

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

**March 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: John Gauder, Chairperson

PLEDGE OF ALLEGIANCE: John Gauder, Chairperson

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

ABSENT: Julius Chirieleison, Member

STAFF MEMBERS PRESENT: Thad Carroll, Growth Management Director; Wendy Then, Town Planner; and Nancy Slaton, Deputy Town Clerk

Also Present: Attorney Todd Mazenko, BRS Legal; Mayor Ruth Kussard

OPEN FORUM:

Chairperson Gauder asked if anyone in the audience had any comments or questions. There were no comments or questions.

NEW BUSINESS:

1. **Approval of Minutes:** February 10, 2014 Planning and Zoning Board Meeting

Chairperson/Member John Gauder asked if anyone had any corrections or deletions to the February 10, 2014 Planning and Zoning Board meeting minutes.

Upon a motion by Member Monteleone and a second by Member Sigurdson, the Planning and Zoning Board approved the Minutes of the Planning and Zoning Board Meeting of February 10, 2014 as presented by a vote of 4-0.

2. **Selection of a Chairperson and a Vice Chairperson**

Chairperson/Member Gauder asked for nominations to select and vote on a Chairperson and Vice Chairperson for the Planning and Zoning Board for the coming year.

Upon a motion by Member McKenzie and a second by Member Sigurdson, the Planning and Zoning Board elected to retain Mr. Gauder as Chairperson of the Planning and Zoning Board by a vote of 4-0.

Upon a motion by Member Monteleone and a second by Member McKenzie, the Planning and Zoning Board elected to retain Mr. Sigurdson as Vice Chairperson of the Planning and Zoning Board by a vote of 4-0.

3. Resolution No. 2014-102 – Plaza Professional Park – Variance Request to Authorize the Removal of a 38” Historic Live Oak Tree to Accommodate a New Office Building on the Last Remaining Parcel at the La Plaza Grande Professional Center – Located at 302 La Grande Blvd. (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, Fran Dann-Akin, on behalf of property owners Brian W. Warwick, Janet R. Varnell, and Ellen Robards, has submitted an application for a variance in accordance with Chapter 10, Section 10-4).f) of the Land Development Regulations (LDRs) which states that on all properties, the removal of historic trees shall require a variance from the Planning and Zoning Board and the Town Commission. She stated the parcel is approximately 2.21 acres located at 302 La Grande Blvd (Alternate Key #3808678)). Ms. Then noted that the application was originally referenced to be in La Plaza Grande Professional Center; however, it is in the Plaza Professional Center, which is just north of the La Plaza Grande Professional Center.

Ms. Then stated the applicant proposes the removal of a 38” historic Live Oak tree to accommodate the construction of up to 4,300 sq. ft. of new office building space on the last remaining parcel at the Plaza Professional Center. The applicant states that due to the fact that the historic tree lies directly within the building pad, it is required to be removed. Additionally, the applicant indicated that the tree exhibits excessive lean, which would endanger any future building erected, and the root structure of the tree will suffer substantial damage during and after construction if the tree were to remain. Ms. Then reviewed the drawings of the subject parcel location and an aerial view of the parcel, and then read the applicant's three primary reasons for the variance in the Justification Statement as follows:

- 1) The location of the tree would prevent or substantially reduce the buildable space to such an extent that the value of the property would be substantially diminished; and
- 2) even if a substantially smaller building was constructed, it could not be insured due to the overhanging branches of the tree in questions; and
- 3) safety concerns would continue for the building as a result of damages caused to the tree during construction and damage caused by extensive pruning that would be required in order to obtain insurance.

Ms. Then noted that the justification statement also includes that the current owners paid fair market value for an approved commercial building pad that would accommodate a 4,300 sq. ft. commercial building, and it has been approved for nearly 30 years.

Photos of the property location, postings and the 38” historic tree were shown. A conceptual site plan showing the proposed location of the commercial building pad, and where the historic tree is currently located, was shown.

