

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

December 18, 2017

The regular 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:** Pastor Keith Johnson – Chapel of Christian Faith

- D. PLEDGE OF ALLEGIANCE**

- E. ROLL CALL:** Ruth Kussard, Commissioner Ward 1
Tony Holden, Commissioner Ward 2
Dan Vincent, Commissioner Ward 3
Paul Hannan, Commissioner Ward 4
Jim Richards, Mayor/Commissioner Ward 5

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

- F. PUBLIC COMMENTS:** Mayor Richards asked if there were any comments from the audience. There were no comments.

- G. CONSENT:**
 - 1. Minutes – December 4, 2017 – Commission Meeting**

 - 2. Consideration of the Reappointment of Mike Burske to the Metropolitan Planning Organization Bicycle and Pedestrian Committee (BPAC), and Regis LeClerc to the MPO Citizen’s Advisory Committee (CAC) (Kris Kollgaard)**

The background summary for this agenda item is on file in the Clerk’s Office. It states that Mr. Burske has served on this committee for many years, and Mr. LeClerc has served for the past two years. Both are very knowledgeable in the direction and progress of these committees. Mr. Burske and Mr. LeClerc would both like to be reappointed to serve another two years on their respective committees.

3. Consideration of Approval for the Lady Lake Little League to Construct Two Press Boxes at Chase and Hicks Field Utilizing Mark Cook Construction, and for the Town to Pay the Permitting Fees Associated with the Project (Mike Burske)

The background summary for this agenda item is on file in the Clerk’s Office. It states that the Lady Lake Little League is seeking to construct two press boxes at the two upper baseball fields. This proposal was reviewed by this committee seven years ago, and the Little League has just recently received the donation from Mark Cook Construction to build the press boxes. The Little League is asking that the Town pay the permitting fees, which should be around \$500.00. The proposal of what will be built and what was taken to the Commission seven years ago is included in the packet for review.

4. Consideration of Approval to Partner with the Lady Lake Little League to Host a Movie Night to Help Celebrate the Grand Opening of the New Concession Stand (Mike Burske)

The background summary for this agenda item is on file in the Clerk’s Office. It states that the Lady Lake Little League is seeking to host a movie night in conjunction with their Grand Opening of the new concession stand. The Parks and Recreation Department has two movie nights budgeted and would like to partner with the league to help host their movie. Everyone would be welcome to attend the movie. The Sandlot, a classic baseball movie, would be the movie that we pay royalties for the right to show it to those who attend.

Upon a motion by Commissioner Kussard and a second by Commissioner Vincent, the Commission approved Consent Items G-1 through G-4 by a vote of 5-0.

H. OLD BUSINESS: No old business.

I. NEW BUSINESS:

5. Discussion of Possibly Amending Chapter 12, Article II, Section 12-52, 1) to Allow Habitable Structures to be Built Closer than 35 Feet from the Ordinary High Water Line (OHWL) (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 at the regular meeting on Monday, December 4, 2017, the Town Commission granted a variance to allow a front yard setback of ten feet to accommodate the construction of a new home at 809 Aloha Way; a lot that abuts Lake Paradise. This allowed the individual to advance their house toward the street in an effort to adhere to the 35 ft. required setback from the Ordinary High Water Line (OHWL).

Chapter 12, Article II, Section 12-52).a).1)., of the Town’s Land Development Regulations states that any part of the proposed habitable structure is required to adhere to a 35-foot setback from the OHWL, from bodies of water. In order to maintain the 35-foot setback, the home had to be moved forward into the front-yard setback; according to Chapter 12, Article II, the variance process is an option for a property owner.

Mr. Carroll explained there are three staff recommended motions, as follows:

1. Leave the Land Development Regulations as they are, not allowing for a variance process to this section of the code.

2. Amend the Land Development Regulations to allow for a variance process to this section of the code.
3. Amend the Land Development Regulations to reduce the setback distance from the OHWL, and maintain that no variances can be granted to this section of the code.

Mr. Carroll recommended that the setback distance from the OHWL not be reduced to anything less than 25 feet as the wetland setback section of the code is maintained at 25 feet.

At present, Lake County's setback requirement is as follows: Principal structures, structures, buildings, and impervious surface, excluding water dependent structures, shall be located at least 50 feet from the ordinary high water line, mean high water line, or jurisdictional wetland line, whichever is further landward.

