

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

**August 12, 2013  
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:** William Scott, Member  
Mike McKenzie, Member  
John Gauder, Chairperson  
William Sigurdson, Vice Chairperson/Member  
Julius Chirieleison, Member

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

**Also Present:** Commissioner Ruth Kussard; David Springstead and Jason Hurley of Springstead Engineering; and Attorney Todd Mazenko of BRS Legal

**NEW BUSINESS:**

**1. Approval of Minutes:** June 10, 2013 Planning and Zoning Board Meeting

Chairperson/Member John Gauder asked if anyone had any corrections or deletions to the June 10, 2013 Planning and Zoning Board meeting minutes.

Vice Chairperson/Member Sigurdson stated that there is a correction to the minutes on page 3, line 37, where it states “black” pages; it should read “back” pages.

*Upon a motion by Member McKenzie and a second by Member Scott, the Planning and Zoning Board approved the Minutes of the Planning and Zoning Board Meeting of June 10, 2013 with the correction as noted. The motion passed by a vote of 5-0.*

**2. Ordinance No. 2013-10 – Tree Tops Golf Inc. – Requesting Amendment of the Memorandum of Agreement (MOA) for the Planned Commercial (CP) Zoning Designation – Located at 175 S. Rolling Acres Road – (Wendy Then)**

Wendy Then, Town Planner, presented the background summary for this agenda item (on file in the Town Clerk's office). She stated the applicant, Michael Girard, has submitted an application for property located at the corner of West Lady Lake Boulevard and Rolling Acres Road,

addressed as 175 S. Rolling Acres Road, and known as the Tree Tops site. The property includes approximately 12.65 ± acres (Alternate Key No. 3250290) currently in the Town of Lady Lake. Ms. Then stated the applicant has filed the following application for this property:

- Rezoning of 12.65 ± acres from Lady Lake CP (Planned Commercial) to Lady Lake CP (Planned Commercial), to change language of the MOA to include new permitted uses and establish new terms regarding landscaping buffers, new buildings, parking spaces, and setback requirements.

Ms. Then stated the subject property is currently operating as a golf driving range with an existing 3,389 sq. ft. retail/sales building. Pursuant to the provisions of the Town of Lady Lake Land Development Regulations, the applicant is requesting to use the property primarily as a mini storage facility consisting of 32 buildings totaling approximately 162,000 sq. ft. of storage area. She stated as part of the application, the applicant has provided the new Memorandum of Agreement (MOA) ordinance terms (Exhibit “B”) and bubble plan (Exhibit “C”) showing the new proposed buildings, retention pond areas, parking areas, landscaping buffers, dumpsters location, and gate. For safety and security purposes, the applicant will be proposing a gate along the perimeter of the property to secure the mini storage facility. With that, the applicant will be requesting to be exempted from providing cross-access easement(s) to adjacent properties.

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

Ms. Then stated within the changes of the MOA is the addition of certain permitted uses, and the applicant is requesting the following: retail sales & services, miniature golf and associated retail sales and services, softball batting cages, golf driving range, and associated accessory uses, mini storage with manager’s residence and office on premises. She stated the development will be done in three phases, listed as follows:

- Phase I: (14) mini storage buildings, parking spaces, front parking lot area, secondary egress drive, manager’s residence, retail building, mini golf, batting cages, dumpster area, and retention ponds.
- Phase II: (12) additional mini storage buildings, parking spaces and retention pond.
- Phase III: (6) additional mini storage buildings and parking spaces.

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 they are ready for transmittal to the Planning and Zoning Board.

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

### **Future Land Use**

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

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

### Zoning

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

Comments for this application are as follows:

- 1) Permitted uses and restrictions of the property will be governed by the attached Memorandum of Agreement, superseding all uses and prohibitions as stated in the Memorandum of Agreement executed on September 10, 2003, as recorded in OR Book. 2418, Pgs. 2070-2074.
- 2) Should the amendment to the Memorandum of Agreement be approved, the applicant will have to supply a modified site plan, via the major modification to site plan process.
- 3) Applicant will be seeking connection to the Town's potable water supply, central sewer system, as well as the Town's reclaimed water system for irrigation. Sufficient capacity exists for all utilities.

