

**MINUTES OF THE SPECIAL MEETING  
OF THE LADY LAKE TOWN COMMISSION  
LADY LAKE, FLORIDA**

**January 18, 2017**

This special meeting of the Lady Lake Town Commission was held in the Commission Chambers at Lady Lake Town Hall, 409 Fennell Blvd., Lady Lake, Florida with Mayor Jim Richards presiding. The meeting convened at 6:00 p.m.

- A. CALL TO ORDER:** Mayor Jim Richards
- B. PROCEDURE:** *Citizens are encouraged to participate in the Town of Lady Lake meetings. Speakers will be limited to three (3) minutes. Additional time may be granted by the Mayor. Citizen groups are asked to name a spokesperson and the Mayor, at his/her discretion, may allow longer than three minutes. Upon being recognized by the Mayor, please approach the dais, state your name and address, and speak into the microphone. The order of agenda items may be changed if deemed appropriate by the Town Commission. Please be respectful of others and put your cell phone on silent mode.*
- C. INVOCATION:** Gary Cantrell – New Covenant United Methodist Church
- D. PLEDGE OF ALLEGIANCE** led by Joe Quinn
- E. ROLL CALL:** Paul Hannan, Commissioner Ward 4  
Ruth Kussard, Commissioner Ward 1  
Tony Holden, Commissioner Ward 2  
Jim Richards, Mayor/Commissioner Ward 5
- ABSENT:** Dan Vincent, Commissioner Ward 3

**STAFF MEMBERS PRESENT:** Kris Kollgaard, Town Manager; Derek Schroth, Town Attorney; Thad Carroll, Growth Management Director; C. T. Eagle, Public Works Director; Mike Burske, Parks and Recreation Director; Chief Chris McKinstry, Police Department; Pam Winegardner, Finance Director; Wendy Then, Town Planner; and Nancy Slaton, Deputy Town Clerk

- F. PUBLIC COMMENTS:** Mayor Richards asked if there were any comments at this time.
- Joe Quinn of 633 Rainbow Blvd. stated he would like to see the Town look into creating an ordinance prohibiting engine exhaust braking by the large diesel trucks, especially on US Hwy 27/441. He stated many surrounding municipalities have ordinances against it, and it is very loud.

Town Manager Kris Kollgaard stated she would be happy to have staff look into it at the Commission's direction, and the Commission agreed it would be a good idea.

- G. PROCLAMATION:**
- 1. Proclaiming January 20, 2017 as Florida Arbor Day in Lady Lake (Mayor Richards/Mike Burske)**

Mayor Richards read the proclamation asking citizens to celebrate January 20, 2017 as Florida Arbor Day in Lady Lake, and presented it to Parks and Recreation Director Mike Burske.

Mayor Richards reminded everyone that the Town will be celebrating Arbor Day at Town Hall Commission Chambers on Thursday, January 19, 2017, at 10 a.m., with the tree raffle drawing to be held at that time.

**H. CONSENT:**

**2. Minutes – December 19, 2016 – Special Commission Meeting  
– December 19, 2016 – Regular Commission Meeting**

**3. Consideration of the Renewal of the Mutual Aid Agreement between the Member Agencies of the Child Abduction Response Team (CART) and Florida Department of Law Enforcement (FDLE) (Chris McKinstry)**

The background summary for this agenda item is on file in the Clerk’s Office. It states that the Town of Lady Lake Police Department recommends renewal of the Mutual Aid Agreement between the member agencies of the Child Abduction Response Team (CART) and the Florida Department of Law Enforcement (FDLE). The purpose for the existence of this team is to provide a pool of specialized investigators who are available to investigate cases involving abducted children. There are no changes to the renewal agreement originally approved on January 7, 2013, and Town Attorney Derek Schroth reviewed and approved the original agreement.

**4. Consideration of Approval to Apply for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program (Chris McKinstry)**

The background summary for this agenda item is on file in the Clerk’s Office. It states that staff is requesting approval to accept if awarded, the 2016 Edward Byrne Memorial Justice Assistance Grant to purchase three infrared monocular devices for rapid deployment. The proposed devices will provide the patrol division, as well as the Detective Bureau, to deploy infrared technology on demand to aid in searches for missing/endangered persons, evidence, or suspects that have fled and/or may be attempting to conceal themselves out of ordinary view or in the darkness. These devices will also assist with surveillance and other special covert operations. The Lady Lake Police Department currently has one night-vision device that is outdated in its’ technology and limited in its’ capacity. It is expected that the Town of Lady Lake’s share of this grant opportunity will be approximately \$1,785.00. The recommended vendor had the lowest bid price.