Exceptions to this requirement are listed below:

- Additions to a residence may be allowed, if the addition:
 - does not extend beyond the existing permitted footprint of the residence; or
 - meets the required 50-foot setback from the ordinary high water line, mean high water line, or jurisdictional wetland line.
- Development approved prior to September 22, 2011 with a wetland setback of less than 50 feet shall be allowed to maintain the approved setback and shall not be considered nonconforming; this includes approved variances, waivers, average setbacks and plats.

The Town of Lady Lake allows 15 feet more of additional encroachment toward the OHWL than Lake County. While it is true that the Town's Floodplain Protection Ordinance does require a minimum finished floor elevation that is 18 inches above the base flood elevation to protect habitable structures from flood damage, the 35-foot setback could also provide additional protection in the event of a large storm event. Lastly, the 35-foot setback from the shoreline provides protection for the water body in that it allows a greater distance for sediments, fertilizers, and pollutants to percolate into the soil in lieu of being discharged into the water body directly.

Commissioner Hannan stated he is not in favor of changing the OHWL setback, especially with all the flooding that has occurred recently.

Commissioner Kussard stated she is not in favor of reducing the 35 ft. setback being that Lake County's setback is 50 feet. She stated she would rather consider this as a variance request on a case by case basis.

Commissioner Holden asked if the 100-year floodplain is considered for the Ordinary High Water Line.

Mr. Carroll replied that the OHWL is a line designated by a surveyor on a site plan. He stated he does not understand the particulars on how this is determined by the surveyor.

Commissioner Vincent stated he had no comment at this time.

Mayor Richards remarked that there are homes that have been in this area historically, and Lake Paradise is more of a retention pond than a natural body of water, as it ended up being the lowest area

in the vicinity and not a navigable waterway. He stated that he believes Lake County's 50 ft. setback applies to lakes and streams.

Mr. Carroll stated it is his understanding that Lake County is enforcing the 50 ft. setback on The Villages lots as well. He agreed that there are historic structures constructed in the 1980's and 1990's in this area that may be within the 35 ft. setback of the OHWL. He stated the current standards are being enforced as the homes are being replaced.

Mayor Richards asked if this setback is enforced on retention ponds.

Mr. Carroll replied that staff researched aerial photographs dating back to the 1940's, and there was a lake or open water body in existence at that time, although it does serve as a retention pond as well.

Mayor Richards stated he did not like the fact that each home replaced will have to move forward and may be crowding the road. He stated it would accomplish the same thing to amend the requirements rather than considering these variance requests on a case by case basis.

Commissioner Kussard voiced her concern about setting a precedent if the requirements were amended.

Mayor Richards commented that once the code is changed, a variance would not be required anymore. He stated new homes in that area (approximately 500) would have to be moved away from the water body.

Commissioner Vincent asked if any new homes could just be built at a higher elevation instead.

Mayor Richards stated that in Maine, you could replace a structure at a camp on a lake as long as you kept the ridgepole, or exact same footprint; it was grandfathered in. Otherwise, a new structure that did not fit the same footprint would have to conform to the current codes regarding setbacks.

Commissioner Kussard asked how high the homes' elevation would have to be if the Town changed the code from the 35 ft. OHWL setback.

Mr. Carroll replied that two separate issues are involved; one is the setback and the other is the floodplain ordinance. He stated if the home is in the floodplain, the structure would have to be 18" above the base flood elevation.

Commissioner Hannan made a motion to leave the Land Development Regulations as they are, not allowing for a variance process to this section of the code. Commissioner Holden seconded the motion; it failed by a vote of 2 to 3 (Kussard, Vincent, Richards).

Commissioner Vincent asked if it was legal to not allow for a variance process.

Town Attorney Derek Schroth stated the Commission has discretion to allow for a variance process or the code could be altered so that a variance process is not allowed.

Mayor Richards asked if the Commission would like to have staff work on this and bring back another suggestion; perhaps to include a grandfather clause.

Town Manager Kris Kollgaard stated there could be a problem with a grandfather clause in that the original structures are being removed and larger homes are being built in their place.

Mayor Richards stated that even if the old structure is replaced with a larger structure, a grandfather clause could be in place to allow the new structure to be built as long as it is no closer to the water than the original structure.

Mr. Carroll asked if this grandfather clause would be relevant to all properties within the Town, or just the properties along Lake Paradise.

