

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

**November 9, 2015
5:30 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 Sigurdson, Vice Chairperson/Member
John Gauder, Chairperson
Michael McKenzie, Member
Peter Chiasson, Member

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

Also Present: Attorney Sasha Garcia, BRS Legal; Mayor Ruth Kussard and Commissioner Paul Hannan

OPEN FORUM:

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

INTRODUCTION OF NEW BOARD MEMBER: Peter Chiasson

Chairperson Gauder welcomed Mr. Chiasson as a new member of the Planning and Zoning Board, stating he has been on this board in the past.

Mr. Chiasson commented that he was on this board back when Max Pullen was Mayor, and that he had participated on the planning and zoning board in New Durham, New Hampshire in the past as well.

Attorney Sasha Garcia welcomed Mr. Chiasson and informed him about the roll call voting procedure for the Planning and Zoning Board.

NEW BUSINESS:

1. **Approval of Minutes** – September 14, 2015 Regular Meeting

Upon a motion by Member Sigurdson and a second by Member McKenzie, the minutes of the Planning and Zoning Board Meeting of September 14, 2015 were approved as presented by a vote of 4-0.

2. Ordinance No. 2015-15 – Annexation – The Villages of Lake-Sumter, Inc. – Annexing Three Lots of Approximately 0.43 +/- Acres – Located within Orange Blossom Gardens Units 2 and 3.1B within Lake County, Florida (Wendy Then)

Wendy Then, Town Planner, presented the background summary for this agenda item (on file in the Clerk's Office). She stated that the applicant, Martin L. Dzuro, on behalf of the Villages of Lake-Sumter, Inc., has filed applications to annex properties consisting of three lots located north of Griffin Avenue and northeast of North Highway 27/441 within the Orange Blossom Garden Subdivisions Units 2 and 3.1B. The annexation application involves 0.43 +/- acres of property from unincorporated Lake County into the Town of Lady Lake.

Ms. Then stated the three lots are spread out along different roads and include the following addresses:

- 1410 Lester Dr. Lady Lake FL 32159
- 912 Cindy Dr. Lady Lake FL 32159
- 842 Silver Oak Ave Lady Lake FL 32159

She stated that staff recommends approval of Ordinance No. 2015-15. A map showing the location of these properties in Orange Blossom Gardens was shown.

The subject properties lie in Section 06, Township 18 South, Range 24 East, in Lake County, Florida. Appropriate legal descriptions, a location map, and a sketch of the property have been included with the submitted application. All lots will be served by the Village Center Community Development District Central Water and Sewer System, as well as the District's Fire Department.

Ms. Then reported that in accordance with the provisions of Florida Statute 171.205 and the Interlocal Service Boundary Agreement executed September 4, 2013 between Lake County, Florida and the Town of Lady Lake, Florida, the Town may annex property into the Town which are non-contiguous to the existing municipal boundary. The proposed properties under this application exist as both contiguous and non-contiguous lots. An aerial view of the area was shown with the subject properties highlighted.

The annexation application was received on Tuesday, September 15, 2015, and has been reviewed and determined to be complete satisfying the necessary criteria as required for annexation under statutory requirements. The application was found to meet the requirements of the Land Development Regulations (LDRs), as well as the adopted Comprehensive Plan, and is ready for transmittal to the Town Commission.

Ms. Then reported that newspaper advertisements were done as required, and notices to inform the surrounding property owners (52) within 150 feet of the properties proposed by annexation request were sent on Thursday, October 22, 2015, and the properties were also posted this same date. Photos of the postings were shown. She stated that three general phone inquiries have been received, although there have been no objections received.

Ms. Then stated the application was received on September 15, 2015. The Technical Review Committee (TRC) members individually reviewed application for Ordinance No. 2015-15, provided comments on October 27, 2015, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. She stated that the Town Commission is scheduled to consider Ordinance No. 2015-15 for first reading on Monday, November 16, 2015 at 6:00 p.m., and for second/final reading on Monday, December 7, 2015 at 6:00 p.m. Ms. Then stated that Martin Dzuro is present if there are any questions.

Member Chiasson asked if these three lots are currently within the Town boundaries of Lady Lake.

