

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

**October 13, 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 Gil Pierson, Member
 Mike McKenzie, Member
 John Gauder, Chairperson

ABSENT: William Sigurdson, Vice Chairperson/Member
 Alfred Monteleone, Member

STAFF MEMBERS PRESENT: Wendy Then, Town Planner; and Julia Wolfe, Staff Assistant to Town Clerk

Also Present: Mayor/Commissioner 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** – September 8, 2014 Regular Meeting

Upon a motion by Member McKenzie and a second by Member Pierson, the Planning and Zoning Board approved the minutes of the Planning and Zoning Board Meeting of September 8, 2014 as presented by a vote of 3/0.

2. **Ordinance No. 2014-08 – Minor Amendment to The Tri-County Villages Development of Regional Impact (DRI), Adopting a Ninth Amendment to the Amended Development Order Amending Map H and Map H-1 to Convert 29 Hotel Rooms into 48 Townhome/Condominium Units and to Show the Acreage Changes to Hotel and Residential. (Wendy Then)**

Wendy Then, Town Planner, presented the background summary for this agenda item (on file in the Clerk's Office). She stated applicant, Martin L Dzuro, on behalf of Central Florida Lodging, LLC, has submitted an application for a minor amendment to the Tri-County Villages of Lake Development of Regional Impact (DRI) development order. She stated the DRI Development Order must be amended in order to convert 29 hotel rooms into 48 townhomes/condominium units

and to show the acreage changes to hotel and residential. La Hacienda Hotel is located at 1201 Avenida Central, in Spanish Springs within The Village Town Center.

Ms. Then stated the Town Center Commercial category in the DRI is being amended to permit the townhomes/condominium use by amending the Phase Allocation table to identify townhomes/condominium units as a permitted use in the Town Center Commercial category. She stated the Town of Lady Lake Comprehensive Plan and Zoning Designation of the property already permit the townhomes/condominium use; therefore, Town staff is in support of the request.

Aerial views of the property and photos of the property and postings were shown.

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 Lake Sumter MPO indicated that the amendment as submitted results in a potential net increase of up to eight new trips, so the applicant will be providing the additional supporting documentation necessary for approval to use a site specific trip generation rate resulting in trips not to exceed 25 p.m. peak hours trips. The resulting trip generation would be as follows:

ITE LUC 310 Hotel	42 Rooms	25 P.M. peak hour trips
ITE LUC 323 Resid. Condo/Townhouse	48 DU	25 P.M. peak hour trips

Ms. Then stated with the change to convert 42 rooms to condominiums rather than the original proposal of 29, the finding stated in the study that the proposed land use change from hotel to residential condominium will not result in any net new trips for the DRI. The applicant has agreed to this modification, pending determination of additional data. Should the data demonstrate that the 29 hotel room reduction is an equivalent traffic reduction, the applicant would revert to the original request.

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.

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 in order to accommodate the increase of 13 rooms, changes in the DRI allocations had to be made as follows:

Hotel Land Use Allocation for The Villages of Lake (OBG South & Lake Co)	Phasing Schedule 2005-2009
From 304 to 291	From 224 to 211

- 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 ninth 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.

Ms. Then noted that notices to inform the surrounding property owners (6) within 150' of the subject property of the proposed variance were mailed by certified mail return receipt. She reported that of the six notices sent out, two return receipts were received back, and there have been no phone calls, e-mails or Town Hall visits thus far on the matter.

The members of the Technical Review Committee individually reviewed the application for Ordinance No. 2014-08 and provided all comments by Tuesday, October 7, 2014. The TRC report was included in the packet. The Town Commission will review the application for Ordinance No. 2014-08 at first reading on Monday, November 3, 2014, and second and final reading is tentatively scheduled for Monday, November 17, 2014.

Ms. Then stated by the time the packets were due, Town staff did not have the information back from the Lake Sumter MPO about the traffic, so the ordinance still read 29. She stated that will be amended and the ordinance will reflect 48 hotel rooms instead of 29 once the review is completed.

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

Member McKenzie clarified that she was referring to the letters in the packet from the MPO.

Ms. Then replied that was correct. She stated the application is only eligible to be considered an e-2 amendment if it does not increase external traffic, and if they do not use any open-space or conservation area. She stated the MPO informed staff there may need to be a trade of more hotel rooms that have already been allocated to the DRI to be used to make up the 48 units.

