

**MINUTES OF THE REGULAR MEETING  
OF THE LADY LAKE TOWN COMMISSION  
LADY LAKE, FLORIDA  
March 2, 2015**

The Regular Meeting of the Lady Lake Town Commission was held in the Commission Chambers at Lady Lake Town Hall, 409 Fennell Blvd., Lady Lake, Florida with Mayor Ruth Kussard presiding. The meeting convened at 6:00 p.m.

- A. CALL TO ORDER:** Mayor Ruth Kussard
- B. PROCEDURAL:** *Citizens are encouraged to participate in the Town of Lady Lake meetings. Speakers will be limited to three (3) minutes. Additional time may be granted by the Mayor. Citizen groups are asked to name a spokesperson and the Mayor, at his/her discretion, may allow longer than three minutes. Upon being recognized by the Mayor, please approach the dais, state your name and address, and speak into the microphone. The order of agenda items may be changed if deemed appropriate by the Town Commission. Please be respectful of others and put your cell phone on silent mode.*
- C. PLEDGE OF ALLEGIANCE:** Led by Joe Quinn.
- D. INVOCATION<sup>i</sup>:** Rev. Daniel Burgess, Lady Lake Wesleyan Methodist Church
- E. ROLL CALL:** Tony Holden, Commissioner Ward 2  
Dan Vincent, Commissioner Ward 3  
Jim Richards, Commissioner Ward 5  
Ruth Kussard, Mayor/Commissioner Ward 1

**ABSENT:** Paul Hannan, Commissioner Ward 4

**STAFF MEMBERS PRESENT:** Kris Kollgaard, Town Manager; Derek Schroth, Town Attorney; Thad Carroll, Growth Management Director; C.T. Eagle, Public Works Director; Chief Chris McKinstry, Lt. Robert Tempesta, and Jan Miller, Assistant to the Chief, Police Department; Wendy Then, Town Planner; Jeannine Michaud, Finance Director; Aaron Graulau, Code Enforcement Officer; and Nancy Slaton, Deputy Town Clerk

**F. PUBLIC COMMENTS<sup>ii</sup>**

Mayor Kussard asked if anyone in the audience would like to speak on any item.

- Fred Briggs, President of The Villages Homeowners Association, introduced himself and invited all of the Commissioners to attend their awards ceremony on March 11, 2015 at 7 p.m. at Lake Miona Recreation Center. He stated one of the recipients of their service award this year is the Lady Lake Police Department for their efforts in patrolling Spanish Springs and for their support of The Villages Homeowners Association monthly golf cart clinic.
- Judy Glasel of 1121 Ricardo commented that she is against the Citizens Drive-Through project at the location they are proposing due primarily to the parking. She stated although she feels the drive-through is needed, she thinks another location would be better.

Growth Management Director Thad Carroll introduced the Town's new Code Enforcement Officer, Aaron Graulau. He stated Mr. Graulau worked most recently at the City of Apopka and has 13 years of code enforcement experience in a variety of municipalities.

The Commissioners welcomed Mr. Graulau.

**G. PROCLAMATION:**

**1. Proclaiming the Month of March 2015 as Irish American Heritage Month (Mayor Ruth Kussard/Pat Kennedy of the Villages Hibernians)**

Mayor Ruth Kussard read the proclamation proclaiming the month of March 2015 as Irish American Heritage Month.

**H. ANNOUNCEMENTS:**

**2. Lt. Rob Tempesta – Graduation from the Southern Police Institute (Chris McKinstry)**

Police Chief Chris McKinstry announced that Lt. Robert Tempesta has successfully graduated from the Southern Police Institute at the top of his class. He stated this is a 400 hour educational program for law enforcement mid to upper level management.

The Commissioners and Town Manager congratulated Lt. Tempesta, and Ms. Kollgaard commented that this is a very difficult 10 week course and that they are very proud of him.

**3. Chief Chris McKinstry – Graduation from the Florida Police Chiefs Association STARS Program 2015 New Chiefs Seminar (Kris Kollgaard)**

Town Manager Kris Kollgaard announced that Chief Chris McKinstry has successfully graduated from the Florida Police Chiefs Association STARS Program 2015 New Chiefs Seminar. She stated that this program covers many issues that may or may not have been experienced or handled in the course of a police chief's job. Ms. Kollgaard stated the police department is on a good path due to Chief McKinstry's leadership and his goal of accreditation.

The Commissioners and Town Manager congratulated Chief McKinstry and stated they were proud of him and the police department.

**I. CONSENT<sup>iii</sup>:**

**4. Minutes – February 18, 2015 – Special Commission (Conceptual) Meeting  
– February 18, 2015 – Commission Meeting (Special)**

**5. Consideration to Authorize the Town Manager to Submit the Revised Wastewater Treatment Plant Reservation and Bulk Treatment Agreement to the City of Fruitland Park for Review and Consideration (C.T. Eagle)**

The background summary for this agenda item is on file in the Town Clerk's office. It states that staff has been coordinating with the City of Fruitland Park staff for the possible implementation of a wastewater collection system interconnection between the two municipalities. The revised agreement (included in the packet) stipulates the terms and conditions discussed with City of Fruitland Park staff after their initial review. The revised agreement will again be reviewed by the

City of Fruitland Park and will be brought back to the Town Commission prior to execution of the agreement. The Town Attorney has reviewed and approved the attached agreement. Revisions from the original agreement are noted and Attachment "A" has no monetary changes; it is only broken down into 10,000 gallon increments instead of 100,000 gallon increments as was previously presented.