*Upon a motion by Commissioner Kussard and a second by Commissioner Holden, the Commission approved Consent Items #H-2 through #H-4 by a vote of 4 to 0.*

**I. OLD BUSINESS:** No old business.

**J. NEW BUSINESS:**

**5. Consideration of Interlocal Agreement between the Town of Lady Lake and the Village Center Community Development District Regarding the Purchase of a License Plate Reader Server (Chris McKinstry)**

Police Chief Chris McKinstry gave the background summary for this agenda item (on file in the Clerk's Office). He stated that interlocal agreements are accepted practice between governmental agencies in furtherance of their respective duties under law for the purpose of facilitating assistance as described within the agreement. Chief McKinstry reported that the Village Center Community Development District is in the process of purchasing a license plate reader server (ILA) to be provided at no expense to the Town of Lady Lake to enhance the security through-out The Villages and surrounding communities. The purpose of this ILA is to provide the framework for the implementation of enhanced law enforcement technology through the use of an Automatic License Plate Recognition (ALPR) System. He stated that Town Attorney Derek Schroth has reviewed and approved the agreement.

Commissioner Hannan asked if license plate readers will be on the vehicles.

Chief McKinstry clarified that the agreement is with The Villages to provide a license plate reader server for the license plate reader system which is in the process of being implemented.

Town Manager Kris Kollgaard further explained that the readers will be at the gates, not on vehicles.

*Upon a motion by Commissioner Holden and a second by Commissioner Kussard, the Commission approved the Interlocal Agreement between the Town of Lady Lake and the Village Center Community Development District Regarding the Purchase of a License Plate Reader Server by a vote of 4 to 0.*

**6. Consideration of Proposal from Mittauer & Associates, Inc. to Perform Design, Specifications, Permitting, Bidding and Construction Administrative Services Related to the Skyline Water Main Replacement Project (C.T. Eagle)**

Public Works Director C.T. Eagle gave the background summary for this agenda item (on file in the Clerk's Office). He stated that the current water distribution system in the Skyline Hills area was installed roughly 30 years ago by the developer and is deteriorating. This project will upsize the water distribution main lines, adding needed fire protection, while also relocating the new lines to the street side of the properties. Mr. Eagle stated that, currently, most of the water main lines are located in the residents' back yards and are undersized. He stated this is a budgeted item and will utilize utilities impact fees. Upon completion of the design and specifications, the bid package will be brought to the Town Commission for consideration prior to being put out to bid.

Commissioner Kussard commented that this is a priority project.

*Upon a motion by Commissioner Kussard and a second by Commissioner Hannan, the Commission approved the Proposal from Mittauer & Associates, Inc. to perform design, specifications, permitting, bidding and construction administrative services related to the Skyline Water Main Replacement Project by a vote of 4 to 0.*

**7. Consideration of Proposal from Neel-Schaffer, Inc. to Perform Design, Specifications, Bidding and Construction Administration Services Related to Interior Build-Out for the Potential MPO Offices on the Second Floor of the Library (C.T. Eagle)**

Public Works Director C.T. Eagle gave the background summary for this agenda item (on file in the Clerk's Office). He stated that the Lake-Sumter Metropolitan Planning Organization (MPO) has expressed interest in relocating their offices to the unfinished portion on the second floor of the

Town's library. Mr. Eagle stated that a large portion of the second floor of the library was left unfinished for future use when constructed, and Town staff has coordinated with MPO staff on their office needs. The proposal from the Town's contracted engineer includes the needed office area as well as a potential meeting room area that may be finished if funding is available. Upon completion of the design and specifications, the bid package will be brought to the Town Commission for consideration prior to being put out to bid.

Commissioner Hannan asked how much seating will be available for the MPO in the two areas designated as offices and meeting area. He stated perhaps other areas of the second floor could be built out while this is being done.

Mr. Eagle replied that there will be 66 seats in each area.

Ms. Kollgaard stated that if the kitchenette is taken out in the one area, seating could increase to 75. She stated that as part of the architectural services by Neel-Schaffer, there will be shells opposite the corridor that can easily be built out as offices, etc., and a large storage area is still needed for Town records. She stated once estimates come back to the Town Commission, they can then decide how much they want to build out, or they can choose to only build the area for the MPO at that time.

Mayor Richards commented that the MPO's lease will be predicated on what the costs will be to improve that area.