Ms. Then replied that there are some lots that are not within Lady Lake jurisdiction, called enclaves, and they are within Lake County jurisdiction. She stated that the applicant is seeking a voluntary annexation of these lots so they can come to the Town of Lady Lake for permits.

Member Chiasson asked if some property owners in this area were given a choice in the past of staying with the County and not joining the Town of Lady Lake, and therefore not paying Lady Lake taxes.

Ms. Then replied that he was correct in that summary, and confirmed that the Villages of Lake-Sumter has bought these properties from the previous property owners and they want to annex into the Town.

Member Chiasson commented that this is good for Lady Lake as the Town will get more tax revenue and they will be under Lady Lake's zoning requirements, etc.

Chairperson Gauder asked if anyone in the audience had any questions or comments, and seeing none, asked for a motion.

Upon a motion by Member McKenzie and a second by Member Chiasson, the Planning and Zoning Board recommended approval and transmittal of Ordinance No. 2015-15 to the Town Commission for consideration by the following roll call vote:

<i>CHIASSON</i>	<i>YES</i>
<i>MCKENZIE</i>	<i>YES</i>
<i>SIGURDSON</i>	<i>YES</i>
<i>GAUDER</i>	<i>YES</i>

3. Ordinance No. 2015-16 – Small Scale Future Land Use Comprehensive Plan Amendment – The Villages of Lake-Sumter, Inc. – Small Scale Future Land Use Comprehensive Plan Amendment from Lake County Medium Urban Density to Lady Lake Manufactured Home High Density for Three Lots of Approximately 0.43 +/- Acres – Located within Orange Blossom Gardens Units 2 and 3.1B within Lake County, Florida (Wendy Then)

Wendy Then, Town Planner, presented the background summary for this agenda item (on file in the Clerk's Office). She stated that the applicant, Martin L. Dzuro, on behalf of the Villages of Lake-Sumter, Inc., has filed applications to amend the future land use comprehensive plan from Lake County Medium Urban Density to Lady Lake Manufactured Home High Density for three lots located north of Griffin Avenue and northeast of North Highway 27/441 within the Orange Blossom

Garden Subdivisions Units 2 and 3.1B. The application involves 0.43 +/- acres of property from unincorporated Lake County into the Town of Lady Lake. Ms. Then explained that this application and the subsequent rezoning application must go concurrent with the annexation application previously discussed. She stated staff recommends approval of this ordinance. A map showing the future land use of the property and surrounding properties was shown.

The Small Scale Future Land Use Map Amendment application was received on Tuesday, September 15, 2015, and has been reviewed and determined to be complete satisfying the necessary criteria as required to meet the requirements of the Land Development Regulations (LDRs), as well as the adopted Comprehensive Plan, and is ready for transmittal to the Town Commission.

Ms. Then reviewed the applicant's justification statement as shown below:

APPLICANT'S JUSTIFICATION:

80% of the Homes in the Historic section of The Villages east of U.S. Hwy 441/27 known as Orange Blossom Gardens are in the Town of Lady Lake. The remainder of the Homes lie within a small County Enclave.

As a revitalization of Orange Blossom Gardens, The Villages has or intends to purchase lots in this Historic section has, or intends to enter into Agreements with existing Homeowners, to replace the existing mobile homes with conventionally constructed homes.

In order to insure that the new homes in the County Enclave (1) are complimentary to the new homes in Lady Lake; (2) the local governments are able to make the most efficient use of their powers and services; (3) there are more favorable economic conditions; and (4) the best interests of the citizens in Lady Lake and Lake County are protected. These properties in the County Enclave should be annexed into Lady Lake. Annexing these properties is compliant with the Goals, Policies and Objectives of the Comprehensive Plans of Lady Lake and Lake County, and the Interlocal Agreement between Lake County and Lady Lake effective June 24, 2015.

Ms. Then reviewed the Concurrency Determination Statement: The Villages has removed existing manufactured homes on two of the lots (912 Cindy Drive and 842 Silver Oak Avenue) in a historic section of The Villages known as Orange Blossom Gardens to construct a similar size conventional built home on each lot (the home at 1410 Lester has yet to be removed). There will be no increase in utility services, traffic, population, or recreation use.