When reviewing an application for a variance, the Planning and Zoning Board and the Town Commission shall consider the following requirements and criteria according to Chapter 3, Section 14 f) – Review criteria for variances in the Land Development Regulations:

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1. No diminution in value of surrounding properties would be suffered.
2. Granting the permit would be of benefit to the public interest.
3. Denial of the permit would result in unnecessary hardship to the owner seeking it.
4. The use must not be contrary to the spirit of this Code.
5. Financial disadvantages and/or inconveniences to the applicant shall not of themselves constitute conclusive evidence of unnecessary and undue hardship and be grounds to justify granting of a variance.
6. Physical hardships such as disabilities of any applicant may be considered grounds to justify granting of a variance at the discretion of the Town Commission.

The subject property lies in Section 07, Township 18, Range 24, in Lady Lake Florida. The Future Land Use Map designation for the site is Commercial General-Retail Sales & Services (RET) and is zoned Planned Commercial (CP). The subject property is located at 302 La Grande Blvd., within the Plaza Professional Park (Alternate Key 3808678); within the town limits of the Town of Lady Lake, Florida. The application is complete and ready to be transmitted to the Planning and Zoning Board for their recommendation. Resolution No. 2014-102 was reviewed by Town Attorney Derek Schroth on Tuesday, February 25, 2014, and was determined to be correct in form.

Ms. Then reported that notices to inform the surrounding property owners (16) within 150' of the subject property of the proposed variance were mailed by certified mail return receipt on Monday, February 24, 2014. The property was posted on Tuesday, February 25, 2014. She stated that 13 out of the 16 return receipts have been received, and staff has received one general inquiry, and one communication in writing in opposition of this variance.

Ms. Then stated the Technical Review Committee voted 3-0 to transmit Resolution No. 2014-102 to the Planning and Zoning Board for their recommendation at the February 18, 2014 meeting. The Town Commission will review the application for Resolution No. 2014-102 at their regular meeting on Monday, March 17, 2014 at 6 p.m.

Upon approval of this variance resolution, the applicant will continue with the Site Plan application process for approval of the improvements proposed at the remaining vacant lot. All landscaping buffer requirements and plantings would have to be satisfied during this process.

Ms. Then noted that should the Town Commission approve the applicant's request for tree removal, the applicant shall pay \$3,600.00 for each 36" diameter at breast height (DBH) tree, plus \$100.00 per additional inch over the 36" DBH tree, for a total of \$3,800.00 to the Town Tree Bank within 30 days after the approval. This mitigation fee is to offset the loss of each historic tree.

Ms. Then stated that the applicant is present to answer any questions.

Vice Chair Sigurdson confirmed the location of the tree to be removed and it was noted that there are also a couple of other small trees that will be removed that do not meet the historic tree removal requirements for removal.

Brian Warwick introduced himself as the applicant and stated he would be happy to answer any questions. He stated there are four other much smaller trees to be removed in order to put up the building.

Vice Chair Sigurdson asked how long until construction would commence.

Mr. Warwick replied that after receiving approval from the Town, they will have to go before The Villages Architectural Review Committee, and he stated it depends on the timing of that, but they should commence soon afterward.

Chairperson Gauder asked if there was anyone in the audience who wished to speak on this matter, and as there were no comments, asked for a motion.

Member Monteleone made a motion for approval, and Member McKenzie seconded, and then they both voted against it. It was noted that this was inconsistent, and Mr. Monteleone stated he had another question. He commented that it was a shame this tree had to be removed, but he understood the reasoning behind it. He asked if replacement trees will be planted in its place.

Mr. Warwick stated that there are over 50 other remaining oak trees on the two acres of land and additional landscaping and plantings will be done after the building is completed.

Attorney Todd Mazenko asked for a new motion.

Upon a motion by Member Monteleone, and a second by Member Sigurdson, the Planning and Zoning Board recommended transmittal and approval of Resolution No. 2014-102 to the Town Commission for consideration of approval by a vote of 3-1 (McKenzie).

Vice Chair Sigurdson asked Ms. Then if the Town's Tree and Beautification Advisory Committee would have any input on this resolution for the tree removal.

Ms. Then replied that this particular variance for historic tree removal is not required to go before the Tree and Beautification Advisory Committee, as the tree bank donation is their recommendation as a method to acquire funds for further beautification in the Town.

