

**MINUTES OF THE TOWN OF LADY LAKE
REGULAR PLANNING AND ZONING BOARD MEETING
LADY LAKE, FLORIDA**

**February 10, 2014
6:00 p.m.**

The Planning and Zoning Board Meeting was held in the Town Hall Commission Chambers, 409 Fennell Blvd., Lady Lake, Florida.

CALL TO ORDER: William Sigurdson, Vice Chairperson

PLEDGE OF ALLEGIANCE: William Sigurdson, Vice Chairperson

ROLL CALL: Alfred Monteleone, Member
Mike McKenzie, Member
William Sigurdson, Vice Chairperson/Member

ABSENT: John Gauder, Chairperson
Julius Chirieleison, Member

STAFF MEMBERS PRESENT: Attorney Todd Mazenko, BRS Legal; Thad Carroll, Growth Management Director; Wendy Then, Town Planner; and Julia Wolfe, Staff Assistant to Town Clerk

Also Present: Mayor/Commissioner Ruth Kussard and Commissioner Paul Hannan

OPEN FORUM:

Mr. Sigurdson asked if anyone in the audience had any other comments or questions. There was no one.

NEW BUSINESS:

1. Approval of Minutes: November 13, 2013 Planning and Zoning Board Meeting

Vice Chairperson/Member William Sigurdson asked if anyone had any corrections or deletions to the November 13, 2013 Planning and Zoning Board meeting minutes.

Upon a motion by Member McKenzie and a second by Member Monteleone, the Planning and Zoning Board approved the Minutes of the Planning and Zoning Board Meeting of November 13, 2013 by a vote of 3-0.

2. Selection of a Chairperson and a Vice Chairperson

Vice Chairperson/Member Sigurdson stated he would like to postpone this agenda item until the next meeting since some members were absent.

3. Hilltop Subdivision – Preliminary Plat of a 94 Unit Single-Family Residential Subdivision on 44.43 +/-Acres – Located on Griffin Avenue Approximately 5,650 Ft. East of the Intersection at County Road 25 (Wendy Then)

Wendy Then, Town Planner, presented the background summary for this agenda item (on file in the Town Clerk's office). She stated that the applicant, Milton Jennings, President of Hilltop Manors, Inc., has submitted plans for Preliminary Plat approval of a subdivision which proposes the construction of 94 single-family residential units on approximately 44.43 acres. She stated the property is located on Griffin Avenue, approximately 5,650 ft. east of the intersection at County Road 25 (Alternate Keys 1238277, 1770483, and 1238111). The Preliminary Plat was reviewed to determine if it is in compliance with the Land Development Regulations (LDRs). The following items were included in the packet:

1. Preliminary Plan Review completed by Public Works, dated 12/6/2013 and 01/29/2014 (satisfied).
2. Fire Review No. 3 for the Preliminary Plat completed by Kerry Barnett, dated 01/31/2014 (satisfied).
3. Review No. 3 for Preliminary Plat completed by Neel-Schaffer Engineering, dated 01/30/2014 (satisfied).
4. Lake County Public Works Review completed by Ross Pluta, dated 12/5/2013 (satisfied).
5. Lake County School District-School Concurrency Review by Dawn McDonald, dated 12/5/2013 (satisfied).
6. Lake Sumter MPO Traffic Analysis review dated 12/4/2013 (satisfied).
7. Lady Lake Building Official comments dated January 29, 2014 (satisfied).

Ms. Then stated the property's Future Land Use designation is Single Family Medium Density (SF-MD). The zoning designation is Planned Unit Development (PUD) governed by the Memorandum of Agreement adopted under Ordinance No. 2013-02 establishing Residential Single Family up to six dwelling units per acre.

The Preliminary Plat meets the design requirements of the Town of Lady Lake Land Development Regulations, Chapter 8 – Subdivision and Plats, and adheres to the requirements of the Comprehensive Plan of the Town of Lady Lake. The Preliminary Plat plans, consisting of five sheets, are drawn on 24"x36" pages and have been certified by Donald A. Griffey, Professional Engineer of Griffey Engineering for Jennings Construction Services Corporation.

