

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

**April 10, 2017  
5:30 p.m.**

The Planning and Zoning Board Meeting was held in the Town Hall Commission Chambers at 409 Fennell Blvd., Lady Lake, Florida. The meeting convened at 5:30 p.m.

**CALL TO ORDER:** Chairperson/Member Gauder

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** Carole Rohan, Member  
William Sigurdson, Vice Chair/Member  
Robert Conlin, Member  
Regis LeClerc, Member  
John Gauder, Chairperson/Member

**STAFF MEMBERS PRESENT:** Thad Carroll, Growth Management Director; Wendy Then, Town Planner; Carol Osborne, Staff Assistant to Town Clerk; and Kris Kollgaard, Town Manager

**Also Present:** Attorney Sasha Garcia, BRS Legal

**OPEN FORUM:**

Chairperson/Member Gauder asked if anyone in the audience wished to speak. There were no comments.

**NEW BUSINESS:**

**1. Approval of Minutes – March 13, 2017 Regular Meeting**

*Upon a motion by Member Sigurdson and a second by Member Conlin, the Planning and Zoning Board approved the minutes of the Planning and Zoning Board meeting of March 13, 2017 by a vote of 5-0.*

**2. Ordinance No. 2017-09 – Annexation – The Villages of Lake-Sumter, Inc. – of One Lot Being 0.15 +/- Acres of Land Referenced by Alternate Key Number 1483932 – Located within Orange Blossom Gardens Unit 3, within Lake County, FL (Wendy Then)**

Town Planner Wendy Then presented the background summary for this agenda item (on file in the Clerk's Office). She stated the applicant, Martin L. Dzuro, on behalf of The Villages of Lake-Sumter, Inc., has filed applications to annex property consisting of one lot located within Orange Blossom Gardens Unit 3. The annexation application involves 0.15 +/- acres of property from unincorporated Lake County into the Town of Lady Lake. She stated staff recommends approval of this ordinance.

Ms. Then stated the lot is addressed as follows:

- 813 Truman 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 property has been included with the submitted application. The lot will be served by the Village Center Community Development District Central Water and Sewer System, as well as the District’s Fire Department.

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 property under this application exists as a contiguous lot.

The annexation application was received on Tuesday, February 28, 2017, 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 stated notices to inform the surrounding property owners (25) within 150 feet of the property proposed by the annexation request were mailed Thursday, March 9, 2017. The property was also posted Thursday, March 9, 2017. She stated there have been no objections or letters of support regarding this annexation.

The Technical Review Committee (TRC) members individually reviewed application for Ordinance No. 2017-09, 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. 2017-09 for first reading on Monday May 1, 2017 at 6:00 p.m. The second and final reading will be held on Monday, May 15, 2017 at 6:00 p.m.

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

Chairperson/Member Gauder asked if there were any questions or comments, and hearing none, asked for a motion.

*Upon a motion by Member Conlin and a second by Member Rohan, the Planning and Zoning Board recommended transmittal and approval of Ordinance No. 2017-09 to the Town Commission for consideration by the following roll call vote:*

<i>ROHAN</i>	<i>YES</i>
<i>CONLIN</i>	<i>YES</i>
<i>SIGURDSON</i>	<i>YES</i>
<i>LeCLERC</i>	<i>YES</i>
<i>GAUDER</i>	<i>YES</i>

**3. Ordinance No. 2017-10 – Small Scale Future Land Use Comprehensive Plan Amendment – The Villages of Lake-Sumter, Inc. – From Lake County Medium Urban Density to Lady Lake Manufacture Home High Density, for One Lot Being 0.15 +/- Acres of**

**Land, referenced by Alternate Key Number 1483932 – Located within Orange Blossom Gardens Unit 3, within Lake County, FL (Wendy Then)**

Town Planner Wendy Then presented the background summary for this agenda item (on file in the Clerk's Office). She stated 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 property consisting of one lot located within Orange Blossom Gardens Unit 3, from Lake County Medium Urban Density to Lady Lake Manufactured Home High Density. The application involves 0.15 +/- acres of property from unincorporated Lake County into the Town of Lady Lake. Ms. Then stated staff recommends approval of this ordinance.