Ms. Then stated notices to inform the surrounding property owners within 150' of the property of the proposed Rezoning-CP MOA Amendment were mailed by return receipt certified mail on Friday, July 26, 2013, and the property was also posted on this date. Ms. Then reported that of the nine notices sent out, five return receipts were received back, and there have been no phone calls, e-mails or written statements thus far on the matter, other than one inquiry in person.

Ms. Then stated the application was received on July 9, 2013, and at the August 6, 2013 meeting of the Technical Review Committee (TRC), the committee voted 4-0 to transmit Ordinance No. 2013-10 to the Planning and Zoning Board for their recommendation. The Town Commission is scheduled to hear Ordinance No. 2013-10 for first reading on Wednesday, September 4, 2013 at

6 p.m., and for second/final reading at the special meeting to be held on Wednesday, September 18, 2013 at 6 p.m.

Ms. Then stated there was an error within Ordinance No. 2013-10 on page 5 of 9, under *Landscaping* on line 25; it should state ten feet instead of twenty feet.

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

Member Chirieleison asked the nature of the inquiry from the one surrounding property owner.

Ms. Then replied the property owner wanted to know if there would be a fence and what it would look like. She stated it appears there will be a fence around the perimeter of Rolling Acres Road from the information submitted.

Vice Chairperson/Member Sigurdson stated he knows it will be a while before the project gets started, and asked if the individuals using the property for golf will be notified of the changes in store.

Mr. David Springstead of Springstead Engineering approached the podium. He stated the applicant, Michael Girard, was unable to attend the meeting due to a family emergency. He stated the applicant will start notifying the users of the facility once he favorably completes the process through the Town. Mr. Springstead stated the applicant is looking around for a second facility to operate as a golf driving range, to be worked on as the project gets underway. He stated the applicant still wants to keep his pro shop open and operate a driving range at a different location in the future.

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

*Upon a motion by Vice Chairperson/Member Sigurdson, and a second by Member Scott, the Planning and Zoning Board recommended transmittal and approval of Ordinance No. 2013-10 to the Town Commission for consideration. The motion passed by a vote of 5-0.*

**CHAIRPERSON/MEMBERS' REPORT:**

There were no comments or reports.

**OPEN FORUM:**

Thad Carroll, Growth Management Director, stated the sequence of the agenda has been changed. He stated the Town is moving the open forum to the beginning of all the public meetings, so if any members of the audience have something to say, they can voice their opinion at the beginning of the meeting.

Chairperson Gauder asked how it would be handled if someone has something to say at the end of the meeting.

Mr. Carroll replied he believes it will be at the Chairperson's discretion to open an item back up for public comment. He stated having the open forum at the beginning of the meeting gives someone the opportunity to speak on other issues, but they could also speak in sequence on the issues as presented.

Attorney Laura Lightsey replied it could be reopened for open forum at the end if anyone has anything to say, but agreed it is at the Chairperson's discretion if open forum has already been offered at the beginning of the meeting.

Vice Chairperson/Member Sigurdson asked if it would be kept to items that are not on the agenda.

Mr. Carroll replied it was his understanding that anything could be brought forth. He stated this was related to a particular statute that has been enacted.

Vice Chairperson/Member Sigurdson stated he wondered what kind of doors that would open in terms of discussion before the Board having their opportunity to question things.

Attorney Laura Lightsey replied the Board would have the ability to tell anyone who is trying to speak on items in the open forum that would be coming up later to reserve their comments until the Board and Town staff has presented and commented on the item. She stated the Board has always asked for public comment on each item and as far as someone trying to comment again at the end of the meeting, it is at the Chairperson's discretion.

Chairperson Gauder asked if this was a new law that has come out.

Attorney Laura Lightsey commented she was unaware of the statute before Mr. Carroll mentioned it, but would certainly look into it.

Mr. Carroll stated it was his understanding the Town is changing the order as per the requirement of a recent statute and is putting the open forum at the beginning as a result. Mr. Carroll stated he would forward a copy of the statute to the Board.

**ADJOURN:**

*With nothing further to discuss, the meeting was adjourned at 6:21 p.m.*

---

Julia Wolfe, Staff Assistant to Town Clerk

---

John Gauder, Chairperson