Ms. Then stated comments for this application are as follows:

- 1) The Hilltop Subdivision does not propose to connect to the Town's Sewer, Water, and Reuse; therefore, Utility Plans will be submitted in the subsequent Improvement Plan application.
- 2) In accordance with the provisions of Chapter 8, Section 8-6).e).1, the applicant shall submit copies of all jurisdictional agency approved permits and/or Exemption Letters (when applicable), including:

- Lake County Right-of-Way Utilization Permit

- DEP Water Well Permits
 - St. John’s River Water Management District ER Permit
 - Florida Fish & Wildlife Permit to relocate Gopher tortoises off-site
 - Drafts of protective covenant
- 3) The applicant will be required to submit the Covenants and Articles of Home Owner’s Association for the subdivision.
- 4) The Hilltop residential subdivision will be providing the required Open Space area for activity-based recreation facilities, as provided by the following matrix:

Zoning District	Open Space Percentage	Activity-Based Recreation Area*
PUD	25 %	5%

*In accordance with Chapter 8, Section 8-5).f).1), the applicant will be listing the dimensional acreage for activity-based recreation areas on the plans before final approval for the Town Commission meeting; showing that it meets the required 5% of the 25% Open Space.

Preliminary Plat Approval does not permit the construction of any improvements. All permits from other agencies with jurisdiction must be completed before a development order may be issued.

Photos of the property were shown on the overhead viewer.

Ms. Then stated the Technical Review Committee voted 5-0 to transmit Ordinance No. 2014-03 to the Planning and Zoning Board for their recommendation at the February 4, 2014 meeting. The Town Commission is tentatively scheduled to consider the Preliminary Plat at their regular meeting on Monday, March 3, 2014 at 6 p.m. Ms. Then stated the applicant has to complete improvement plans and a final plat before any buildings or homes can be erected on the land.

Ms. Then stated the applicant was present to answer any questions.

Vice Chairperson/Member Sigurdson referred to the diagrams which show the contours of the property and stated he lives adjacent to the property and is familiar with it. He stated the layout of the property is nice and has a good east/west roadway which appears to run along the 167+ ft. hilltop, and then runs westward with an approximate 50 ft. drop in elevation. He stated he has a concern about the water drainage as his home and other property owners’ lots are on the west side.

Mr. Don Griffey with Griffey Engineering stated he shared Mr. Sigurdson concerns. He stated there is a large area which slopes down into the area, with a bit of erosion and sediment that has already built up along the fence line. Mr. Griffey stated they have already completed the grading plan for the project and a lot of that hilltop is going to come down. He stated they will be installing a retaining wall along the boundary, and all the lots are being graded so the water will

drain toward the streets and inward on the western boundary from the rear toward the road. Mr. Griffey stated it will significantly reduce or eliminate the run-off going toward the Water Oaks Development. He stated a landscape buffer and a recreational trail will be along the perimeter, which will be an inverted section in a swale, so any run-off from the back slope will get captured in the swale and be sent to the ponds as well. Mr. Griffey stated they designed it with the anticipation of no run-offs going to the neighbors which is an improvement over what is happening today.

Member Monteleone asked what the retention wall would consist of between the two developments.

Mr. Griffey replied it will be a three foot tall wall made of split-face stack blocks.

Vice Chairperson/Member Sigurdson asked when they will start development.

Mr. Griffey replied they are expecting to start around April or May. He stated they will be submitting the Construction Improvement Plans as soon as they receive Town Commission approval. He stated they will be installing their own water system out front because of the distance away from Town utilities, so they need to go through the process of getting a Consumption Use Permit from the Water Management District and a water system approval from the Department of Environmental Protection (DEP).

Vice Chairperson/Member Sigurdson referenced the illustration of the aerial photo and asked if the well will be out front.

Mr. Griffey replied that the well site will be tucked in among the trees off the road that leads to the north. He stated all the trees along the front will be left in place and a professional arborist will clean it up so it will have a nice park look and feel.

Member Monteleone asked what type of improvements will be made on Griffin Avenue.

Mr. Griffey stated the County is requiring that a right turn lane be installed for incoming traffic. He stated the vast majority of the cars entering will be coming in and leaving from the west and there is no need for a left turn lane for inbound traffic. He stated the County and the Town has directed them to install sidewalks along their frontage.

