

**MINUTES OF THE SPECIAL MEETING
OF THE LADY LAKE TOWN COMMISSION
LADY LAKE, FLORIDA
May 18, 2015**

The Special 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 4:00 p.m.

1. CALL TO ORDER

- 2. ROLL CALL:** Tony Holden, Commissioner Ward 2
Dan Vincent, Commissioner Ward 3
Paul Hannan, Commissioner Ward 4
Jim Richards, Commissioner Ward 5
Ruth Kussard, Mayor/Commissioner Ward 1

STAFF MEMBERS PRESENT: Kris Kollgaard, Town Manager/Town Clerk; Thad Carroll, Growth Management Director; C.T. Eagle, Public Works Director; Wendy Then, Town Planner; and Nancy Slaton, Deputy Town Clerk

Others Present: Steve Cockerham of Neel-Schaffer Inc.; Keith Riddle of Riddle Engineering; George Lindsay-Highland Homes; Gordon Mock-Island Style Homes; Warren Lovell-Property Owner; Charles Melton of Melton Construction; and Paul Rogers

3. Public Comment

Mayor Kussard asked if there were any comments or questions. There were no comments or questions at this time.

4. Discussion/Direction Regarding the Development and Implementation of a Stormwater Funding Program (C.T. Eagle)

Public Works Director C.T. Eagle gave the background summary from the agenda item cover sheet which is on file in the Town Clerk's office. He stated that staff is seeking input from the Town Commission regarding the potential development of a Stormwater Funding Program. Mr. Eagle stated that the General Fund is currently the primary source of funding for most stormwater maintenance activities throughout the Town. He stated that the stormwater fund, if implemented, could fund certain mowing, maintenance, NPEDES permit compliance, and capital project activities as a supplement to the General Fund; and potential projects such as continuation of the recent CDBG Grant Skyline Stormwater Improvements Project could be funded via this program. Mr. Eagle introduced Steve Cockerham with Neel-Schaffer, Inc., Town engineer, to present more detailed information for consideration.

Mr. Cockerham thanked the Commission for renewing Neel-Schaffer's contract, and reviewed the Stormwater Utility Fund Program Development presentation as shown on the handout and PowerPoint presentation. He defined a stormwater utility as a business unit of local government dedicated to the provisions of stormwater management similar to water and sewer utilities with fundamental requirements being dedicated/sufficient revenues, equitable rate structure for customers, collectable/enforceable, and legally defensible by ordinances/resolutions. Mr.

Cockerham stated that the stormwater rate is a mechanism to fund the stormwater utility versus funding from property taxes; being a dedicated funding source and reducing the burden on general funds, and facilitating planning and construction projects. He stated existing stormwater systems are curb-less roadway open swales and ditches, curb and gutters systems through piping, and retention and detention ponds. Mr. Cockerham stated that services and costs included in the utility could be enhanced operations, capital projects and MS4 permit compliance. He stated that estimated annual stormwater expenditures for labor, materials, street sweeping, and permit administration are \$409,700 per Mr. Eagle. Mr. Cockerham reviewed the annual revenue generated by surrounding communities' stormwater rates, which varied from \$21,000 for Fruitland Park to \$4,245,131 for Ocala; with Leesburg being between that at \$1,400,000. He asked if there were any questions.

Mayor Kussard asked if this would be an across the board fee; the same for every household. She asked how it would be billed.

Mr. Cockerham replied it could be done in different ways with different fees for apartment complexes versus residential homes and commercial buildings, etc. He stated that the Town could develop an equivalent residential unit (ERU) rate for stormwater per impervious area on a lot. He stated that the Town would need to figure out how to bill the stormwater rate because many of Lady Lake's residents receive their utilities through The Villages, so perhaps it could be billed on the tax bill or a separate bill instead. He stated the County does it through millage increases.

Town Manager Kris Kollgaard stated that if it was billed by the millage rate, it would not be a flat rate.

Commissioner Richards commented that the Town is responsible for all the pipes in The Villages as all the roads were dedicated to the Town, although we are not responsible for mowing the retention areas in The Villages.

