

**MINUTES OF THE SPECIAL MEETING
OF THE LADY LAKE TOWN COMMISSION
LADY LAKE, FLORIDA
November 18, 2014**

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 3:00 p.m.

1. CALL TO ORDER

- 2. 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/Town Clerk; Thad Carroll, Growth Management Director; Wendy Then, Town Planner; and Nancy Slaton, Deputy Town Clerk

Others Present: Elizabeth Houck of Elizabeth C. Houck Landscape Architecture, LLC; Janet Varnell, Ellen Robards, and Ed Abshier of Abshier Engineering

3. Public Comment

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

Mayor Kussard announced that Item #5 regarding the conceptual presentation for the Texas Roadhouse was being tabled to a December meeting as the developer was unable to attend due to a blizzard in Buffalo, New York.

4. Conceptual Presentation of the Pain & Spine Centers of Florida - MJSP 08/14-002 – A Development Consisting of a Two-Building Multi-Tenant Complex Totaling 9,976 Sq. Ft. – Located at 800 Highway 466 (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, P.E., representing Bridge House Trading Company, property owner, has submitted a Site Plan application proposing a 9,976 sq. ft. multi-tenant complex for medical offices along Highway 466, approximately 800 feet west of the intersection of Rolling Acres Road and Highway 466, in front of the Rolling Acres Apartments. The landscaping and irrigation plans have been drawn by Elizabeth C. Houck, Professional Landscape Architect with Elizabeth C. Houck Landscape Architecture, LLC, dated July 14, 2014.

The subject property is approximately 1.27 +/- acres and is zoned Heavy Commercial (HC) which permits the development and construction of the proposed complex. The Future Land Use is Commercial General-Retail Sales and Services (RET) which is in accordance with the directives of the Comprehensive Plan and adopted Land Development Regulations.

Aerial views of the site were shown, as were the landscaping plans and photos of the proposed plant materials.

Landscaping Buffers: The west and south boundaries require minimum Class “A” Landscaping Buffer (Buffer Class Requirement-Table 10-1) in accordance with LDRs-Chapter 10, Section 10-3, b).B).1). Class "A": 10' width minimum with two canopy trees, three understory trees and a continuous hedge.

Mr. Carroll stated the applicant cannot accommodate all the required plant material within certain buffers, so the following three waivers to the Landscaping Regulations have been proposed by the applicant:

I. West Landscaping Buffer - Proposal: To waive four understory trees.

Justification: There are thirteen 6” oak trees adjacent to the buffer line on the Rolling Acres Apartment Development.

II. South Landscaping Buffer - Proposal: To waive four canopy trees.

Justification: There are five 8” oak trees adjacent to the buffer line on the Rolling Acres Apartment Development.

III. North Landscaping Buffer- Class “B” - Chapter 10, Section 10-3, b).B).2) - Minimum landscaping requirement (Buffer Class Requirement-Table 10-2): Class "B": 20' width minimum with four canopy trees, three understory trees and a continuous hedge

Proposal: The applicant would like to waive Class Buffer “B” along R.O.W. and utilize the DRA and parking lot required buffer of three canopy trees per 250 LF along retention areas.

Justification: Sufficient buffer will be created by the retention pond area and parking lot landscaping. Applicant will provide six canopy trees, five understory trees and a continuous hedge.

Tree Requirements: In accordance with Chapter 10-Landscape and Tree Protection, the site is required to provide 203 tree caliper inches based on its 1.27-acre area (160’x 1.27). The landscaping tree proposal breakdown is as follows:

Existing trees on site	0	tree caliper inches
Proposed trees for the site	<u>219</u>	tree caliper inches
Total tree caliper inches	219	tree caliper inches

It was noted that no historic tree removals have been proposed for this project as part of the application, as there are currently no trees on the property.

Mr. Carroll turned the presentation over to Elizabeth Houck, Landscape Architect. She reviewed and pointed out features on the landscape plan.

