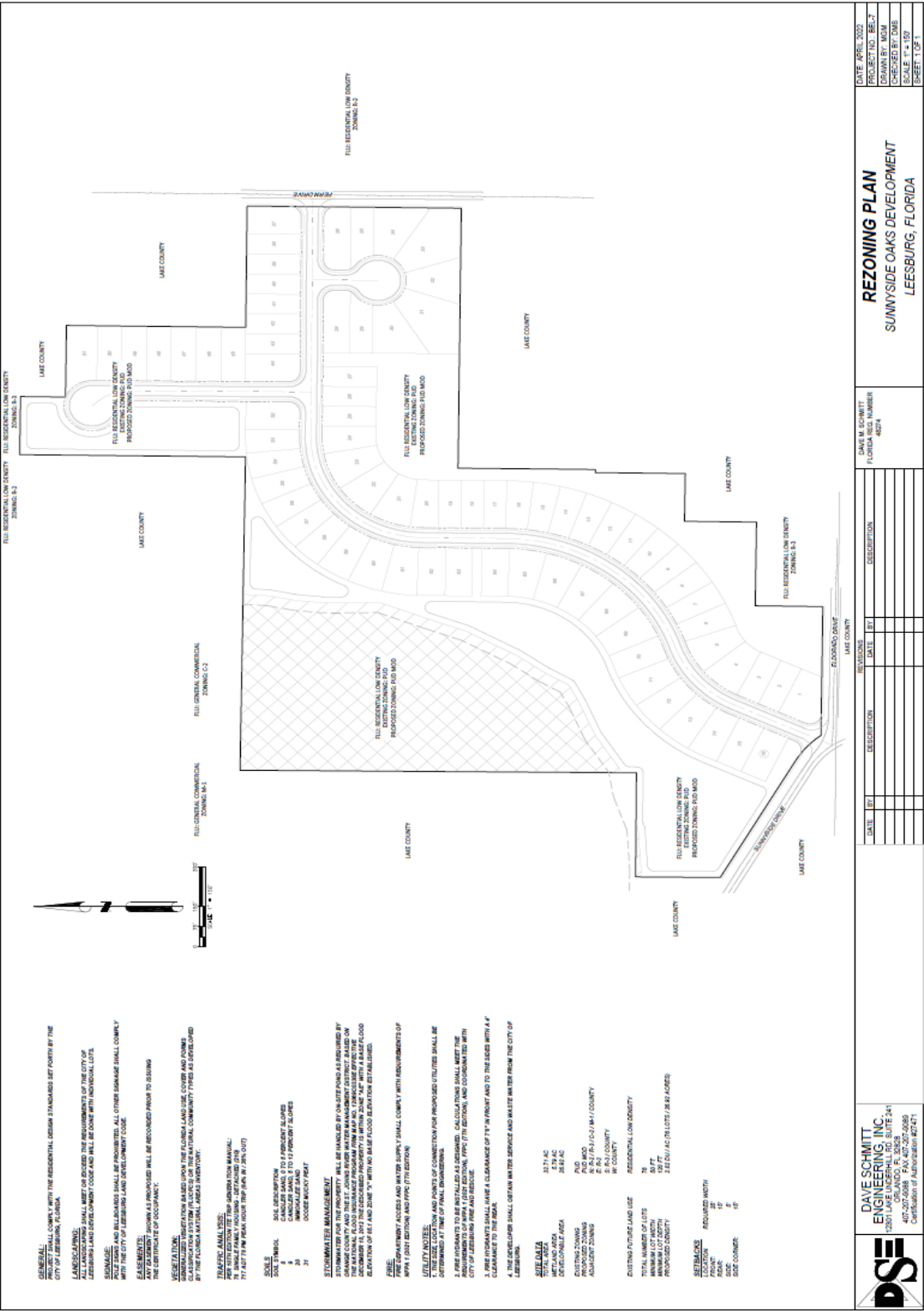


EXHIBIT D
To be added

FAÇADE SAMPLES

EXHIBIT E
DARK SKY LIGHTING (Acceptable designs)



TYPICAL DARK SKY LIGHTING FIXTURES



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

DATE: June 23, 2022

OWNER: Casam Investment Properties, LLC
PETITIONER: Dennis Perez, Bellavista Building Group
PROJECT: Sunnyside Oaks Subdivision
REQUEST: Modification to PUD (Planned Unit Development)
CASE NO.: PUD-22-218

GENERAL LOCATION: The property is generally located north of Sunnyside Drive and West of Fern Drive

FUTURE LAND USE DESIGNATION: N/A

SURROUNDING FUTURE LAND USE DESIGNATION:

North – Lake County Urban Low Density, City General Commercial; City Low Density Residential
South – Lake County Urban Low Density, Lake County Rural Transition
East – City Low Density Residential
West – Lake County Urban Low Density Residential

PROPOSED FUTURE LAND USE DESIGNATION: N/A

EXISTING ZONING DESIGNATION: PUD (Planned Unit Development)

SURROUNDING ZONING DESIGNATIONS:

North – Lake County R-1(Rural Residential), City R-3 (High Density Residential), City M-1 (Industrial)
South – Lake County R-1(Rural Residential), City R-3 (High Density Residential)
East – Lake County R-1(Rural Residential), City R-2 (Medium Density Residential)
West – Lake County R-1(Rural Residential))

PROPOSED ZONING DESIGNATION: PUD (Planned Unit Development)

EXISTING LAND USE: Vacant and Undeveloped

SURROUNDING LAND USE:

North – Vacant Residential; Single-Family; Auto Sales/Storage
South – Single-Family; Plant Nursery
East – Single-Family
West – Single-Family; Non-Agricultural Acreage

PROPOSED LAND USE: Single Family Residential subdivision

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

DATE: June 3, 2022
OWNER: Casam Investment Properties, LLC
PETITIONER: Dennis Perez, Bellavista Building Group
PROJECT: Sunnyside Oaks Subdivision
REQUEST: Modification to PUD (Planned Unit Development)
CASE NO.: PUD-22-218

THE FOLLOWING COMMENTS RECEIVED FROM EACH DEPARTMENT:

POLICE

No comments received as of 6/17/22

FIRE

In reference to Case Number PUD-22-218

NFPA 1710 Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments, 2020 Edition. The subject property referenced in Case Number PUD-22-218 is outside the recommended four-minute response time for initial responding fire apparatus. Amanda Stevenson 6/16/22

4.1 Fire Department Organizational Statement.

4.1.2.1

The fire department shall establish the following performance objectives for the first-due response zones that are identified by the AHJ:

- (1) Alarm handling time completion in accordance with 4.1.2.3
- (2) 80 seconds turnout time for fire and special operations response and 60 seconds turnout time for EMS response
- (3)* 240 seconds or less travel time for the arrival of the first engine company at a fire suppression incident
- (4) 360 seconds or less travel time for the arrival of the second company with a minimum staffing of 4 personnel at a fire suppression incident
- (5) For other than high-rise, 480 seconds or less travel time for the deployment of an initial full alarm assignment at a fire suppression incident
- (6) For high-rise, 610 seconds or less travel time for the deployment of an initial full alarm assignment at a fire suppression incident
- (7) 240 seconds or less travel time for the arrival of a unit with first responder with automatic external defibrillator (AED) or higher-level capability at an emergency medical incident
- (8) 480 seconds or less travel time for the arrival of an advanced life support (ALS) unit at an emergency medical incident, where this service is provided by the fire department provided a first responder with an AED or basic life support (BLS) unit arrived in 240 seconds or less travel time

ELECTRIC

Leesburg Electric Approves. Typical easements on the lots will be required. Easements along the property that fronts Sunnyside and fern drive will also be required. Steve Davis 6/9/22

GAS

Natural gas is available and directed per city ordinance. Thank you, Brandon Smith 6/20/22

GIS

Addressing/GIS has no comment. Mark Medley 6/10/22

BUILDING

No comments received as of 6/17/22

PUBLIC WORKS

Public Works has no issues with this item. Cliff Kelsey 6/13/22

ADDRESSING

Addressing/GIS has no comment. Mark Medley 6/10/22

ECONOMIC DEVELOPMENT

No comments received as of 6/17/22

LAKE COUNTY PUBLIC WORKS

Lake County Public Works comment letter is attached. Please let me know if you have any questions.
Thanks, Seth Lynch 6/17/22

LAKE COUNTY SCHOOLS

The Sunnyside Oaks subdivision project is subject to school concurrency review. Proportionate share mitigation may be required at time of submittal. I have attached the analysis with the project and the assigned schools for the project. Thanks, Helen LaValley 6/16/22

PUBLIC RESPONSES

Approval

No comments received as of 6/17/22

Disapproval

1 disapproval 1 with comments

No comment

No comments received as of 6/17/22

Undecided

1 undecided 1 with comments

Notice of Appearance filed: 1

PUBLIC COMMENTS (APPROVAL WITH REQUESTS)

PUBLIC COMMENTS (DISAPPROVAL)

PUBLIC COMMENTS (UNDECIDED)

Desiree Kalarovich - I wish to have more information regarding traffic and overall infrastructure for this plan. I am not opposed but as a business owner on Sunnyside would like a copy of the development plan and traffic as well as time frames that may interrupt business and resident safety. (Unsure – need more info.)

Emily Devitt – We already have issues w/traffic now. Adding this will overcrowd the road. We do not have sidewalks or any drainage. This subdivision could cause our yards & homes to flood. Our streets are poorly maintained.



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

DATE: June 23, 2022
OWNER: Casam Investment Properties, LLC
PETITIONER: Dennis Perez, Bellavista Building Group
PROJECT: Sunnyside Oaks Subdivision
REQUEST: Modification to PUD (Planned Unit Development) to replace 208 townhomes with 83 detached Single-Family Units
CASE NO.: PUD-22-218

THE PLANNING & ZONING DIVISION RECOMMENDS:

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

1. The proposed request is compatible with the current surrounding zoning districts of Lake County R-1 (Rural Residential), and City of Leesburg R-2 (Medium Density Residential) and City of Leesburg R-3 (High Density Residential).
2. The proposed modification of the PUD (Planned Unit Development) is compatible with the existing City Future Land Use designation of Low Density Residential.
3. The proposed modification does not appear to create a detriment to surrounding properties.

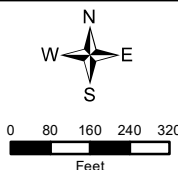
Action Requested:

1. Vote to approve staff's recommendation to rezone the subject property from City of Leesburg PUD (Planned Unit Development) to City of Leesburg PUD (Planned Unit Development) to allow for 83 detached Single-Family Units and forward the recommendation to the City Commission for consideration.

Aerial

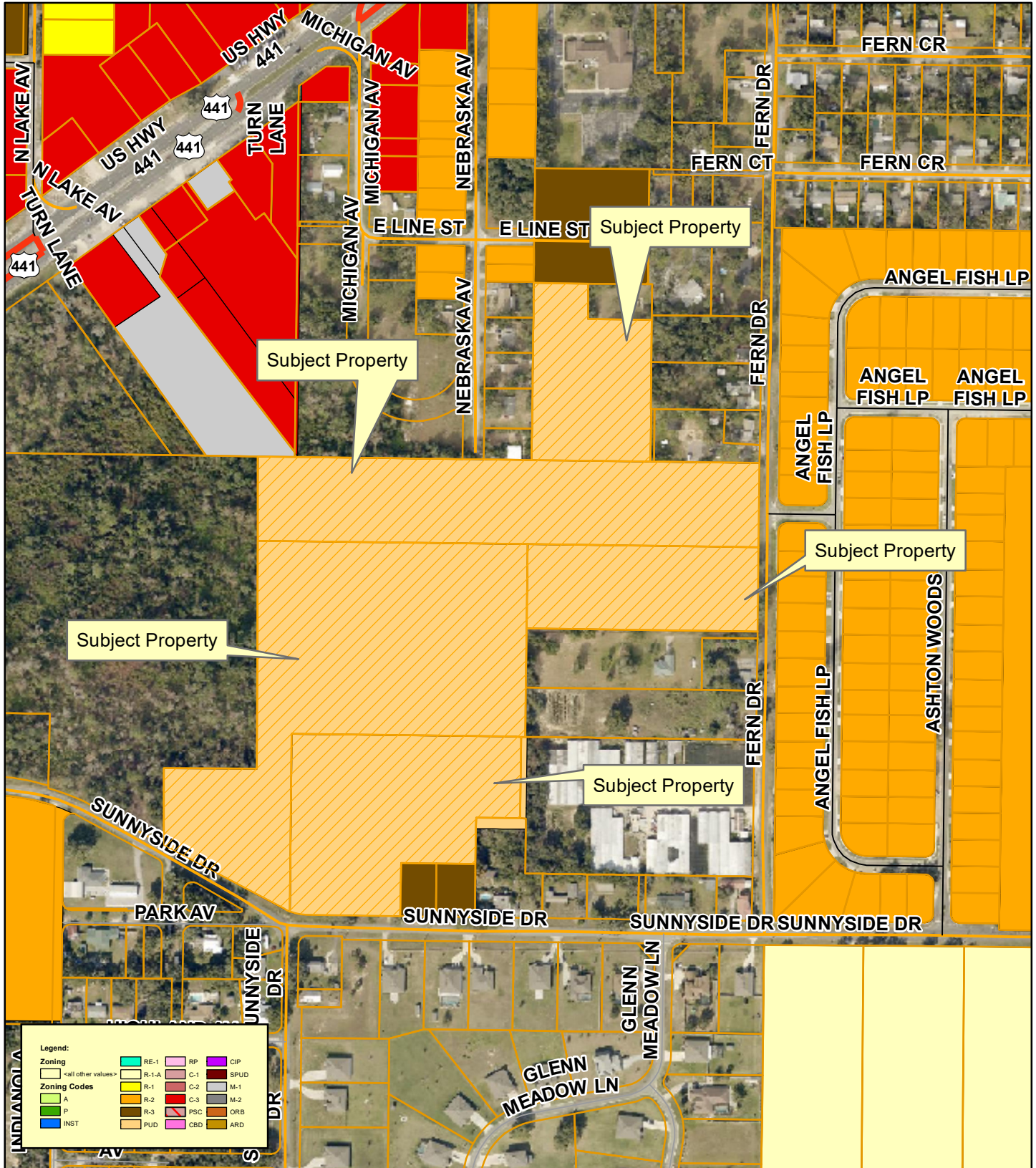


**Planning
& Zoning
Division**

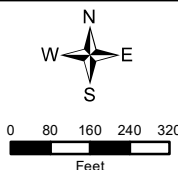


PUD-22-218
Sunnyside Oaks Subdivision
AK # 1207673, 2856971, 1207665, 1301602, 2802189
Section 30, Township 19 South, Range 25 East
June 23, 2022