*Upon a motion by Commissioner Holden and a second by Commissioner Hannan, the Commission approved the proposal from Neel-Schaffer, Inc. to perform design, specifications, bidding and construction administration services related to interior build-out for the potential MPO Offices on the second floor of the library by a vote of 4 to 0.*

**8. Consideration of Approval of the Second/Final Extension to the Development Order for Lumen Park at Lady Lake MJSP 06/15-001 – Located at 1175 Hwy 466 (Thad Carroll)**

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk's office). He stated that on July 20, 2015, the Town Commission approved the Lumen Park at Lady Lake MJSP 06/15-001 proposing a three-story assisted living facility providing for 154 beds in 129 units. On December 7, 2015, the Lumen Park Final Commercial Plat was approved, creating 23 lots on the 30-acre parcel to convey, under special warranty deeds with conservation restrictions, the easterly 50 feet and the northerly 50 feet of the conservation tract to adjacent property owners, as per the terms of Memorandum of Agreement in Ordinance No. 2011-28.

Mr. Carroll stated that subsequent to the site plan approval, Lumen Park representatives requested that the Town adopt Resolution No. 2016-106 to allow the issuance of tax-exempt revenue bonds for the purpose of financing, refinancing or reimbursing the cost of the acquisition, construction, equipping and development activities in the amount of \$46,000,000.00; this was approved and executed on June 9, 2016.

Mr. Carroll stated that the Town Commission then approved an extension to the Development Order at the July 18, 2016 meeting to allow more time to finalize the process of making minor adjustments to the plans, to execute the Water, Sewer, and Reuse Agreement to reserve utility capacity for the project, and to secure permits for construction of the facility. The request which was approved by the Town Commission extended the expiration of the Development Order an additional six months to the date of January 21, 2017.

Mr. Carroll stated given that the Development Order is soon to expire, a second and final extension is being sought at this time to provide an additional six months to allow the project to commence construction due to a financing change which was required for additional construction costs updated after the completion of the industrial revenue bond. This extension, if approved, will set the expiration of the Development Order to the date of July 21, 2017. He stated that Darren Azdell and CEO James Taylor of Omega Communities are present if there are any questions.

Commissioner Hannan asked if the developer could come back again should their financing not go through since this states it is the final extension.

Mr. Carroll replied that they would have to begin the process over again with a new site plan application.

Commissioner Kussard asked if this additional time period will be enough to get this project started. She stated she knows of many who are anxious for this project to get off the ground.

Mr. Azdell introduced Mr. Taylor as Omega Communities' CEO.

Mr. Taylor introduced himself as the President and Chief Operating Officer of Omega Communities. He replied that this is their final request and closing on their funding should be between now and February 10<sup>th</sup>. He stated it took a little longer than expected, but they are ready to proceed and will not let the community down.

*Upon a motion by Commissioner Kussard and a second by Commissioner Holden, the Commission approved the second/final extension to the Development Order for Lumen Park at Lady Lake MJSP 06/15-001 by a vote of 4 to 0.*

**K. TOWN ATTORNEY'S REPORT:**

**9. Ordinance No. 2017-04 – First Reading – Consideration of Approval of the Renewal of the Non-Exclusive Natural Gas Franchise with Peoples Gas System (Kris Kollgaard)**

Town Attorney Derek Schroth read the ordinance by title only.

Town Manager Kris Kollgaard gave the background summary for this agenda item (on file in the Clerk's office). She stated that in 2006, the Town of Lady Lake entered into a franchise agreement with Peoples Gas System, and at this time, that agreement is up for renewal. Ms. Kollgaard stated that staff has worked with Peoples Gas System on the new agreement and it has been approved by Town Attorney Derek Schroth. The franchise fee remains at 6%, which is consistent with the surrounding areas. The agreement is for ten years with two automatic ten year renewals, and the option for either party to elect not to renew with proper notice given. In the last fiscal year, the Town received \$25,503.70 in franchise fees from Peoples Gas.

Commissioner Hannan asked if the Town has many public right of way agreements.

Ms. Kollgaard replied that the Town has agreements with quite a few public utilities such as power, phone, cable, etc.

Mayor Richards asked if anyone else had any questions or comments, and hearing none, asked for a motion.

*Upon a motion by Commissioner Holden and seconded by Commissioner Hannan, the Commission approved the first reading of Ordinance No. 2017-04, by the following roll call vote:*

<i>HANNAN</i>	<i>YES</i>
<i>KUSSARD</i>	<i>YES</i>
<i>HOLDEN</i>	<i>YES</i>
<i>RICHARDS</i>	<i>YES</i>

**10. Ordinance No. 2016-40 – First Reading – Annexation – The Villages of Lake-Sumter, Inc. – Annexing Three Lots Located Within Orange Blossom Gardens Units 2 and 3-1.B., Referenced by Alternate Key Numbers 1483131, 1483298, and 2636629, Within Lake County, Florida (Thad Carroll)**

Town Attorney Derek Schroth read the ordinance by title only.