*Upon a motion by Commissioner Richards and seconded by Commissioner Holden, the Commission approved Consent Items #I-4 and #I-5, by a vote of 4 to 0.*

J. **OLD BUSINESS:** No old business.

K. **NEW BUSINESS:**

**6. Consideration of Approval for the Citizen's First Bank Drive-Through Facility Major Site Plan Re-Application – MJSP 01/15-004 – A Development Consisting of a 330 Sq. Ft. Financial Institution Building with the Provision of a Two-Lane Service Drive-Through Facility – Located at 1105 Caballero Court (within The Villages Downtown Center in Spanish Springs) (Thad Carroll)**

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk's office). He stated that the applicant, Martin L. Dzuro, on behalf of The Villages Operating Company, has re-submitted a Major Site Plan application for the construction of a new Citizen's First Bank Drive-Through Facility to be located at 1105 Caballero Court, within The Villages Downtown Center in Spanish Springs, identified by alternate key number 3840565. He stated that the applicant proposes the construction of a 330 sq. ft. financial institution building with the provision of a two-lane service drive-through facility. The site plan was reviewed to determine if it is in compliance with the Land Development Regulations (LDRs) including parking, setbacks, landscaping, engineering, environmental protection and commercial design standards.

The subject property is approximately .30+/- acres and is located within The Villages Center Planned Commercial Master Plan, also referenced as Spanish Springs. The property is zoned "CP" Planned Commercial which permits development and construction of the proposed facility and is in accordance with the Memorandum of Agreement adopted by the Village Center and the Tri-County Villages Development of Regional Impact (DRI). The requested use is consistent with the directives of the Comprehensive Plan and adopted Land Development Regulations.

Mr. Carroll reviewed the site plans which were submitted by Jeffrey Allen Head, Professional Engineer with Farner Barley and Associates, Inc. He commented that the first submission of this project included three drive-through lanes, but the plans were changed to two lanes. Also, the revised plan now utilizes the existing parking lot entrance off of Caballero Court, 200 +/- feet from the intersection of Calle Uno. He stated three parking spaces will be removed to accommodate the entrance from the parking lot of the new drive-through facility, and the matrix included in the packet shows a surplus of parking in the downtown area for the commercial businesses.

The Landscaping and irrigation plans were prepared and certified by Suzanne M. Stancil, Registered Landscape Architect with Michael Pape & Associates, P.A. For the proposed three-story Spanish Mediterranean building, the architectural exterior elevations were drawn by KP Studio Architect P.A. The applicant has complied with requirements pursuant to the Land Development Regulations (LDRs) for site plans, including Chapter 7-Site Plan Development Regulations, Chapter 10-Landscaping & Tree Protection, Chapter 14-Water, Reuse Water, and Sewer Standard Specifications, and Chapter 20-Commercial Design Standards of the LDRs.

Reviews were completed for the Town of Lady Lake by Town staff, Neel-Schaffer Engineering, and The Villages Fire Department for compliance with the Florida Fire Prevention Code. The following reviews were included in the packet:

- a. Town Engineer comments for the site plan dated February 18, 2015 (Satisfied).
- b. Fire Review comments dated January 22, 2015 (Satisfied).
- c. Waste Management comments dated January 27, 2015 (Satisfied).
- d. Lady Lake Building Official comments dated January 26, 2015 (Satisfied).
- e. Lake-Sumter MPO comments dated January 27, 2015 (Satisfied )
- f. Lady Lake Public Works comments dated August 4, 2014 (Satisfied).
- g. St. John's River Water Management District Letter Modification No. 4-069-19152-27 (Satisfied).

Mr. Carroll reported that the plans meet the Commercial Design Standards and the site plan and façade elevations for the Citizen's First Bank Drive-Through Facility were included in the packet. In accordance with the Land Development Regulations, Chapter 20, Section 20-3C).3).A)., new buildings should adopt one of the four recommended architectural styles: Frame Vernacular, Craftsman/Bungalow, Mediterranean, or Mission. The Citizen's First Bank Drive-Through Facility building features the *Mission Architectural Style* design. The building exhibits:

- ✓ Shaped Mission Roof Parapet
- ✓ Drive-through facility supported by large square piers
- ✓ Symmetrical Façade
- ✓ Spanish Tile Roof
- ✓ Stucco Finish on Building Exterior Walls
- ✓ Mission Style Sconce (light fixtures) on facades
- ✓ Wide overhanging eaves
- ✓ Mission-style doors and faux windows

Mr. Carroll noted that no variances are being requested with this application. Drawings of the elevation and photos of the property at present were shown.

Tree Requirements: In accordance with Chapter 10-Landscape and Tree Protection, the site is required to provide 48 tree caliper inches based on its .30-acre area (160"x .30). The landscaping tree proposal breakdown is as follows:

Existing trees to remain	48 tree caliper inches
Proposed canopy	44 tree caliper inches
Proposed understory & palms	<u>102</u> tree caliper inches
Total tree caliper inches	194 tree caliper inches

Mr. Carroll noted that the applicant is providing significantly more than the required on-site tree caliper inches and that three oak trees measuring 35", 26", and 20" respectively will be removed; however, the applicant will be preserving an existing 40" historic oak tree on the subject parcel.