Zoning

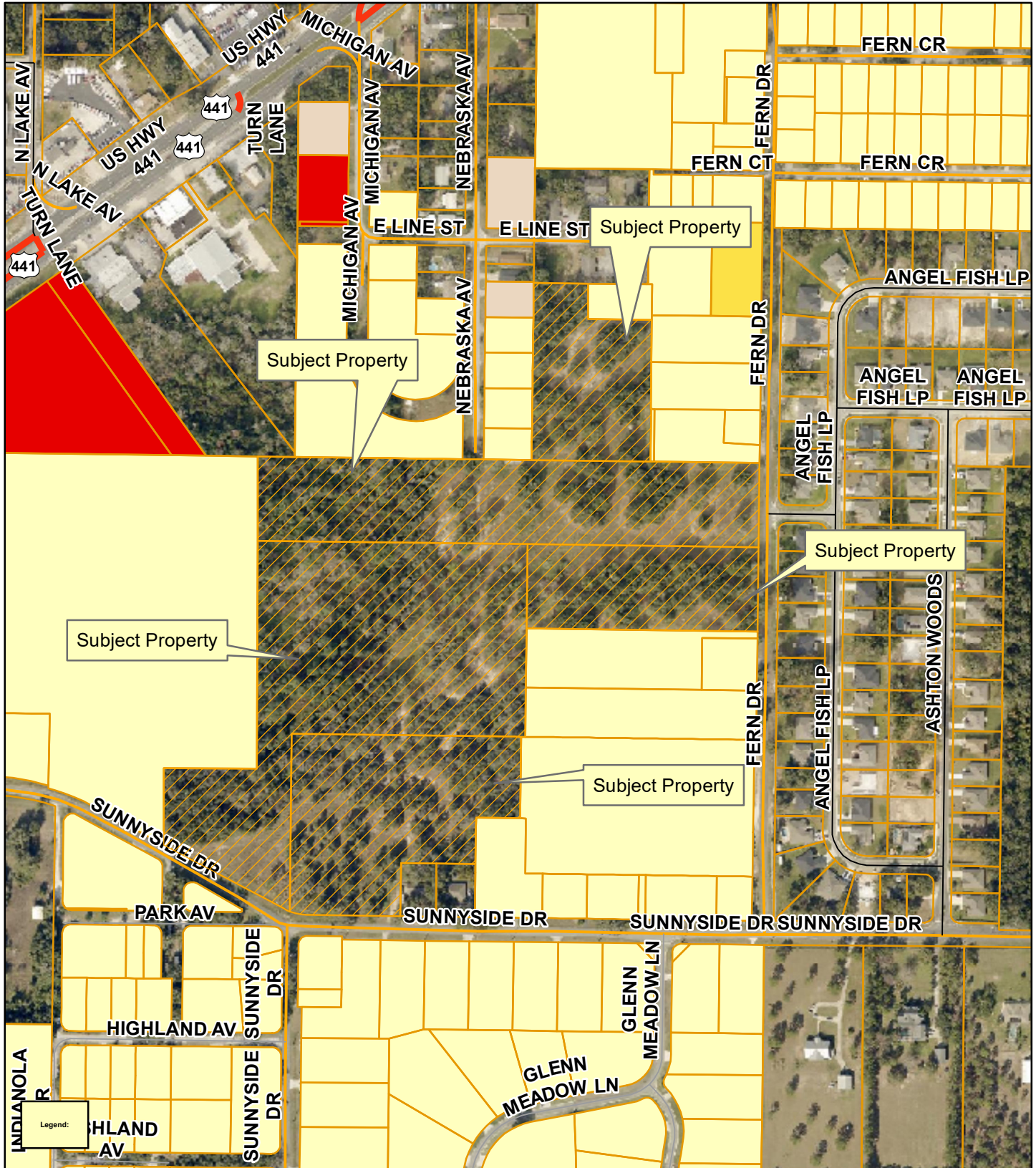


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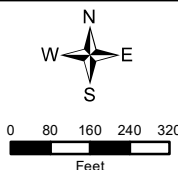


PUD-22-218
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Section 30, Township 19 South, Range 25 East
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Lake County Zoning

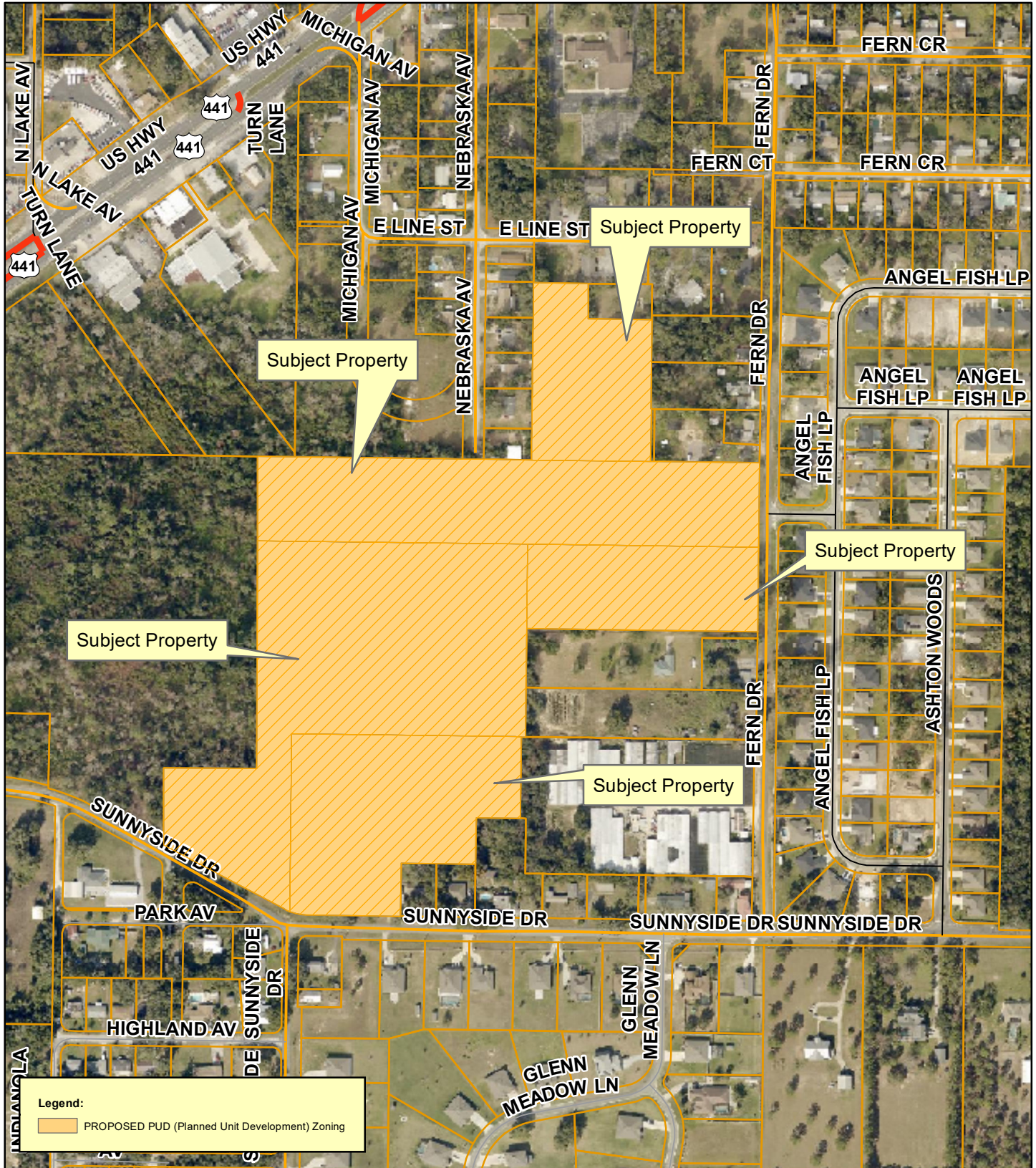


**Planning
& Zoning
Division**

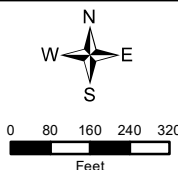


PUD-22-218
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PROPOSED PUD Zoning

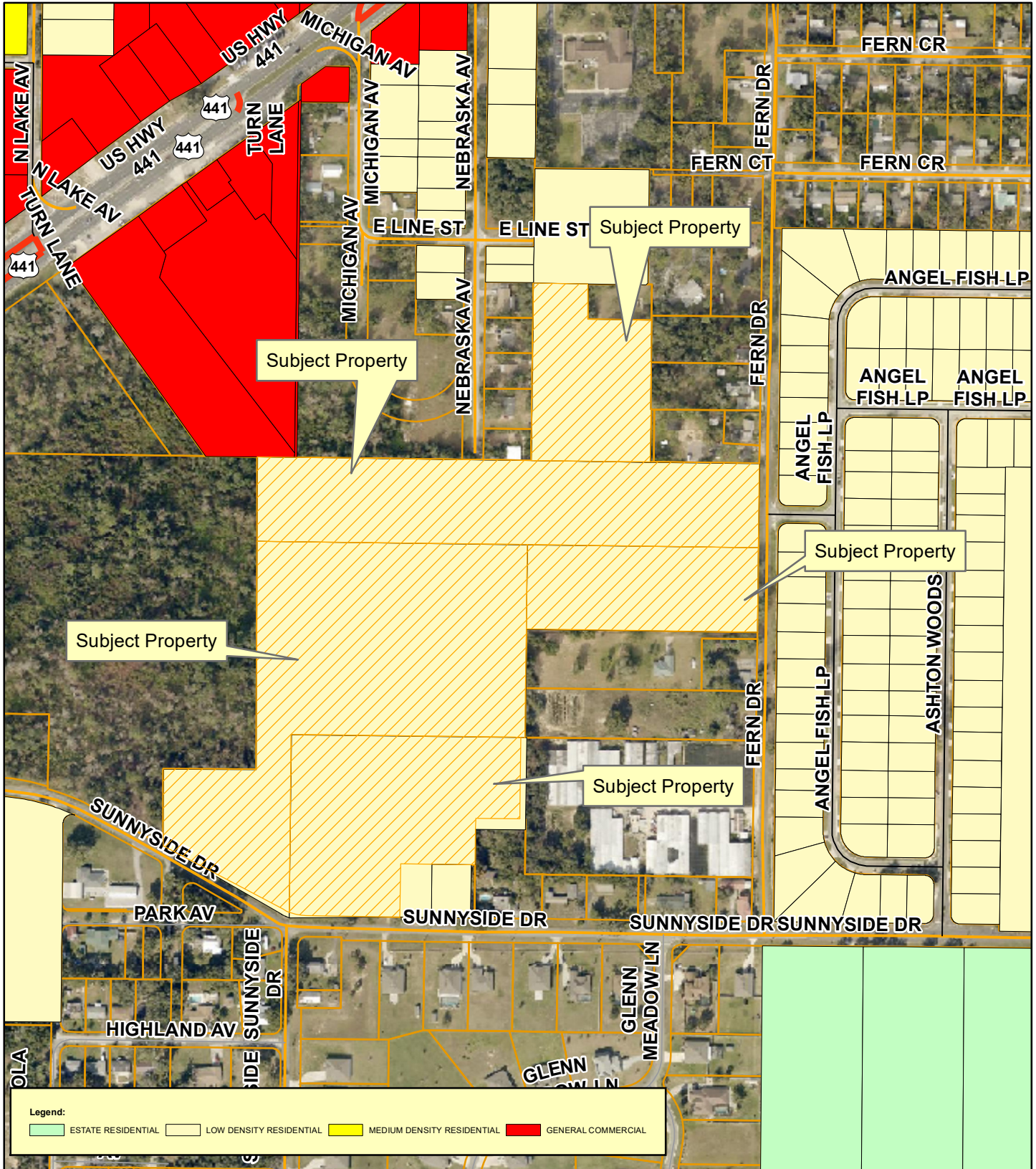


**Planning
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Division**

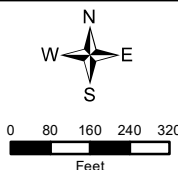


PUD-22-218
Sunnyside Oaks Subdivision
AK # 1207673, 2856971, 1207665, 1301602, 2802189
Section 30, Township 19 South, Range 25 East
June 23, 2022

Future Land Use



**Planning
& Zoning
Division**

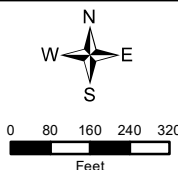


PUD-22-218
Sunnyside Oaks Subdivision
AK # 1207673, 2856971, 1207665, 1301602, 2802189
Section 30, Township 19 South, Range 25 East
June 23, 2022

Lake County Future Land Use



**Planning
& Zoning
Division**

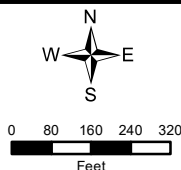


PUD-22-218
Sunnyside Oaks Subdivision
AK # 1207673, 2856971, 1207665, 1301602, 2802189
Section 30, Township 19 South, Range 25 East
June 23, 2022