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk’s office). He 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 within Orange Blossom Gardens Units 2 and 3-1.B. The annexation application involves 0.52 +/- acres of property from unincorporated Lake County into the Town of Lady Lake. The lots are addressed as follows:

- 909 Cindy Drive
- 1310 Debra Drive
- 703 Royal Palm Avenue

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

A map and an aerial view of the subject properties were shown, as were photos of the postings. Mr. Carroll noted that each lot has been cleared to date.

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 exists as both contiguous and non-contiguous lots.

The annexation application was received on Wednesday, November 9, 2016, 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.

Mr. Carroll reported that notices to inform the surrounding property owners (72) within 150 feet of the property proposed by the annexation request were mailed Monday, November 28, 2016, and the properties were posted this same date. No objections or letters of support have been received to date.

Mr. Carroll stated that the Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2016-40, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the December 13, 2016 special meeting, the Planning and Zoning Board voted 4-0 to forward Ordinance No. 2016-40 to the Town Commission with the recommendation of approval. The Town Commission is scheduled to consider Ordinance No. 2016-40 for second/final reading on Monday, February 6, 2017 at 6:00 p.m.

Mr. Carroll stated the applicant is present if there are any questions.

Mayor Richards asked if anyone else had any questions or comments, and hearing none, asked for a motion.

*Upon a motion by Commissioner Kussard and seconded by Commissioner Hannan, the Commission approved the first reading of Ordinance No. 2016-40, by the following roll call vote:*

<i>HANNAN</i>	<i>YES</i>
<i>KUSSARD</i>	<i>YES</i>
<i>HOLDEN</i>	<i>YES</i>
<i>RICHARDS</i>	<i>YES</i>

**11. Ordinance No. 2016-41 – First Reading – Small Scale Future Land Use Comprehensive Plan Amendment – The Villages of Lake-Sumter, Inc. – from Lake County Medium Urban Density to Lady Lake Manufactured Home High Density – for Three Lots Located Within Orange Blossom Gardens Units 2 and 3-1.B., Referenced by Alternate Key Numbers 1483131, 1483298, and 2636629, Within Lake County, Florida (Thad Carroll)**

Town Attorney Derek Schroth read the ordinance by title only.

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk’s office). He stated that the applicant, Martin L. Dzuro, on behalf of The Villages of Lake-Sumter, Inc., has filed an application to amend the future land use comprehensive plan designation for properties consisting of three lots located within Orange Blossom Gardens Units 2 and 3-1.B., from Lake County Medium Urban Density to Lady Lake Manufactured Home High Density. The application involves 0.52 +/- acres of property from unincorporated Lake County into the Town of Lady Lake. The proposed properties are addressed as follows:

- 909 Cindy Drive
- 1310 Debra Drive
- 703 Royal Palm Avenue

The Small Scale Future Land Use Map Amendment application was received on Wednesday, November 9, 2016, 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.

A map and an aerial view of the subject properties were shown, as were photos of the postings.

Mr. Carroll reported that notices to inform the surrounding property owners (72) within 150’ of the property of the proposed amendment were mailed on Monday, November 28, 2016, and the property was posted this same date. Again, no comments have been received from surrounding property owners to date.

Concurrency Determination Statement: 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 Villages has removed the existing manufactured homes on the lots to construct conventional built homes on the lot. There will be no increase in utility services, traffic, population, or recreation use.

Mr. Carroll stated there will be no impact to Town services as shown below:

Potable Water- No impact, lot is served by the Village Center Community Development District Central Water System.

Sewer - No impact, lot is 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 small scale future land use amendment 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.

The subject property involves approximately 0.52 ± acres lie 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
<b>Future Land Use of Adjacent Properties</b>	
West	Lake County Medium Urban Density
East	Lake County Medium Urban Density
North	Lake County Medium Urban Density
South	Lake County Medium Urban Density

Comments:

- 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.

Mr. Carroll stated the Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2016-41, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the December 13, 2016 special meeting, the Planning and Zoning Board voted 4-0 to forward Ordinance No. 2016-41 to the Town Commission with the recommendation of approval. The Local Planning Agency considered Ordinance No. 2016-41 earlier this evening at 5:45 p.m., and recommended approval by a 4-0 vote. The Town Commission is scheduled to consider Ordinance No. 2016-41 for second/final reading on Monday, February 6, 2017 at 6:00 p.m.

Mr. Carroll stated the applicant is present if there are any questions.

Mayor Richards asked if anyone else had any questions or comments, and hearing none, asked for a motion.