Mr. Carroll stated that the Technical Review Committee members individually reviewed the application on Thursday, February 5, 2014, and provided all outstanding final comments regarding the Site Plan application February 18, 2015. He noted that the Planning and Zoning Board does not review Site Plan applications.

Mr. Carroll stated that the application was presented at the Special Town Commission conceptual workshop meeting on February 18, 2015, at which time it was recommended that the project move forward by a 3-1 vote. He stated that the plan has not changed since that time and staff recommends approval of the site plan. Mr. Carroll stated that Martin Dzuro and the site engineer are present if there are any questions.

There were no questions.

*Upon a motion by Commissioner Holden and seconded by Commissioner Richards, the Commission approved the Citizen's First Bank Drive-Through Facility Major Site Plan Re-Application – MJSP 01/15-004 – A Development Consisting of a 330 Sq. Ft. Financial Institution Building with the Provision of a Two-Lane Service Drive-Through Facility – Located at 1105 Caballero Court (within The Villages Downtown Center in Spanish Springs), with no waivers or variances, by a vote of 3 to 1 (Kussard).*

**7. Consideration of Approval for the Village Veranda at Lady Lake Major Site Plan – MJSP 10/14-002 – A Facility Proposed to be Developed in Three Phases Including Three Outparcels with a total of 22,000 Sq. Ft. of Commercial Space and a Proposed Multi-Story Building with 90 Assisted Living Units and 40 Memory Care Facility Units – Located at South Hwy 27/441, North of the Too Your Health Spa (V) Project (Thad Carroll)**

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk's office). He stated that on October 20, 2014, applicant Gregory A. Beliveau with LPG Urban & Regional Planners, on behalf of Village Veranda at Lady Lake, LLC, submitted an application for a Major Site Plan proposing a facility including three outparcels with office and clinic space and a proposed multi-story building for an assisted living and memory care facility, to be erected along South Hwy 27/441, and identified by Alternate Key #1699100. The site plan was reviewed to determine if it is in compliance with the Land Development Regulations (LDRs) including parking, setbacks, landscaping, engineering, environmental protection and commercial design standards.

Mr. Carroll reported that the subject area reviewed is approximately 8.22 +/- acres and is located just north of the Too Your Health Spa (V) project, approximately 260 lineal feet north of the intersection of Hartsock Sawmill Road and South Highway 27/441. He stated the property is zoned "CP" (Planned Commercial); which permits development and construction of the proposed improvements in accordance with the adopted CP Memorandum of Agreement of Ordinance No. 2013-06. The requested uses are consistent with the directives of the Comprehensive Plan, adopted Land Development Regulations, and Ordinance No. 2013-06.

Site plans have been submitted by Kenneth Randal Wicks, Professional Engineer with Wicks Engineering Services, Inc. Mr. Carroll reviewed the drawings of the site plan and elevations and stated that the project is proposed to be constructed in three phases.

The Landscaping and irrigation plans have been prepared and certified by L.R. Huffstetler III, Registered Landscape Architect with LPG Urban & Regional Planners, Inc. For the proposed three-story Frame Vernacular building, the architectural exterior elevations were drawn by Song & Associates. The applicant has complied with requirements pursuant to the Land Development Regulations (LDRs) for site plans, including Chapter 7-Site Plan Development Regulations, Chapter 10-Landscaping & Tree Protection, Chapter 14-Water, Reuse Water, and Sewer Standard Specifications, and Chapter 20-Commercial Design Standards of the LDRs. Reviews were completed for the Town of Lady Lake by Town staff, Neel-Schaffer Engineering, and Fire Inspector

Kerry Barnett for compliance with the Florida Fire Prevention Code. The following reviews were included in the packet:

- a. Town Engineer comments for the site plan dated February 18, 2015 (Satisfied).
- b. Fire Review comments dated February 17, 2015 (Satisfied).
- c. Waste Management comments dated January 13, 2015 (Satisfied).
- d. Lady Lake Building Official comments dated February 19, 2015 (Satisfied).
- e. Lake-Sumter MPO comments dated February 6, 2015 (Satisfied )
- f. Lady Lake Public Works comments dated January 28, 2015 (Satisfied).
- g. Florida Department of Transportation comments dated February 5, 2015 (Satisfied).

No state permits have been received to date by Town staff; however, in accordance with Florida Statute 166.033. Paragraph 4, these permits may not be a requirement for development approval. The applicant shall provide all required state permits prior to commencing construction. A note will be added to the Development Order accordingly.