Surrounding Land Use

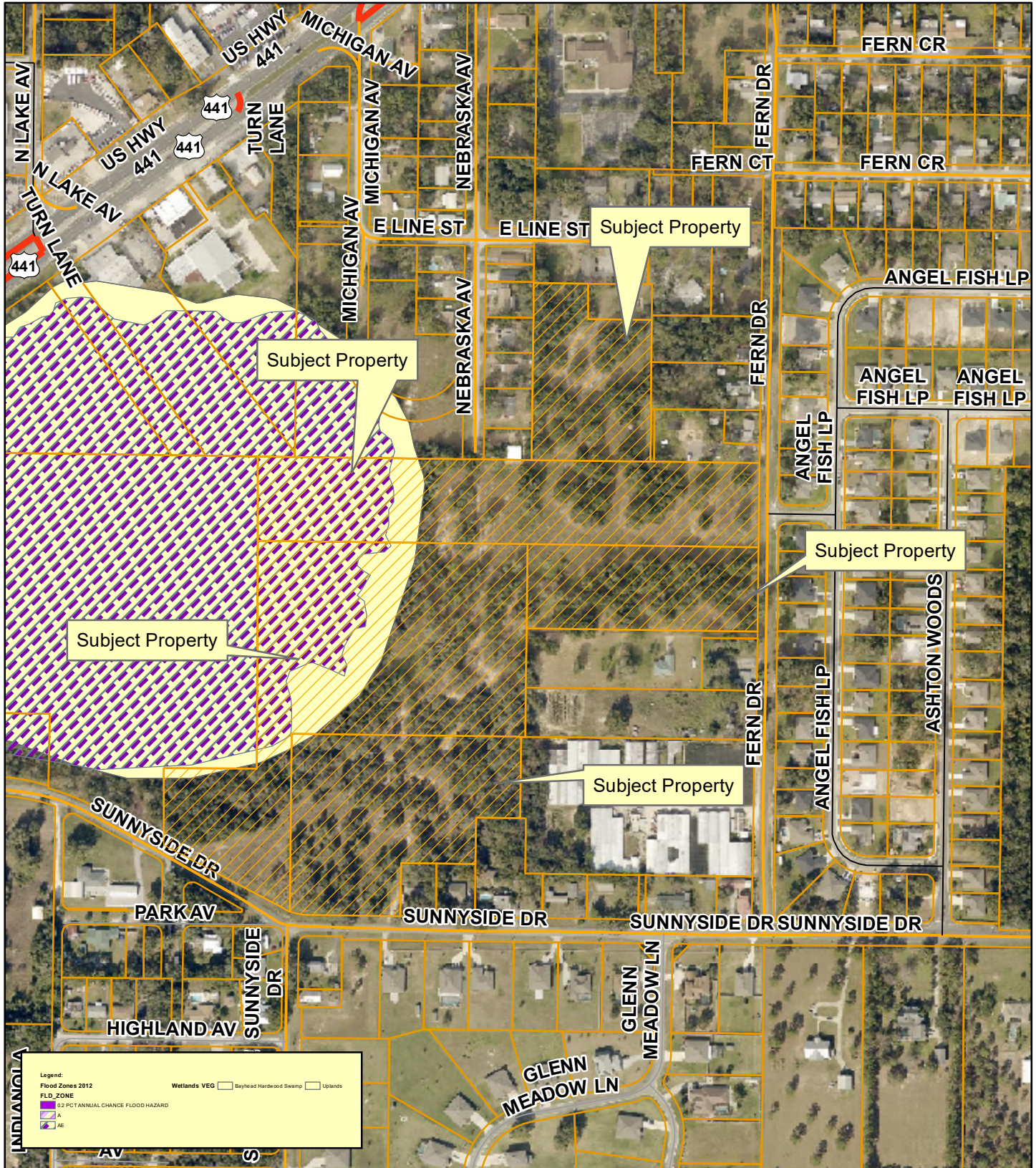


**Planning
& Zoning
Division**

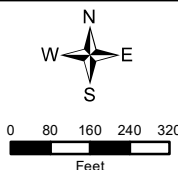


PUD-22-218
Sunnyside Oaks Subdivision
AK # 1207673, 2856971, 1207665, 1301602, 2802189
Section 30, Township 19 South, Range 25 East
June 23, 2022

Wetlands and Flood Zones

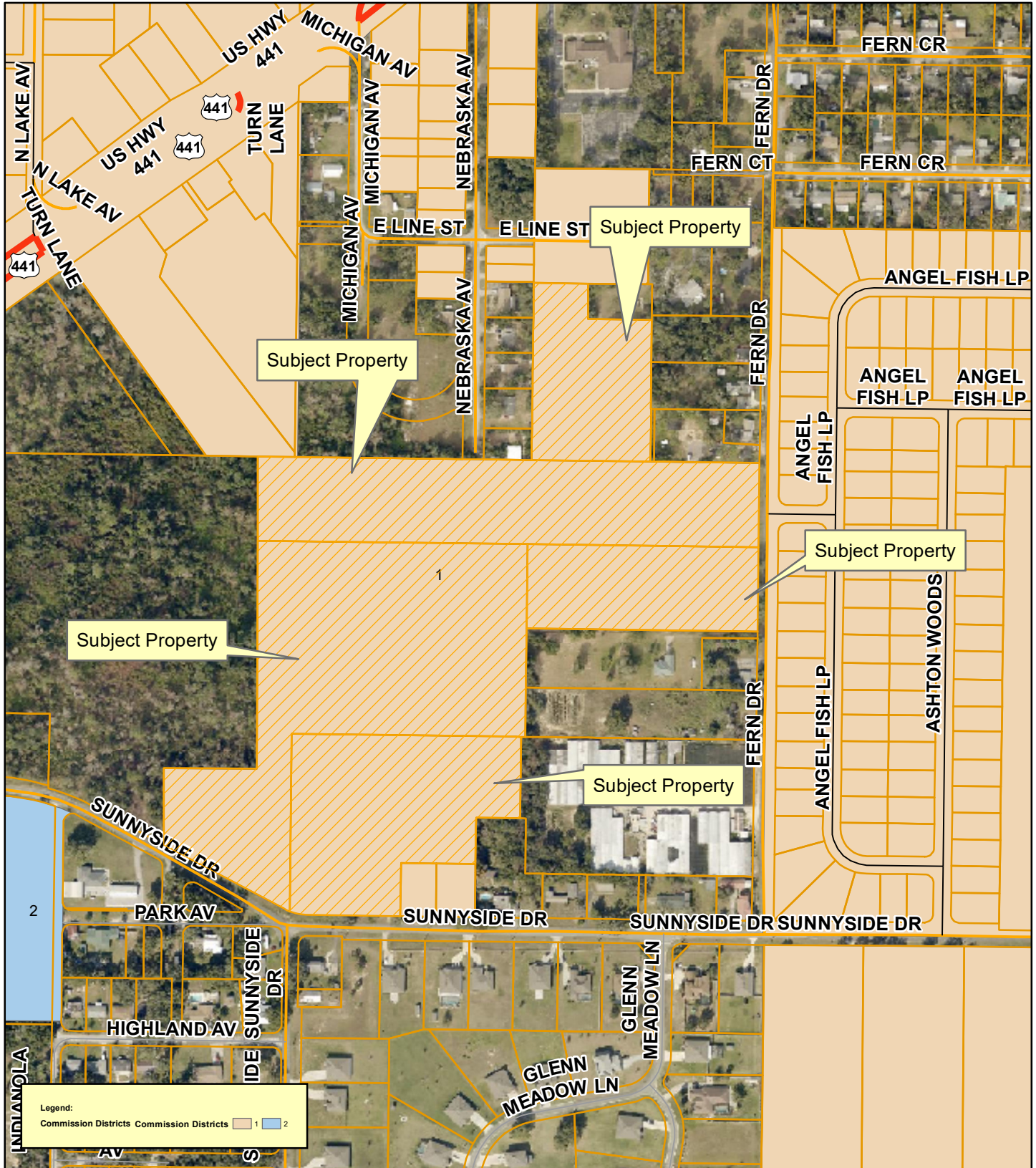


**Planning
& Zoning
Division**

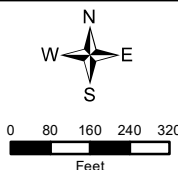


PUD-22-218
Sunnyside Oaks Subdivision
AK # 1207673, 2856971, 1207665, 1301602, 2802189
Section 30, Township 19 South, Range 25 East
June 23, 2022

Commission District

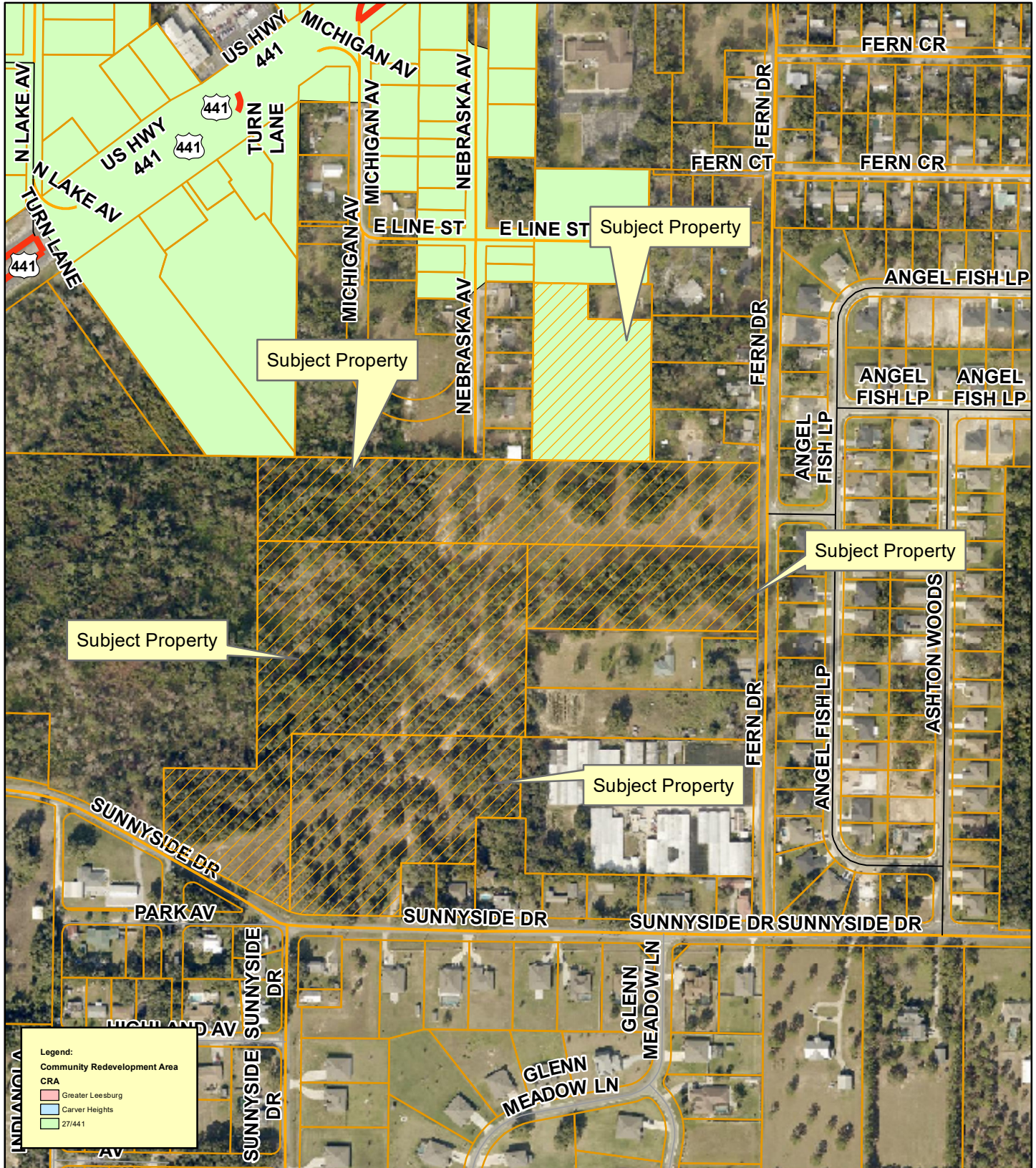


**Planning
& Zoning
Division**

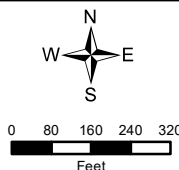


PUD-22-218
Sunnyside Oaks Subdivision
AK # 1207673, 2856971, 1207665, 1301602, 2802189
Section 30, Township 19 South, Range 25 East
June 23, 2022

Community Redevelopment Area



**Planning
& Zoning
Division**



PUD-22-218
Sunnyside Oaks Subdivision
AK # 1207673, 2856971, 1207665, 1301602, 2802189
Section 30, Township 19 South, Range 25 East
June 23, 2022

FUTURE LAND USE: R.T.
ZONING: PD
EXISTING USE: VILLAGE AT LAKE POINT

FUTURE LAND USE: R.T.
ZONING: PD
EXISTING USE: VILLAGE AT LAKE POINT

SLEEPY HOLLOW RD. (65' ROW)