Ms. Then reviewed the impact on Town services as follows:

Potable Water -

- ♦ No impact, lots are served by the Village Center Community Development District Central Water System.

Sewer -

- ♦ No impact, lots are served by the Village Center Community Development District Central Sewer System.

Schools –

- ♦ Not factored for project – no foreseen impact of students as the project is located within an active adult retirement community.

Transportation –

- ♦ No impact, the existing home will be replaced with a new home. There will be no change in average daily trip generation.

Parks & Recreation –

- ♦ The annexation, small scale future land use amendment, and the rezoning applications will not cause P&R Level of Service to be exceeded since the project is for the replacement of existing homes. Additionally, the Villages provides its residents with all Park and Recreation Amenities.

Stormwater –

- ♦ Project will be required to adhere to SJRWMD guidelines and of Town of Lady Lake Floodplain Management Ordinance for parcels within Special Flood Hazard Areas.

Applications have 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 Town Commission. Additionally, the applications were reviewed and determined to be in compliance with the directives of the adopted Comprehensive Plan in accordance with the sought designation. A Concurrency Determination Statement has also been included as part of the Small Scale Comprehensive Plan Amendment Application, which the applicant submitted to explain expected impacts on Town Services.

The subject properties involve approximately 0.43 ± acres lies in Section 06, Township 18 South, Range 24 East in Lake County, Florida. The Future Land Use of the adjacent properties is as follows:

Future Land Use

Subject Properties	Lake County Medium Urban Density
Future Land Use of Adjacent Properties	
West	Lake County – Medium Urban Density & Lady Lake- Manufactured Home High Density (MH-HD)
East	Lake County – Medium Urban Density
North	Lake County – Medium Urban Density & Lady Lake- Manufactured Home High Density (MH-HD)
South	Lake County – Medium Urban Density & Lady Lake- Manufactured Home High Density (MH-HD)

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

- 1) Annexation and rezoning applications have been submitted concurrently with this Small Scale Future Land Use Amendment Application.
- 2) In accordance to the Interlocal Agreement for Building Permits & Inspections Section 2).A)., executed on June 23, 2015, if The Villages has applied for annexation, then the Town can issue building permits located within the unincorporated area.

3) Project will be required to adhere to St. John’s River Water Management District guidelines and the Town of Lady Lake Floodplain Management Ordinance for parcels within Special Flood Hazard Areas.

Ms. Then reported that notices to inform the surrounding property owners (52) within 150’ of the property of the proposed annexation were mailed on Thursday, October 22, 2015, and the properties were also posted this same date. She stated that the Technical Review Committee (TRC) members individually reviewed application for Ordinance No. 2015-16, provided comments on October 27, 2015, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. She stated that the Local Planning Agency is scheduled to consider Ordinance No. 2015-16 on Monday, November 16, 2015, at 5:30 p.m. Ms. Then stated the Town Commission is scheduled to consider Ordinance No. 2015-16 for first reading on Monday, November 16, 2015 at 6:00 p.m., and for second/final reading on Monday, December 7, 2015 at 6:00 p.m.

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

Chairperson Gauder asked if anyone in the audience had any questions or comments, and seeing none, asked for a motion.

Upon a motion by Member Chiasson and a second by Member McKenzie, the Planning and Zoning Board recommended approval and transmittal of Ordinance No. 2015-16 to the Town Commission for consideration by the following roll call vote:

<i>CHIASSON</i>	<i>YES</i>
<i>MCKENZIE</i>	<i>YES</i>
<i>SIGURDSON</i>	<i>YES</i>
<i>GAUDER</i>	<i>YES</i>

4. Ordinance No. 2015-17 – Rezoning – The Villages of Lake-Sumter, Inc. – Rezoning from Lake County Residential Medium (RM) to Lady Lake Mixed Residential Medium Density (MX-8) for Three Lots of Approximately 0.43 +/- Acres – Located within Orange Blossom Gardens Units 2 and 3.1B within Lake County, Florida (Wendy Then)

Wendy Then, Town Planner, presented the background summary for this agenda item (on file in the Clerk’s Office). She stated that the applicant, Martin L. Dzuro, on behalf of the Villages of Lake-Sumter, Inc., has filed an application to rezone properties consisting of three lots located north of Griffin Avenue and northeast of North Highway 27/441 within the Orange Blossom Garden Subdivisions Units 2 and 3.1B. She stated this is the last application that goes concurrent with the annexation application, and that staff recommends approval of this ordinance.

