

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

**November 13, 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  
Julius Chirieleison, Member  
William Sigurdson, Vice Chairperson/Member  
John Gauder, Chairperson

**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

**OPEN FORUM:**

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

**NEW BUSINESS:**

**1. Approval of Minutes: September 9, 2013 Planning and Zoning Board Meeting**

Chairperson John Gauder asked if anyone had any corrections or deletions to the September 9, 2013 Planning and Zoning Board meeting minutes.

*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 September 9, 2013 by a vote of 5-0.*

**2. Ordinance No. 2013-15 – An Ordinance Adopting Corrections, Updates and Modifications to the Capital Improvements Schedule of the Town of Lady Lake Comprehensive Plan (Wendy Then)**

Wendy Then, Town Planner, presented the background summary for this agenda item (on file in the Town Clerk's office). She stated this is a request to adopt the Town's annual update of the Capital Improvements Schedule which is part of the Town's Comprehensive Plan. Ms. Then stated the Capital Improvement Plan update process and the corresponding requirements are no

longer required to be processed by a Comprehensive Plan Amendment, but may be adopted by local Ordinance. House Bill 7207 (2011) states: *"The CIE must be reviewed by the local government on an annual basis. Modification to update the 5-year capital improvement schedule may be accomplished by ordinance and may not be deemed to be amendments to the local Comprehensive Plan."*

Ms. Then stated the Town must annually update the Five-Year Schedule of Capital Improvements pursuant to Florida Statutes 163.3177 (3)(b). The purpose of the Capital Improvements Element and the Improvement Schedules is to identify the capital improvements that are needed to implement the Comprehensive Plan and ensure that adopted Level of Service (LOS) standards are achieved and maintained for concurrency related facilities.

Ms. Then stated these facilities include: water, water supply, sewer, solid waste, drainage, parks and recreation, public schools, transportation and mass transit. While the Town does not have financial responsibility or accountability regarding some of these public facilities, there is still the requirement to incorporate the five year capital improvement schedules from other entities.

Corrections, updates, and modifications concerning costs, revenues, or the dates of construction of any facility or project identified in the Comprehensive Plan/Capital Improvement Program are not considered amendments and may be accomplished by local ordinance.

Staff recommended forwarding Ordinance No. 2013-15 to the Planning and Zoning Board for their consideration and recommendation as this ordinance serves to update the Capital Improvements Schedule as required under F.S. 163.3177(3)(b). Ms. Then stated the attached "Exhibit A" reflects the proposed improvements for the Five Year Planning Period 2013/14 – 2017/18. Also attached is Ordinance No. 2012-20 with Attachment "A" to document the prior Five Year Capital Improvement Schedule 2012/13 - 2016/17, which is being replaced by this ordinance.

Ms. Then stated the Technical Review Committee reviewed the application for Ordinance No. 2013-15 at its regular meeting on Tuesday, November 5, 2013, recommending approval by a 5-0 vote. The Town Commission is scheduled to consider Ordinance No. 2013-15 for first reading on Monday, December 2, 2013, and for second/final reading on Monday, December 16, 2013.

Ms. Then asked if there were any comments or questions.

Thad Carroll, Growth Management Director, stated the reason this came before the Planning and Zoning Board is because this board reviews ordinances that may impact schools and rezoning regarding residential developments, and all those improvements tie into the Town's capital improvement elements. Mr. Carroll stated the information is presented to the Board to make them aware of what is out there, and what improvements are coming, so everyone can stay concurrent with the level of service throughout the Town.

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 McKenzie, the Planning and Zoning Board recommended transmittal and approval of Ordinance No. 2013-15 to the Town Commission for consideration by a vote of 5-0.*

**3. Resolution No. 2013-109 – The Village Center Community Development District – A Variance Request to Authorize the Removal of One 36” Historic Tree to Accommodate Improvements to the Orange Blossom Hills Golf Maintenance Facility – Located at 1025 Lindsey Lane Court (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 has submitted an application for a variance in accordance with Chapter 10, Section 4 f) of the Land Development Regulations (LDRs) which states “*on all properties, the removal of historic trees shall require a variance from the Planning and Zoning Board and the Town Commission*”.

Ms. Then stated the applicant, Village Center Community Development District, proposes the removal of a 36” historic live oak tree to accommodate construction replacement of the existing 6,160 sq. ft. building on the same footprint at their Orange Blossom Hills Maintenance Facility. Due to the tree’s proximity to the existing building, removing the old building slab and pouring a new one will damage existing roots and make the tree unstable. The base of the tree is located just 19” from the foundation of the maintenance building.

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.
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 06, Township 18, Range 24, Lady Lake Florida. The Future Land Use Map designation for the site is Manufactured Home High Density (MH – HD) and is zoned “MX-8” Mixed-Residential up to eight dwelling units/acre. Ms. Then stated the subject property is located at 1425 Lindsey Lane Court within Orange Blossom Gardens Unit 13 (Tracts A & A-1), in the vicinity surrounding a golf course located southwest of Water Tower Circle (Alternate Key 3452399), within the town limits of the Town of Lady Lake, Florida.