4. Resolution No. 2014-103 – Orange Blossom Hills Country Club Expansion – Parking Space Size Reduction Variance to Allow 9.5'x17' as the Minimum Regular Parking Space Size Throughout the Orange Blossom Hills Country Club – Located at 1542 Water Tower Circle (Wendy Then)

Wendy Then, Town Planner, presented the background summary on this agenda item (on file in the Town Clerk's office). She stated the applicant, John R. Grant, on behalf of the Villages Operating Company, has filed an application for a variance to the Town of Lady Lake's Land Development Regulations, Chapter 7, Section 7-6).b).1).A) which requires that a standard parking space be 10 feet wide and 20 feet long. The applicant is requesting a size reduction to allow 9.5'x17' as the minimum regular parking space size in lieu of providing standard 10'x20' parking spaces throughout the Orange Blossom Hills Country Club Facility located at 1542 Water Tower Circle, within Orange Blossom Gardens Unit No. 7 (Alternate Key 2805382). Ms. Then noted that this parcel is approximately 2.21 acres, and staff recommends approval of this resolution.

Views of the subject property and the location of this facility were shown on the overhead viewer.

Ms. Then reviewed the applicant's Justification Statement, which is a requirement of the application, and outlines the reasons and unique challenges of the site that requires such a variance. It states that the Orange Blossom Hills Country Club parking lot area was originally constructed in 1986, and the majority of standard parking spaces exhibit a 9.5'x17' dimension, aside from golf cart parking spaces, which are 6 feet wide and 10 feet long. The applicant is proposing to rebuild the

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existing 1,114 sq. ft. pool deck into an 878 sq. ft. outside bar/dining area with porch entrance, which will generate 63 additional seats. Now that the applicant proposes to expand the facility and increase the number of seats, the applicant is required to bring parking spaces to current Code. However, the applicant would like to provide the same size parking spaces needed for the additional seats due to space constraints within the existing development. The applicant states that the Country Club has been operating with 9.5'x17' parking spaces for 30 years and it has been found to be adequate for their operations. The applicant stated that the building is nearly 30 years old and in need of improvements to provide a first class recreation and dining establishment and to maintain the quality of enjoyment for the public.

Ms. Then stated the proposal for parking spaces to be provided is listed as follows:

Existing		
Dimension	Parking Space Type	Number of Spaces
17'x9.5'	Standard	58
17'x10'	Standard	14
17'x20'	ADA	2
18'x9.5'	Standard	3
18'x10'	Standard	21
10'x6'	Golf Cart	97
Proposed		
18'x12'	ADA	6
Total provided		201

Required		
Restaurant Seating (76)	1 space/2 seats	38
Bar Seating (63)	1 space/3 seats	21
Outside Dining (32)	1 space/2 seats	16
Retail (973 sq. ft.)	1 space/200 SF	5
Employee-Proshop (4)	1 space/2 ee	2
Employee Restaurant (20)	1 space/2 ee"	10
18 Hole Golf Course	6 spaces/ 1 hole	108
Total required		200

Ms. Then noted that the applicant will be providing the required number of total parking spaces and the required number of ADA parking spaces. She reviewed the photos of different directional views of the property, as well as the site plan showing the proposed changes. Ms. Then noted that changes to the parking lot include upgrading of the appropriate size and number of ADA parking spaces and reviewed their location at the West Boone Court entrance.

When reviewing an application for a variance, the Planning and Zoning Board and the Town Commission shall consider the following requirements and criteria according to Chapter 3, Section 14 f) – Review criteria for variances in the Land Development Regulations:

1. No diminution in value of surrounding properties would be suffered.
2. Granting the permit would be of benefit to the public interest.
3. Denial of the permit would result in unnecessary hardship to the owner seeking it.

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4. The use must not be contrary to the spirit of this Code.
5. Financial disadvantages and/or inconveniences to the applicant shall not of themselves constitute conclusive evidence of unnecessary and undue hardship and be grounds to justify granting of a variance.
6. Physical hardships such as disabilities of any applicant may be considered grounds to justify granting of a variance at the discretion of the Town Commission.