Member Monteleone asked if the sidewalks would be installed just in front of their development or along the entire length of the road.

Mr. Griffey replied it would only be in front of their development. He stated they are dedicating an additional right-of-way across the frontage which will allow for the space to install the sidewalks. He stated the right-of-way along Griffin Avenue varies, and in some areas, goes right to the edge of the pavement.

Vice Chairperson/Member Sigurdson asked if there was anyone in the audience who wished to speak on this matter. There was no one.

Upon a motion by Member Monteleone, and a second by Member McKenzie, the Planning and Zoning Board recommended transmittal and approval of Hilltop Subdivision Preliminary Plat to the Town Commission for consideration by a vote of 3-0.

4. Ordinance No. 2014-03 – Minor Amendment to The Tri-County Villages Development of Regional Impact, Adopting an Eighth Amendment to the Amended Development Order to Add a 94 Bed Assisted Living Facility to the DRI and Remove 7,550 Sq. Ft. of Commercial Entitlements (Wendy Then)

Wendy Then, Town Planner, gave a brief summary of the agenda item (on file in the Town Clerk's office). She stated the applicant, Villages of Lake-Sumter, Inc., has submitted an application for a minor amendment to the Tri-County Villages of Lake Development of Regional Impact (DRI) development order. The DRI Development Order must be amended to add 94 ALF beds since the Assisted Living Facility is currently not permitted in the DRI. The Villages proposes a reduction of 7,550 sq. ft. of commercial entitlements currently entitled on this site to ensure there is no increase in impacts from the change.

Ms. Then stated the ALF campus is to be located in the Spanish Springs area, within the Town Center Commercial area at Avenida Central and U.S. Highway 27/441. She stated the campus will consist more specifically of approximately 94 ALF beds, containing ALF and Memory Care beds with accessory uses such as a dining room, a cafeteria and other amenities. The proposed ALF campus is compatible with the surrounding area. The Town Center Commercial category in the DRI is being amended to permit the ALF use by amending the Phase Allocation table to identify ALF as a permitted use in the Town Center Commercial category. The Town of Lady Lake Comprehensive Plan and Zoning Designation of the property already permit the use of Assisted Living Facilities.

Photos of the property, maps and the postings were shown on the overhead viewer.

In accordance with Florida Statute 380.06(19) (e) 2, a local government can approve the amendment based on their local approval process. However, courtesy copies of the proposed amendment have been provided under separate cover to the East Central Florida Regional Planning Council (ECFRPC), Withlacoochee Regional Planning Council (WRPC), and the Florida Department of Economic Opportunity (DEO). The statute does require that a copy of the adopted amendment be submitted to the ECFRPC, WRPC and DEO pursuant to Section 380.06(19) (e) 2., F.S.

Traffic: The addition of 94 ALF beds while decreasing 7,550 sq. ft. of commercial results in no increase in projected external vehicle traffic; this is demonstrated in the attached transportation analysis provided by Kimley-Horn. The analysis determines that according to the 9th edition of the ITE Trip Generation Manual, the 94 ALF beds would generate 28 pm peak hour trips and 284 trips per day. To ensure the project is trip-neutral, meaning no additional external trips are generated, the traffic analysis concludes that a reduction of 7,550 sq. ft. of commercial is needed.

Open Space: The amendment would also not reduce conservation lands or open space in the DRI. All of the subject property is designated as Town Center Commercial on the DRI Master Plan and none of the subject property is classified as Open Space or Conservation within the

DRI. There are lands designated as Open Space and Conservation within the DRI but those lands are not impacted by this change.

Other Impacts: This amendment will have no impact to the Town's Water and Sewer Utilities, as these Town services are not provided to the Villages properties. In addition, no impacts to schools, parks and recreation, or library services will occur as a result of approval of the proposed amendment.