Ms. Then reported that the application involves rezoning 0.43 +/- acres of property from Lake County Residential Medium (RM) to Lady Lake Mixed Residential Medium Density (MX-8). The MX-8 designation is consistent with the other lots in the Villages which are presently in the Town of Lady Lake’s jurisdiction. A map showing the zoning of the subject property and surrounding properties was viewed.

The subject properties lie in Section 06, Township 18 South, Range 24 East, in Lake County, Florida. Appropriate legal descriptions and survey information have been included with the

submitted application. The zoning designation of the subject properties and adjacent properties are as follows:

Zoning

Subject Property	Lake County Residential Medium (RM)
Zoning of Adjacent Properties	
West	Lake County Residential Medium (RM) Lady Lake- Mixed Residential Medium Density (MX-8)
East	Lake County Residential Medium (RM)
North	Lake County Residential Medium (RM) Lady Lake- Mixed Residential Medium Density (MX-8)
South	Lake County Residential Medium (RM) Lady Lake- Mixed Residential Medium Density (MX-8)

Ms. Then reported that the rezoning application was received on Tuesday, September 22, 2015, and has been reviewed and determined to be complete satisfying the necessary criteria as required to meet the requirements of the Land Development Regulations (LDRs), as well as the adopted Comprehensive Plan, and is ready for transmittal to the Town Commission. She stated that notices to inform the surrounding property owners (52) within 150’ of the property of the proposed rezoning were mailed on Thursday, October 22, 2015 and the property was also posted this same date.

Ms. Then stated that the Technical Review Committee (TRC) members individually reviewed application for Ordinance No. 2015-17, provided comments on October 27, 2015, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. The Town Commission is scheduled to consider Ordinance No. 2015-17 for first reading on Monday, November 16, 2015 at 6:00 p.m., and for second/final reading on Monday, December 7, 2015 at 6:00 p.m. She stated the applicant is present if there are any questions.

Chairperson Gauder asked if anyone in the audience had any questions or comments, and seeing none, asked for a motion.

Upon a motion by Member Sigurdson and a second by Member Chiasson, the Planning and Zoning Board recommended approval and transmittal of Ordinance No. 2015-17 to the Town Commission for consideration by the following roll call vote:

<i>CHIASSON</i>	<i>YES</i>
<i>MCKENZIE</i>	<i>YES</i>
<i>SIGURDSON</i>	<i>YES</i>
<i>GAUDER</i>	<i>YES</i>

5. Ordinance No. 2015-18 – 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 Clerk’s Office) and read the ordinance by title. 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. 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.

Ms. Then stated that the Town must annually update the Five-Year Schedule of Capital Improvements pursuant to Florida Statutes. She stated that 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 that these facilities include: water, water supply, sewer, solid waste, drainage, parks and recreation, public schools, transportation and mass transit. She stated that 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.

Ms. Then stated that staff recommends approval of Ordinance No. 2015-18. This ordinance serves to update to the Capital Improvements Schedule as required under F.S. 163.3177(3)(b). She reviewed some of the information included on the attached "Exhibit A" which included water system capital improvements, wastewater and stormwater systems capital improvements, library and parks and recreation improvements, and a transportation improvement schedule; reflecting the proposed improvements for the Five Year Planning Period 2015/16– 2019/20. Also attached was Ordinance No. 2014-10 to document the prior 5-Year Capital Improvement Schedule 2014/15 - 2018/19, which is being replaced by this ordinance.

Ms. Then stated that this is basically a housekeeping issue to keep the capital improvement schedule updated.

The Technical Review Committee (TRC) members individually reviewed application for Ordinance No. 2015-18, provided comments on October 27, 2015, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. The Town Commission is scheduled to consider Ordinance No. 2015-18 at first reading on Monday, November 16, 2015, and for second/final reading on Monday, December 7, 2015.

Member Chiasson asked for clarification on some of the items listed as capital improvements. He asked what the \$624,000 listed for Lake County sidewalk improvements had to do with the Town of Lady Lake. He also asked if it was being funded by the one cent sales tax.