Commissioner Hannan asked if the Finance Director had commented on the stormwater fund.

Ms. Kollgaard stated that she has not commented on it, but that the Town has considered this in past years. She stated the Town will eventually need to do something about this in order to recoup some of the money spent for stormwater upkeep. She suggested that it could be shown as a non-ad valorem rate on the tax bill the same as fire or solid waste.

Commissioner Richards stated he would assume that the mill rate would be reduced by the equivalent amount charged for the stormwater rate if this was put on the tax bill, although ERU's would still need to be figured out. He stated he would be in favor of this if it was a wash, but did not favor implementing a new tax to generate the funds for stormwater.

Mayor Kussard asked that the Town look at other options.

Ms. Kollgaard stated that the Town could put this off for another year or two, and either the Town could continue to absorb the costs for the stormwater maintenance or it can look at recouping some of the costs for it.

Commissioner Hannan stated he agrees with Commissioner Richards for a wash, but to let the residents know what the Town is doing.

Commissioner Holden commented why add more beaurocracy.

Ms. Kollgaard stated that it would be less work to continue absorbing the costs rather than to do a wash. She asked Mr. Eagle if much of the funding comes from Utilities.

Mr. Eagle replied that some comes from the Utility fund, which is an enterprise fund.

Ms. Kollgaard stated that staff wanted to bring it before the Commission, but it is their decision on whether to implement it or continue on absorbing the costs as the Town is now, but that she did not recommend a wash.

Mayor Kussard agreed that the Town does not need more beaurocracy.

Mr. Eagle stated one of the reasons staff suggested implementing this stormwater fund was to centralize all the funds, as some currently comes out of Utilities, with the majority coming from the General Fund. He stated a fee like this could be dedicated to certain projects such as finishing out the Skyline project. Mr. Eagle stated that if the Commission is interested in it, a study would still have to be done to figure out how it would be implemented, but most likely it would be on the tax roll or on separate billing. He stated that staff could budget for the cost of the study on next year's budget if the Commission is interested, or wait until a later date. Mr. Eagle stated the Town is the only municipality in the area that does not have dedicated funds for this.

Commissioner Richards suggested that it might be a good idea to have a dedicated fund for stormwater, even if it is a wash.

Ms. Kollgaard stated she did not feel it was a good idea to reduce funds coming in to the General Fund from tax monies to fund a dedicated stormwater fund for a wash.

Commissioner Vincent asked Mr. Eagle about the maintenance costs for the stormwater system.

Mr. Eagle replied that the current annual cost was estimated at \$409,700, although some costs are shared costs with General Fund maintenance.

Commissioner Holden stated that he feels the ad valorem tax would be the way to go so The Villages residents could share in the cost.

Commissioner Hannan stated he felt a dedicated fund would be a good idea for stormwater and fund it from existing Utilities and General funds.

Ms. Kollgaard stated the Town would have to be careful doing something like that as the Utilities fund is an enterprise fund. She asked how long a study would take.

Mr. Cockerham stated the study would take three to four months.

Ms. Kollgaard stated she is concerned about the repayment of the Communication Services Tax as the Town currently only has a general idea of the amount. She stated she would be more comfortable at this time if just the study were done now, and then implement the stormwater fund program in the next tax year and lower the ad valorem tax so it comes out as a wash if the Commission approved.

After learning the study would cost approximately \$50,000 to \$60,000, and after some further discussion, *it was the consensus of the Commission that they did not want to fund a study for the development of a stormwater fund at this time.*

5. Conceptual Plan Presentation for the Stonewood Village Subdivision Plat Plan - Proposal to Submit a Subdivision Plat Plan with a Waiver Request for a Minimum Lot Width Reduction from 75 Ft. to 70 Ft. and Two Variances Requests for Reduction of Side-Yard Setbacks for All Structures and Rear-Yard Setback Reduction for Accessory Structures Respectively – Located Along Highland Trail and Woodland Trail (Thad Carroll)

Growth Management Director Thad Carroll gave the background summary from the agenda item cover sheet which is on file in the Town Clerk's office. He stated that the applicant, Keith E. Riddle of Riddle Newman Engineering, Inc., on behalf of Stonewood Village, LLC, is ready to proceed with a Subdivision Plat Plan application for a 40.05 ± acres property located along Highland Trail and Woodland Trail, approximately 1300 lineal feet west of Arlington Avenue within the Town of Lady Lake. He stated Mr. Riddle is present, as is George Lindsay of Highland Homes, developer.

