

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

**August 14, 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: Regis LeClerc, Member
Carole Rohan, Member
William Sigurdson, Vice Chair/Member
Robert Conlin, Member
John Gauder, Chairperson/Member

STAFF MEMBERS PRESENT: Thad Carroll, Growth Management Director; Wendy Then, Senior Planner; Kris Kollgaard, Town Manager; and Nancy Slaton, Deputy Town Clerk

Also Present: Attorney Sasha Garcia, BRS Legal; Commissioner Ruth Kussard

OPEN FORUM: Chairperson/Member Gauder asked if anyone in the audience wished to speak.

- Edward Heath of 2151 Lake Griffin Road stated his property abuts to Water Oak property. He stated he was notified by letter of the variance request and has some questions regarding parking and water retention.

Attorney Sasha Garcia stated this item is on the agenda later this evening, and she asked if Mr. Heath would wait until this agenda item is called.

Mr. Heath agreed to wait.

NEW BUSINESS:

1. Approval of Minutes – July 10, 2017 Regular Meeting

Upon a motion by Member Rohan and a second by Member Sigurdson, the Planning and Zoning Board approved the minutes of the Planning and Zoning Board meeting of July 10, 2017 as presented by a vote of 5-0.

2. Ordinance No. 2017-31 – Annexation – The Villages of Lake-Sumter, Inc., and Richard & Junlin Fetterman – Annexing Five Lots (0.76 +/- Acres Referenced by Alternate Key Numbers 1672325, 1482534, 2523344, 2690194, and 2636653) – Located within Orange Blossom Gardens Units 1 And 3.1b, Lake County, FL (Wendy Then)

Senior Planner Wendy Then presented the background summary for this agenda item (on file in the Clerk's Office). She stated that the applicant, Martin L. Dzuro, on behalf of The Villages of Lake-Sumter, Inc. and Richard and Junlin Fetterman, has filed an application to annex property consisting of five lots located within Orange Blossom Gardens Units 1 and 3.1B. The application involves annexing 0.76 +/- acres of property from unincorporated Lake County into the Town of Lady Lake.

The lots are addressed as follows:

- 1033 Aloha Way
- 930 Aloha Way
- 822 Silver Oak Avenue
- 743 Royal Palm Avenue
- 716 Royal Palm Avenue

Ms. Then presented a location map, survey maps of the subject properties and photographs of the properties with postings. She stated staff recommends approval of this ordinance.

The subject properties are in Section 06, Township 18 South, Range 24 East, in Lake County, Florida. Appropriate legal descriptions, 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 properties into the Town that are non-contiguous to the existing municipal boundary.

The annexation application was received on Tuesday, July 25, 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 reported that notices to inform the surrounding property owners (100) within 150 feet of the property proposed by the annexation request were mailed Monday, July 31, 2017. The properties were posted on Tuesday, August 1, 2017. No objections or letters of support have been received to date.

Ms. Then stated the Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2017-31, 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. 2017-31 for first reading on Wednesday, September 6, 2017 at 6:00 p.m., and for second/final reading on Wednesday, September 20, 2017 at 6:00 p.m. Ms. Then noted that the Town Commission meetings are on Wednesdays in September instead of the usual Mondays, so they do not fall on budget meeting dates.

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. 2017-31 to the Town Commission for consideration by the following roll call vote:

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

3. Ordinance No. 2017-32 – Small Scale Future Land Use Comprehensive Plan Amendment – The Villages of Lake-Sumter, Inc., and Richard & Junlin Fetterman – from Lake County Medium Urban Density to Lady Lake Manufactured Home High Density for Five Lots (0.76 +/- Acres Referenced by Alternate Key Numbers 1672325, 1482534, 2523344, 2690194, and 2636653) – Located within Orange Blossom Gardens Units 1 And 3.1b, Lake County, FL (Wendy Then)

Senior Planner Wendy Then presented the background summary for this agenda item (on file in the Clerk’s Office). She stated that the applicant, Martin L. Dzuro, on behalf of The Villages of Lake-Sumter, Inc. and Richard and Junlin Fetterman, has filed an application to amend the future land use comprehensive plan designation for five lots located within Orange Blossom Gardens Unit 1 and 3.1B, from Lake County Medium Urban Density to Lady Lake Manufactured Home High Density. The application involves 0.76 +/- acres of property and the lots are addressed as follows:

- 1033 Aloha Way
- 930 Aloha Way
- 822 Silver Oak Avenue
- 743 Royal Palm Avenue
- 716 Royal Palm Avenue

Ms. Then presented a map showing the location of the subject property and a future land use map of adjacent properties.