Growth Management Director Thad Carroll stated that he included Lake County's improvement plan as a base, but stated that all of those projects are not in Lady Lake. He stated the projects that pertain to Lady Lake include the one for Lake Ella. He also stated their funding may come from impact fees or the one cent sales tax, but he is not certain of their funding sources. Mr. Carroll stated the Town is currently doing a sidewalk project which is being funded by a grant from the FDOT regarding Safe Routes to School. He stated the resurfacing and widening of US 27/441 is scheduled in later years.

Vice Chairperson Sigurdson asked for clarification on the collection system improvements on the north end of town. He asked where this is located.

Mr. Carroll replied that the north end includes the area near Griffin Avenue where water line improvements need to be updated to push the capacity down to the lift station on Oak Street.

Chairperson Gauder asked if anyone in the audience had any questions or comments, and seeing none, asked for a motion.

Upon a motion by Member Sigurdson and a second by Member McKenzie, the Planning and Zoning Board recommended transmittal and approval of Ordinance No. 2015-18 to the Town Commission for consideration by the following roll call vote:

<i>CHIASSON</i>	<i>YES</i>
<i>MCKENZIE</i>	<i>YES</i>
<i>SIGURDSON</i>	<i>YES</i>
<i>GAUDER</i>	<i>YES</i>

6. Ordinance No. 2015-19 – Amending the Town of Lady Lake Land Development Regulations, Chapter 10, Section 5, Entitled “Tree Protection” (Wendy Then)

Wendy Then, Town Planner, presented the background summary for this agenda item (on file in the Clerk’s Office) and read the ordinance by title. She stated that on September 24, 2015, the Town Commission of the Town of Lady Lake held a special workshop to discuss potential changes to Section 5 of Chapter 10 of the Land Development Regulations entitled “Tree Protection”. She stated that this ordinance has come about as a result of the field tour that was held in the community of Water Oak Country Club Estates on that morning, and the discussion that followed. Ms. Then reviewed the proposed changes as follows:

- Trees have been determined to be substantially damaged through improper trimming as per a report provided by the Town Arborist shall be required to be removed within 30 days of the finding of violation; this replaces the current policy of allowing a year to elapse before the tree is re-inspected for a determination of recovery; an appeal process before the Special Magistrate is still afforded to the violator if they wish to contest the violation.
- The removal of any historic or non-historic tree in which the trunk of the tree measured at ground level is within ten (10) feet to the nearest adjacent wall of a permitted structure on the property. A root barrier shall be installed in lieu of the removal of trees near to sidewalks, driveways, and unscreened/non-enclosed patios. Where substantial damage has already occurred to such areas, a report from a Certified Arborist may be provided as justification for the removal of the tree if it is the recommendation of the arborist to remove the tree to avoid further damage.
- Trees accommodated by an arborist report documenting that the tree is diseased or dying shall incur a \$25 fee (per tree) for removal, regardless of the DBH measurement of the tree. Report shall be provided to Town staff prior to removal. If the tree has been removed before Town staff has received the report, fees and replacement of trees shall be done in accordance with the after the fact permit policy (for application on residential lots).

- Commercial removal of historic trees granted through the variance process shall be required to pay at time of application of tree removal, not within 30 days of the variance approval. Should the property not be developed immediately following the variance approval; this allows a potential subsequent purchaser of the property to revisit if removal of tree is necessary for their particular use of the property.
- Revised requirement that requires trees to be more conspicuously marked for removal from the public right-of-way.
- Revised tree permit fees.
- Additional planting requirements for “after the fact” tree removal permits.
- Establishment of a voluntary contractor registry for landscaping and tree trimming/tree removal contractors.

The Parks, Recreation, and Tree Advisory Committee will review the proposed changes to Chapter 10, Section 5 (Ordinance No. 2015-19) at their special meeting on Tuesday, November 10, 2015. The Town Commission is scheduled to consider Ordinance No. 2015-19 for first reading on Monday, November 16, 2015 at 6:00 p.m., and for second/final reading on Monday, December 7, 2015 at 6:00 p.m.

Chairperson Gauder asked if anyone in the audience had any questions or comments, and seeing none, asked for a motion.