The lot is addressed as follows:

- 813 Truman Avenue

The Small Scale Future Land Use Map Amendment application was received on Tuesday, February 28, 2017, 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.

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 home on the lot to construct a conventional built home. 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; 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 to the Town of Lady Lake Floodplain Management Ordinance for parcels within Special Flood Hazard Areas.

The subject property involves approximately 0.15 ± 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**

<b>Subject Properties</b>	Lake County Medium Urban Density
<b>Future Land Use of Adjacent Properties</b>	
<b>West</b>	Lake County Medium Urban Density
<b>East</b>	Lady Lake Manufactured Home – High Density
<b>North</b>	Lake County Medium Urban Density
<b>South</b>	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.

Ms. Then stated notices to inform the surrounding property owners (25) within 150 feet of the property proposed by the SSFLUM Amendment request were mailed Thursday, March 9, 2017. The property was also posted Thursday, March 9, 2017. She stated there have been no objections or letters of support regarding this application.

The Technical Review Committee (TRC) members individually reviewed application for Ordinance No. 2017-10, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. The Local Planning Agency is scheduled to consider Ordinance No. 2017-10 on Monday, May 1, 2017 at 5:45 p.m. The Town Commission is scheduled to consider Ordinance No. 2017-10 for first reading on Monday, May 1, 2017 at 6:00 p.m. The second and final reading will be held on Monday, May 15, 2017 at 6:00 p.m.

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

Chairperson/Member Gauder asked if there were any questions or comments, and hearing none, asked for a motion.

***Upon a motion by Member Rohan and a second by Member Sigurdson, the Planning and Zoning Board recommended transmittal and approval of Ordinance No. 2017-10 to the Town Commission for consideration by the following roll call vote:***

<b>ROHAN</b>	<b>YES</b>
<b>CONLIN</b>	<b>YES</b>
<b>SIGURDSON</b>	<b>YES</b>
<b>LeCLERC</b>	<b>YES</b>
<b>GAUDER</b>	<b>YES</b>

**4. Ordinance No. 2017-11 – Rezoning – The Villages of Lake-Sumter, Inc. – From Lake County Residential Medium (RM) to Lady Lake Mixed Residential Medium Density (MX-8) for One Lot Being 0.15 +/- Acres of Land Referenced by Alternate Key Number 1483932 - Located within Orange Blossom Gardens Unit 3, within Lake County, FL (Wendy Then)**

Town Planner Wendy Then presented the background summary for this agenda item (on file in the Clerk’s Office). She stated the applicant, Martin L. Dzuro, on behalf of The Villages of Lake-Sumter, Inc., has filed an application to rezone property consisting of one lot located within Orange Blossom Gardens Unit 3. The application involves rezoning 0.15 +/- 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. Ms. Then stated staff recommends approval of this ordinance.

The proposed property is addressed as follows:

- 813 Truman Avenue

Ms. Then presented a map of the location of the subject property.

Ms. Then stated the rezoning application was received on Tuesday, February 28, 2017, 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.

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**

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

Ms. Then stated notices to inform the surrounding property owners (25) within 150 feet of the property proposed by the rezoning request were mailed Thursday, March 9, 2017. The property was also posted Thursday, March 9, 2017. She stated there have been no objections or letters of support regarding this application.

The Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2017-11, 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. 2017-11 for first reading on Monday, May 1, 2017 at 6:00 p.m. The second and final reading will be held on Monday, May 15, 2017 at 6:00 p.m.

Chairperson/Member Gauder asked if there were any questions or comments, and hearing none, asked for a motion.