Darrin Taylor of Carlton Fields stated it is agreed that this change can not result in any more trips under the statute; it has to be an agreed upon equivalent matrix. He stated The Villages has a special transportation study that has been used many times that looks specifically at how transportation works within The Villages. He stated when the MPO reviewer looked at their equivalency, she did not have a copy of The Villages Origin and Destination Study, and she had to give her opinion that day whether the numbers match. Mr. Taylor stated the reviewer used the generally accepted transportation analysis handbook, the ITE transportation manual, which you use if you do not have a study. He stated that is based upon if you have an apartment that has families

with children and you have an accepted transportation rate which is higher than The Villages because it is an age-restricted community and it has a very different kind of transportation rate. He stated the MPO reviewer asked that The Villages study be sent to her, and if she agreed with it, she would agree to the equivalency that was originally suggested. Mr. Taylor stated they reserve the right to request to use the original conversion if the MPO agrees with the numbers. He stated there will be no increase in transportation trips that will be generated either way.

Member Pierson stated there was a lot of translation from different individuals about the peak hour trips and they were conflicted for a couple of months.

Ms. Then stated with what is being presented, the applicant is ready to address it by borrowing some hotel units that have already been approved in the DRI so they can make up for the difference of the 48 units for townhouses/condominium. She stated one of the options was to reduce the number of condominiums and the applicant said they will just shift them instead of doing that. Ms. Then stated the DRI is developed in phases and you can modify certain things as you go along, which is what is being done here.

Member Pierson clarified that the applicant can only do further development with less down the road.

Ms. Then replied that was correct.

Member McKenzie asked if the issue would be resolved by the time of the Commission meeting.

Ms. Then replied that it would and that staff is hoping to get a definite answer from the MPO. She stated they do not have direct jurisdiction over the MPO staffing, but staff has very good working relationship with them and they have always tried to accommodate our schedule.

Member Pierson asked if there is going to be new construction or if it is only a conversion.

Marty Dzuro of The Villages replied that was the original hotel that The Villages built and they sold it to Central Florida Lodging. He stated Central Florida Lodging approached them wanting to change it to condominium/townhouses, and the only difference is the owners are going to market them to existing residents and the snowbirds. He stated buyers will purchase the hotel rooms to use as a guest house when they have family come to town or the snowbirds will purchase them to stay in for a few months. Mr. Dzuro stated nothing changes construction-wise; there are 48 units and those rooms will become the condominiums. He stated the original allocation was for 333 hotel rooms and the traffic study actually showed that condominiums have less traffic than a hotel room.

Member Pierson clarified that the conversation is 29 hotel rooms into 48 units.

Mr. Dzuro replied they will lose 29 allocations from the total of what they can do. He stated they have not built all the hotel rooms that they are allocated. He explained that there are 2,060 allocated in residential and they have only built 1,994 in that particular DRI, so they are proposing to take away from that allocation. He stated the allocation is the number they are allowed to build and that number is reduced by either 29 or 42.

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 Member Pierson, and a second by Member McKenzie, the Planning and Zoning Board recommended transmittal and approval of Ordinance No. 2014-08 to the Town Commission for consideration by the following roll call vote:

<i>MCKENZIE</i>	<i>YES</i>
<i>PIERSON</i>	<i>YES</i>
<i>GAUDER</i>	<i>YES</i>

3. Consideration of Changing the Planning and Zoning Board Meeting Time to begin at 5:30 p.m. (Wendy Then)

Wendy Then, Town Planner, presented the background summary for this agenda item (on file in the Clerk's Office). She stated at the September 8, 2014 meeting of the Planning and Zoning Board, the board discussed potentially changing the meeting time to begin at 5:30 p.m. She stated there is nothing specifically written regarding the time the meeting must convene within the Land Development Regulations; therefore, it does not need to be changed through the amendment of an ordinance. However, it needs to be formally approved by the Planning and Zoning Board to get the Board's recommendation to carry forth to the Town Commission for their consideration.

Ms. Then stated whatever decision is made by the Board would be put in writing for the Town Commission meeting on Monday, October 20, 2014, to be considered for final consideration.

Member McKenzie stated he has no problem with the change as long as it does not interfere with the legal consultant's schedule.

Attorney Todd Mazenko stated he was fine with the change.

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 Member McKenzie, and a second by Member Pierson, the Planning and Zoning Board recommended that the Town Commission approve the consideration to change the Planning and Zoning Board meeting time to begin at 5:30 p.m., 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 6:22 p.m.

Julia Wolfe, Staff Assistant to Town Clerk

John Gauder, Chairperson