Mr. Carroll showed aerial views of the subject property which is currently a wooded vacant residential parcel with the zoning designation of Single Family Medium Density (RS-6). The Future Land Use of the property is Single Family Medium Density (SF-MD). The developer is ready to move forward with the subdivision platting process, and they would like to present a conceptual layout to showcase the development at this time.

Mr. Carroll stated that the conceptual plat plan highlights a complete stand-alone residential subdivision incorporating 25% open space area as required by **Chapter 8, Section 8-5).f).1** . The projected density for the plan is 2.7 units/acre with a typical lot size of 7,700 sq. ft., having a minimum depth of 110 ft. and minimum width of 70 ft.; which meets code. He stated that the applicant would like to receive input and comments regarding applying for two subdivision-wide variances to allow for side-yard setback reduction for all structures and rear-yard setback reduction only for accessory structures to include pools and pool screen enclosures.

Mr. Carroll reviewed the variances requested by the applicant as follows:

- In accordance with the provisions of **Chapter 5, Section 5-4).d).4).C).2).**, the side-yard setback for the RS-6 Zoning District is required to be six ft. to another lot; however, the applicant would like to propose five ft. side-yard setback for all structures. The applicant indicated that although not all homes will be built up to the 5 ft. setback line, the adjustment allows for greater variety of home floor plans.
- As per **Chapter 5, Section 5-4).d).4).C).3).**, the rear-yard setback for the RS-6 Zoning District is required to be 20 ft.; however, the applicant would like to propose five ft. rear-yard setback for accessory structures only, to include pool and pool enclosures. The applicant indicated that with the current 20 ft. rear setback, there is not adequate room to construct a pool enclosure. Additionally, it was pointed out that the addition of a pool and/or pool enclosure has the potential to increase the taxable value of each home by nearly \$40,000.00.
- Lastly, the applicant would like to request a waiver to reduce the minimum lot width from 75 ft. to 70 ft. wide based on the provisions of **Chapter 5, Section 5-4).d).4).B).** As per **Chapter 8, Section 8-5). f).1)**, the applicant has provided the required 25% open space and has clustered

the lots together in order to provide more usable recreational space in a concentrated area. He added that slightly smaller lots allow for a few additional lots to spread out the development costs over a greater number of lots, allowing for more affordability to pass on to the consumer, and the overall density of 2.7 is still far below the allowable 6.0 units/acre.

The following items were included in the agenda packet:

- Project Introduction Statement
- Conceptual Subdivision Plan Layout
- Photographs of Activity-Based Recreational Area (Tot Lots/Parks)

Mr. Carroll introduced Mr. Lindsay to give a presentation and stated Mr. Riddle, engineer, is also present if there are any questions after the presentation.

Mr. Lindsay stated he represents Highland Homes, a family owned business of over 40 years, and operating in eight counties in Florida; headquartered in Lakeland in Polk County. He reviewed their reasons for the three variance requests as stated above, and showed photos of Highland Homes' models, some of their subdivisions, and a sample of a passive park/tot lot.

Commissioner Richards asked Mr. Carroll if the original reason for the six foot side setback was for access between the buildings.

Mr. Carroll replied that he did not recall the reason for the six foot side setback, and there is a five foot side setback in the MX-8 district which allows for the five feet on each side for the fire separation requirement.

Commissioner Holden stated that he is not in favor of any variances and that he feels it is a perfect example of urban sprawl.

Mr. Lindsay remarked that this would be contrary to urban sprawl by getting more density in a smaller area.

Mayor Kussard stated she is in favor of reducing the minimum lot width and increasing the depth, and reducing the side setback to five feet, however she is not in favor of reducing the rear setback from 20' to five feet. She stated that it is too close to the yard behind. Mayor Kussard also commented she is concerned that the tot lot was placed too close to the retention pond.