***Upon a motion by Member Rohan and a second by Member Sigurdson, the Planning and Zoning Board recommended transmittal and approval of Ordinance No. 2017-11 to the Town Commission for consideration by the following roll call vote:***

<b><i>ROHAN</i></b>	<b><i>YES</i></b>
<b><i>CONLIN</i></b>	<b><i>YES</i></b>
<b><i>SIGURDSON</i></b>	<b><i>YES</i></b>
<b><i>LeCLERC</i></b>	<b><i>YES</i></b>
<b><i>GAUDER</i></b>	<b><i>YES</i></b>

**5. Ordinance No. 2017-12 – Annexation – The Villages of Lake-Sumter, Inc. – of Three Lots Being 0.42 +/- Acres of Land Referenced by Alternate Key Numbers 2594161, 2523026, and 2523361 – Located within Orange Blossom Gardens Unit 3.1B, within Lake County, FL (Wendy Then)**

Town Planner Wendy Then presented the background summary for this agenda item (on file in the Clerk’s Office). She stated 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 Unit 3.1B. The annexation application involves 0.42 +/- acres of property from unincorporated Lake County into the Town of Lady Lake. She stated staff recommends approval of this ordinance.

The lots are addressed as follows:

- 809 Aloha Way
- 806 Maple Lane
- 820 Silver Oak Avenue

Ms. Then presented a map of the subject properties and photographs of the properties, including photographs showing the postings.

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 have been 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.

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 Monday, March 20, 2017, 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 stated notices to inform the surrounding property owners (53) within 150 feet of the property proposed by the annexation request were mailed Thursday, March 23, 2017, and the properties were posted Monday, March 27, 2017. She stated there have been no objections or letters of support received, although one property owner cited concerns with construction and the heavy equipment used for the site work and building of the home.

The Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2017-12, 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. 2017-12 for first reading on Monday May 1, 2017 at 6:00 p.m. The second and final reading will be held on Monday, May 15, 2017 at 6:00 p.m.

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

Chairperson/Member Gauder asked if there were any questions or comments, and hearing none, asked for a motion.

*Upon a motion by Member Rohan and a second by Member Conlin, the Planning and Zoning Board recommended transmittal and approval of Ordinance No. 2017-12 to the Town Commission for consideration by the following roll call vote:*

<i>ROHAN</i>	<i>YES</i>
<i>CONLIN</i>	<i>YES</i>
<i>SIGURDSON</i>	<i>YES</i>
<i>LeCLERC</i>	<i>YES</i>
<i>GAUDER</i>	<i>YES</i>

**6. Ordinance No. 2017-13 – Small Scale Future Land Use Comprehensive Plan Amendment – The Villages of Lake-Sumter, Inc. – From Lake County Medium Urban Density to Lady Lake Manufacture Home High Density, for Three Lots Being 0.42 +/- Acres of Land, Referenced by Alternate Key Numbers 2594161, 2523026, and 2523361 – Located within Orange Blossom Gardens Unit 3.1B, within Lake County, FL (Wendy Then)**

Town Planner Wendy Then presented the background summary for this agenda item (on file in the Clerk’s Office). She stated 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 Unit 3.1B, from Lake County Medium Urban Density to Lady Lake Manufactured Home High Density. The application involves 0.42 +/- acres of property from unincorporated Lake County into the Town of Lady Lake. The proposed properties are addressed as follows:

- 809 Aloha Way
- 806 Maple Lane
- 820 Silver Oak Avenue

Ms. Then presented a map of the location of the subject property.

The Small Scale Future Land Use Map Amendment application was received on Monday, March 20, 2017, 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.

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 propose to remove the existing manufactured homes on the lots to construct conventional built homes. 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 homes will be replaced with new homes. 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 to the Town of Lady Lake Floodplain Management Ordinance for parcels within Special Flood Hazard Areas.

The subject property involves approximately 0.45 ± 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**

<b>Subject Properties</b>	Lake County Medium Urban Density
<b>Future Land Use of Adjacent Properties</b>	
<b>West</b>	Lake County Medium Urban Density/ Lady Lake Manufactured Home High Density
<b>East</b>	Lake County Medium Urban Density/ Lady Lake Manufactured Home High Density
<b>North</b>	Lake County Medium Urban Density/ Lady Lake Manufactured Home High Density
<b>South</b>	Lake County Medium Urban Density/ Lady Lake Manufactured Home High 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.