Ms. Then reported the amendment summary and findings are as follows:

- On January 2, 2014, the Developer submitted an e2 application to a previously approved DRI pursuant to Section 380.06 (19)(e)(2)k., F.S. to amend the DRI to add:
 - Assisted Living Facility as a permitted use in areas designated as Town Center Commercial
 - Amend Map H-1 to add 94 ALF beds and reduce commercial by 7,550 sq. ft.
 - The changes proposed in the e2 application meet the criteria in s.380.06(19)(e)2.k. because the amendment results in no increase in external peak hour trips and does not reduce open space or conserved lands.
 - This amendment is not a substantial deviation to the DRI pursuant to s.380.06(19)(e)2.k.
 - The Town of Lady Lake is the governing body having jurisdiction over the review and approval of the e2 application, pursuant to Chapter 380, F.S., and is authorized and empowered to issue this eighth amendment to the Tri-County Villages DRI ADO.
- The proposed development is consistent with the applicable local comprehensive plan and is consistent with the applicable local land development regulations.
- The impacts of this development are adequately addressed pursuant to the requirements of Chapter 380, F.S., and the changes as approved by the Town do not constitute a substantial deviation to the original DRI Development Order.

Based upon the evaluation of the justification as provided above, this amendment meets the criteria in s.380.06(19)(e)2.k. because the amendment 1) does not generate an increase in external vehicle trips, and 2) the amendment does not reduce any approved open space or conservation areas in the DRI. The applicant has provided the Department's determination letter with the application.

Ms. Then stated that the application was received on January 2, 2014 and the 14 adjacent property owners were notified by certified mail. Of those, five inquiries were received; three in person and two e-mails, with one opposing the amendment and one general inquiry.

Ms. Then reported the Technical Review Committee (TRC) voted 5-0 to transmit Ordinance No. 2014-03 to the Planning and Zoning Board for their recommendation at the February 4, 2014 meeting. The Town Commission is tentatively scheduled to hear Ordinance No. 2014-03 for first reading at their regular meeting on Monday, March 3, 2014 at 6 p.m., and for second/final reading at the regular meeting to be held on Monday, March 17, 2014 at 6 p.m.

Ms. Then stated the applicant was present to answer any questions.

Vice Chairperson/Member Sigurdson commented he did not know where the property was located in the packet, and was glad Ms. Then showed the photos. He stated it is an irregular shaped parcel.

Mr. Sigurdson asked if there was anyone in the audience who wished to speak on this matter.

Ms. Barbara Vogeley of 1052 Avenida Sonoma introduced herself and stated she was at a loss as to how this has all taken place. She stated she has lived here for nine years and this is the first she has heard of a 94 bed Assisted Living Unit. She asked when all of this was planned and stated she was very concerned there will be sirens coming and going to an Assisted Living Facility. Ms. Vogeley stated they live in Vista Sonoma which is a very quiet area and she would like to keep it that way. She stated if they could have another community like where they live she thinks it would be a better solution than an Assisted Living Facility.

Mr. Irwin King, President of the Vista Sonoma Property Owners Association, introduced himself.

Vice Chairperson/Member Sigurdson asked if the location of Vista Sonoma could be shown on the map.

Ms. Then showed where the development was located on the map.

Mr. King stated it was across the street from the proposed site. He stated their concern was there has been little information as to what is proposed, except for a couple of letters. He stated a major concern is where the access would be located and he suspects it would not be accessed from Avenida Central.

Thad Carroll, Growth Management Director, replied to the previous questions regarding how this came about by stating this is the first step in the process as the applicant is coming to the Board to seek that entitlement as part of the DRI. He stated the applicant is essentially taking 7,500 sq. ft. of commercial off the table and exchanging it based on the criteria of the statute on two elements to add 94 beds in exchange. Mr. Carroll stated the access route will be shown at the site plan phase and staff cannot require an applicant to show all the plans at this stage. He stated the use has to be established, and at the site plan phase, staff will determine where the driveways are to be placed and the actual physical aspect of the site. He stated Darrin Taylor, representative for the applicant, may want to elaborate a little more.

Mr. King asked if the building would be single or two-story, how many parking spaces, and what kind of traffic the facility will generate. He stated he assumed they will have to bring food in because there are trucks that make a lot of noise now in back of Publix. He stated those are the questions that bother the residents. Mr. King stated they have 46 units at Avenida Sonoma and it is very quiet and they take a lot of pride in that area, and they would like some more information before action is taken.

Vice Chairperson/Member Sigurdson thanked Mr. King for letting the Board know where he lives because he was not aware it was a residential area. He stated he assumed it was an extra hotel or something in The Villages.