FUTURE LAND USE: URBAN MEDIUM
ZONING: R-1
EXISTING USE: SINGLE-FAMILY

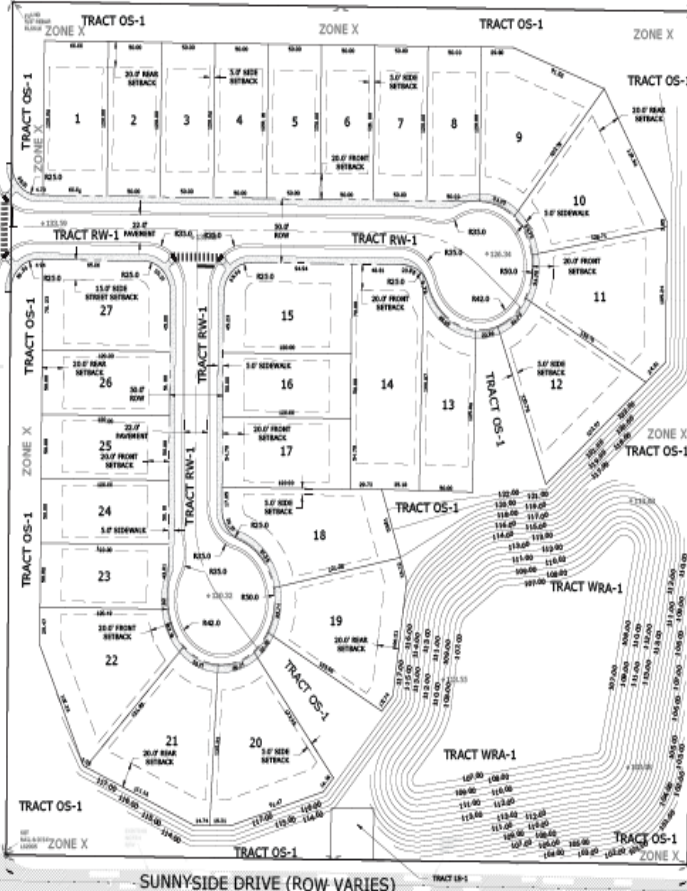
FUTURE LAND USE: URBAN MEDIUM
ZONING: R-1
EXISTING USE: SINGLE-FAMILY

FUTURE LAND USE: URBAN MEDIUM DENSITY
ZONING: R-1
EXISTING USE: SINGLE-FAMILY

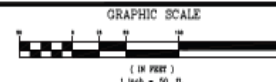
FUTURE LAND USE: RURAL TRANSITION
ZONING: R-1
EXISTING USE: SINGLE-FAMILY

FUTURE LAND USE: RURAL TRANSITION
ZONING: R-1
EXISTING USE: SINGLE-FAMILY

FUTURE LAND USE: RURAL TRANSITION
ZONING: R-1
EXISTING USE: VACANT



SUNNYSIDE DRIVE (ROW VARIES)



SITE DATA:

Parcel Air Key #1: 1207240; 1207162
Property Existing FLU: Rural Transition
Property Existing Zoning: R-1
Property Proposed FLU: RUD
Property Proposed Zoning: RUD
Gross Land Area: 9.74 acres
Lake/Wetland Area: 0.00 acres
Net Developable Area: 9.74 acres
Stormwater Management Area: 1.13 acres
Right-of-Way Area: 1.09 acres
Right-of-Way Dedication: 0.00 acres
Open Space Tracts: 2.49 acres
Proposed Residential Units: 27 Single-Family Detached Lots
Max. Allowable Density: 4.00 dwelling units/Net Developable Acre
Net Residential Density: 2.77 dwelling units/Net Developable Acre
Minimum Living Area: 1,000 sqft. (Heated/Cooled space)
Maximum Building Height: Two Stories, 35'
Minimum Lot Width: 30'
Minimum Lot Area: 6,000 sqft.
Maximum Lot Coverage: 20%
Minimum Open Space %: 30% (Gross Developable Area/Required by PD)
Setbacks:
Front: 20' (including front porch); 20' garage
Side: 5.0'
Side Street: 15'
Rear: 20'
Open Space Requirements:
Open Space 30% of (Gross Area)
3.74 ac. * .30 = 2.92 acres (required)
Open Space Provided:
Tract WRA-1: 1.13 acres
Tract OS-1: 2.49 acres
Total: 3.62 acres (2.92 required)
Additional Notes:
1. Billboards and pole signs shall be prohibited.
2. There is proposed 100 yr. Flood Plain encroachment.
3. The community is not gated.
4. A Homeowner's Association will be created for maintenance and ownership of common area tracts as reflected in the tract table.
5. Fire Protection will be provided by City of Leesburg in accordance with the 2017 Florida Fire Prevention Code.
Off-Street Parking:
Required Parking:
2.0 spaces/unit (for Single-Family Residences); (27 units x 2.0 spaces/unit) = 54
Total Required Parking: 54 spaces
Provided Parking: 54 spaces
2 Garage Spaces per Unit: 54 spaces
2 Driveway Spaces per Unit: 54 spaces
Total Parking Provided: 108 spaces
Paving:
This project is a single phase development.
Traffic:
Single-Family Residential: 27 d.u. * 9.78 trip/d.u. = 264 A.D.T.
Single-Family Residential: 27 d.u. * 0.99 trip/d.u. = 27 P.M. Peak Trips
Stormwater Management:
The project will meet the requirements of the City of Leesburg Engineering Manual and the St. Johns River Water Management District.
School Age Population:
27 d.u. * 470 children/unit = 13 children
Needed Fire Flow (NFF): (Based on FPPC 2017 Edition Chapter 10 & Annex I)
Single-Family (less than 5,000 sqft.): 1,000 gpm
Single-Family (more than 5,000 sqft.): Per 2017 FPPC
Water, Sewer, and Solid Waste Demand:
Water Demand:
27 Units * 150 gallons/day = 9,450 gallons/day
Sewer Demand:
27 Units * 100 gallons/day = 8,100 gallons/day
Solid Waste Demand:
27 Units * 2.6 persons/unit * 4.3 lb./person/day = 302 Lb/day



G I SUMMITT
ENGINEERING INC.
Office: Lake Mary
3667 Simonton Place
Lake Mary, Florida 32746
phone: 407-323-0705
fax: 407-992-8650
www.GISummit.com

H2O Development, LLC
204 W Burleigh Blvd.

Tavares, FL 32778

Sleepy Hollow Subdivision
Planned Unit Development
City of Leesburg, Florida

Final Master Plan
Planned Unit Development

Overall Site
Plan

Plans not valid unless signed,
dated and sealed below:
GEOFFREY L. SUMMITT, P.E.
Date: March 20, 2022
Professional Seal No. 12575
Certificate of Authorization #29096

Revisions		
NO.	DATE	DESCRIPTION
1	03/20/22	Revised Master Plan PD Submittal
2	03/20/22	Revised Master Plan PD Submittal
3	03/20/22	Revised Master Plan PD Submittal
4	03/20/22	Revised Master Plan PD Submittal
5	03/20/22	Revised Master Plan PD Submittal
6	03/20/22	Revised Master Plan PD Submittal
7	03/20/22	Revised Master Plan PD Submittal
8	03/20/22	Revised Master Plan PD Submittal
9	03/20/22	Revised Master Plan PD Submittal
10	03/20/22	Revised Master Plan PD Submittal

SHEET NUMBER
5 OF 7

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 6.A.6.

Meeting Date: August 8, 2022

From: Dan Miller, (Planning and Zoning Director)

Subject: An Ordinance of the City of Leesburg, Florida changing the zoning on approximately 280 +/- acres for a property generally located south of Florida's Turnpike and east of County Road 33, lying in Sections 34 and 35, Township 20 South, Range 24 East, Lake County, Florida; and providing an effective date. (Battaglia)

Staff Recommendation:

Planning and Zoning Staff recommended approval, and the Planning Commission recommended disapproval of the request to rezone the subject property from City of Leesburg RE-1 (Estate Density Residential) to City of Leesburg PUD (Planned Unit Development) to allow for residential development.

Analysis:

The project site is approximately 280 +/- acres, and is generally located south of Florida's Turnpike and east of County Road 33 as shown on the attached maps. At this time, the property is vacant, undeveloped acreage. The proposal will allow 561 single-family residential lots, with a density of approximately 2.00 DU/acre. The existing land uses surrounding the property are agriculture, residential common elements, and agricultural research. The developer would be responsible for bringing all utilities to the site.

The Planning Commission held a public hearing on the application on June 23, 2022 and recommended denial. At this hearing, two separate motions and votes occurred. First, a motion to deny the case ended in a 3-3 tie. Next, a motion to approve the case also ended in a 3-3 tie. With this recommendation, the Planning Commission noted concerns regarding the requested lot widths and sizes, including 50'x110' (5500sf) and 60'x110' (6600 sf). The Commission noted that while the overall layout of the plan was well-done, the City does have a significant number of lots available at those sizes, and stated that larger lots would be more well suited for this area.

Procurement Analysis:

N/A

Options:

1. Approve the proposed rezoning from City of Leesburg RE-1 (Estate Density Residential) to City of Leesburg PUD (Planned Unit Development) to allow for a residential development; or
2. Other such action as the Commission may deem appropriate.

Fiscal Impact:

Future development of this site will create a substantial 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 280 +/- ACRES FOR A PROPERTY GENERALLY LOCATED SOUTH OF FLORIDA'S TURNPIKE AND EAST OF COUNTY ROAD 33, LYING IN SECTIONS 34 AND 35, TOWNSHIP 20 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. (BATTAGLIA)

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

Section 1.

Based upon the petition of Ben Snyder for Hanover Land Company petitioner 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 City of Leesburg RE-1 (Estate Density Residential) to City of Leesburg PUD (Planned Unit Development) to allow for a residential 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 8th day of August 2022.

THE CITY OF LEESBURG, FLORIDA

Mayor

ATTEST:

City Clerk

Exhibit A

PARCEL 1:

The Northeast 1/4 of the Southeast 1/4 of Section 34, Township 20 South, Range 24 East, Lake County, Florida, LESS the North 15 feet thereof.

PARCEL 2:

The North 15 feet of the Northeast 1/4 of the Southeast 1/4 of Section 34, Township 20 South, Range 24 East, Lake County, Florida.

PARCEL 3:

The North 1/2 of the Southwest 1/4 lying West of the Falatlakaha Creek (also spelled Palatlakaha) and the South 1/2 of the South 1/2 of the Northwest 1/4 lying West of the Falatlakaha Creek (also spelled Palatlakaha), all in Section 35, Township 20 South, Range 24 East, Lake County, Florida, LESS that portion conveyed to the Florida State Turnpike Authority in Book 212, Page 415. LYING WEST OF SUNSHINE STATE PARKWAY

PARCEL 4:

That part of the South 1/2 of the South 1/2 of Section 35, Township 20 South, Range 24 East, Lake County, Florida, lying West of the right of way of the Sunshine State Parkway, established in Official Records Book 220, Page 31, Lake County, Florida.

AND LESS that part conveyed in Official Records Book 399, Page 942, being more particularly described as follows:

From the South 1/4 corner of Section 35, Township 20 South, Range 24 East, run South 89°35'00" West along the South line of said Section 35, 37.65 feet; thence North 18°16'30" West for 497.41 feet to the Point of Beginning; run thence South 83°11'00" East for 300 feet; thence North 06°49' East for 274.59 feet to a point on the Southwesterly right of way of Sunshine State Parkway; run thence North 43°58' West along said right of way for 516.25 feet; thence South 06°49' West for 600.94 feet; thence South 83°11'00" East for 100 feet to the Point of Beginning.

PARCEL 5:

That part of the Northwest 1/4 of the Southeast 1/4, less the North 15 feet thereof, and the South 1/2 of the Southeast 1/4, all in Section 34, Township 20 South, Range 24 East, Lake County, Florida, lying East of the right of way of State Road No. 33.

PARCEL 6:

The North 15 feet of the Northwest 1/4 of the Southeast 1/4 in Section 34, Township 20 South, Range 24 East, Lake County, Florida, lying East of State Road No. 33.

BATTAGLIA CR 33 PUD
PUD (PLANNED UNIT DEVELOPMENT CONDITIONS)
June 23, 2022

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 **BFC SR33, LLC & SR33 LLC, P.O. Box 3010, Winter Park, Florida, 32790-3010 as "Permittee" (Ben Snyder, Hanover Land Company, 605 Commonwealth Avenue, Orlando, Florida 32803- Agent)** 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 residential development consisting of approximately 280.795 acres containing a maximum of 561 detached single-family residential units, generally located east of County Road 33 and south of the Florida Turnpike, 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 **BFC SR33, LLC & SR33 LLC, P.O. Box 3010, Winter Park, Florida, 32790-3010 as "Permittee" (Ben Snyder, Hanover Land Company, 605 Commonwealth Avenue, Orlando, Florida 32803- Agent)** 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 280.795 acres, shall be used for platted single-family residential development, pursuant to City of Leesburg development codes and standards.

A. Permitted Uses

1. Detached single family residential units
2. Accessory structures for residential uses
3. Sales office in a single-family unit
4. Accessory retail within a recreation center or clubhouse, intended for the primary use of residents, such as a snack bar
5. Temporary modular sales center office (during construction and sales of new units) not to exceed one year, and construction office not to exceed two years from the approval of the final plat of the final phase for the subdivision. Model homes may be used as sales centers during the duration of the project.

B. Prohibited Uses

1. Attached single family units (Townhouses)
2. Duplex/Triplex uses
3. Multi-family units (Apartments)
4. Commercial uses (as a primary use)
5. All other uses not specifically permitted within these conditions under Permitted Uses above shall be prohibited.

4. DEVELOPMENT STANDARDS

A. The project shall contain a maximum of 561 detached single-family residential units, at a gross density not to exceed 2.00 units per acre on the approximately 280.795-acre site, as shown on **Exhibit C, Conceptual Development Plan**.

B. A mix of lot sizes is permitted as long as all lots are equal to or larger than the required minimums.

C. Along each street, homes with the same architectural design shall not be immediately adjacent (side by side) or directly across from a lot with the same design. Facades may be varied to meet this requirement. The maximum impervious surface for the project shall be 65%. Community and private swimming pools shall not count toward the impervious surface calculation.