Mr. Carroll reported that the design meets the Commercial Design Standards. The site plan and façade elevations for the Village Veranda at Lady Lake Facility were included in the packet. In accordance with the Land Development Regulations, Chapter 20, Section 20-3C).3).A)., new buildings should adopt one of the four recommended architectural styles: Frame Vernacular, Craftsman/Bungalow, Mediterranean, or Mission. The Village Veranda at Lady Lake facility features the *Frame Vernacular* style design. The building exhibits:

- ✓ Steep Pitched Seam Metal Roof
- ✓ 5-bay pattern along the front of the Elevations
- ✓ Multi-Pane Sash Windows
- ✓ Multi-floor Windows align with first floor windows
- ✓ Wide Overhanging Towers
- ✓ Door Entrance Offset
- ✓ Pastel Family colors for Building Exterior Walls

Mr. Carroll reported that as per Chapter 20, Section 20-3C).6).A)., glass shall be transparent and reflective glass will be defined as having a visible light reflectance rating of 15% or greater, and darkly tinted glass windows include glass with a visible light transmittance rating of 35% or less. He stated the applicant is requesting a waiver from Glass Transparency requirements and the applicant's justification states that due to the fact that this use requires privacy for the residents of the units, and if the proper reflective glass is not provided, this is not achieved. The applicant's building use is for ACLF and ALF and patient care as well, so privacy is very important in what they need to maintain. In short, the glass will be tinted for privacy, energy efficiency, and to control heat gain.

Mr. Carroll showed the landscaping plans for the project. He stated that the applicant is exceeding the tree requirements as in accordance with Chapter 10-Landscape and Tree Protection, the site is required to provide 1315.2 tree caliper inches based on its .8.22-acre area (160"x 8.22). The landscaping tree proposal breakdown is as follows:

Existing trees to remain	1526 tree caliper inches
Proposed canopy & understory trees	<u>542</u> tree caliper inches
Total tree caliper inches	2068 tree caliper inches

He noted that the applicant is providing significantly more than the required on-site tree caliper inches, and no historic trees will be removed for this development.

Mr. Carroll reported that the Technical Review Committee members individually reviewed the application on Thursday, February 5, 2014, and provided all final comments regarding the Site Plan application on February 19, 2015. He noted that the Planning and Zoning Board does not review Site Plan applications. Mr. Carroll stated that the application was presented at the Special Town Commission conceptual workshop meeting on February 18, 2015, where it was recommended that the project move forward by a 4-0 vote. He stated staff did notice that one calculation between the building's square footage and the total in the notes was off, but that the square footage depicted on the site plan was correct at 22,000 sq. ft.

Mr. Carroll reported that there is also a concurrent administrative variance being reviewed by the Town Manager, but it will not come before the Commission. He stated that Greg Beliveau and the project engineer are present if there are any questions.

*Upon a motion by Commissioner Richards and seconded by Commissioner Holden, the Commission approved the Village Veranda at Lady Lake Major Site Plan – MJSP 10/14-002 – A Facility Proposed to be Developed in Three Phases Including Three Outparcels with a total of 22,000 Sq. Ft. of Commercial Space and a Proposed Multi-Story Building with 90 Assisted Living Units and 40 Memory Care Facility Units – Located at South Hwy 27/441, North of the Too Your Health Spa (V) Project, to include the requested waiver on the glass transparency, by a vote of 4 to 0.*

**8. Consideration of Approval the for Lady Lake Crossing & Outparcel Major Site Plan – MJSP 01/15-003 – A Development Proposing 52,000 Sq. Ft. of New Retail Building Space and a 4,000 Sq. Ft. Building Development – Located on the Outparcel Between Tire Kingdom and McDonald's at the SW Corner of US Hwy 27/441 & Fennell Blvd. (Thad Carroll )**

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk's office). He stated that the applicant is Martin DelleBovi, representing SRK Lady Lake 43 Associates LLC, property owner. He reported that Mr. Dellebovi was unable to attend this evening as his flight was cancelled, and that the applicant has asked him to state that he is ready to execute the contract if this site plan is approved this evening, but is willing to table it if needed.

Mr. Carroll stated the applicant has submitted a Site Plan application proposing approximately 52,000 sq. ft. of retail space to be built into a three-tenant building on the 7±-acre parcel behind the McDonald's Restaurant. For the .65-acre outparcel located in between the McDonald's Restaurant and the Tire Kingdom Shop, the developer proposes a 4,000 sq. ft. retail building. The landscaping and irrigation plans have been drawn by James Dunn Brown, Landscape Architect with Cuhaci & Peterson, dated January 12, 2015.

Drawings of the site, the proposed landscaping, and present and proposed building elevations were shown.

The subject area combined is approximately 7.71 ± acres and is located within the Lady Lake Crossing Plaza. The property is zoned "PUD" (Planned Unit Development), which permits development and construction of the proposed improvements in accordance with adopted CP Memorandum of Agreement Ordinance No. 2006-04. The requested uses are consistent with the directives of the Comprehensive Plan, adopted Land Development Regulations, and Ordinance No. 2006-04.