Upon a motion by Member Chiasson and a second by Member McKenzie, the Planning and Zoning Board recommended transmittal and approval of Ordinance No. 2015-19 to the Town Commission for consideration by the following roll call vote:

<i>CHIASSON</i>	<i>YES</i>
<i>MCKENZIE</i>	<i>YES</i>
<i>SIGURDSON</i>	<i>YES</i>
<i>GAUDER</i>	<i>YES</i>

7. Lumen Park – Final Commercial Plat – A Commercial Subdivision Consisting of 23 Lots on a 30-Acre Parcel – Located North of County Road 466, Approximately 1000± Ft. East of the Sumter County Line on Highway 466 within the Town of Lady Lake (Wendy Then)

Wendy Then, Town Planner, presented the background summary for this agenda item (on file in the Clerk’s Office. She stated that the applicant, Darren Azdell with Outsidein Architecture LLC, has submitted plans for Final Plat Approval of a subdivision consisting of 23 lots on a 30-acre parcel located north of County Road 466, approximately 1000± feet east of the Sumter County Line, on Highway 466 within the Town of Lady Lake (Alternate Key #2543370, #2563842, & #1739861). She stated this property is formally addressed as 1175 Highway 466 and is currently vacant commercial property. Ms. Then stated staff recommends approval of this final plat.

The Final Plat was reviewed to determine if it is in compliance with the Land Development Regulations (LDRs) and Florida Statutes Chapter 177. The following items were included in the packet:

- 1) Declaration of Covenants, Restrictions and Easement for Lumen Park

- 2) Certificate of Title
- 3) Final Subdivision Plat Plans
- 4) Application and Warranty Deeds

Ms. Then reviewed the final plat drawings. She stated there are four primary commercial lots with the remainder of the lots abutting The Villages of Lady Lake (subtitled 5A through 5S), which will be conveyed to individual property owners by different means at a later date.

Ms. Then reviewed the following information:

- 1) The Lumen Park at Lady Lake MJSP 06/15-001 received approval by Town Commission on July 20, 2015 for a three-story 151,790 sq. ft. building providing 154 beds in 129 units and pool amenities. The developer has not initiated construction of the approved improvements to date. Ms. Then stated the applicant is currently going through the plat process in order to get the individual lots settled through a commercial plat.
- 2) A sewer and water agreement will be executed between Town of Lady Lake and the property owner/developer for the Lumen Park Major Site Plan MJSP 06/15-001 project.
- 3) The developer/owner is proposing to convey certain utilities off-site improvements to the Town.
- 4) As per the Declaration of Covenants, Restrictions, and Easement (also known as CCRs), Section 3. 3.1)., the lot owner shall have the obligation to construct all of the common element improvements and access easement areas referred to as infrastructure improvements.

Satisfied/Revised Items:

- The final plat and declaration of covenants, conditions, and restrictions have been updated to include all exhibits. Additionally, section 6.4 which is drafted in accordance with Ordinance 2011-28, has been added to the declaration of covenants.
- The comments regarding the location and width of all existing or recorded rights of way has been added.
- The comment regarding Certificate of Title has been addressed and a copy has been provided as of 11/2/2015.
- The comment regarding including the legal description and a reference for the Villages of Lady Lake Unit 23 on Sheet 1 and Sheet 2 respectively have been addressed.
- Applicant has addressed all outstanding surveyor comments.
- A determination has been made by the Town Attorney that a Construction Bond is not required for this project based on the fact there are no public improvements to be conveyed to the Town. Any off-site improvements for utilities will be conveyed after the site plan improvements are completed.

Ms. Then reported that the Technical Review Committee (TRC) members individually reviewed the application on Thursday, October 29, 2015 and determined the application ready for transmittal to the Planning and Zoning Board. The Town Commission is scheduled to consider the Final Plat at their regular meeting on Monday, December 7, 2015 for final approval. Ms. Then stated that Darrell Azdell of Outsidein Architecture LLC is present if there are any questions.

Member Chiasson confirmed that the subject property is located between Chula Vista and the entrance to Spring Arbor and faces Highway 466. He asked if this will be a multi-story development.

Ms. Then replied that the Town Commission approved a development order for a three-story building on this property on July 20, 2015.