D. The minimum lot development standards shall be:

1. For 50-foot lots:

- a. A maximum of 390 lots shall have a minimum lot width of fifty (50) feet.
- b. Minimum house size: 1,600 square feet living area.
- c. Each additional bedroom to the above the minimum house size shall be a minimum of 120 square feet.
- d. Minimum lot size shall be 5,500 square feet.
- e. Minimum lot width 50 feet
- f. Minimum lot depth 110 feet

- g. Minimum building setbacks:
 - Front – 25 feet;
 - Porch – 20 feet (porch must be a minimum width of 5 feet).
 - Rear – 18 feet;
 - Side – 5 feet;
 - Corner Side – 15 feet.
2. For 60-foot lots:
- a. No less than 171 lots shall have a minimum lot width of sixty (60) feet.
 - b. Minimum house size: 1,800 square feet.
 - c. Each additional bedroom to the above the minimum house size shall be a minimum of 120 square feet.
 - d. Minimum lot size shall be 6,600 square feet.
 - e. Minimum width 60 feet
 - f. Minimum depth 110 feet
 - g. Minimum building setbacks:
 - Front – 25 feet;
 - Porch – 20 feet (porch must be a minimum width of 5 feet).
 - Rear – 18 feet;
 - Side – 7.5 feet;
 - Corner Side – 15 feet.
3. For all structures:
- a. Each residential structure shall have a minimum two car garage.
 - b. Each lot less than sixty (60) feet in width shall have gutters constructed on all four sides of the primary structure to direct stormwater away from the foundation.
 - c. Minimum distance between structures shall be as noted in in Section B *Development Standards* contained herein; as measured from building wall to building wall.
 - d. Roof overhang shall not exceed forty (40) percent of the distance between the building wall and the property line.
 - e. Maximum building height: two (2) stories or 35 feet.
 - f. 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.
 - g. Attached screened enclosures (no solid roof) must maintain a minimum setback of five (5) feet from the side and rear property line. Attached swimming pool screened enclosure shall also maintain a minimum setback of five (5) feet from the side or rear property lines.
 - h. Solid roof structures attached to the residence must meet the required rear setback as noted under “Minimum building setbacks.”
 - i. 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. DESIGN/ARCHITECTURAL STANDARDS

- A. All buildings shall utilize at least five (5) 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.

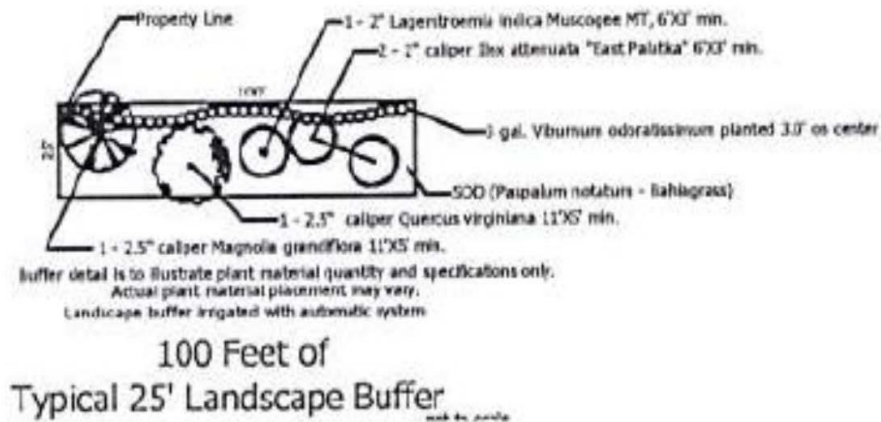
6. OPEN SPACE, LANDSCAPING & BUFFER REQUIREMENTS

- 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 minimum twenty-five (25) foot buffer tract with plantings as shown in Figure A below, shall be provided along the entire boundary of the property. This landscape buffer shall be separate from all other platted lots, 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 or Homeowners Association.
- C. Each platted single-family residential lot of record shall contain a minimum of one canopy tree, located within in the front yard, selected from the list of trees within the City of Leesburg Code of Ordinances, *Section 25-328 Table 1, Canopy Trees*, plus at least one other tree, located in the back yard. All other requirements for tree planting based on lot size under the Code of Ordinances shall remain in effect.
- D. A spilt-rail fence, of either wood or vinyl/synthetic construction, shall be installed around the entire perimeter of the property. This fence shall be installed at a minimum height of four (4) feet. Said fence shall be maintained by the Property Owners or Homeowners Association. A solid six-foot fence of PVC or other synthetic material, shall be allowed as an option to the split-rail fence.
- E. Land uses allowed within the upland buffers are limited to hiking trails, walkways, passive recreation activities and stormwater facilities as permitted by St. Johns River Water Management District.
- F. 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.

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



- G. Variations to the landscape and buffering requirements of the code 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.
- H. 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 consist of at least two (2) primary access points on County Road 33, as reviewed 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 subject to Lake County approval. 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.
- B. The main access points on County Road 33 shall be constructed as a “boulevard-type” roadways, having a landscaped median area of at least eight (8) feet in width, and designed to allow emergency access vehicles room to maneuver. This will include left and right turn lanes exiting the property if required during site plan review. This 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 approved 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. The developer shall be responsible for all on and offsite improvements required as a result of any access points.
- D. 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.
- E. Alternative designs for the ground enclosure support and bases of a monument sign may be approved by the Planning and Zoning Manager or designee, where the architectural style would be in keeping with the intent of these sign regulations.

- F. Roadway interconnectivity shall be provided as shown on the Conceptual Site Plan – Exhibit C, as needed, to allow for connection points between this development and future development of adjacent properties.

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 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.
- C. The Permittee shall provide necessary traffic improvements within and adjacent to the development which are legally 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 legally required Lake County permits and a copy of all permits shall be provided to the City of Leesburg.
- F. The City of Leesburg shall not be responsible for the construction of any roads or transportation improvements.
- G. 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.
- H. 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 be of sufficient width to contain sidewalks on both sides of each street. All sidewalks shall be constructed in accordance with City of Leesburg Codes.

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. Developer shall be responsible for the installation of a natural gas water heater and natural gas furnace in eighty percent (80%) of all homes in the development as required by the City of Leesburg Code of Ordinances as amended.
- D. 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 or property owners association is an acceptable maintenance entity.
- D. The existing 100-year flood plain on the property 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.
 - 1. 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.
 - 2. 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 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.
- 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 25-327, 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.

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 112,200 square feet (2.6 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 clubhouse with 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.
- D. Active recreational activity space shall be calculated at a rate of 1.25 times for activities such as, but not limited to:
 - 1. Trails, playgrounds, basketball, tennis, handball courts, etc.
 - 2. Community swimming pool, including the deck area surrounding such pools.
 - 3. Indoor recreation rooms provided such rooms are permanently maintained for the use of residents for recreational purposes.
 - 4. Other active recreational activities may be used for credit, subject to approval by the City of Leesburg.

14. 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.

15. 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 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 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.

16. 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 these PUD Conditions of Approval 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.

17. 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

- i. 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.

C. 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.

D. Commitment of Capacity

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

E. Ability to Provide Services

1. At this time, the City intends to provide water, wastewater and reclaimed water services within its service area for the foreseeable future.
2. Future development within the City of Leesburg utility service areas may impact the provision of utility services.

EXHIBIT B

LEGAL DESCRIPTION (from Survey)

LEGAL DESCRIPTION

A TRACT OF LAND, BEING THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 20 SOUTH, RANGE 24 EAST, LYING EAST OF COUNTY ROAD NO. 33, AND THE SOUTHWEST QUARTER AND THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 20 SOUTH, RANGE 24 EAST, LYING WEST OF SUNSHINE STATE PARKWAY (FLORIDA TURNPIKE), ALL LYING AND BEING IN LAKE COUNTY, FLORIDA.

LESS AND EXCEPT THAT PART CONVEYED IN OFFICIAL RECORDS BOOK 399, PAGE 942, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE SOUTH 1/4 CORNER OF SECTION 35, TOWNSHIP 20 SOUTH, RANGE 24 EAST, RUN SOUTH 89°35'00" WEST ALONG THE SOUTH LINE OF SAID SECTION 35, 37.65 FEET; THENCE NORTH 18°16'30" WEST FOR 497.41 FEET TO THE POINT OF BEGINNING; RUN THENCE SOUTH 83°11'00" EAST FOR 300 FEET; THENCE NORTH 06°49' EAST FOR 274.59 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT OF WAY OF SUNSHINE STATE PARKWAY; RUN THENCE NORTH 43°58' WEST ALONG SAID RIGHT OF WAY FOR 516.25 FEET; THENCE SOUTH 06°49' WEST FOR 600.94 FEET; THENCE SOUTH 83°11'00" EAST FOR 100 FEET TO THE POINT OF BEGINNING.

(Battaglia Property Legal Description (from 6/17/2022 email (McCown))

Parcel 1 (Alt Key No. 1035465):

The Northeast ¼ of the Southeast ¼ of Section 34, Township 20 South, Range 24 East, Lake County, Florida, LESS the North 15 feet thereof.

Parcel 2 (Alt Key No. 1088224):

The North 15 feet of the Northeast ¼ of the Southeast ¼ of Section 34, Township 20 South, Range 24 East, Lake County, Florida.

Parcel 3 (Alt Key No. 3884013):

The North ½ of the Southwest ¼ lying West of the Falatlakaha Creek (also spelled Palatlakaha) and the South ½ of the South ½ of the Northwest ¼ lying West of the Falatlakaha Creek (also spelled Palatlakaha), all in Section 35, Township 20 South, Range 24 East, Lake County, Florida, LESS that portion conveyed to the Florida State Turnpike Authority in Book 212, Page 415. LYING WEST OF SUNSHINE STATE PARKWAY

Parcel 4 (Alt Key No. 1035481):

That part of the South ½ of the South ½ of Section 35, Township 20 South, Range 24 East, Lake County, Florida, lying West of the right of way of the Sunshine State Parkway, established in Official Records Book 220, Page 31, Lake County, Florida.

AND LESS that part conveyed in Official Records Book 399, Page 942, being more particularly described as follows:

From the South ¼ corner of Section 35, Township 20 South, Range 24 East, run South 89°35'00" West along the South line of said Section 35, 37.65 feet; thence North 18°16'30" West for 497.41 feet to the Point of Beginning; run thence South 83°11'00" East for 300 feet; thence North 06°49' East for 274.59 feet to a point on the Southwesterly right of way of Sunshine State Parkway; run thence North 43°58' West along said right of way for 516.25 feet; thence South 06°49' West for 600.94 feet; thence South 83°11'00" East for 100 feet to the Point of Beginning.

Parcel 5 (Alt Key No. 1775302):

That part of the Northwest ¼ of the Southeast ¼, less the North 15 feet thereof, and the South ½ of the Southeast ¼, all in Section 34, Township 20 South, Range 24 East, Lake County, Florida, lying East of the right of way of State Road No. 33.

Parcel 6 (Alt Key No. 1775329):

The North 15 feet of the Northwest ¼ of the Southeast ¼ in Section 34, Township 20 South, Range 24 East, Lake County, Florida, lying East of State Road No. 33.

CONCEPTUAL SITE PLAN













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 Ciesla © 2005. Rendered for the Town of Southampton, NY. Used with permission.

CITY OF LEESBURG

JUN 20 2022

RECEIVED
Battaglia



CITY OF LEESBURG

JUN 20 2022

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Battaglia



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CITY OF LEESBURG

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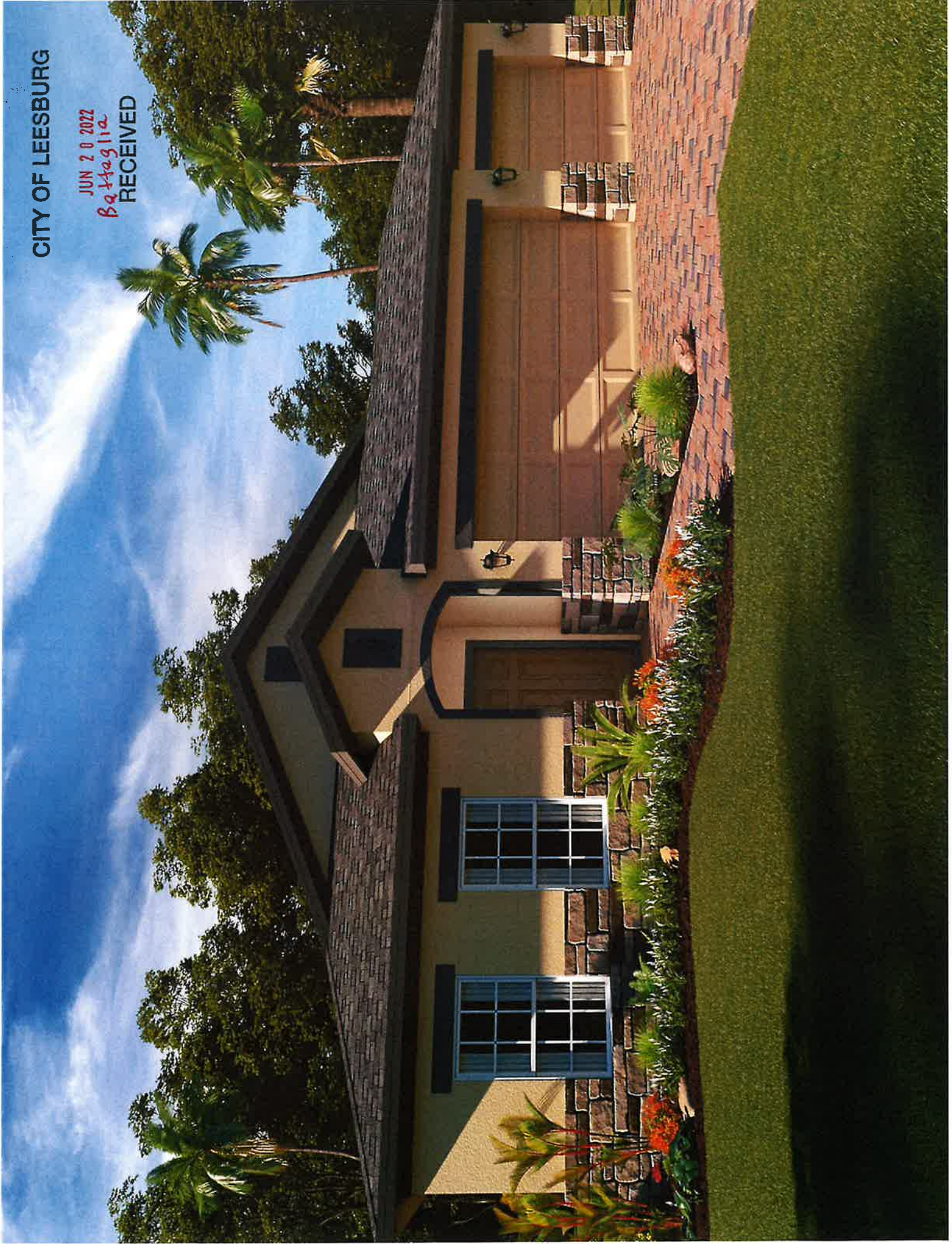