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

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 recommendation to the Town Commission. Resolution No. 2013-109 was reviewed by Town Attorney Derek Schroth on Monday, November 4, 2013, and was determined to be correct in form.

Ms. Then stated, as part of the variance application, the applicant has submitted a justification statement and the arborist report states: *“The base of the tree is only 19” from the foundation of the maintenance building at this time. Demolition of the existing building and slab will adversely affect the stability of this tree especially with the new construction. Also, the new sewer line that must be run to accommodate the new building would run right next to, or right under this tree. Due to the close proximity of the demolition, construction of the new slab and building and the installation and hooking up of the new sewer line, there is no way this tree will remain viable and should be removed.”*

Ms. Then stated that if this resolution is approved by the Town Commission, there is a provision within the Land Development Regulations Ch. 10-5,C(2)(c), and the applicant is aware of and is prepared to make the payment of \$3,600 to the Town tree bank within 30 days of the approval to mitigate the loss of this historic tree.

Ms. Then stated that notices to inform the surrounding property owners within 150’ of the subject property of the proposed variance were mailed by certified mail return receipt on Wednesday, October 30, 2013 and the property was also posted this same date. Ms. Then reported that of the 23 notices sent out, 22 return receipts were received back, and there have been no e-mails or written statements thus far on the matter, and only one inquiry by phone.

Upon approval of this variance resolution, the applicant will continue the Minor Modification to Site Plan application process for the improvements proposed at the Orange Blossom Hills Maintenance facility.

Ms. Then stated the Technical Review Committee reviewed the application for Resolution No. 2013-109 at its regular meeting on Tuesday, November 5, 2013, recommending approval with a 5-0 vote. The Town Commission will review the application for Resolution No. 2013-109 for final consideration at its regular meeting on Monday, December 2, 2013 at 6:00 p.m.

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

Member Chirieleison asked how and why the Tree and Beautification Board is not involved in this consideration.

Ms. Then replied that variance applications do not go before the Tree and Beautification Committee. She stated the provision of the tree bank donation takes care of mitigating the removal of the historic tree should it be approved by the Town Commission, and the \$3,600 will be disbursed to the Tree and Beautification Committee to be used for their approved projects.

Vice Chairperson/Member Sigurdson stated the picture gives the appearance that the tree is much closer than 19' from the building. He asked how the building got built so close to the tree in the first place.

Ms. Then replied that it is her understanding that it is a very old building. She stated when new developments are constructed, there may be some oversight or poor planning on the location of planting, whether it be too close to a sign or building and it becomes a problem later whenever expansion or upgrades to sewer, etc. is required.

Vice Chairperson/Member Sigurdson stated he has no problem with the removal if the tree is unhealthy, although he did not like to see big trees removed.

Member Scott commented the tree has been there a long time and trees grow fast around here.

Chairperson Gauder stated it appears the tree may have been planted after the building was built because it is leaning away from the building.

Randy Wilkerson introduced himself as the Construction Manager for The Village Center Community Development District. He stated the building was the original office of Mr. Schwartz and it is 30 years old or more, and they are not certain if the tree was planted after the building was built. Mr. Wilkerson stated the building is in disrepair and is an eyesore to the community. He stated their intention is to remove the building and build a new one in the exact location so they do not adversely impact any more impervious areas or expand the facility pertaining to this building.

Chairperson Gauder asked what is on the other side of the building.

Mr. Wilkerson replied the building is rather unusual and has been added on to many times. He stated when you look at the photos, the front of the building elevation appears to be at ground level, but the back of the building is buried four feet into the hill below ground in a concrete retaining wall.

Chairperson Gauder asked if there are any other places the building could be erected.

Mr. Wilkerson stated they have investigated and there is no other place to put the building on that particular site. He stated they are not insensitive to the tree removal and go to great lengths to preserve these types of trees. He stated they build quality facilities and it is their intention to re-landscape after the new facility is built. He stated the building is unsafe and does not have any handicapped facilities and needs to be replaced.

***Upon a motion by Member Chirieleison, and a second by Member Scott, the Planning and Zoning Board recommended transmittal of Resolution No. 2013-109 to the Town Commission for consideration of approval by a vote of 5-0.***

**CHAIRPERSON/MEMBERS' REPORT:**

Chairperson Gauder stated he hoped everyone has a good Thanksgiving.

**ADJOURN:**

*With nothing further to discuss, the meeting was adjourned at 6:23 p.m.*

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Julia Wolfe, Staff Assistant to Town Clerk

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John Gauder, Chairperson

Minutes transcribed by Julia Wolfe, Staff Assistant to Town Clerk