*Upon a motion by Commissioner Holden and seconded by Commissioner Kussard, the Commission approved the first reading of Ordinance No. 2016-41, by the following roll call vote:*

<i>HANNAN</i>	<i>YES</i>
<i>KUSSARD</i>	<i>YES</i>
<i>HOLDEN</i>	<i>YES</i>
<i>RICHARDS</i>	<i>YES</i>

**12. Ordinance No. 2016-42 – First Reading – Rezoning – The Villages of Lake-Sumter, Inc. – from Lake County Residential Medium (RM) to Lady Lake Mixed Residential Medium Density (MX-8) – for Three Lots Located Within Orange Blossom Gardens Units 2 and 3-1.B., Referenced by Alternate Key Numbers 1483131, 1483298, and 2636629, Within Lake County, Florida (Thad Carroll)**

Town Attorney Derek Schroth read the ordinance by title only.

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk’s office). He stated that the applicant, Martin L. Dzuro, on behalf of The Villages of Lake-Sumter, Inc, has filed an application to rezone property consisting of three lots located within Orange Blossom Gardens Units 2 and 3-1.B. The application involves rezoning 0.52 +/- 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. The proposed properties are addressed as follows:

- 909 Cindy Drive
- 1310 Debra Drive
- 703 Royal Palm Avenue

The Rezoning application was received on Wednesday, November 9, 2016, 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.

A map and an aerial view of the subject properties were shown, as were maps of the zoning on these and adjacent parcels, and photos of the postings.

Mr. Carroll reported that notices to inform the surrounding property owners (72) within 150’ of the property of the proposed annexation were mailed Monday, November 28, 2016, and the properties were posted this same date. No comments have been received to date from adjacent property owners.

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)
<b>Zoning of Adjacent Properties</b>	
West	Lake County Residential Medium (RM)
East	Lake County Residential Medium (RM)
North	Lake County Residential Medium (RM)
South	Lake County Residential Medium (RM)

Mr. Carroll reported that the Technical Review Committee (TRC) members individually reviewed application for Ordinance No. 2016-42, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the December 13, 2016 special meeting, the Planning and Zoning Board voted 4-0 to forward Ordinance No. 2016-42 to the Town Commission with the recommendation of approval. The Town Commission is scheduled to consider Ordinance No. 2016-42 for second and final reading on Monday, February 6, 2017 at 6:00 p.m.

Mr. Carroll stated the applicant is present if there are any questions.

Mayor Richards asked if anyone else had any questions or comments, and hearing none, asked for a motion.

*Upon a motion by Commissioner Kussard and seconded by Commissioner Holden, the Commission approved the first reading of Ordinance No. 2016-42, by the following roll call vote:*

<i>HANNAN</i>	<i>YES</i>
<i>KUSSARD</i>	<i>YES</i>
<i>HOLDEN</i>	<i>YES</i>
<i>RICHARDS</i>	<i>YES</i>

**13. Ordinance No. 2016-43 – First Reading – Rezoning – Green Key Village, LLC – Rezoning 7.29 +/- Acres of Land from Single Family Medium Density (RS-6) to Planned Unit Development (PUD) – Located Approximately 725 Feet West of the Intersection of Taylor Mill Road and Lake Ella Road (Alternate Keys #1771463 & #3838637) (Thad Carroll)**

Town Attorney Derek Schroth read the ordinance by title only.

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk’s office). He stated that the applicant, Greg Thomas, on behalf Green Key Village, LLC., has filed an application to amend the zoning designation for 7.29 +/- acres located approximately 725 feet west of the intersection of Taylor Mill Road and Lake Ella Road, referenced by Alternate Key Numbers 1771463 and 3838637.

Mr. Carroll stated the subject property is currently vacant and the applicant is requesting to rezone the properties to Planned Unit Development (PUD) to accommodate 27 single family residences that will measure in size from 1,200 sq. ft. to 1,650 sq. ft. of living area, plus a rear load garage, lanai, and a front porch. These homes will be built on home sites that average 50’ wide by 104’ deep.

Exhibit “C” was included in the packet and detailing the proposed layout of the lot locations and street network on the subdivision. A map of this property and the rendering of the proposed project was shown, as were photos of the current development, and the posting of the properties.

Mr. Carroll stated that the property is zoned Single Family Medium Density (RS-6) under Ordinance No. 2005-63, which provided entitlements for the development of single family residences at a density of six dwelling units per acre. He stated that, at this time, the property owners would like to rezone the property in an effort to provide an alternative housing option for those who wish to have smaller homes within the Green Key Village Subdivision (the adjacent development). “The Cottages at Green Key” is planned to be an active adult age-restricted community. The owner has stated within the application that the development will compliment and diversify Green Key Village in appearance, size, and density and will be in keeping with the overall architectural look and lifestyle created within this community. The proposed PUD meets the RS-6 zoning requirement of six homes or less per acre, with a proposed buildout of less than four homes per acre.