Mayor Richards replied that Lake Paradise is probably the only problem because other areas of the Town were built later.

Ms. Kollgaard stated that the definition for “grandfather” may need to be changed as it is used a lot in the codes. She stated that if a home is not currently in compliance and the owner remodels 50% or more of the structure, it must comply with current code.

Mr. Schroth stated that this could still be amended in the code and cross-referenced in another section of the code to account for the grandfather clause to apply only to structures as it relates to the setback from the OHWL.

Ms. Kollgaard asked staff if any other areas of Lady Lake may be affected.

Mr. Carroll replied that there is a pond in the La Reynalda area that may be affected by this setback from the OHWL.

Upon a motion by Commissioner Kussard and a second by Commissioner Vincent, the Commission approved for staff to do more research on this issue by a vote of 5-0.

M. TOWN ATTORNEY’S REPORT:

6. Ordinance No. 2017-46 – Second/Final Reading – Annexation – The Villages of Lake-Sumter, Inc. – Annexing Two Lots Located within Orange Blossom Gardens Units 3 and 3.1B (0.25 +/- Acres Referenced by Alternate Key #1483948 and #2666714), Lake County, FL (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 annex property consisting of two lots located within Orange Blossom Gardens Units 3 and 3.1B. The application involves annexing 0.25 +/- acres of property from unincorporated Lake County into the Town of Lady Lake.

The lots are addressed as follows:

- 816 Truman Avenue
- 1218 Dustin Drive

A map of the properties was shown, as were photos of the postings, and the survey map submitted by the property owner.

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 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.

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 Monday, October 23, 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 consideration by the Town Commission.

Mr. Carroll reported that notices to inform the surrounding property owners (39) within 150 feet of the property proposed by the annexation request were mailed Monday, October 30, 2017, and the properties were also posted this same day. 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. 2017-46, and determined it to be complete and ready for transmittal to the Planning and Zoning Board. At the November 13, 2017 meeting, the Planning and Zoning Board recommended approval of Ordinance No. 2017-46 by a vote of 5-0. The Town Commission approved first reading by a vote of 4-0. There have been no changes since first reading.

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

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

Upon a motion by Commissioner Vincent and seconded by Commissioner Hannan, the Commission approved the Second/Final reading of Ordinance No. 2017-46 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>VINCENT</i>	<i>YES</i>
<i>RICHARDS</i>	<i>YES</i>

7. Ordinance No. 2017-47 – Second/Final 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 Two Lots Located within Orange Blossom Gardens Units 3 and 3.1B (0.25 +/- Acres Referenced by Alternate Key #1483948 and #2666714), Lake County, FL (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 two lots located within Orange Blossom Gardens Units 3 and 3.1B, from Lake County Medium Urban Density to Lady Lake Manufactured Home High Density. The application involves 0.25 +/- acres of property and the lots are addressed as follows:

The lots are addressed as follows:

- 816 Truman Avenue
- 1218 Dustin Drive

A map and an aerial view of the properties was presented showing the future land use of the subject parcel and adjacent properties.

The Small Scale Future Land Use Map Amendment application was received on Monday, October 23, 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 consideration by the Town Commission.

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.

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

Potable Water – No impact; the lots are served by the Village Center Community Development District Central Water System.

Sewer – No impact; the 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 parks and recreation amenities.

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

The subject property involves approximately 0.25 ± 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

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 reported that notices to inform the surrounding property owners (39) within 150 feet of the property proposed by the SSFLUM Amendment request were mailed Monday, October 30, 2017, and the properties were also posted this same day. 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. 2017-47, and determined it to be complete and ready for transmittal to the Planning and Zoning Board. At the November 13, 2017 meeting, the Planning and Zoning Board recommended approval of Ordinance No. 2017-47 by a vote of 5-0. The Local Planning Agency voted 4-0 for approval at their meeting on December 4, 2017. The Town Commission approved first reading by a vote of 4-0 on December 4, 2017 as well. There have been no changes since first reading.