Mr. Lindsay replied that the tot lot can be placed in another location on the north or south side; they were just showing there is an accommodation for it on the property.

Commissioner Hannan stated he is not in favor of the side and rear setback variance requests.

Commissioner Holden voiced his objections to the project and stated he believed it would turn into a slum.

Mr. Lindsay stated he took issue with some of Commissioner Holden's comments and that there would be strict homeowners' association rules and management of same. He stated they are cautious when they turn it over to the homeowners to be sure they are adequately funded and understood. Mr. Lindsay stated the homes are built for families and models are available for

viewing. He stated the setback variance requests are an accommodation of the market and they are nice homes in the \$200,000 range.

Commissioner Holden stated that he visited the model and felt it was nice, and that if these homes were built on nice size lots like those, he would have no complaints. He stated there is no building for the homeowners' association to meet in and it may fall apart once the developer pulls out.

Commissioner Hannan asked if the developer will run the homeowners' association.

Mr. Lindsay replied that they run it until about 80% home ownership is achieved, and then the law requires them to turn it over to the homeowners. He stated they contract with a homeowners' association management company to run it for the homeowners. He also reiterated that 2.7 units per acre is not high density, but does not accommodate urban sprawl either.

Commissioner Richards asked how the water runoff will be considered if all the homeowners had pools and these requested setbacks.

Mr. Lindsay stated the ratio of impervious surface and the soil quality dictates the size and depth of the retention pond. He asked Mr. Riddle for his input on this question as well.

Keith Riddle of Riddle Engineering replied that they have not gotten into the detailed engineering calculations, but that he has developed thousands of homes and subdivisions with five foot setbacks, and there is adequate room to swale the water to the street and then to the stormwater retention ponds. He stated impervious areas to include pools and concrete areas would be taken into account in the permitting process.

Commissioner Hannan asked what percentage of homeowners want pools; stating his guess is that one out of every 15 would have a pool.

Mr. Lindsay agreed with that estimate.

Commissioner Richards stated the Commission could look at each individual variance request for a pool as it is requested.

Mr. Lindsay stated that it could become a problem to every second or third owner if a first owner was accommodated.

Mayor Kussard allowed public comment on this agenda item.

- Charles Melton of Melton Construction stated he lives in the Stonewood Estates subdivision which is directly across from the entrance of this proposed subdivision. He stated this developer just bought the development his house is in and although the deed restrictions state a home's minimum is 2,000 sq. ft., they just built a 1,600 sq. ft. home which sold for \$162,500 with no sidewalks. Mr. Melton stated he feels the Town should stay with the RS-6 zoning for 75 ft. lot width.

Mr. Lindsay stated the previous developer changed the home size restrictions prior to them purchasing the subdivision.

- Mr. Melton stated that the existing deed restrictions were recorded with this home sale. He stated that traffic issues will arise because of the subdivision.

Mr. Carroll stated the matter before the Commission today is the lot width and setback requests and that updated traffic studies will be required at a later stage if this proceeds.

Commissioner Richards stated he is not inclined to go outside the RS-6 standards for this property.

- Paul Rogers of 383 Carriage Lane stated this property backs up to his property line and is nicely wooded. He stated he believes these variance requests will devalue his property and believes this goes against the Town's code. He stated an impact study needs to be done.

Ms. Kollgaard reiterated that this is a conceptual presentation, and there is no vote or decision to be made today. She stated that if this moves forward, other public hearings will be noticed and held, and an impact study would be needed.

After further discussion, it was the consensus of the Commission that they were not in favor of advancement of the conceptual presentation of the Stonewood Village Subdivision Plat Plan with the variance requests as presented.

Mr. Lindsay asked what public hearings are necessary if no variances are requested.

Mr. Carroll replied that it will just go through the plat process without the variances.