The Future Land Use designation of Single Family Residential – Medium Density (SF-MD) is the appropriate designation for what the applicant is seeking by this rezoning request; therefore, a future land use map amendment is not needed. The zoning designation of the subject property and the adjacent properties are as follows:

**Zoning**

Subject Properties	Lady Lake Single Family Residential Medium Density (RS-6)
<b>Future Land Use of Adjacent Properties</b>	
West	Lady Lake Single Family Residential Medium Density (RS-6)
East	Lady Lake Single Family Residential Medium Density (RS-6) / Single Family Residential Low Density (RS-3)
North	Lady Lake Single Family Residential Medium Density (RS-6)
South	ROW/ Lake County – Agriculture (A)

Mr. Carroll reported that notices to inform the surrounding property owners (15) within 150’ of the property of the proposed rezoning were mailed on Monday, November 28, 2016, and the property was posted this same date. One inquiry from an adjacent property owner has been received regarding the tree buffer between the development and the adjacent property. He stated this will be addressed during the preliminary plat and site plan process.

Comments:

- Site Plan/Plat will be required prior to construction of the development.
- All development on the property will be served by Town utilities.

- All roads will remain private.
- Applicant is requesting a front set back of 5’ to bring the front porch closer to the sidewalk and raised curb for the streetscape.
- Applicant is also requesting a 55% impervious ratio per home site; however, few home sites will exceed a 50% impervious ratio; lot sizes are comparable to Lady Lake’s MX-8 zoning density which has a 60% impervious ratio requirement. Mr. Carroll noted that the lot sizes here are comparable to those in The Villages (.12 and .13 acres), and the impervious surface ratio on those lots is 60% and this is in line with that.

Mr. Carroll stated that the Technical Review Committee (TRC) members individually reviewed application for Ordinance No. 2016-43, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the December 13, 2016 special meeting, the Planning and Zoning Board voted 4-0 to forward Ordinance No. 2016-43 to the Town Commission with the recommendation of approval. The Town Commission is scheduled to consider Ordinance No. 2016-43 for second/ final reading on Monday, February 6, 2017 at 6:00 p.m.

Mayor Richards stated he has some concerns regarding the drainage on this property as there was erosion and drainage problems earlier in the development stages. He stated denser construction in the front of the project may result in overflow on Lake Ella Road, and that would need to be captured somehow or considered in the design.

Mr. Carroll replied this will be reviewed as part of the improvement plans in the platting process. They will need to adhere to open space requirements and will have to comply with St. Johns Water Management District requirements. He stated engineering will have to be supplied for review.

Mayor Richards asked if anyone else had any questions or comments.

- Sandra Maciewjewski of 1750 Lake Ella Rd. stated she is the adjacent property owner who inquired about this project. She stated she has since spoken with Mr. Thomas about her concerns.

Mr. Carroll stated that he spoke with the applicant this morning and he has consulted with an arborist to determine what trees to be preserved, and it will be part of the subdivision planning process which will come before the Commission later; only the zoning is being considered this evening.

*Upon a motion by Commissioner Holden and seconded by Commissioner Hannan, the Commission approved the first reading of Ordinance No. 2016-43, by the following roll call vote:*

<i>HANNAN</i>	<i>YES</i>
<i>KUSSARD</i>	<i>YES</i>
<i>HOLDEN</i>	<i>YES</i>
<i>RICHARDS</i>	<i>YES</i>

**14. Ordinance No. 2016-44 – First Reading – Amendment to Land Development Regulations – An Ordinance by the Town Commission of the Town of Lady Lake Land Development Regulations (Ord. No. 94-08); Amending Chapter 16-Building and Fire Codes, Article I, entitled “Reference Codes,” Amending Section 16-2; Article II, entitled “Building Plans and Permits,” Amending Section 16-52; Article III, entitled “Floodplain Management Ordinance,” Amending Sections 16-81 and 16-83; Repealing Sections 16-84; also Amending Chapter 2, Section 2-2, “Definitions” (Thad Carroll)**

Town Attorney Derek Schroth read the ordinance by title only.

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk’s office). He stated that on November 5, 2012, the Town Commission approved Ordinance No. 2012-04 in an effort to update Chapter 16, Building and Fire Codes, which were originally adopted in 1994. To accurately reflect the adopted Florida Building Code currently implemented within Town of Lady Lake jurisdiction, changes to Chapter 16, Articles I) through III) are hereby proposed, addressing coordination with the Florida Building Code as well as guidelines and measures in the interpretation and implementation of Floodplain Management Regulations within special flood hazard areas with the intent to protect human life and health, to eliminate or minimize property damage, and minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.