Mr. King stated originally it was, and it concerns him now that they are considered within the commercial district; however the by-laws of the commercial district say there will not be any residential property there. He stated he can assure the Board it is residential property.

Mr. Darrin Taylor with Carlton Fields and Jordan Burt Attorney at Law, representing The Villages, introduced himself. He stated they are at step one of a process, because under the Town of Lady Lake Comprehensive Plan, they already have the ability to have Assisted Living Facility in place. He stated because it is a large project in The Villages, under State Law, another level of review called the DRI review is required. He stated the DRI review is more specific than the overall Comprehensive Plan, but it is not specific as to plats, site plan, or where the access points are, etc. He stated the map in front of them is where they are at in the level of planning. Mr. Taylor stated under the overall Master Plan in Town Center Commercial, they originally envisioned a number of different uses to create a mixed use feel like they have now in The Villages, but Assisted Living was not one of the uses. He stated they would like to have the ability to have an Assisted Living Facility within the Town Center Commercial in place.

Mr. Taylor stated assuming the Town Commission recommends approval, the next step would be the actual site plan review. He stated it is considered a minor change under State Law if what you are proposing is not impacting environmental areas, conservation land, or increasing traffic. He stated typically at this level, the Florida Department of Transportation, State Land Planning Agency, and other agencies would provide comments on the change, but because this is considered a minor change, none of those agencies are providing comments. Mr. Taylor stated they are requesting a recommendation of whether Assisted Living is appropriate in Town Center Commercial, because all of Town Center Commercial is approved for commercial. He stated their traffic analysis looked at the equivalent of 94 Assisted Living Facility beds and the equivalent amount was 7,550 ft. of commercial. Therefore, they are reducing the amount of commercial they can build in order to add the Assisted Living Facility. He stated all the questions that are being asked are very appropriate at the site plan level.

Member McKenzie asked if the area is currently being used for vendor parking when they have functions at the Square.

Mr. Marty Dzuro introduced himself as representing The Villages. He stated it is sometime used for vendor parking and as a staging area for the 5K and 10K racing. He stated the property is slated for commercial development and has been vacant.

Member McKenzie asked how they will accommodate these people if they use that area. He stated parking is nil when you have a major function down there, and if the vendors move to the parking lot, that will take away parking for people attending the function.

Mr. Dzuro replied they would move them to the outer limits of the parking lot depending on the size of the event. He stated they have tracked parking in that area and these statistics are reported to the Town every time they do a plan. He stated the biggest complaint he has heard over the years is that there is not enough parking if it is not 100 ft. away from Town Center. He stated they have done a series of historical pictures even at large events, and the parking on the outskirts is always vacant.

Mr. Dzuro stated an Assisted Living Facility company is interested in the parcel, but unless they can add ALF to the DRI, they will not proceed with any plans. He stated they will still have to sign a deal with them and then the ALF will have to turn in plans as the next step. He stated they will have to go through the Town's process through staff, the Planning and Zoning Board, and the Town Commission, as well as the three member Villages Development Review Committee, which looks at building height, designs, and traffic flow. He stated The Villages will require more landscaping than the Town does.

Member Monteleone asked for clarification because Mr. Dzuro stated they would like to have it available for an Assisted Living Facility, but it may not be.

Mr. Dzuro replied anything could happen as they may not make a deal with the Assisted Living Facility, and if that happens, they would probably reach out to another company. He stated it just gives them the ability to have an ALF in that area.

Vice Chairperson/Member Sigurdson asked what would be the situation if they were unable to find anybody to build that type of facility.

Mr. Dzuro replied they have commercial square feet left over that they have not developed yet, and would build some type of commercial establishment if they could not make a deal with the Assisted Living Facility.

Vice Chairperson/Member Sigurdson stated if this goes through the approval process, then it is still available for another facility.

Mr. Dzuro replied that they could get the entitlement to build and it may never get built, although the company they are talking with is very interested and he does not foresee a problem.

Vice Chairperson/Member Sigurdson asked how this little section of property is different from the rest of The Villages.

Mr. Dzuro replied Map H is the Master Plan, and in 1988 they did the Tri-County Villages of Lady Lake from the Lake-Sumter County line east. He stated when you have a DRI and you buy property adjacent to it and want to develop it, they make you incorporate that into the DRI. Mr. Dzuro stated the maps show the Tr-County Villages of Lady Lake and Tri-County Villages of Sumter, and they each have individual development orders. He stated when they go into the DRI and make any change, it has to show up on the maps, and this particular area is in Lady Lake's jurisdiction.