Ms. Then stated notices to inform the surrounding property owners (53) within 150 feet of the property proposed by the SSFLUM Amendment request were mailed Thursday, March 23, 2017. The properties were posted Monday, March 27, 2017.

The Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2017-13, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. The Local Planning Agency is scheduled to consider Ordinance No. 2017-13 on Monday, May 1, 2017 at 5:45 p.m. The Town Commission is scheduled to consider Ordinance No. 2017-13 for first reading on Monday, May 1, 2017 at 6:00 p.m. The second and final reading will be held on Monday, May 15, 2017 at 6:00 p.m.

Chairperson/Member Gauder asked if there were any questions or comments, and hearing none, asked for a motion.

*Upon a motion by Member Conlin and a second by Member Rohan, the Planning and Zoning Board recommended transmittal and approval of Ordinance No. 2017-13 to the Town Commission for consideration by the following roll call vote:*

<i>ROHAN</i>	<i>YES</i>
<i>CONLIN</i>	<i>YES</i>
<i>SIGURDSON</i>	<i>YES</i>
<i>LeCLERC</i>	<i>YES</i>
<i>GAUDER</i>	<i>YES</i>

**7. Ordinance No. 2017-14 – Rezoning – The Villages of Lake-Sumter, Inc. – From Lake County Medium (RM) to Lady Lake Mixed Residential Medium Density (MX-8), for Three Lots Being 0.42 +/- Acres of Land, Referenced by Alternate Key Numbers 2594161, 2523026, and 2523361 – Located within Orange Blossom Gardens Unit 3.1B, within Lake County, FL (Wendy Then)**

Town Planner Wendy Then presented the background summary for this agenda item (on file in the Clerk’s Office). She stated 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 Unit 3.1B. The application involves rezoning 0.42 +/- 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. She stated staff recommends approval of this ordinance.

The proposed properties are addressed as follows:

- 809 Aloha Way
- 806 Maple Lane

- 820 Silver Oak Avenue

The rezoning application was received on Monday, March 20, 2017, 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.

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**

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

Ms. Then stated notices to inform the surrounding property owners (53) within 150 feet of the property proposed by the rezoning request were mailed Thursday, March 23, 2017. The properties were posted Monday, March 27, 2017. She stated there have been no objections or letters of support.

The Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2017-14, 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. 2017-14 for first reading on Monday, May 1, 2017 at 6:00 p.m. The second and final reading will be held on Monday, May 15, 2017 at 6:00 p.m.

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

Chairperson/Member Gauder asked if there were any questions or comments, and hearing none, asked for a motion.

***Upon a motion by Member Rohan and a second by Member Conlin, the Planning and Zoning Board recommended transmittal and approval of Ordinance No. 2017-14 to the Town Commission for consideration by the following roll call vote:***

<b>ROHAN</b>	<b>YES</b>
<b>CONLIN</b>	<b>YES</b>
<b>SIGURDSON</b>	<b>YES</b>
<b>LeCLERC</b>	<b>YES</b>
<b>GAUDER</b>	<b>YES</b>

**8. Ordinance No. 2017-15 – Rezoning/CP MOA Amendment – VVLL Properties, LLC – Village Veranda at Lady Lake – Requesting to Rezone/Amend the Existing CP Memorandum of Agreement (Ordinance No. 2013-06) for Approximately 8.22 +/- Acres of Land Located at 955 South Highway 27/441 (Alternate Key 1699100), Approximately 260 Lineal Feet North of the Intersection of Hartsock Sawmill Road and South Highway 27/441, within the Town Limits of Lady Lake, FL (Wendy Then)**

Town Planner Wendy Then presented the background summary for this agenda item (on file in the Clerk’s Office). She stated a Planned Commercial (CP) Memorandum of Agreement (MOA) amendment/rezoning application has been filed with the Town of Lady Lake, by Greg Beliveau on behalf of VVLL Properties, LLC, to rezone/amend the existing Memorandum of Agreement for a +/- 8.22 acre parcel, approximately 260 lineal feet north of the intersection of Hartsock Sawmill Road and South Hwy 27/441, identified by Alternate Key Number 1699100 within Lake County, Florida. She stated staff recommends approval of this ordinance.