Site plans have been submitted by Jay R. Jackson, Professional Engineer with Kimley-Horn and Associates, Inc. The Landscaping and irrigation plans have been prepared and certified by Jay Brown, Registered Landscape Architect with Cuhaci & Peterson. For the proposed Mediterranean style retail building, the architectural exterior elevations were drawn by Cuhaci & Peterson. The applicant has complied with requirements pursuant to the Land Development Regulations (LDRs) for site plans, including Chapter 7-Site Plan Development Regulations, Chapter 10–Landscaping & Tree Protection, Chapter 14-Water, Reuse Water, and Sewer Standard Specifications, and Chapter 20-Commercial Design Standards of the LDRs. Reviews were completed for the Town of Lady Lake by Town staff, Neel-Schaffer Engineering, and Fire Inspector Kerry Barnett for compliance with the Florida Fire Prevention Code. The following reviews were included in the packet:

- a. Town Engineer comments for the site plan dated February 24, 2015 (Satisfied).
- b. Fire Review comments dated February 24, 2015 (Satisfied).
- c. Waste Management comments dated February 24, 2015 (Satisfied).
- d. Lady Lake Building Official comments dated January 26, 2015 (Satisfied).
- e. Lake-Sumter MPO comments dated January 27, 2015 (Satisfied )
- f. Lady Lake Public Works comments dated February 19, 2015 (Satisfied).
- g. St. Johns River Water Management District Permit Modification No.106359-13.

Mr. Carroll reported that as per Chapter 10, Section 10-3,a).2)., all non-residential properties are required to provide 160 tree caliper inches per acre. The site is required to provide 1233.6 tree caliper inches based upon its 7.71-acre area (160"x 7.71). The landscaping tree proposal breakdown is as follows:

Existing trees on site	0	tree caliper inches
Proposed trees for the site	<u>990.5</u>	tree caliper inches
Total tree caliper inches	990.5	tree caliper inches

It was noted that no trees removals have been proposed for this project as part of the application as there were no trees currently on site.

He stated that at this time, the applicant is requesting a landscaping waiver from the requirements of Chapter 10, Section 10-3,a).2). in the amount 243.1 tree caliper inches. The applicant's justification stated that aside from this provision, the applicant has met all landscaping requirements as it pertains to landscaping buffers, landscaping around vehicular areas and the base of the buildings. The proposed landscaping complements and is consistent with the existing landscaping on the site. Additionally, the proposed plant material has been positioned to avoid overcrowding of trees which can adversely affect the healthy long-term growth and longevity of the plant material. Lastly, the applicant is receptive to making applicable donations to the tree bank in accordance with the Code.

Mr. Carroll reported that the Special Town Commission conceptual workshop meeting took place on Monday, December 15, 2014, reaching consensus to advance the development plan as presented. He stated the Technical Review Committee members individually reviewed the application and provided all final comments regarding the Site Plan application on February 24, 2015. He noted that the Planning and Zoning Board does not review Site Plan applications. Mr. Carroll stated the application was presented before the Parks, Recreation and Tree Advisory Committee on February 11, 2015, where the members recommended approval of the project by a 4-0 vote.

***Upon a motion by Commissioner Richards and seconded by Commissioner Holden, the Commission approved the Lady Lake Crossing & Outparcel Major Site Plan – MJSP 01/15-003 –***

*A Development Proposing 52,000 Sq. Ft. of New Retail Building Space and a 4,000 Sq. Ft. Building Development – Located on the Outparcel Between Tire Kingdom and McDonald’s at the SW Corner of US Hwy 27/441 & Fennell Blvd., to include the waiver request for Chapter 10, Section 10-3,a).2). for number of trees required, by a vote of 4 to 0.*

**9. Consideration of the Lady Lake Police Department Hosting the “Spring into Safety” Community Fair in Partnership with The Home Depot on April 18, 2015 (Chris McKinstry)**

Police Chief Chris McKinstry gave the background summary for this agenda item (on file in the Clerk’s office). He stated that the Lady Lake Police Department is requesting to co-host the “Spring into Safety” Community Fair on Saturday, April 18, 2015 from 10 a.m. until 2 p.m. to heighten crime prevention and enhance safety awareness. Chief McKinstry stated that this event will be held in the parking lot area of The Home Depot, featuring a bicycle safety course, as well as public safety booths and vehicles. He stated that community partners expressing a strong interest in participating at this time include The Villages Public Safety, Lake County Fire Department, Seniors vs. Crime, McDonald’s, and local police departments and sheriff’s offices. This event will be advertised locally through area businesses and news media.

*Upon a motion by Commissioner Vincent and seconded by Commissioner Holden, the Commission approved the Consideration of the Lady Lake Police Department Co-Hosting the “Spring into Safety” Community Fair in Partnership with the Home Depot on April 18, 2015, by a vote of 4 to 0.*

Town Manager Kris Kollgaard reminded everyone that the Scam Jam Shred-a-Thon will be held on March 14, 2014 from 10 a.m. to 2 p.m. at the Target parking lot.

**L. TOWN ATTORNEY’S REPORT:**

**10. Ordinance No. 2015-01 – First Reading – Rolling Acres Self Storage Facility (Tree Tops Golf, Inc.) – Located at the Corner of West Lady Lake Blvd. and Rolling Acres Road at 175 S. Rolling Acres Road – Providing for a Modification of the Town of Lady Lake Planned Commercial (CP) Zoning Memorandum of Agreement (Thad Carroll)**

Derek Schroth, Town Attorney, read the ordinance by title only.

Growth Management Director Thad Carroll reported that the applicants, Michael or Joy Girard, have submitted an application on behalf of Rolling Acres Self Storage (a.k.a. Tree Tops Golf, Inc.) for property located at the corner of West Lady Lake Boulevard and Rolling Acres Road; addressed as 175 S. Rolling Acres. He stated the property includes approximately 12.65 ± acres (referenced by Alternate Key #3250290) currently in the Town of Lady Lake, and that staff recommends approval.