The application has been reviewed and determined to be complete. The applicant has submitted all appropriate material in compliance with the Land Development Regulations (LDRs) and the application is ready for transmittal to the Planning & Zoning Board. Resolution No. 2014-103 was reviewed by Town Attorney Derek Schroth on Tuesday, February 25, 2014, and was determined to be correct in form.

The subject property involving approximately 3.52 ± acres lies in Section 06, Township 18, and Range 24 in Lake County, Florida. Appropriate legal descriptions and a site plan of the property involved, along with supplementary material, have been included with the submitted applications. The Future Land Use for the site is Recreation (P) and is zoned Mixed Residential-Medium Density (MX-8).

Ms. Then noted that notices to inform the surrounding property owners (14) within 150' of the property of the proposed variance were mailed by certified mail return receipt on Monday, February 24, 2014. The property was posted on Tuesday, February 25, 2014. She stated that 14 of the 14 return receipts have been received, along with two phone calls with general inquiries.

Ms. Then stated the Technical Review Committee voted 3-0 to transmit Resolution No. 2014-103 to the Planning and Zoning Board for their recommendation at the February 18, 2014 meeting. The Town Commission will review the application for Resolution No. 2014-103 at their regular meeting on Monday, March 17, 2014 at 6 p.m.

Ms. Then stated that applicant is present if there are any questions.

Vice Chair Sigurdson clarified that the 6'x10' spaces are for golf carts on the north end, and noted that the handicapped spaces are being moved closer to the building. He asked if the new golf cart drive near there is for someone parking in the handicapped spaces in golf carts.

Ms. Then replied affirmatively, and stated that the Town's primary interest is to meet any and all ADA requirements for accessibility. She stated that there is a new golf cart path proposed, and that all spaces meet the minimum ADA requirements.

Jeff Head, Project Engineer with Farner Barley, introduced himself and stated the golf cart path was rerouted since the new handicapped spaces were impacting it, and spaces are being realigned as a result. He reiterated that they are not reducing parking space sizes; they have been in existence since 1986, and the applicant is just requesting they be allowed to remain the same size.

Chairperson Gauder asked if there were any other comments from the audience.

- Bill Steele from The Villages stated he read the posting and believes he misinterpreted it; thinking that it said the applicant was asking for a reduction in the number of parking spaces. He also asked if the swimming pool would be eliminated.

Mr. Head replied that there was no reduction in the number of parking spaces and that the pool was not being eliminated.

- Lowell Barker of 1517 W. Schwartz Blvd. stated he lives nearby and that residents are unclear as to what is going on, and stated that communication needs to be better.

Chairperson Gauder asked for a motion.

Upon a motion by Member McKenzie and a second by Member Sigurdson, the Planning and Zoning Board recommended transmittal and approval of Resolution No. 2014-103 to the Town Commission for consideration of approval by a vote of 4-0.

5. Resolution No. 2014-104 – Grand Oaks Holding, LLC – Variance for Proposed New Freestanding Off-Site Premises Sign – Located at the Southeast Corner of County Road 25 and Marion County Road (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, Greg Beliveau with LPG Urban and Regional Planners, Inc., on behalf of Grand Oaks Holding, LLC, has submitted an application for a variance from Chapter 17, Section 17-7).a).16) which prohibits off-premises signs. The applicant is requesting to allow an off-premise freestanding sign to be erected on the property owned by Grand Oaks Holding, LLC, located at the southeast corner of County Road 25 and Marion County Road (Alternate Key 1237530), within the town limits of the Town of Lady Lake, Florida. Ms. Then stated the parcel is approximately 9.2 acres. The proposed monument sign is designed to be 8' high by 15' wide with a five foot setback along County Road 25, and a 58 foot setback along Marion County Road, which meets sign code requirements. She stated that staff recommends approval of this resolution.

Views of the location of the proposed sign on the subject property were shown, as well as aerial views and photos of the property and postings.