The proposed Rezoning/Memorandum of Agreement Amendment is requesting to modify the allowed number of beds for the Assisted Living Facility (ALF) and the Memory Care (MC) under the existing agreement (Ordinance No. 2013-06). The applicant is proposing to increase the number of assisted living facility beds from 90 to 116, and they are proposing to reduce the memory care number of beds from 40 to 30; for a total net 16-bed increase for the Village Veranda at Lady Lake MJSP 10/14-002 project. The number of beds is proposed to be interchangeable between the assisted living facility and the memory care facility as a long as the total number of beds does not exceed the 146-bed count.

Ms. Then presented a map of the location of the subject property, photographs of the subject property from various viewpoints, and the latest conceptual plan.

The subject property lies in Section 28, Township 18 South, Range 24 East, in Lake County, Florida. Appropriate legal descriptions, a location map, and a sketch of the property were included with the submitted application.

The rezoning application was received on Monday, March 27, 2017, and has been reviewed and determined to be complete satisfying the necessary criteria as required for rezoning. 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.

**Zoning**

Subject Property	Lady Lake –Planned Commercial (CP)
<b>Zoning of Adjacent Properties</b>	
West	ROW/Heavy Commercial (HC)
East	Lake County –R-1- Rural Residential
North	Lady Lake –MH-9 Manufactured Homes(9 du/pa) and Lady Lake- Heavy Commercial (HC)
South	Lady Lake- Heavy Commercial (HC)

**Future Land Use**

Subject Property	Lady Lake Commercial General-Retail Sales and Services (RET)
<b>FLU of Adjacent Properties</b>	

<b>West</b>	Lady Lake Commercial General-Retail Sales and Services (RET)
<b>East</b>	Lake County- Urban Medium Density
<b>North</b>	Lady Lake Commercial General-Retail Sales and Services (RET) and Lady Lake Manufactured Home High Density (MH-HD)
<b>South</b>	Lady Lake Commercial General-Retail Sales and Services (RET)

Notices to inform the surrounding property owners (7) within 150 feet of the properties proposed by the rezoning request were mailed Monday, March 27, 2017, and the properties were also posted this same date.

The Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2017-15, provided comments by April 3, 2017, 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. 2017-15 for first reading on Monday, April 17, 2017 at 6:00 p.m. The second and final reading will be held on Monday, May 1, 2017 at 6:00 p.m.

Chairperson/Member Gauder asked if there were any questions.

Member Conlin asked if the applicant is increasing the number of beds in the facility and the size of the building.

Greg Beliveau stated he is keeping 150 rooms and the size of the building as proposed in the original application. He stated the request is to reassign where the beds will be located. In the original MOA, they were committed to a specific amount of beds per facility. He reported due to a new market analysis, the number of beds needed per facility shifted from the assisted living care and the continual nursing care. The previous MOA had all private rooms, and a married couple requiring care could not be in the same room. He stated the new MOA allows flexibility for market changes.

Chairperson/Member Gauder asked if there were any further questions or comments, and hearing none, asked for a motion.

*Upon a motion by Member Rohan and a second by Member Conlin, the Planning and Zoning Board recommended transmittal and approval of Ordinance No. 2017-15 to the Town Commission for consideration by the following roll call vote:*

<i>ROHAN</i>	<i>YES</i>
<i>CONLIN</i>	<i>YES</i>
<i>SIGURDSON</i>	<i>YES</i>
<i>LeCLERC</i>	<i>YES</i>
<i>GAUDER</i>	<i>YES</i>

**9. Resolution No. 2017-105 – Variance Request – The Villages of Lake-Sumter, Inc. – Pursuant to Chapter 5, Section 5-4 f). 4). C). 3). A)., of the Town of Lady Lake Land Development Regulations (LDRs) Requesting to Establish the Right Side-Yard Setback at the Three Feet for a Newly Constructed Home Located at 1716 Myrtle Beach Drive (Alternate Key No. 2879769) (Wendy Then)**