The subject property is currently operating as a self-storage facility consisting of eight buildings providing 109,700 sq. ft. of storage space. There is now a 1,200 sq. ft. office in addition to the original office building of 3,389 sq. ft. There is also a miniature golf course and batting cages in operation on the property, as well as an existing building of 763 sq. ft. to be converted into a manager’s residence.

Mr. Carroll reported that pursuant to the provisions of the Town of Lady Lake Land Development Regulations, the applicant is requesting to modify the Memorandum of Agreement, formerly adopted under Ordinance No. 2013-10, to include Motor Vehicle/RV/Boat Storage as a permitted

use. Views of the property and photos showing existing buildings were shown. He reviewed the summary of proposed modifications as follows:

- A manager’s residence was not constructed in Phase 1. This is now proposed in Phase 2 in an existing building near the secondary egress drive on West Lady Lake Boulevard. The building will be approximately 763 sq. ft.
- Phase 2 changes the originally planned 12 mini-storage buildings totaling 41,000 sq. ft. to two proposed Indoor Motor Vehicle/RV/Boat storage buildings totaling 41,400 sq. ft.
- Phase 2 now includes a proposed RV sewage dump station approximately 40’ inside the gate at the secondary egress drive.
- Phase 3 is no longer proposed; six mini-storage buildings will not be planned in Phase 3.
- A new total of 152,452 sq. ft. of buildings are planned for the site, with a net reduction of 9,548 sq. ft. from the originally approved development. The originally approved building coverage on site was 162,000 sq. ft.

As part of the application, the applicant has provided the new terms of the Memorandum of Agreement (Exhibit “B”) and a bubble plan (Exhibit “C”) showing the modified buildings, dump station location, new phasing boundaries, retention pond areas, parking area, drive aisles, landscaping buffers, dumpsters location, and gate.

The application has been reviewed and determined to be complete. The applicant has submitted all appropriate materials in compliance with the Land Development Regulations (LDRs) and they are ready for transmittal to the Town Commission.

The Zoning and Future Land Use designations of the adjacent properties are as follows:

**Zoning**

Subject Property	Lady Lake – Planned Commercial (CP)
<b>Zoning of Adjacent Properties</b>	
West	Lake County-Agricultural Residential
East	Lady Lake –MF-12 (Up to 12 dwelling units per acre)
North	PFD (Public Facilities District)/ Lake County-Agricultural
South	Lady Lake- Planned Unit Development (PUD)

**Future Land Use**

Subject Property	Lady Lake – General Commercial Retail Sales & Services (RET)
<b>Future Land Use of Adjacent Properties</b>	
West	Lake County – Urban Low
East	Lady Lake –Multi-Family Low Rise- (MF-LR)
North	Lady Lake- Other Institutional Facilities (OIF)/Lake County-Urban Low
South	Lady Lake – General Commercial Retail Sales & Services (RET)

The current Future Land Use Designation of the subject property (12.65 ± acres) is Lady Lake Commercial General – Retail Sales & Services (RET) and is compatible with the requested commercial uses. Therefore, the applicant is not requesting any changes regarding the future land use designation with this application.

Permitted uses and restrictions of the property will be governed by the attached Memorandum of Agreement, superseding all uses and prohibitions as stated in the Memorandum of Agreement executed on September 18, 2013, as recorded in ORB. 4384 PGS. 886-893. If the amendment to the Memorandum of Agreement is approved, the applicant will have to supply a modified site plan via the major modification to site plan process (applicant is undergoing this process concurrently).

Mr. Carroll reported that notices to inform the surrounding property owners (9) within 150' of the property of the proposed Rezoning-CP MOA Amendment were mailed by certified mail return receipt on Thursday, January 22, 2015. He stated that all certified mail receipts have been returned and no comments regarding objection or support of the amendment have been received to date.

Mr. Carroll reported that at the December 15, 2014, Special Commission meeting (Conceptual Workshop), it was the consensus of the Commission that they were in favor of advancement of the proposed changes for Rolling Acres Self Storage (Tree Tops) as presented. He stated the application materials were circulated to members of the Technical Review Committee (TRC) on Wednesday, January 28, 2015, and no comments were forwarded that would prohibit advancement of the application to the Planning and Zoning Board. Mr. Carroll stated that at the February 9, 2015 meeting of the Planning and Zoning Board, the board voted 5-0 to forward Ordinance No. 2015-01 to the Town Commission with the recommendation of approval, and the Town Commission is scheduled to consider Ordinance No. 2015-01 for second/final reading at their regular meeting to be held on Monday, March 16, 2015, at 6:00 p.m. He stated Mr. Girard and Springstead Engineering are present if there are any questions.

Mayor Kussard asked if there were any questions or comments by the Commissioners or the audience, and hearing none, asked for a motion.