Mr. Carroll reviewed the changes, including the following:

Changes to Chapter 2, Section 2-2 Definitions and Interpretations have been presented for consideration, removing certain definitions pertaining to the Flood Damage Prevention Model Ordinance provided by Federal Emergency Management Agency (FEMA), no longer required by the National Flood Insurance Program (NFIP) to be listed separately as they are addressed within the Florida Building Code.

Mr. Carroll noted that changes regarding burning and quality of air provisions have been added to the ordinance.

Changes to Chapter 16- Building and Fire Codes include the following:

- 1) Changes to Article I, “Reference Codes,” Section 16-2; regarding adopted fire codes
- 2) Changes to Article II, “Building Plans and Permits,” Section 16-52, regarding adopted building plans and permits
- 3) Changes to Article III: Amend Article III entitled “Floodplain Management Ordinance,” to include the following sections:
  - Section 16-81 - Administration
  - Section 16-83 - Flood Resistant Development
  - Section 16-84 - Administrative Amendments to the Florida Building Code- Repealing

Town of Lady Lake Building Official Ron Rowe and Fire Inspector Kerry Barnett collaborated with Town staff by reviewing and providing pertinent language on Article I and Article II of Chapter 16; required to be included in the Town’s Land Development Regulations to update provisions of the Florida Building Code and Florida Fire Prevention Code. A FEMA representative completed the first draft review of Article III (the Town’s Floodplain Management Ordinance) on May 4, 2016. A second and final review was completed on December 17, 2016.

Mr. Carroll reported that at the Special Planning and Zoning Board Meeting held on Tuesday, December 13, 2016, the board recommended approval by a 4-0 vote. The Town Commission is scheduled to consider Ordinance No. 2016-44 for second/final reading on Monday, February 6, 2017.

Mayor Richards asked if anyone else had any questions or comments, and hearing none, asked for a motion.

*Upon a motion by Commissioner Kussard and seconded by Commissioner Hannan, the Commission approved the first reading of Ordinance No. 2016-44, by the following roll call vote:*

<i>HANNAN</i>	<i>YES</i>
<i>KUSSARD</i>	<i>YES</i>
<i>HOLDEN</i>	<i>YES</i>
<i>RICHARDS</i>	<i>YES</i>

**15. Resolution No. 2016-112 – First/Final Reading – Variance Request – Edward R. Watts Life Estate and Lynn K. Lamb Life Estate – Pursuant to Chapter 5, Section 5-4. f). 4). C). 2., of the Town of Lady Lake Land Development Regulations (LDRs) – Requesting to Establish the Rear-Yard Setback at 7.77 Feet for a Newly Constructed Home Located at 930 St. Andrews Blvd. (Alternate Key No. 2995556) (Thad Carroll)**

Town Attorney Derek Schroth read the resolution by title only.

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk’s office). He stated that the applicant, Scott Olschewske of Pounds Construction, LLC, has submitted an application on behalf of property owners, Edward R. Watts Life Estate and Lynn K. Lamb Life Estate, for an after-the-fact variance from Chapter 5, Section 5-4. f). 4). C). 2., of the Town of Lady Lake Land Development Regulations (LDRs). The Town of Lady Lake Land Development Regulations requires that the rear yard setback be a distance of ten feet minimum within the MX-8 Zoning District. The applicant is requesting to allow an existing 2.23-foot rear-yard setback encroachment to remain for a newly constructed home, thus creating the need to establish the rear-yard setback at 7.7 feet for property located at 930 St. Andrews Blvd. (Alternate Key No. 2995556), within the Town limits of the Town of Lady Lake, Florida. Mr. Carroll noted that The Villages requires a 7.5 ft. utility easement/setback, and this will not be violated should the Town Commission approve this variance.

The property owners originally acquired the property in 2011 and decided to replace the existing manufactured home with a single family residence, so they contracted with Pounds Construction, LLC. As part of the variance application, a Justification Statement has been provided as required. The applicant stated that:

- The new home was built in-line (parallel) to the rear of other existing neighboring homes to create an aesthetically pleasing look.
- The adjacent properties will not suffer diminution of value. By replacing the existing late model manufactured home, the construction adhered to all new Florida Building Code and Life Safety Code inspections, including new hurricane and wind codes, and the final product is an aesthetically pleasing home.
- Lastly, the applicant stated that the parcel is located along the Orange Blossom Hills Golf Course and the rear-yard setback encroachment does not affect adjacent neighbors. All adjacent neighbors’ golf view and access remain unobstructed.

A map and aerial view of the subject property and adjacent lots was shown, as were photos of the posting and the home in its current state from various viewpoints, including its proximity to the cart path and the golf course.