Member Chiasson asked if this is an extension of the existing approval.

Ms. Then replied that this is a separate, stand-alone application to allow the property owner to subdivide the property. She stated that Ordinance 2011-28 calls for individual conveyance of properties to adjacent property owners and this plat facilitates the transfer on these individual properties to the adjacent property owners. Ms. Then explained the remainder of the property will consist of four large commercial lots, and the owner of Lot 1 will be responsible for constructing all the infrastructure for this development prior to Lots 2, 3, and 4 being sold.

Member Chiasson asked what will be on the other lots if Lot 1 has a multi-story building on it.

Ms. Then replied that the project is being approved in phases, with Phase 1 being approved. Phase 2 has proposed buildings for Lots 2, 3 and 4; however, they will have to come back with a major modification specifying exactly what their plans are to include parking spaces, traffic generation, etc. She stated the site plan entitlements are strictly for Lot 1 at this time.

Member Chiasson expressed his concern regarding the traffic pattern eastbound on Highway 466 from Chula Vista and how it will be impacted further with this development. He stated it is already a dangerous situation and he does not want it to get worse.

Ms. Then replied that a traffic analysis is completed by the Lake-Sumter Metropolitan Planning Organization for each site plan application that comes before the Town. She stated they determine whether a deceleration lane or a traffic light is required, and the review included input from Lake County Public Works as this is a county road. She stated that a deceleration lane is proposed at this time rather than a traffic light, and the development will have two entrances.

Mr. Carroll stated the Board is only considering the plat plan for the division of the property this evening so that the assisted living facility can be sold separately from the other properties, and the Board cannot make any determination to take entitlements away, although Exhibit B of the conceptual plan shows future phases. He stated there is also a 260 acre property across the street from the subject property that is up for sale that is a planned unit development with a commercial entitlement for zoning (Phillips property). Mr. Carroll stated that when that 260 acre property comes up for development, the traffic on Highway 466 will have to be addressed further, but the traffic studies for volume do not warrant a traffic signal at this point.

Chairperson Gauder asked if the covenant, conditions and restrictions are the same.

Mr. Carroll replied that the terms of the memorandum of agreement are in line with the conditions.

Mr. Darren Azdell also commented that the CCRs have been put in place and further restricts what is already in the ordinance. It allows the infrastructure to be created on the site and utilized and shared in how the costs will be apportioned. He stated additional restrictions, to include landscaping, up-keep, and other infrastructure improvements, have been put in place to make sure the project as a master planned community looks good over a long period of time. Mr. Azdell stated the deceleration and acceleration lanes are being added voluntarily by the developer to make it safer and were not required by the county. He stated they also went from three entrances down to

two to narrow the opportunity for collisions.

Member Chiasson clarified that this property abuts against the La Zamora residential properties in The Villages.

Mr. Azdell confirmed that they do and that the Lot 5 properties are being conveyed to those property owners.

Chairperson Gauder asked if any of the property owners have objected to it.

Mr. Azdell replied that two property owners have indicated that they may not want to take the lots abutting their property. He stated in that case, those lots would remain part of the Lumen Park development. He also stated that this is a one-time offer, and if the property owners decide not to take conveyance of the lots at this time, then they will stay part of Lumen Park in perpetuity.

Chairperson Gauder asked if anyone in the audience had any questions or comments, and seeing none, 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 Lumen Park – Final Commercial Plat to the Town Commission for consideration by the following roll call vote:

<i>CHIASSON</i>	<i>YES</i>
<i>MCKENZIE</i>	<i>YES</i>
<i>SIGURDSON</i>	<i>YES</i>
<i>GAUDER</i>	<i>YES</i>

CHAIRPERSON/MEMBERS' REPORT:

Chairperson Gauder asked if the members had any comments.

Vice Chairperson Sigurdson commented that he is pleased to see the investigation of the trees in this area, and encouraged the Town to be even more restrictive regarding older trees to protect the historic trees.

ADJOURN: *With nothing further to discuss, the meeting was adjourned at 6:28 p.m.*

Nancy Slaton, Deputy Town Clerk

John Gauder, Chairperson

Minutes transcribed Nancy Slaton, Deputy Town Clerk