Mr. Carroll noted that in terms of the Commercial Design Standard for this development, the applicant is proposing a medical office complex consisting of two separate buildings of 4,775 sq. ft.

each, exhibiting primarily elements of the Colonial Architectural design style. Drawings of the proposed elevations of the building were shown.

Elements exhibited within the building are as follows:

- ✓ Column Pediments along the door entrances
- ✓ Multi-pane Windows and Doors
- ✓ Stone Beltline Enhancement Exterior Wall Finish
- ✓ Column Bases
- ✓ A-Frame Colonial-Style Tile Roof

In accordance with Chapter 20, Section 20-3C.3).B)., the compatibility of the proposed building elevation has been reviewed for consistency with the recommended styles and adjacent architecture.

The applicant will be requesting a waiver to place parking in front of the building main face. As per LDRs-Chapter 20-Section 20-3C.10.N) - Building Layout/Orientation (on a commercial corridor) requires that parking areas should be located behind the building face.

Mr. Carroll stated that the application was received on August 7, 2014 and the Technical Review Committee members individually reviewed the application and provided comments regarding the Site Plan application on Wednesday, November 5, 2014. The Parks, Recreation, and Tree Advisory Committee reviewed this application at their regular meeting on Wednesday, November 12, 2014 and recommended approval by a 4-0 vote. The Town Commission is tentatively scheduled to consider the Site Plan application for final consideration on Monday, December 1, 2014 at 6:00 p.m.

Commissioner Richards asked about the traffic study for the MPO.

Mr. Carroll reported that the traffic study came back from the MPO as an advisory study and they requested a Tier 2 study be submitted for this project given the trip generation that was associated with it. He stated that he has since spoken with Pamela Richmond and Don Griffey, traffic engineer at the MPO, and Mr. Griffey is present.

Mr. Griffey of Griffey Engineering stated he did the analysis for this project, as well as the one for the Howell Dental project that went in next door to this parcel two years ago, although this one is a bit larger. He explained that the Tier 1 study threshold is if 25 or less p.m. peak hour trips per day are generated, with the next threshold being 100 for a Tier 2 study, and over a 100 for a Tier 3 study. The Tier 2 and Tier 3 studies are much more costly as they are a much broader analysis than a Tier 1 study. Mr. Griffey stated a Tier 1 analysis was done for Howell Dental with a maximum 27 p.m. peak hour trips, as it is left up to the discretion of the local governments to determine where the cut off is between the Tier 1 to Tier 3 studies. He stated that everything appears to be okay with the roads and intersections for this project, with the only problem being Rolling Acres Road. Mr. Griffey stated the MPO has identified Rolling Acres Road as needing improvement and widening to four lanes for some time. He stated this project came in at 30 p.m. peak hour road trips, and Rolling Acres Road is operating better now than two years ago with it being only 40% over capacity instead of 66% at that time. Mr. Griffey stated that he is recommending that the Town approve this project for a Tier 1 study at this threshold.

Commissioner Richards stated that he agrees a Tier 1 study is appropriate, but for different reasons.

It was the consensus of the Commission that they were in favor of advancement of the Pain & Spine Centers of Florida - MJSP 08/14-002, with a Tier 1 traffic study, as presented.

5. Conceptual Presentation of the Texas Roadhouse – Proposal of a New High-Turnover (Sit-Down) Restaurant of 281 Seats with Approximately 7,163Sq. Ft. of Building

This item was tabled to a meeting in December at the applicant's request.

6. Resolution No. 2014-102 – Conceptual Presentation of Alternative Historic Tree Removals for the Plaza Professional Center – Tabled from the May 5, 2014 Meeting (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 property owners, Brian W. Warwick, Janet R. Varnell, and Ellen Robards, have submitted an alternative proposal for the development of a new building in the Plaza Professional Center, which proposes the removal of two historic trees. Mr. Carroll stated that in lieu of the prior proposal to remove one historic tree, the property owners have elected to propose a change of the location of the building which requires the removal of a 45" live oak and a 42" live oak as they are too close to the golf cart path. The owners also reassessed the size of the prior tree finding that it is a tree with a 60" diameter.