Member McKenzie stated no one answered the question regarding ambulances and sirens. He stated he lives in The Village of Del Mar and has been there for 20 years, and the ambulances and fire trucks very rarely have their sirens on when they come through, although they have their lights on. He stated he is not sure whether that is an agreement they made with The Villages or a Fire Department policy. Mr. McKenzie stated he does not always agree with everything The Villages does, but stated everything they do is usually top notch and in-line with everything else.

Vice Chairperson/Member Sigurdson explained that the Board's process is to basically see whether the proposal is in accordance with what can be done. He explained the Board is merely advisory and makes recommendations, and the Town Commission has the final say.

Mr. Paul Yander of 1041 Avenida Sonoma introduced himself and stated he has some concerns about sufficient parking within the commercial zone. He stated the Church on the Square is being developed into a Performing Arts Center or something like that, and it will be adding a tremendous amount of cars, and he hopes the developer will consider that when using this particular parcel of land. He also stated there is a wall behind the existing lot which leads to the Publix and Belk's and he suggested that the developer who buys or leases the land consider using that area since it is already being used for truck deliveries. He stated their food deliveries could be delivered in the back of the facility, and that will keep some of the traffic off of Alvarez Avenue and Avenida Central, which would help in the noise area. Mr. Yander stated they only have one entrance off of Alvarez Avenue, and he hopes there will be turn lanes involved because getting out of the entrance and exit are already very difficult.

Mr. Yander stated he assumes some of the Assisted Living people will be moving around outside of the facility and suggested some sort of sidewalk system be put in place. He stated most of the residents have lived there for nine years, and when the developer changed it from a lifestyle program to rental units, no one wanted to recognize that they have residents living in the commercial area. He stated they love the facilities they have; the houses are townhouse type villas, and they are all happy to be there, but the developer shows them very little concern.

Mr. Jetson McCleary of 1032 Avenida Sonoma stated he just talked with the President of the Board and he was on the Board for five and a half years prior to this year. He stated he is the owner and operator of an Assisted Living in New York State and a consultant to the people who brought out two of his properties in Chicago, and he knows how a presentation should be put together. He stated he would like to request copies of what staff has on their computer before their Board meeting this Thursday afternoon, because he would like to share the information with his neighbors.

Mr. McCleary stated over the last 30 years, he has faced putting up properties and administrating them, and he still has his administrative license. He stated his point is they have one entrance and exit that is on a curve, and the other is exit only. He stated when the emergency vehicles come, they are faced with driving through the gate or just parking the truck. He stated it was amazing that was allowed to happen. Mr. McCleary stated he would like to volunteer to act as a liaison if possible and if the Board wants him to do it. He stated he has been on both the operating side and now he is on the owner's side, plus he lives in the area in questioned. He stated he would like to see both sides be able to co-exist.

Mr. McCleary stated when he brought his property about nine years ago, there was a separate unit that is now a part of Freedom Pointe; it was about an 80 bed facility, plus about 20 or so beds for their memory care. He stated some of the residents need to be educated, because Assisted Living is not a nursing home; it is non-nursing services and there are activities of daily living. Mr. McCleary stated they can also offer respite care in the State of Florida, which could mean for a weekend, or up to two or three weeks. Mr. McCleary stated he knows what the Laws are in New York State and assumes Florida follows along.

Vice Chairperson/Member Sigurdson asked if there were any other comments from the audience, and as there were no further comments, asked for a motion.

Upon a motion by Member Monteleone, and a second by Member McKenzie, the Planning and Zoning Board recommended transmittal of Ordinance No. 2014-03 to the Town Commission for consideration of approval by a vote of 3-0.

CHAIRPERSON/MEMBERS' REPORT:

There were no comments or reports.

ADJOURN:

With nothing further to discuss, the meeting was adjourned at 6:54 p.m.

Julia Wolfe, Staff Assistant to Town Clerk

John Gauder, Chairperson

Minutes transcribed by Julia Wolfe, Staff Assistant to Town Clerk