Ms. Then reviewed the Justification Statement which has been submitted as required by the application. It states that the Grand Oaks Resort is home to one of the most exquisite carriage museums in the country, with over 175 carriages, open to the public seven days a week. The applicant has indicated in the Justification Statement that the main purpose for the sign is to notify the public of the museum and special events held at Grand Oaks. Many of these events are in sponsorship of non-profit organizations as Grand Oaks coordinates with numerous non-profit organizations by allowing them to utilize the museum facilities to hold fund raisers at no cost. The applicant has stated that the museum and associated facilities are located on parcels with rural land use due to the equestrian and agricultural nature, which also poses a disadvantage in regard to signage. For identification and exposure purposes, erecting a sign along County Road 25 would make it easier for attendants to find the facility whose main entrance is located off of Marion County Road. Lastly, the applicant has pointed out that the off-premises sign should be considered temporary in that when the site is developed, the sign would become an on-premises sign for the development. However, the sign may still be used in some capacity by the Grand Oaks Resort for their events after the property has been sold. It was noted that the applicant has included a draft Easement Maintenance Agreement which would be executed prior to sale of the subject parcel for Grand Oaks Resort to retain the right to utilize the off-site sign.

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The applicant would like to incorporate an electronic message board on the proposed freestanding sign, and a Special Permit Use application has been submitted concurrently with the variance application.

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1. No diminution in value of surrounding properties would be suffered.
2. Granting the permit would be of benefit to the public interest.
3. Denial of the permit would result in unnecessary hardship to the owner seeking it.
4. The use must not be contrary to the spirit of this Code.
5. Financial disadvantages and/or inconveniences to the applicant shall not of themselves constitute conclusive evidence of unnecessary and undue hardship and be grounds to justify granting of a variance.
6. Physical hardships such as disabilities of any applicant may be considered grounds to justify granting of a variance at the discretion of the Town Commission.

The subject property lies in Section 05, Township 18, Range 24, in Lady Lake Florida. The Future Land Use Map designation for the site is Commercial General-Retail Sales & Services (RET) and is zoned Mixed-Used Planned Unit Development (PUD). The application is complete and ready to be transmitted to the Planning & Zoning Board for their recommendation. Resolution No. 2014-104 was reviewed by Town Attorney Derek Schroth on Tuesday, March 4, 2014, and was determined to be correct in form.

Ms. Then reported that notices to inform the surrounding property owners (14) within 150' of the property of the proposed variance were mailed by certified mail return receipt on Monday, February 24, 2014. The property was posted on Tuesday, February 25, 2014. She stated that 10 of the 14 return receipts have been received and there has been one general inquiry.

Photos of the property were shown on the overhead viewer.

Ms. Then stated the Technical Review Committee voted 5-0 to transmit Resolution No. 2014-104 to the Planning and Zoning Board for their recommendation at the March 4, 2014 meeting. The Town Commission will review the application for Resolution No. 2014-104 at their regular meeting on Monday, April 7, 2014 at 6 p.m.

Member Monteleone asked for clarification on whether the sign will be taken down once the parcel is developed.

Mr. Greg Beliveau of LPG Urban Planners replied that the applicant will retain the directional sign on that parcel by way of the easement agreement once the property is sold for development.

Member McKenzie asked for clarification that the sign will not have flashing lights, etc., but will only be a reading sign.

Mr. Beliveau replied that the Town has strict guidelines on LED signs and there will be no flashing or colors that are not allowed by the Town's ordinance.

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Attorney Todd Mazenko asked where the legal description for Exhibit A of the easement agreement came from.

Ms. Then replied that the legal description came from the Lake County Property Appraiser's office outlining the one parcel effected by the easement; parcel #1237530-only the northern portion.

Mr. Mazenko asked if the Town Attorney had reviewed the agreement.

Ms. Then replied that Mr. Schroth reviewed and approved it on Tuesday, March 4, 2014.

Chairperson Gauder 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 Sigurdson and a second by Member McKenzie, the Planning and Zoning Board recommended transmittal of Resolution No. 2014-104 to the Town Commission for consideration of approval by a vote of 4-0.

CHAIRPERSON/MEMBERS' REPORT:

There were no comments or reports.

ADJOURN:

With nothing further to discuss, the meeting was adjourned at 6:40 p.m.

Julia Wolfe, Staff Assistant to Town Clerk

John Gauder, Chairperson

Minutes transcribed by Nancy Slaton, Deputy Town Clerk