CITY OF LEESBURG

JUN 20 2022

Battaglia

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Bettaglia



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

DATE: June 23, 2022
OWNER: Battaglia Property
PETITIONER: Hanover Land Company
PROJECT: BFC SR33, LLC & SR 33, LLC
REQUEST: PUD (Planned Unit Development)
CASE NO.: PUD-22-222

THE FOLLOWING COMMENTS RECEIVED FROM EACH DEPARTMENT:

POLICE

No comments received as of 6/17/22

FIRE

In reference to Case Number PUD-22-222

NFPA 1710 Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments, 2020 Edition. The subject property referenced in Case Number PUD-22-222 is outside the recommended four-minute response time for initial responding fire apparatus. Amanda Stevenson 6/16/22

4.1 Fire Department Organizational Statement.

4.1.2.1

The fire department shall establish the following performance objectives for the first-due response zones that are identified by the AHJ:

- (1) Alarm handling time completion in accordance with 4.1.2.3
- (2) 80 seconds turnout time for fire and special operations response and 60 seconds turnout time for EMS response
- (3)* 240 seconds or less travel time for the arrival of the first engine company at a fire suppression incident
- (4) 360 seconds or less travel time for the arrival of the second company with a minimum staffing of 4 personnel at a fire suppression incident
- (5) For other than high-rise, 480 seconds or less travel time for the deployment of an initial full alarm assignment at a fire suppression incident
- (6) For high-rise, 610 seconds or less travel time for the deployment of an initial full alarm assignment at a fire suppression incident
- (7) 240 seconds or less travel time for the arrival of a unit with first responder with automatic external defibrillator (AED) or higher-level capability at an emergency medical incident
- (8) 480 seconds or less travel time for the arrival of an advanced life support (ALS) unit at an emergency medical incident, where this service is provided by the fire department provided a first responder with an AED or basic life support (BLS) unit arrived in 240 seconds or less travel time

ELECTRIC

This one is outside of Leesburg Electric Service Territory. Steve Davis 6/9/22

GAS

Natural gas is available and directed per city ordinance. Thank you, Brandon Smith 6/20/22

GIS

Addressing/GIS has no comment. Mark Medley 6/10/22

BUILDING

No comments received as of 6/17/22

PUBLIC WORKS

Public Works has no issues with this item, developer should be aware that water and sewer are not readily available in this area and may need to connect in the Roger Park Industrial area. Cliff Kelsey 6/13/22

ADDRESSING

Addressing/GIS has no comment. Mark Medley 6/10/22

ECONOMIC DEVELOPMENT

No comments received as of 6/17/22

LAKE COUNTY PUBLIC WORKS

Lake County Public Works comment letter is attached. Please let me know if you have any questions. Thanks, Seth Lynch

LAKE COUNTY SCHOOLS

The 561 single family unit planned unit development is subject to school concurrency review. Proportionate share mitigation may be required at time of submittal. I have attached a copy of the Adequate Public Facilities determination for your file. Let me know if you have any questions. Thanks Helen LaValley 6/17/22

PUBLIC RESPONSES

Approval

1 approval 1 with comments

Disapproval

6 disapprovals 3 with comments

No comment

No comments received as of 6/17/22

Notice of Appearance filed: 1

PUBLIC COMMENTS (APPROVAL WITH REQUESTS)

Cheryl L. Gilbert – We don't oppose the rezoning for a subdivision. We only ask the development group place a wall between our property and the proposed subdivision.

PUBLIC COMMENTS (DISAPPROVAL)

Mark R. Dechant - Not enough info on what's being built. I.E. 55 and over? – What's the price range? Etc.

Tim Gilbert – I disapprove of this development because it will bring more traffic and possibly crime to the

area. It will also displace the wildlife that reside on the wooded land. There are also numerous housing developments going up in Lake County, some within 10 miles from this proposed development that are not fully completed yet. However, if it is approved I request that a wall or high privacy fence be built running the length of the development on the south side heading towards Groveland. Thank you.

Larry W. Cooper – Will block view of green acres. Will eliminate green acres. Add additional cars to already congested roads.

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

DATE: June 23, 2022

OWNER: Battaglia Property
PETITIONER: Hanover Land Company
PROJECT: BFC SR33, LLC & SR 33, LLC
REQUEST: PUD (Planned Unit Development)
CASE NO.: PUD-22-222

GENERAL LOCATION: The property is generally located south of Florida's Turnpike and east of County Road 33.

FUTURE LAND USE DESIGNATION: Neighborhood Mixed Use

SURROUNDING FUTURE LAND USE DESIGNATION:

North – City of Leesburg Neighborhood Mixed Use; Lake County Urban Low Density
South – Lake County Rural
East – Lake County Urban Low Density; Lake County Conservation
West – Lake County Rural

PROPOSED FUTURE LAND USE DESIGNATION: N/A

EXISTING ZONING DESIGNATION: RE-1 (Estate Density Residential)

SURROUNDING ZONING DESIGNATIONS:

North – City of Leesburg RE-1 (Estate Density Residential); Lake County PUD (Planned Unit Development)
South – Lake County A (Agriculture)
East – City of Leesburg PUD (Planned Unit Development); Lake County PUD (Planned Unit Development)
West – Lake County A (Agriculture)

PROPOSED ZONING DESIGNATION: PUD (Planned Unit Development)

EXISTING LAND USE: Improved pasture

SURROUNDING LAND USE:

North – Agriculture; Residential Common Elements
South – Residential; Agriculture Research
East – Agriculture; Residential Common Elements
West – Residential

PROPOSED LAND USE: Single Family Residential subdivision



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

DATE: June 23, 2022
OWNER: Battaglia Property
PETITIONER: Hanover Land Company
PROJECT: BFC SR33, LLC & SR 33, LLC
REQUEST: PUD (Planned Unit Development)
CASE NO.: PUD-22-222

THE PLANNING & ZONING DIVISION RECOMMENDS:

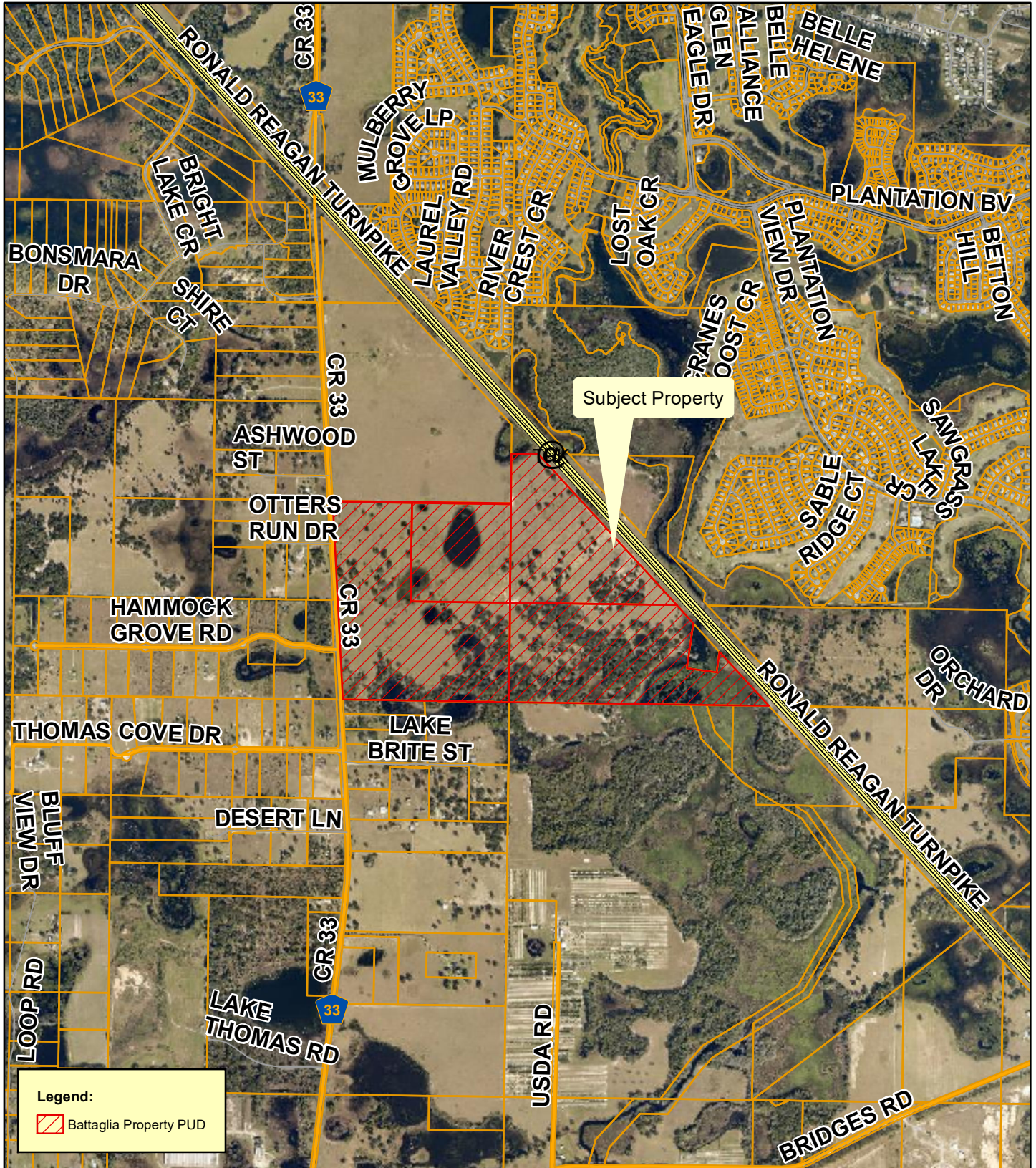
APPROVAL of this request for the following reason(s):

1. The proposed request, as conditioned, is compatible with the current surrounding zoning districts of Lake County PUD (Planned Unit Development), Lake County A (Agriculture); and with City of Leesburg RE-1 (Estate Density Residential) and PUD (Planned Unit Development).
2. The proposed zoning district of PUD (Planned Unit Development) as conditioned and shown in the attached "Exhibit A" is compatible with the existing City Future Land Use designation of Neighborhood Mixed Use.
3. The rezoning of the subject properties is consistent with the City's Growth Management Plan, Future Land Use Element, Goal I, and Objective 1.6.

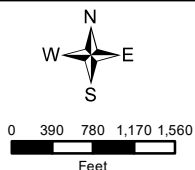
Action Requested:

1. Vote to approve staff's recommendation to rezone the subject property from City of Leesburg RE-1 (Estate Density Residential) to City of Leesburg PUD (Planned Unit Development) and forward the recommendation to the City Commission for consideration.

Aerial

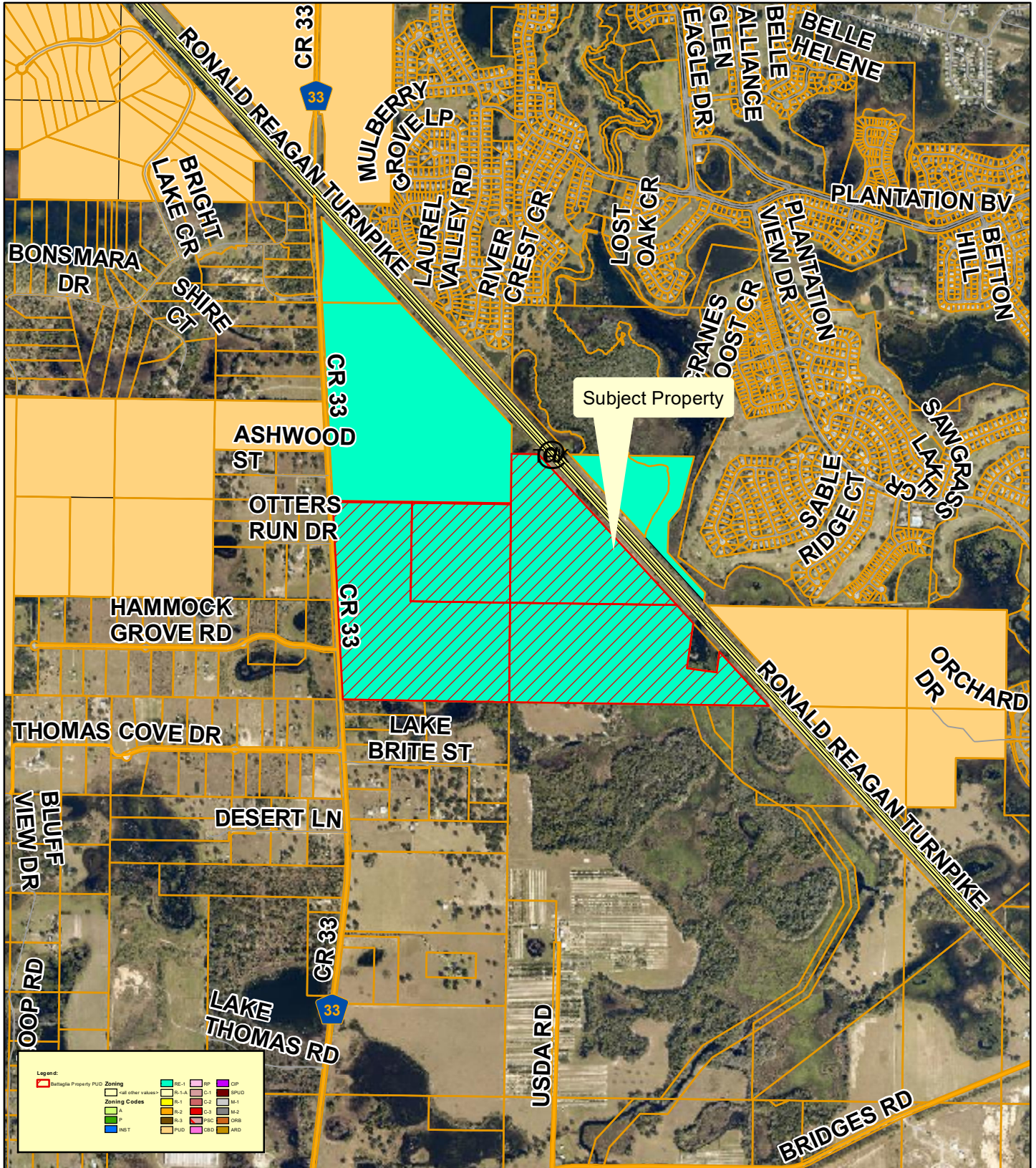


**Planning
& Zoning
Division**

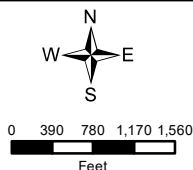


Battaglia Property
 CR 33 South of Florida's Turnpike
 AK#: 1775302, 1035465, 3884013, 1035481, 1088224, 1775329
 Sections 34 and 35, Township 20 South, Range 24 East
 May 25, 2022