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 South, Range 24 East, in Lady Lake, Florida. The Future Land Use Map designation for the site is MH-HD (Manufactured Home High Density, up to 8 DUs/Acre) and is zoned “MX-8”. The Future Land Use and Zoning Designations of the adjacent properties are as follows:

**Future Land Use**

Subject Properties	Lake County Medium Urban Density
<b>Future Land Use of Adjacent Properties</b>	
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)

**Zoning**

Subject Property	Lake County Residential Medium (RM)
<b>Zoning of Adjacent Properties</b>	
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)

Mr. Carroll reported that notices to inform the surrounding property owners (12) within 150’ of the property of the proposed variance were mailed by on Tuesday, November 29, 2016, and the property was posted this same date. No comments have been received from adjacent property owners.

Mr. Carroll stated that the Technical Review Committee individually reviewed the variance application for Resolution 2016-112 on Monday, December 5, 2016, provided comments, and determined the application to be complete and ready for transmittal to the Planning and Zoning

Board. At the Special Planning and Zoning Board Meeting held on Tuesday, December 13, 2016, the board recommended approval by a 4-0 vote.

Mayor Richards asked if anyone else had any questions or comments, and hearing none, asked for a motion.

*Upon a motion by Commissioner Kussard and seconded by Commissioner Hannan, the Commission approved the first/final reading of Resolution No. 2016-112, by the following roll call vote:*

<i>HANNAN</i>	<i>YES</i>
<i>KUSSARD</i>	<i>YES</i>
<i>HOLDEN</i>	<i>YES</i>
<i>RICHARDS</i>	<i>YES</i>

**L. TOWN MANAGER’S REPORT:**

**16. Consideration of One Appointment to the Planning and Zoning Board (Kris Kollgaard)**

Town Manager Kris Kollgaard reported that there is a vacancy on the Planning and Zoning Board due to a Board member’s resignation this past month, and there is currently one application on file from Phil Mathias for consideration of appointment. Ms. Kollgaard asked the Commissioners if they wanted to wait until more applications are received, or if they wanted to go ahead and vote on the one application.

After discussion, the Mayor stated he would prefer to go ahead and vote on the current application.

Ms. Kollgaard passed out the voting forms and asked the Commissioners to complete them and turn them in to the Deputy Town Clerk.

The Deputy Town Clerk read the votes into the record, and there was a tie vote as follows: Commissioner Kussard and Commissioner Hannan voted no, and Commissioner Holden and Mayor Richards voted yes.

It was the consensus that this agenda item will be on the next Commission agenda, or when a full board is in attendance to break the tie vote or perhaps more applications will be available for consideration.

Ms. Kollgaard stated that she would like to clarify that the police off-duty detail fees that were approved at the last Commission meeting will be \$35.00 per hour, with a two hour minimum, *plus* a \$10.00 vehicle use fee. She stated this is being clarified at the request of the Finance Department for the auditor.

Ms. Kollgaard asked if the Commissioners would like notice by email of the amount of excess reserve funds being put in the restricted property purchase fund (or for other capital items) allowed per Resolution No. 2014-101, or if they would like it to be brought up at a Commission meeting.

After discussion, the Commissioners agreed that email notification was sufficient.

**M. MAYOR/COMMISSIONER’S REPORT:**



Mayor Richards reminded everyone that the Arbor Day celebration will be held tomorrow morning at 10 a.m. at the Town Hall Commission Chambers.

**N. PUBLIC COMMENTS:**

Mayor Richards asked if there were any further questions or comments.

- Joe Quinn of 633 Rainbow Blvd. stated that Betty Ike completed the photo painting of Light of Lady Lake at his request. Mr. Quinn commented that it might be time for the Town to tear down and rebuild the old section of the library that is now housing the children’s library, as well as the community building next door.

Ms. Kollgaard thanked Mr. Quinn for his donation of this beautiful painting. She stated that the Town is already working on plans to remodel the children’s library by moving the circulation desk and opening up walls to improve site lines. She stated there is funding and plans in place for this. Ms. Kollgaard stated that the community building will be considered for an update in the future.

- Sandra Maciewjewski of 1750 Lake Ella Rd. asked if she would be able to enter the tree raffle.

She was informed that the deadline was the previous day (January 17th at 6 p.m.).

- Donald Woolworth of 301 Magnolia Way stated he has some complaints about noise in his neighborhood, and that he feels discriminated against by being turned down for a permit for a portable garage.

Ms. Kollgaard asked Mr. Carroll to get Mr. Woolworth’s contact information, and informed him that staff will follow up on his complaints.

**O. ADJOURN:** There being no further business, the meeting was adjourned at 7:00 p.m.

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Kristen Kollgaard, Town Clerk

\_\_\_\_\_  
Jim Richards, Mayor

Minutes transcribed by Nancy Slaton, Deputy Town Clerk