Town Planner Wendy Then presented the background summary for this agenda item (on file in the Clerk's Office). She stated the applicant, Doug Wade with Wade Surveying, has submitted an application on behalf of property owner, The Villages of Lake-Sumter, for an after-the-fact variance from Chapter 5, Section 5-4. f). 4). C). 3). a)., of the Town of Lady Lake Land Development Regulations (LDRs). The Town of Lady Lake Land Development Regulations requires that the side yard setback be a distance of five feet minimum within the MX-8 Zoning District. The applicant is requesting to allow an existing 1.76-foot side-yard setback encroachment to remain for a newly constructed home, thus creating the need to establish the rear-yard setback at three feet even from the front property line to the rear property line, on a parcel addressed as 1716 Myrtle Beach Drive (Alternate Key No. 2879769), within the Town limits of the Town of Lady Lake, Florida. She stated staff recommends approval of this resolution.

The former property owners, who acquired the property in late 2014 when the house was originally built, entered into a contract with a second individual buyer, and at that time as a result of a survey issued by Farner Barley dated 01/25/2017, a 1.76-foot setback encroachment was found. Since the encroachment was found, The Villages purchased the home from the first buyer and is currently leasing to the second buyer until a resolution is adopted. The applicant stated that:

- A calculation error was made in the field that led to the setback encroachment.
- The adjacent properties will not suffer diminution of value. In replacing an existing late model manufactured home with a new Single Family Residence, the construction adhered to all new Florida Building Code and Life Safety Code inspections, including new hurricane and wind codes. Additionally, the closest structure on the east elevation side-yard setback is at least a minimum of 10 feet; which is required for fire safety.
- Lastly, no utilities were found within the 5-foot Utility/Drainage Easement as shown on survey by Douglas C. Wade, Professional Surveyor and Mapper FL Certificate Number 4685, dated 03/07/2017. Two feet of the 5-foot side-yard utility easement will be vacated and a separate application has been submitted concurrently with this variance application.

Ms. Then presented photographs of the subject property from various viewpoints, photographs of the postings and an aerial photograph.

Ms. Then stated 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, 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 subject property is located at 1716 Myrtle Beach Drive. The Future Land Use and Zoning Designations of the adjacent properties are as follows:

**Future Land Use**

<b>Subject Properties</b>	Lady Lake- Manufactured Home High Density (MH-HD)
<b>Future Land Use of Adjacent Properties</b>	
<b>West</b>	Lady Lake- Manufactured Home High Density (MH-HD)
<b>East</b>	Lady Lake- Manufactured Home High Density (MH-HD)
<b>North</b>	Lady Lake- Manufactured Home High Density (MH-HD)
<b>South</b>	Lady Lake- Manufactured Home High Density (MH-HD)

**Zoning**

<b>Subject Property</b>	Lady Lake- Mixed Residential Medium Density (MX-8)
<b>Zoning of Adjacent Properties</b>	
<b>West</b>	Lady Lake- Mixed Residential Medium Density (MX-8)
<b>East</b>	Lady Lake- Mixed Residential Medium Density (MX-8)
<b>North</b>	Lady Lake- Mixed Residential Medium Density (MX-8)
<b>South</b>	Lady Lake- Mixed Residential Medium Density (MX-8)

Ms. Then stated notices to inform the surrounding property owners (27) within 150 feet of the property of the proposed variance were mailed on Thursday, March 23, 2017, and the property was also posted this same date. The Technical Review Committee individually reviewed the variance application for Resolution No. 2017-105 on Monday, March 27, 2017, provided comments, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. The Town Commission is scheduled to consider Resolution No. 2017-105 on first and final reading at their regular meeting on Monday, May 1, 2017, at 6:00 p.m. She stated there have been no objections or letters of support received regarding this variance request.