Zoning

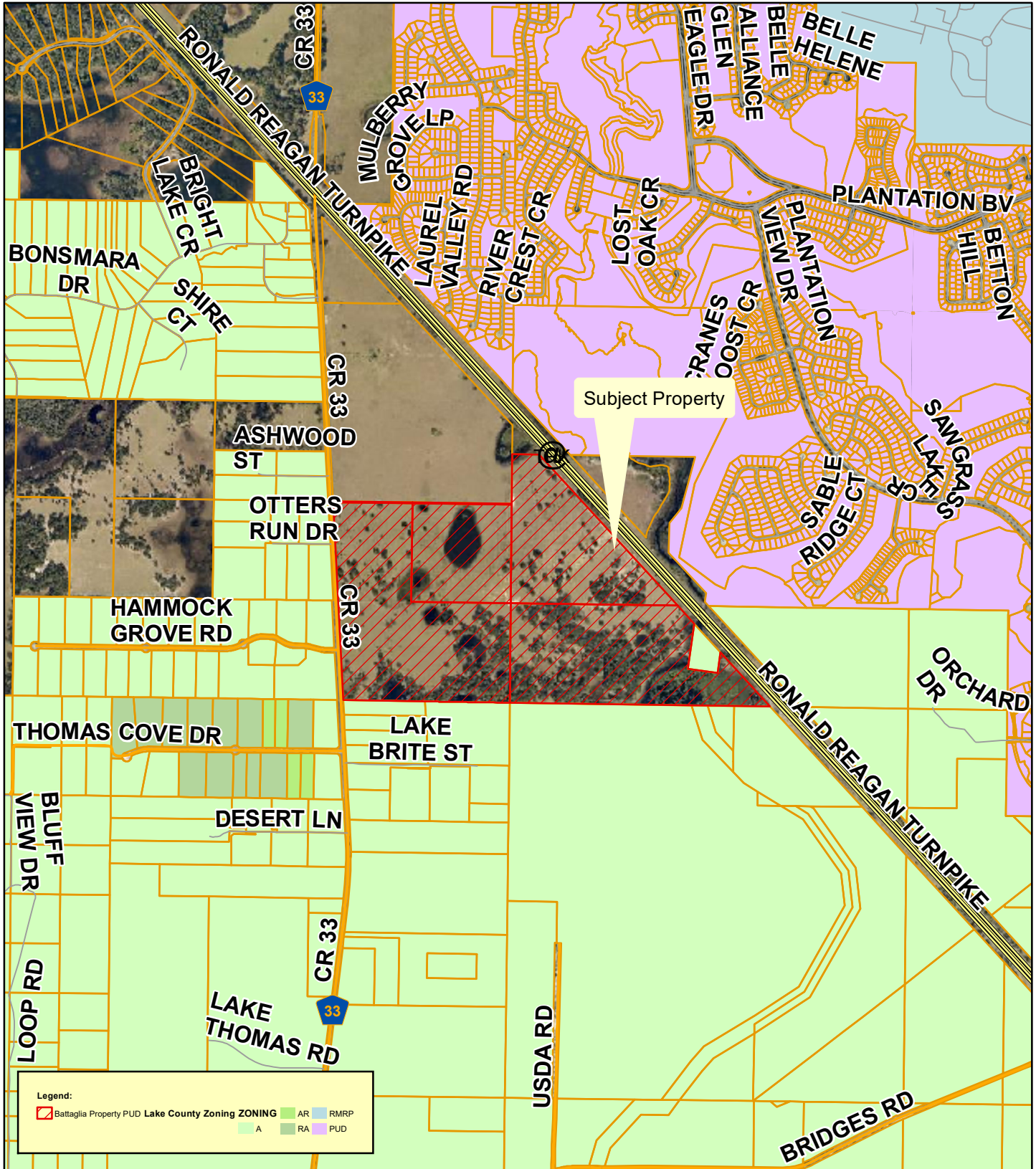


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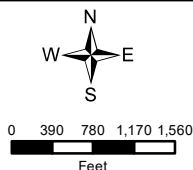