The Small Scale Future Land Use Map Amendment application was received on Tuesday, July 25, 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.

Ms. Then reported that notices to inform the surrounding property owners (100) within 150 feet of the property proposed by the SSFLUM Amendment request were mailed Monday, July 31, 2017. The properties were posted on Tuesday, August 1, 2017. Again, no objections or letters of support have been received.

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 proposes 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 stated there will be no impact on Town services as shown below:

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 of Town of Lady Lake Floodplain Management Ordinance for parcels within Special Flood Hazard Areas.

The subject property involves approximately 0.76 ± acres and lies in Section 06, Township 18 South, Range 24 East in Lake County, Florida. The Future Land Use of the adjacent properties is as follows:

Future Land Use

Subject Properties	Lake County Medium Urban Density
Future Land Use of Adjacent Properties	
West	Lake County Medium Urban Density
East	Lake County Medium Urban Density
North	Lake County Medium Urban Density
South	Lake County Medium Urban Density/Lady Lake Manufactured Home High Density (822 Silver Oak Avenue)

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 the Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2017-32, 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. 2017-32 on Wednesday, September 6, 2017 at 5:45 p.m. The Town Commission is scheduled to consider Ordinance No. 2017-32 for first reading on Wednesday, September 6, 2017 at 6:00 p.m., and for second/final reading on Wednesday, September 20, 2017 at 6:00 p.m.

Ms. Then noted the property owned by the Fettermans is 930 Aloha Way. She 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 LeClerc and a second by Member Rohan, the Planning and Zoning Board recommended transmittal and approval of Ordinance No. 2017-32 to the Town Commission for consideration by the following roll call vote:

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

4. Ordinance No. 2017-33 – Rezoning – The Villages of Lake-Sumter, Inc., and Richard & Junlin Fetterman – Rezoning from Lake County Residential Medium (RM) to Lady Lake Mixed Residential Medium Density (MX-8) – Five Lots (0.76 +/- Acres Referenced by Alternate Key Numbers 1672325, 1482534, 2523344, 2690194, and 2636653) – Located within Orange Blossom Gardens Units 1 And 3.1b, Lake County, FL (Wendy Then)

Senior Planner Wendy Then presented the background summary for this agenda item (on file in the Clerk’s Office). She stated that the applicant, Martin L. Dzuro, on behalf of the Villages of Lake-Sumter, Inc., has filed an application to rezone five lots located within Orange Blossom Gardens Units 1 and 3.1B. The application involves rezoning 0.76 +/- 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 that are presently in the Town of Lady Lake’s jurisdiction. The proposed properties are addressed as follows:

- 1033 Aloha Way
- 930 Aloha Way
- 822 Silver Oak Avenue
- 743 Royal Palm Avenue
- 716 Royal Palm Avenue

Ms. Then presented a zoning map showing the location of the subject properties and a zoning map of the adjacent properties.

The Rezoning application was received on Tuesday July 25, 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.

Ms. Then reported that notices to inform the surrounding property owners (100) within 150 feet of the property proposed by the rezoning request were mailed Monday, July 31, 2017. The properties were posted on Tuesday, August 1, 2017. There have been no objections or letters of support received to date.

The subject properties lie in Section 06, Township 18 South, Range 24 East, in Lake County, Florida. Appropriate legal descriptions and survey information have been included with the submitted application. The zoning designation of the subject properties and adjacent properties are as follows:

Zoning

Subject Property	Lake County Residential Medium (RM)
Zoning of Adjacent Properties	
West	Lake County Residential Medium (RM)
East	Lake County Residential Medium (RM)
North	Lake County Residential Medium (RM)
South	Lake County Residential Medium (RM) / Lady Lake MX-8 (822 Silver Oak Avenue)

Ms. Then stated the Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2017-33, 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. 2017-33 for first reading on Wednesday, September 6, 2017 at 6:00 p.m., and for second/final reading on Wednesday, September 20, 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 Sigurdson and a second by Member Conlin, the Planning and Zoning Board recommended transmittal and approval of Ordinance No. 2017-33 to the Town Commission for consideration by the following roll call vote:

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

5. Resolution No. 2017-111 – Variance Request – Sun Communities Finance, LP – Pursuant to Chapter 7, Section 7-6. d). 1)., Town of Lady Lake Land Development Regulations (LDRs) – Requesting that the Grass Parking on the Development Plan of the Water Oaks Recreation Complex Be Recognized as Pervious Surface; Not Subject to the Construction of Additional Capacity in a Stormwater Pond – for Property Located at 106 Evergreen Lane, Water Oak Estates (Alternate Key 3538951) (Wendy Then)

Senior Planner Wendy Then presented the background summary for this agenda item (on file in the Clerk's Office). She stated that the applicant, Robert L. Rogers with Rogers Engineering, representing Sun Communities Finance, LLC, has submitted an application for a variance in accordance with Chapter 7, Section 7-6).d).1). of the Land Development Regulations (LDRs) which requires that grassed parking shall be shown on the development plan as being paved/impervious.