Ms. Then stated there is a representative from Doug Wade Surveying present if there are any questions.

Chairperson/Member Gauder asked if there were any questions or comments.

Member Conlin stated the builder should be assessed a \$10,000 penalty for constructing the home within the easement.

Growth Management Director Thad Carroll stated the builder secured the proper building permits with the Town and this is not a code enforcement violation. He stated the surveyor has taken responsibility for the error and a variance request is the proper way to remedy this issue due to the fact the builder obtained the proper permits, the Town inspected the work and gave a Certificate of Occupancy.

Member Conlin asked if the three-foot variance has been approved.

Mr. Carroll stated it has not been approved; the construction has been approved. He stated a variance is required due to an error (by the surveyor).

Attorney Sasha Garcia clarified that because the builder followed the proper procedure in obtaining the proper permits and because the Town has inspected the property and found no violations, and it was not a willful intent of the builder to violate the Town codes, the penalty proposed is not warranted. Ms. Garcia stated this variance is the remedy for this issue and it should be considered in its current form and proposed as such to the Town Commission.

Chairperson/Member Gauder asked the Board for input on this issue.

Member/Vice Chairperson Sigurdson, Member Rohan and Member LeClerc stated they are not in favor of imposing a penalty.

Chairperson/Member Gauder asked if there were any questions from those in attendance.

- Commissioner Paul Hannan stated The Villages deed restrictions is five feet and cannot understand that this variance will be approved.

Mr. Carroll stated the Town cannot enforce The Villages’ HOA deed restrictions.

- Commissioner Hannan stated the homeowner needs to know this.

Mr. Carroll stated it is on the record.

- Ron Herr, professional surveyor working with Wade Surveying, stated this was a survey calculation error; the numbers were transposed when entered into the field book. He stated the builder hired a surveyor to lay out the structure, which he did according to their calculations. He stated this our error; it is not the builder’s error.

Chairperson/Member Gauder asked if there were any further questions or comments, and hearing none, asked for a motion.

*Upon a motion by Member LeClerc and a second by Member Rohan, the Planning and Zoning Board recommended transmittal and approval of Resolution No. 2017-105 to the Town Commission for consideration by the following roll call vote:*

<i>ROHAN</i>	<i>YES</i>
<i>CONLIN</i>	<i>NO</i>
<i>SIGURDSON</i>	<i>YES</i>
<i>LeCLERC</i>	<i>YES</i>
<i>GAUDER</i>	<i>YES</i>

**10. Resolution No. 2017-107 – Variance Request – Green Key Village, LLC – Requesting the Removal of a Historic 37.56” Live Oak Tree Pursuant to Chapter 10, Section 10-5 c). 2). A)., of the Town of Lady Lake Land Development Regulations (LDRs) Located Approximately 500 Feet East of the Intersection of Taylor Mill Road and Lake Ella Road (Alternate Key No. 3903749) (Wendy Then)**

Town Planner Wendy Then presented the background summary for this agenda item (on file in the Clerk’s Office). She stated the applicant, Gregory Thomas representing Green Key Village, LLC, has submitted an application for a variance in accordance with Chapter 10, Section 10-5).c).2).A). of the Land Development Regulations (LDRs) which states that on all properties the removal of historic trees shall require a variance from the Planning and Zoning Board and then from the Town

Commission. She stated the property is currently vacant. Staff recommends approval of this resolution to accommodate the construction of an internal subdivision road.

Ms. Then presented a map showing the location of the subject property, plans provided by the applicant indicating the tree's location in relation to where the road will be constructed, an aerial photograph of the property and photographs of the subject tree.

Ms. Then presented photographs of the subject tree and the tree structure evaluation prepared by the ISA Certified Arborist. She explained when a growing, healthy tree needs to be removed within a commercial development, it must go through the variance application process.

Ms. Then presented photographs taken April 10, 2017 of the subject tree and of nearby trees that will be preserved. Also shown were photographs of the postings and of the subject property from various viewpoints.