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Lake County Zoning

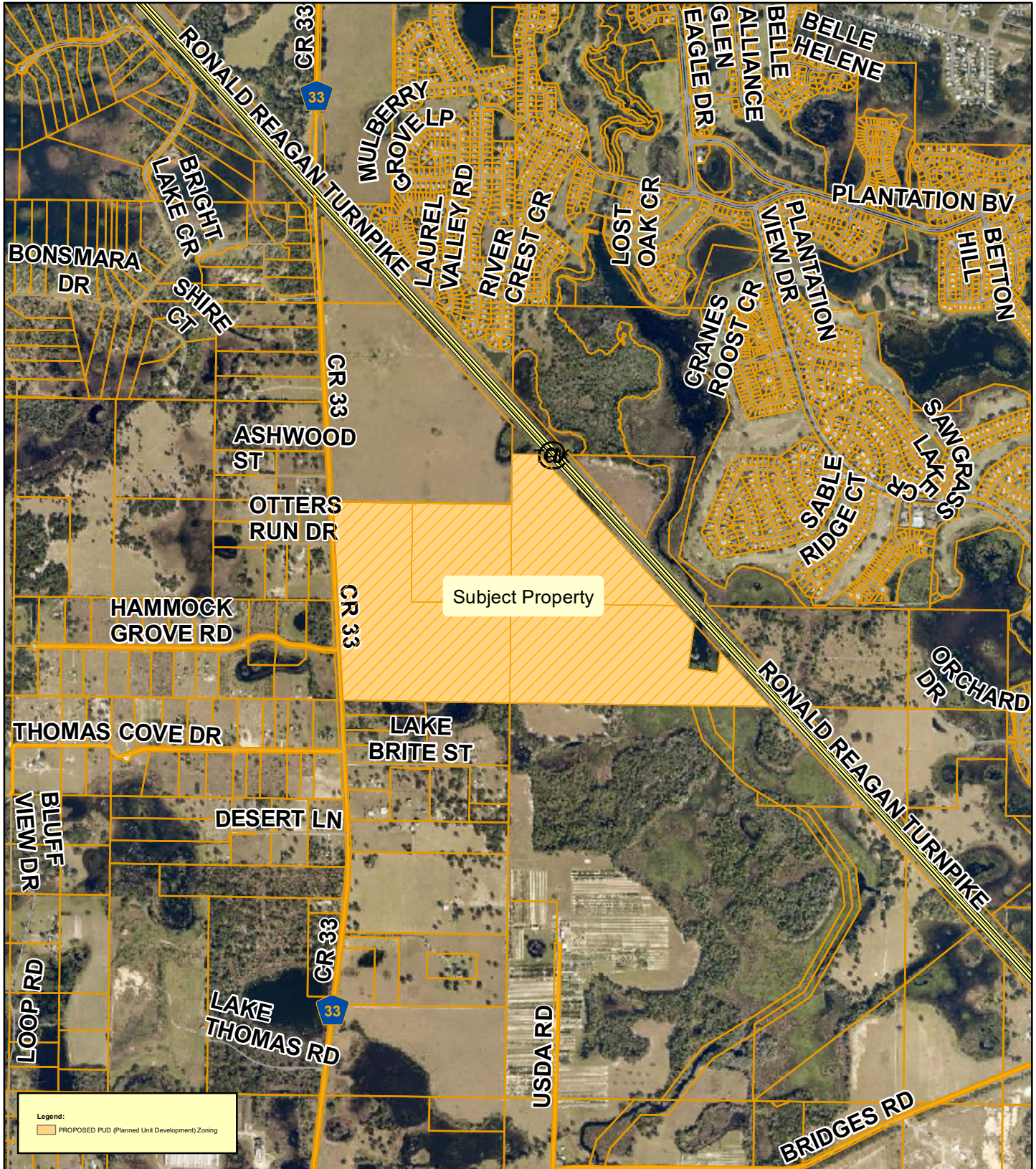


**Planning
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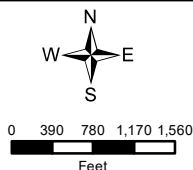


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PROPOSED Zoning

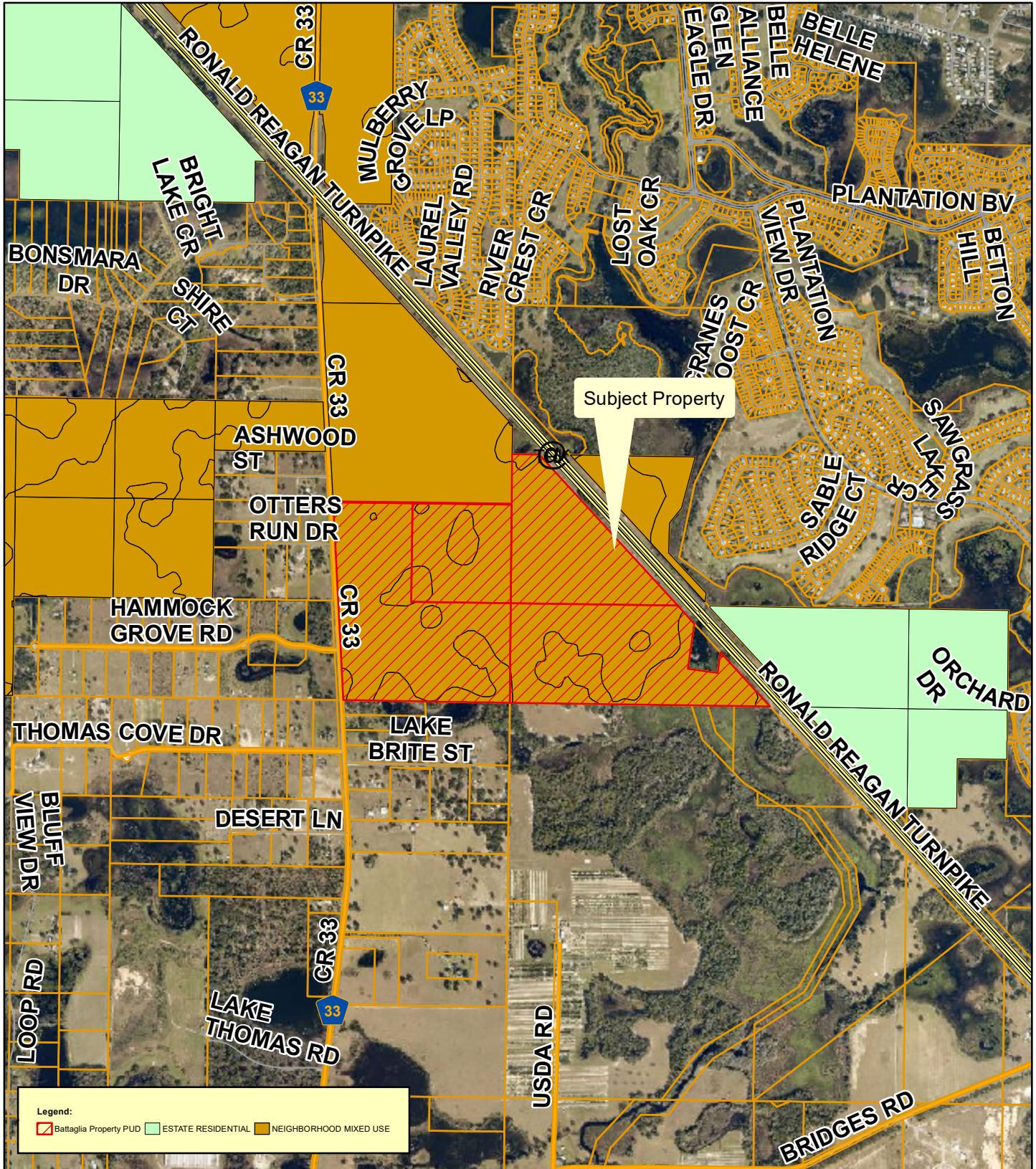


**Planning
& Zoning
Division**

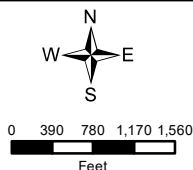


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May 25, 2022

Future Land Use

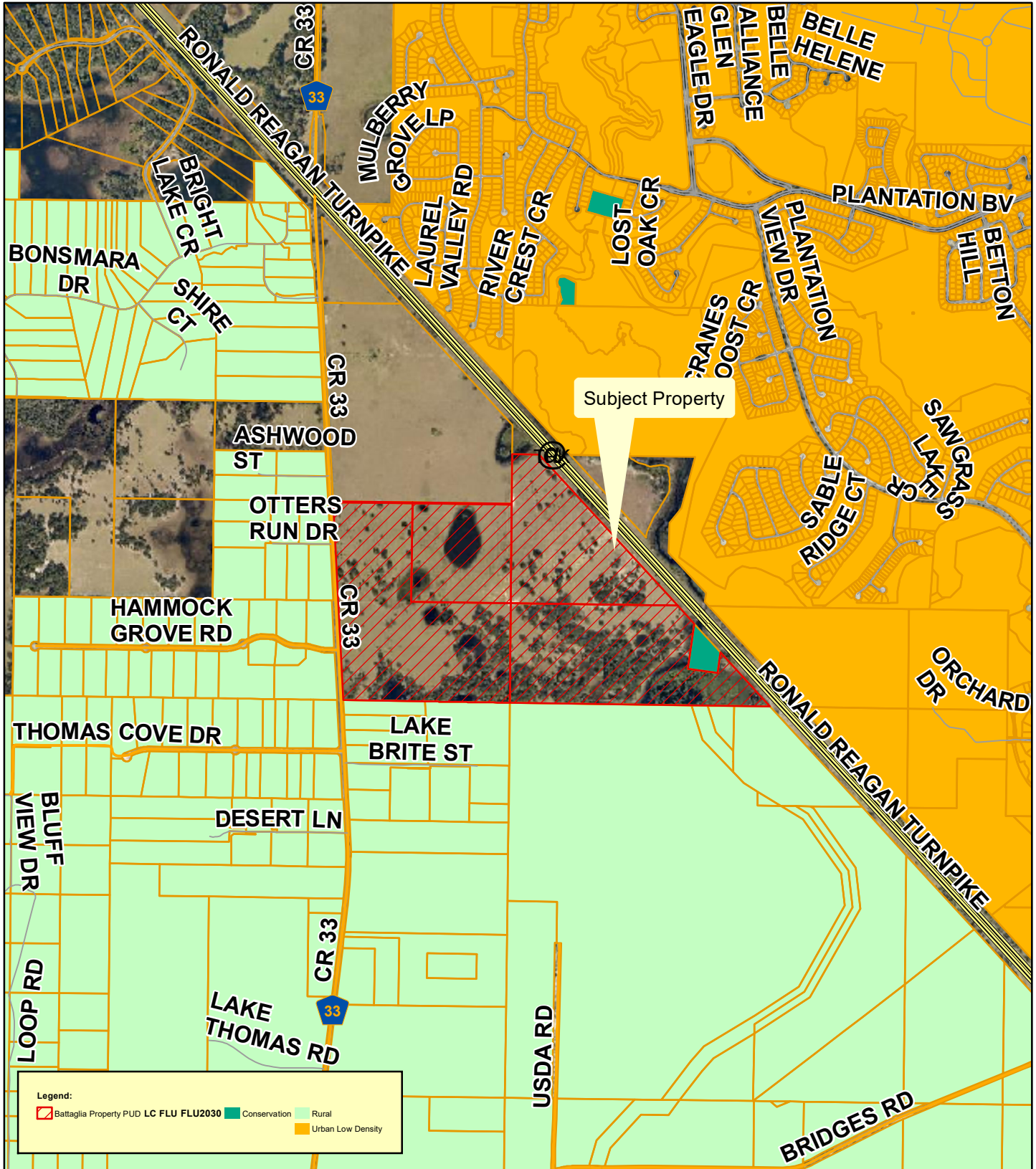


**Planning
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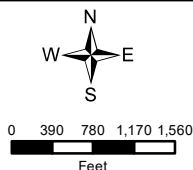


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May 25, 2022

Lake County Future Land Use



**Planning
& Zoning
Division**

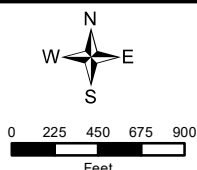


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Sections 34 and 35, Township 20 South, Range 24 East
May 25, 2022

Surrounding Existing Land Use

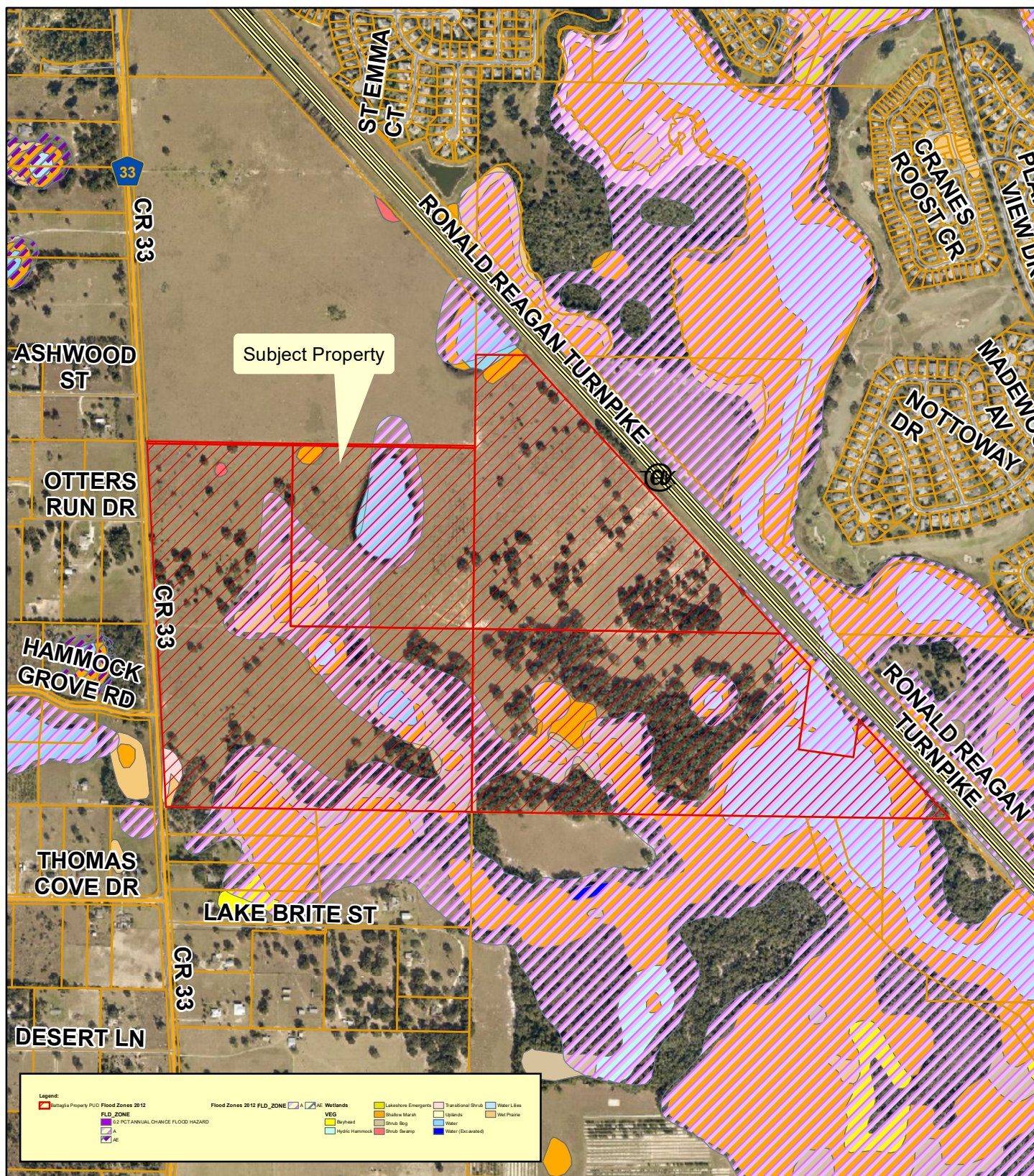


**Planning
& Zoning
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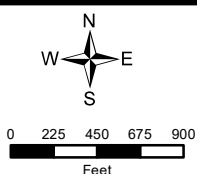


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Sections 34 and 35, Township 20 South, Range 24 East
May 25, 2022

Wetlands and Flood Zones



Planning & Zoning Division



Battaglia Property
CR 33 South of Florida's Turnpike
AK#: 1775302, 1035465, 3884013, 1035481, 1088224, 1775329
Sections 34 and 35, Township 20 South, Range 24 East
May 25, 2022

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 6.A.7.

Meeting Date: August 8, 2022

From: Al Minner, (City Manager)

Subject: An Ordinance of the City Commission of the City of Leesburg, Florida providing for amendments of the City Charter; amending Article I, Section 5 relating to Powers of the City; providing requisite ballot language for submission to electors; providing for severability; providing for inclusion in the Charter; providing for conflict; and providing an effective date.

Staff Recommendation:

Approve Ordinance setting a public hearing for the August 8 regular commission meeting to approve a vote which will call for a referendum to be voted on at the November 8, 2022 election.

Analysis:

The purpose of this Ordinance is to call for a Referendum which 1) makes it harder for the City's enterprise funds to be sold, and 2) establishes the exact transfer of revenue from the Electric fund to the General fund.

As the city continues to grow, more future residents who live in the corporate limits will probably not be on the city's electric system. Therefore, to protect the system from those residents who may not be interconnected, there grows a greater need to make it harder to sell the system should that question ever be posed.

Therefore, this referendum question makes it harder for the utility to ever be sold by 1) forcing the Commission to pass the referendum question with a four-fifths (4/5) vote and requiring the electors to pass such a question with a two-thirds (2/3) majority vote. And, 2) the referendum question protects the electric fund transfer to represent the typical franchise fee.

Procurement Analysis:

N/A

Options:

1. Approve the Ordinance as presented calling for a Referendum question; or
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact:

None

ORDINANCE 2022 - ____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA, PROVIDING FOR AMENDMENTS OF THE CITY CHARTER; AMENDING ARTICLE I, SECTION 5 RELATING TO POWERS OF THE CITY; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO ELECTORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CHARTER; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Leesburg, after considering the recommendations of the City Manager, has determined to submit certain proposed Charter Amendments for approval or disapproval by the electors of Leesburg at the next general election held within the municipality in accordance with Sec. 166.031, Florida Statutes,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA:

Section 1. It is submitted that Article I, Section 5 of the City Charter entitled “Powers Generally” be amended as follows:

Section 5. – Powers Generally.

The City of Leesburg shall have the power and authority to operate any public utility services, within or outside its municipal boundaries; to exercise any and all home rule powers granted by the Constitution and Laws of the State of Florida; and to exercise any other powers lawfully vested in it by the United States of America or the State of Florida. Notwithstanding the foregoing, a referendum and the affirmative vote of at least two thirds (2/3) of the qualified electors of the City shall be required to authorize the sale, lease, conveyance, hypothecation, assignment, or other transfer of any enterprise fund or activity of the City, including operation of any enterprise of the City. Any ordinance proposing such a referendum must receive the affirmative vote of at least four fifths (4/5) of the Commissioners. Exactly six percent (6%) of the City’s total annual electric utility revenues shall be transferred from the Electric Enterprise Fund to the General Fund.

Section 2. *Form of Ballot.* The form of ballot for the Charter amendments provided herein shall be as follows:

A. Ballot Question Number 1: Enterprise Fund Sale Referendum. Under the current Charter, the sale, lease, conveyance, hypothecation, assignment, or other transfer of any enterprise fund or activity of the City, including the operation of any enterprise of the City may be authorized upon the affirmative vote of a simple majority of the Commissioners. In addition, under the current Charter, the City

Commissioners may adopt an ordinance requiring such a referendum upon the affirmative vote of a simple majority of the Commissioners. This amendment would require a referendum and the affirmative vote of at least two thirds (2/3) of the qualified electors of the City to authorize the sale, lease, conveyance, hypothecation, assignment, or other transfer of any enterprise fund or activity of the City, including operation of any enterprise of the City. This amendment would also require the affirmative vote of at least four fifths (4/5) of the City Commissioners to approve an ordinance requiring a referendum to authorize the sale, lease, conveyance, hypothecation, assignment, or other transfer of any City enterprise fund or activity of the City, including operation of any enterprise of the City.

Shall the above-described amendment be adopted?

Yes []

No []

B. Ballot Question Number 2: Electric Enterprise Fund Transfers to General Fund. Under the current Charter, there are no limitations on the amount of the City's total electric utility revenues that may be transferred from the City's Electric Enterprise Fund to the City's General Fund. This amendment would specify that exactly six percent (6%) of the City's total annual electric revenues will be transferred from the City's Electric Enterprise Fund to the City's General Fund.

Shall the above-described amendment be adopted?

Yes []

No []

Section 3. All ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. This Ordinance shall be effective upon passage on second and final reading; however, the Charter amendment contained herein shall not be effective until adopted by a majority of the qualified electors of the City of Leesburg voting in the next general election held within the City, as certified by the Supervisor of Elections for Lake County, Florida.

Section 5. Upon adoption of the Charter amendment contained herein, the City Clerk is directed to revise the City Charter to incorporate the amendment and to file the revised Charter with the Secretary of State for the State of Florida.

Section 6. The provisions of this ordinance are intended to be incorporated into the City Charter of the City of Leesburg, Florida, and the sections of this ordinance may be renumbered, relettered, and the word “ordinance” may be changed to “section,” “article,” or such other word or phrase in order to accomplish such intention.

Section 7. If any section, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of this ordinance.

PASSED AND ORDAINED this _____ day of _____ 2022, by
the City Commission of the City of Leesburg, Florida.

[Seal]

Mike Pederson
Mayor

Attest:

J. Andi Purvis
City Clerk

Approved as to form:

William Grant Watson
City Attorney