Ms. Then stated the applicant is requesting that the grass parking on the development plan of the Water Oaks Recreation Complex be recognized as pervious surface, and not subject to the construction of additional capacity in a stormwater pond for this area, for property located at 1 Shady Oak Drive at the Recreation Complex. Staff recommends approval of this application.

Ms. Then reviewed the justification statement provided by the applicant as follows:

1. The existing paved vehicular and golf cart parking spaces meets the town's Land Development Code for required parking. Based upon the number of sports courts and the area of the proposed picnic shelter, 44 spaces are required. The site contains 70 paved parking spaces. The proposed grass parking will be an overflow parking area.
2. The above referenced section of your code states: "Designers are encouraged to provide grassed overflow parking areas where the number of spaces desired is greater than the Code minimums. "
3. The location of the proposed grass parking area is over Candler Sand soils (USGS Soil Survey Map enclosed). Candler sand has excellent permeability rates as shown on the SCS Soil Survey attached.
4. The overflow parking area is primarily proposed to provide on-site parking for visitors attending tournament softball games with other Sun Community developments in the State of Florida. This occurs three times per year and the parking spaces will be utilized for approximately four hours during these games. We also anticipate random parking in this area from the residents that prefer to park in this area rather than the paved parking spaces due to the close proximity to the softball field. The location and time occupied will be variable.
5. Attached is a site plan of the proposed facility showing that overland flow from the grass parking area will flow easterly onto the softball field. The overland flow distance is 400 ft. before reaching the east property line. With the permeability of the underlying soil, offsite runoff will not occur from the proposed grass parking area.
6. The SJRWMD considers grass parking and #57 stone as pervious.

Ms. Then clarified that the applicant is requesting a variance that no additional stormwater capacity be added because the additional grass parking area is pervious.

Ms. Then reviewed site plans, an aerial view, and photos of the portion of Water Oak property being considered.

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 08, Township 18 South, Range 24 East, in Lady Lake, Florida. The Future Land Use Map designation for the site is Manufactured Home High Density (MH-HD) and is zoned MH-9 (Manufactured Home up to 9 Dwelling Units per Acre). The general location of the subject parcel is 106 Evergreen Lane, at the Water Oaks Country Club Estates (Alternate Key 33538951), within the town limits of the Town of Lady Lake, Florida. The application is complete and ready for review by the Planning & Zoning Board for their recommendation.

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

Ms. Then reported that notices to inform the surrounding property owners (6) within 150' of the subject property of the proposed variance were mailed on Monday, July 31, 2017. The property was posted on Tuesday, August 1, 2017. One adjacent property owner is present this evening to inquire about this item.

Ms. Then stated that the Technical Review Committee individually reviewed the variance application for Resolution No. 2017-111 on Monday, August 7, 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. 2017-111 on first/final reading at their special meeting on Wednesday, September 6, 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.

Vice Chairperson Sigurdson asked for clarification of what the shaded portion on the map depicts.

Ms. Then replied that the shaded portion shows the #57 pervious stone which will allow for access to the grass parking area which will have wheel stops.

- Edward Heath of 2151 Lake Griffin Road stated that after hearing the presentation, he no longer has any concerns, although he asked if Water Oak may be forced to put in a retention pond as he would not like to have mosquitos in this area. He stated he supports the variance request.

Bob Rodgers of Rodgers Engineering pointed out that there is already a retention pond at the northeast section of the property. He stated that the grass parking area will drain to the ballfield which currently drains to the southeast. Mr. Rogers stated that people are already parking in this

area and the applicant is trying to organize the parking with split rail fences and #57 pervious stone for emergency access. He stated that if this variance is approved, no retention pond would be required as it is not needed for this grass area.

Upon a motion by Member LeClerc and a second by Member Rohan, the Planning and Zoning Board recommended transmittal and approval of Resolution No. 2017-111 to the Town Commission for consideration by the following roll call vote:

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

CHAIRPERSON/MEMBERS' REPORT: There were no reports.

ADJOURN: *With nothing further to discuss, the meeting was adjourned at 5:59 p.m.*

Nancy Slaton, Deputy Town Clerk

John Gauder, Chairperson

Minutes transcribed by Nancy Slaton, Deputy Town Clerk