Ms. Then stated the applicant proposes the removal of a 37.56" Live Oak tree to accommodate the construction of a road that will be part of the Green Key Village Cottages Subdivision – Phase 3. The applicant states that the tree lies directly within the proposed road; therefore, it is required to be removed. Additionally, the applicant has indicated that they have saved other historic trees on the property and have implemented the most practicable design approach possible to preserve existing mature oak trees. Lastly, in the long run, the applicant contends that if the tree is left standing, the construction around it over time will likely cause damage to the root structure and make the tree unstable and dangerous for future residents of the proposed subdivision.

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 29 Township 18 South, Range 24 East, Lady Lake Florida. The Future Land Use Map designation for the site is Single Family Medium Density (SF-MD) and is zoned PUD (Residential Planned Unit Development). The general location of the subject parcel is 1635 Lake Ella Road, at the Green Key Village Subdivision (Alternate Key 3903749); within the town limits of the Town of Lady Lake, Florida. The application is complete and ready for review by the Planning and Zoning Board for their recommendation.

Ms. Then stated notices to inform the surrounding property owners (15) within 150 feet of the subject property of the proposed variance were mailed on Thursday, March 23, 2017. The property was posted on Monday, March 27, 2017. She stated there has been one inquiry by mail by an adjacent neighbor.

Upon approval of this variance resolution, the applicant will continue with the Preliminary Plat Plan application process for Phase 3 and 4 for approval at a later date. All landscaping buffer requirements and planting will be satisfied following the Improvement Plat Plan process.

The Technical Review Committee individually reviewed the variance application for Resolution No. 2017-107 on Monday, March 27, 2017, provided comments, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. The Town Commission will review the application for Resolution No. 2017-107 on first and final reading at their regular meeting on Monday, May 1, 2017, at 6:00 p.m.

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

Chairperson/Member Gauder asked if there were any questions or comments.

Member Sigurdson asked if the trees on the east side, in the open area, have been removed or if they will be removed.

Ms. Then stated those trees will be preserved; she stated trees that are less than thirty-six inches in diameter do not require a variance. She explained per the preliminary plat plan, the applicant will be required to provide a ten-foot buffer around the entire perimeter of Phase 3. Any trees that are removed will likely have to be replaced in accordance with landscaping buffer requirements for this development.

Greg Thomas, landowner/developer of the Green Key Subdivision, stated the three oak trees in the area near the subject tree will remain. He stated there is a large tree in another area that will remain, and the road and sidewalks have been designed around it. Upon the recommendation of the arborist, a laurel oak will be removed to allow the neighboring oak tree to expand its canopy, and another laurel oak that is in severe decay will be removed.

Member Sigurdson referenced the open space.

Mr. Thomas stated the trees in that area will remain as that will be a park; he noted that he will be adding trees to the landscape buffer.

Chairperson/Member Gauder requested an oak tree be planted to replace the one being removed.

Mr. Carroll explained a number of oak trees will be planted per the landscaping buffer requirement; and should the variance be approved by the Town Commission, there will be mitigation for the variance, and Mr. Thomas is required to post a monetary contribution which will go to the Town's tree bank for the purchase of trees.

Chairperson/Member Gauder asked if there were any questions or comments and hearing none, asked for a motion.

***Upon a motion by Member Rohan and a second by Member Conlin, the Planning and Zoning Board recommended transmittal and approval of Resolution No. 2017-107 to the Town Commission for consideration by the following roll call vote:***

<b><i>ROHAN</i></b>	<b><i>YES</i></b>
<b><i>CONLIN</i></b>	<b><i>YES</i></b>
<b><i>SIGURDSON</i></b>	<b><i>YES</i></b>

*LeCLERC*  
*GAUDER*

*YES*  
*YES*

**CHAIRPERSON/MEMBERS' REPORT:** There was no report.

**ADJOURN**

*With nothing further to discuss, the meeting was adjourned at 6:29 p.m.*

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Carol Osborne, Staff Assistant to the Town Clerk      John Gauder, Chairperson

Minutes transcribed by Carol Osborne, Staff Assistant to the Town Clerk