Mr. Carroll stated that at this time, the property owners are seeking direction as to whether they should resume the application for Resolution No. 2014-102 for the removal of one historic tree, or if they should proceed with the alternative proposal for two historic trees. Documentation is limited regarding the new proposal, as a formal application again has not been filed. He stated that Janet Varnell is present today to summarize the owners' alternative proposal and exhibit photos of the alternative trees. The tree locations have been provided in the packet.

Ms. Varnell introduced herself, and her mother, Ellen Robards. She stated that her husband presented at the last meeting and at that time, the newspapers represented them as tree killers when they applied to remove the one large historic tree. Ms. Varnell explained that she and her family have lived in the area all her life and are stewards of the environment, and have shepherded the forests and wildlife in the area and have tried to preserve trees on their 42 acre horse farm, which includes 10 acres of the state wildflower and 30 undisturbed acres. She stated that ten years ago, she and her husband, and her mother, purchased this lot and they had a buyer who wanted to build a medical office on the property a few months ago. Ms. Varnell passed photos of different views of the property to the Commissioners, as well as the property nearest La Plaza Grande, pointing out where the new, smaller 2,700 sq. ft. building is proposed to be built. She stated the original proposal was for a 4,300 sq. ft. building, but now they are proposing to break it up into two parcels and save the largest historic tree, but take down two smaller historic trees. Ms. Varnell stated that her sister, Fran Dann-Akin, has now found another buyer which is why they have come back to the Commission.

Mayor Kussard asked for clarification on the pictures of which trees are being proposed to be taken down, and this was clarified.

Commissioner Richards asked why the building is not being built on the several thousand sq. ft. of clear area on the property.

Ms. Varnell stated it was her understanding that it was a parking issue.

Ed Abshier of Abshier Engineering stated that this piece did not have enough parking and this was the only area which allowed sufficient parking. He pulled out a set of plans from 1990 showing parking in the area.

Commissioner Richards stated that the Commission reviews requests for parking waivers all the time, and he wondered why the building was not being built in the clear area rather than parking spaces as the parking could be dove-tailed around the building, etc. He stated that with thousands of square feet of open land, he does not see why the historic trees need to be taken down.

Mr. Abshier stated that at the last meeting, the Commission suggested there could be a reduction in parking, but that there is not enough room to put sufficient parking elsewhere on the property, as only 14 spaces plus one golf cart space could fit, and they would be about 25 spaces short if the building was put in the clear area.

Commissioner Richards stated he does not see the need for that much parking.

Ms. Varnell replied that the area has changed over the years, and there has been greater occupancy of the buildings in the area, and parking will be an issue. She stated she wants to be a good neighbor and make sure there is sufficient parking even though they are selling the property, because it could be dangerous without it and if it was installed in amongst the trees. Ms. Varnell read from the ordinance regarding historical trees where it states that they must do what they can to preserve them, but not that they cannot take them out. She stated they have gone above and beyond to do what it took to save the trees by having plans drawn and re-drawn, having lost buyers, and she asked that the Commission not make them lose this sale.

It was the consensus of the Commission that they were in favor of advancement of the Conceptual Presentation of Alternative Historic Tree Removals for the Plaza Professional Center as presented, with the exception of Commissioner Richards who was not in favor.

Ms. Varnell asked for clarification of the consensus.

Mayor Kussard replied that currently the vote was 3 to 1 in favor of moving forward, and even if Commissioner Hannan voted against it, the vote would still be 3 to 2 in favor to move forward.

Ms. Varnell thanked the Commission very much, stating she would be happy to do anything necessary to address any questions regarding parking before the final Town Commission meeting.

6. ADJOURN: There being no further discussion; the meeting was adjourned at 3:32 p.m.

Kristen Kollgaard, Town Clerk

Ruth Kussard, Mayor