*Upon a motion by Commissioner Holden and seconded by Commissioner Richards, the Commission approved Ordinance No. 2015-01 – First Reading – Rolling Acres Self Storage Facility (Tree Tops Golf, Inc.) – Located at the Corner of West Lady Lake Blvd. and Rolling Acres Road at 175 S. Rolling Acres Road – Providing for a Modification of the Town of Lady Lake Planned Commercial (CP) Zoning Memorandum of Agreement, as presented, by the following roll call vote:*

<i>HOLDEN</i>	<i>YES</i>
<i>VINCENT</i>	<i>YES</i>
<i>RICHARDS</i>	<i>YES</i>
<i>KUSSARD</i>	<i>YES</i>

**11. Ordinance No. 2015-03 – First Reading – Amending Chapter 13 of the Town of Lady Lake Code of Ordinances Entitled Special Assessments, Impact Fees, Supplemental Fees, Section 13-21 – Regarding Increasing the Supplemental Education Impact Fees to 75% of the Rate Differential of the Full Impact Fee Amount (Thad Carroll)**

Derek Schroth, Town Attorney, read the ordinance by title only.

Growth Management Director Thad Carroll reported that on December 3, 2014, the Lake County Board of County Commissioners voted to increase the Lake County School Impact Fees to an amount equivalent to 75% of the adopted Impact Fee Study prepared by Henderson Young & Company, dated June 7, 2011. At this time, the Town of Lady Lake would also like to increase the Supplemental School Impact Fee Rate, first imposed under Ordinance No. 2005-41, with subsequent amendments thereafter. He stated that this ordinance dates back to 2005 and there have been a few modifications to it since that time based on the Town's history of following the actions of Lake County in this regard.

As per the Impact Fee Study prepared by Henderson Young & Company dated June 7, 2011, the Public School impact fee per dwelling unit was recommended to be \$10,292.38 for single family homes; \$6,180.99 for multi-family dwellings, and \$3,382.01 for mobile homes. Under Lake County Ordinance 2014-72, the County has adopted a rate of collection at 75% of those amounts, thus imposing fees of \$7,719 for single-family homes, \$4,636 for multi-family dwellings, and \$2,537 for mobile home units. Age-restricted communities remain exempt.

Mr. Carroll stated that given that the adopted study has provided justification for collection at rates higher than those imposed by the County, to become effective April 6, 2015, the Town retains the right to collect a fee to supplement the County's impact fee, provided that the sum of the fees collected by both the Town and the County do not exceed the recommended rate as established by adopted Impact Fee Study prepared by Henderson Young & Company, dated June 7, 2011. He reviewed the rate differentials as follows:

Table 1

<u>Dwelling Type</u>	<u>Full Rate</u>	<u>County Rate (75%)</u>	<u>Differential</u>
Single Family Homes	\$10,292.38	\$7,719	\$2,573.38
Multi-Family	\$ 6,180.99	\$4,636	\$1,544.99
Mobile Home	\$ 3,382.01	\$2,537	\$ 845.01

Provided that the assessment of the impact fees yield differentials as noted above, the collection of the Supplemental School Impact Fees by the Town of Lady Lake would be as follows:

Table 2

<u>Dwelling Type</u>	<u>Differential</u>	<u>75% of the Rate Differential</u>
Single Family Homes	\$2,573.38	\$1,930
Multi-Family	\$1,544.99	\$1,158
Mobile Home	\$ 845.01	\$ 633

Florida Statute 163.31801 (3) (d), states that the following shall be adhered to regarding when the fee can be imposed following adoption of the ordinance: (d) Require that notice be provided no less than 90 days before the effective date of an ordinance or resolution imposing a new or increased impact fee. A county or municipality is not required to wait 90 days to decrease, suspend, or eliminate an impact fee.

Mr. Carroll reported that staff recommends adopting the Supplemental School Impact Fee rates as proposed in Table 2 above, reflecting a 75% collection of the differential between the County's impact fee assessment, and the recommended rate as established by adopted Impact Fee Study

prepared by Henderson Young & Company dated June 7, 2011. The Town Commission is scheduled to consider Ordinance No. 2015-03 on second/final reading at their regular meeting to be held on Monday, March 16, 2015 at 6:00 p.m. He stated that if this ordinance is approved on second/final reading, the effective date of collection will begin on July 1, 2015.

Mayor Kussard asked if there were any questions or comments by the Commissioners or the audience, and hearing none, asked for a motion.

*Upon a motion by Commissioner Vincent and seconded by Commissioner Holden, the Commission approved Ordinance No. 2015-03 – First Reading – Amending Chapter 13 of the Town of Lady Lake Code of Ordinances Entitled Special Assessments, Impact Fees, Supplemental Fees, Section 13-21 – Regarding Increasing the Supplemental Education Impact Fees to 75% of the Rate Differential of the Full Impact Fee Amount, by the following roll call vote:*

<i>HOLDEN</i>	<i>YES</i>
<i>VINCENT</i>	<i>YES</i>
<i>RICHARDS</i>	<i>YES</i>
<i>KUSSARD</i>	<i>YES</i>

**M. TOWN MANAGER’S REPORT:**

**12. Consideration of One Appointment/Reappointment to the Parks, Recreation, & Tree Advisory Committee (Kris Kollgaard)**

Town Manager Kris Kollgaard gave the background summary for this agenda item (on file in the Clerk’s office). She stated that the Town Commission approved the second/final reading of Ordinance No. 2014-04 at the July 7, 2014 meeting which resulted in a merger of the Parks & Recreation Advisory Board and the Tree & Beautification Advisory Committee into one board, the Parks, Recreation and Tree Advisory Committee.