6. Conceptual Plan Presentation for Garden Village - A Proposed Traditional "Old Florida" Village Style Development Consisting of Restaurants, Shops, Homes, and Apartments on an 18.51 +/- Acre Parcel Facing Rolling Acres Road, Approximately 1,295 Lineal Feet South of the Intersection of Hwy 466 and Rolling Acres Rd. (Thad Carroll)

Growth Management Director Thad Carroll gave the background summary from the agenda item cover sheet which is on file in the Town Clerk's office. He stated that the applicant, Gordon Mock with Island Style Homes, on behalf of property owner, T. Lovell Alpha, LP, would like to present a conceptual development plan on a 18.51-acre parcel located at 38624 Rolling Acres Road, approximately 1,295 ft. south of the intersection of Highway 466 and Rolling Acres Road (Alternate Keys 2908645, 1454735, and 3565517). The property was annexed into the Town in April, 2007, and adopted a zoning designation of Lady Lake Mixed Use Planned Unit Development "PUD" under Ordinance No. 2006-50 as part of a project known as the Rolling Acres Mixed Use Complex.

At this time, the applicant has been retained by Mr. Lovell to receive input and comments regarding a conceptual development plan proposing restaurants, shops, homes, and apartments. The density is projected to be +/- 11 units/acre. The proposal for the Lady Lake Mixed Use PUD incorporates the following development mix:

<u>Development Type</u>	<u>Number of Units</u>
Commercial Area	+/- 70,000 sq. ft.
Single Family Homes	+/- 66 units
Apartments	+/- 140 units

The conceptual plan highlights the different components of the proposal labeled A through G as follows:

- A) Commercial buildings/apartments over shops
- B) Community vegetable gardens/plots
- C) Citrus groves and orchards
- D) Required landscape buffer
- E) Walking trail
- F) 40 ft. wide lots
- G) 50 ft. wide lots

The following items were included in the packet:

- Conceptual plan
- Renderings of similar home designs
- Architectural exterior elevations of similar proposals

Mr. Carroll stated that this is something new to the Town as there is no comparable projects that he can point out. He stated it is a bit of a higher density for Lady Lake. Mr. Carroll stated that prior to submitting the site plan application, the applicant would like to seek input and feedback with the understanding that the conceptual workshop only offers non-binding guidance.

Gordon Mock of Island Style Homes passed out a hand out showing his concept and similar types of homes. He stated he is from Vero Beach and is an architect, general contractor and small developer. He stated he created a prefabricated building system 25 years ago and some of their work is in the Caribbean, Hawaii, the Bahamas and the Florida Keys. Mr. Mock stated his goal is to build higher quality Florida homes and is modeled after traditional neighborhood developments (TNDs), or new urbanism. He introduced his client, Warren Lovell, who has owned the property for eight years and was approved with a PUD zoning.

Mr. Mock pointed out that Rolling Acres Road is heavily trafficked and will get more. He stated that the type of development they are proposing will hopefully include shops, restaurants, and offices in a neighborhood setting off of this roadway, or a mixed use development, with a sense of a village with grids of streets with off-street parking rather than parking lots.

Ms. Kollgaard stated that in a meeting several years ago to discuss how the public would like to see the Highway 466 and Rolling Acres Road area developed, this was what they came up with.

Commissioner Richards stated he liked the mixed unit development idea which will result in a lot of internal capture.

Mayor Kussard stated this reminds her of Lake Sumter Landing in The Villages and Sanibel Island.

Commissioner Vincent expressed his concerns about the traffic on Rolling Acres Road and that he hoped the infrastructure of the roads will keep up with development.

Mr. Mock stated that he feels something will be done to alleviate traffic. He stated his proposal is for a development that will be loved 100 years from now. He mentioned that Haile Village in Gainesville, Florida is also this same type of development.

Commissioner Holden asked if four lane frontage would fit into his plan.

Mr. Mock stated he is envisioning an orange grove or something of this nature as frontage as you turn into the development.

After further comments, it was the consensus of the Commission that they were in favor of advancement of the conceptual presentation for Garden Village as presented.

8. ADJOURN: There being no further discussion; the meeting was adjourned at 5:12 p.m.

Kristen Kollgaard, Town Clerk

Ruth Kussard, Mayor

Minutes transcribed by Nancy Slaton, Deputy Town Clerk