Ms. Kollgaard stated that as a result of the merge, there were seven members, which was to be reduced to five through attrition. Since that time, two members have resigned and one member’s term, Connie Merrell-Kasch, expired in February, 2015. She stated that Ms. Merrell-Kasch wishes to be reappointed, and there is also one new application from Richard Jones on file for consideration for appointment to this board. Ms. Kollgaard asked if any applicants were present in the audience.

Richard Jones was present and was asked by Mayor Kussard to tell the Commissioners a little about himself and why he wished to be a member of the Parks, Recreation & Tree Advisory Committee.

Mr. Jones introduced himself, stating that he has lived in the Village of El Cortez for 16 years and that he has decided he would like to volunteer and give back to the community. He reported that, in the past, he managed 39 playgrounds in Charleston, West Virginia, along with five swimming pools under Parks and Recreation. He stated he also officiated football and basketball for 25 years. Mr. Jones stated one of his degrees is in physical education and health, and he feels he would be competent in this position.

The Commissioners were asked to make their selections. The following results were read into the record and tallied:

*Connie Merrell-Kasch received one vote (Commissioner Richards) and Richard Jones received three votes (Mayor Kussard, Commissioner Holden and Commissioner Vincent). Mr. Jones was appointed as a new member.*

The Commissioners thanked Mr. Jones for volunteering for this board, and Ms. Kollgaard informed him that the Clerk's Office would be contacting him regarding a welcome packet.

Ms. Kollgaard stated that she has been doing some research regarding drafting an ordinance for access roads as requested by the Commission. She stated that Marion County used credits on the transportation impact fees and that is how they were able to do their ordinance. She stated she will check with Lake County to see if they would consider doing credits, and will look into the availability of any grants that could help with access roads.

Ms. Kollgaard pointed out that the Town would be in a hard position if there were no credits, etc., toward building access roads as they would have to acquire the land and build the roads and pay for that up front. She stated that Commissioner Richards knows the cost of building roads is often one million dollars for one mile. As development comes in, the Town could then charge them a fee of a quarter of the cost of building the roads. Ms. Kollgaard stated she will meet with the Town Attorney and Growth Management staff, and will speak with the County, to see what they can come up with. She asked for direction from the Commission on whether they wanted staff to create an ordinance where the Town would recoup the fees for creating access roads if the County would not give impact fee credits, or if they wanted staff to come back to the Commission.

Commissioner Richards stated he feels it would be a good idea to approach the County. He stated one thing that controls the cross access easement is that they do not let them have driveway entrances to access County roads unless they have provided them. He stated even the state will limit access to the highways within 160' of a traffic light, etc.

Commissioner Holden, Commissioner Vincent, and Mayor Kussard agreed the Town should look at all available options.

#### **N. MAYOR/COMMISSIONER'S REPORT:**

Commissioner Richards stated that in response to all the plans before them this evening, when people meet the Town's Land Development Regulations, it is the law of the land. He stated that the Town could end up in court if they do not vote in favor of a site plan as presented where no waivers or exceptions are requested and where they are meeting every single point of the codes. Commissioner Richards commented that the Citizen's Drive-Through facility plan meets all traffic, parking standards and safety standards. He pointed out that The Villages has zero lot lines in that area and there are no setbacks so they could build right up to the sidewalk if they chose to. He also stated that they could take out historical trees if they wanted as long as they paid into the Town's tree bank for mitigation. Commissioner Richards stated that when you have these planning standards, and go by them, you will prevail in court; but if you deviate from them, then the Town could be embarrassed and be a whole lot poorer if there were a lawsuit.

#### **O. PUBLIC COMMENTS<sup>iv</sup>:**

Mayor Kussard asked if anyone in the audience would like to speak on any item. There were no further comments from the audience.

Town Manager Kris Kollgaard announced that the Lady Lake Police Department now has a *Crime Prevention Watch Card* that they leave on vehicles or at premises when officers witness something that could cause the owner to be a potential target for a crime; such as leaving valuables in sight or leaving doors or windows unlocked, etc. She stated it is a nice public outreach idea that police department staff came up with. Ms. Kollgaard passed out sample cards to the Commissioners and had some available for the public to view.

**P. ADJOURN:** There being no further discussion, the meeting was adjourned at 6:45 p.m.

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Kristen Kollgaard, Town Clerk

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Ruth Kussard, Mayor

Minutes transcribed by Nancy Slaton, Deputy Town Clerk

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<sup>i</sup> *Any invocation that may be offered before the official start of the Commission meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Commission, and the Commission is not allowed by law to endorse the religious beliefs or views of this, or any other speaker.*

<sup>ii</sup> *This section is reserved for members of the public to bring up matters of concern or comments. It is not limited to items on the agenda and it is open to any concern or comments that the public may have.*

<sup>iii</sup> *All items listed under consent are considered routine by the Town Commission and will be enacted by one motion. There will be no separate discussion of these items unless a Town Commissioner so requests, in which event the item will be removed from the consent agenda and considered in its normal sequence.*

<sup>iv</sup> *This section is reserved for members of the public to bring up matters of concern or comments. It is not limited to items on the agenda and it is open to any concern or comments that the public may have.*