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

Mayor Richards asked if anyone 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 Second/Final reading of Ordinance No. 2017-47 by the following roll call vote:

HANNAN	YES
KUSSARD	YES
HOLDEN	YES
VINCENT	YES
RICHARDS	YES

8. Ordinance No. 2017-48 – Second/Final Reading – Rezoning – The Villages of Lake-Sumter, Inc. – Rezoning from Lake County Residential Medium (RM) to Lady Lake Mixed

Residential Medium Density (MX-8) – Two Lots Located within Orange Blossom Gardens Units 3 and 3.1B (0.25 +/- Acres Referenced by Alternate Key #1483948 and #2666714), Lake County, FL (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 two lots located within Orange Blossom Gardens Units 3 and 3.1B. The application involves rezoning 0.25 +/- 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:

The lots are addressed as follows:

- 816 Truman Avenue
- 1218 Dustin Drive

A map of the properties and an aerial map showing the zoning designations of the parcels and adjoining parcels was shown.

The Rezoning application was received on Monday, October 23, 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 consideration by 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

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)

Mr. Carroll reported that notices to inform the surrounding property owners (39) within 150 feet of the property proposed by the rezoning request were mailed Monday, October 30, 2017, and the properties were also posted this same day. 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. 2017-48, and determined it to be complete and ready for transmittal to the Planning and Zoning Board. At the November 13, 2017 meeting, the Planning and Zoning Board recommended approval of Ordinance No. 2017-48 by a vote of 5-0. The Town Commission approved first reading by a vote of 4-0. There have been no changes since first reading.

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

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

Upon a motion by Commissioner Holden and seconded by Commissioner Vincent, the Commission approved the Second/Final reading of Ordinance No. 2017-48 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>VINCENT</i>	<i>YES</i>
<i>RICHARDS</i>	<i>YES</i>

9. Ordinance No. 2017-49 – Second/Final Reading – An Ordinance of the Town of Lady Lake, Lake County, FL; Adopting Corrections, Updates and Modifications to the Capital Improvements Schedule of the Town of Lady Lake Comprehensive Plan (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 Ordinance No. 2017-49 is a proposal of the annual update of the Capital Improvements Schedule which is part of the Town’s Comprehensive Plan. The Capital Improvement Plan update process and the corresponding requirements are no longer required to be processed by a Comprehensive Plan Amendment, but may be adopted by local Ordinance. Staff recommends approval of this ordinance.

Mr. Carroll explained that the Town must annually update the Five-Year Schedule of Capital Improvements pursuant to Florida Statutes. The purpose of the Capital Improvements Element and the Improvement Schedules is to identify the capital improvements that are needed to implement the Comprehensive Plan and ensure that adopted Level of Service (LOS) standards are achieved and maintained for concurrency related facilities. These facilities include: water, water supply, sewer, solid waste, drainage, parks and recreation, public schools, transportation and mass transit. While the Town does not have financial responsibility or accountability regarding some of these public facilities, there is still the requirement to incorporate the five-year capital improvement schedules from other entities.

Mr. Carroll presented the updated capital improvement schedules, noting changes as follows:

- Construction of Well #4 and High Service Pump No. 4 at Water Treatment Plant No. 3
- Water System – Skyline Hills Water System Improvements moved to the 2017-2018 fiscal year.
- Utilities Operations Building moved to the 2017-2018 fiscal year.
- Wastewater and Stormwater System – Collection System Improvements at the north portion of Town limits, 2017-2018 fiscal year.
- Library and Parks and Recreation – A new community building is proposed for fiscal year 2021-2022.
- Transportation –
 - Lady Lake MOA Maintenance/Bridge/Roadway Contract moved to the 2017/2018 fiscal year.
 - Rolling Acres Road Intersection with US 27/441 Improvements moved to 2020/2021 fiscal year.
 - SR 25/500 from Avenida Central to Sumter County Line Resurfacing – The majority of this project was completed during 2016/2017 fiscal year; the balance is carried over to the 2017/2018 fiscal year.

- SR 500 (US 441) from Lake Ella Road to Avenida Central road widening – Some preliminary engineering and construction has been planned. Construction is scheduled for 2019/2020.
- An Alignment project for Lake Ella Road from April Hills Blvd. is scheduled for 2021/22.
- Public Schools Improvement Schedule – There are no projects within the Town’s jurisdiction.

Mr. Carroll reported that the Technical Review Committee members individually reviewed the application for Ordinance No. 2017-49, and determined it to be complete and ready for transmittal to the Planning and Zoning Board. At their meeting on November 13, 2017, the Planning and Zoning Board recommended approval of Ordinance No. 2017-49 by a vote of 5-0. The Town Commission approved first reading by a vote of 4-0. There have been no changes since first reading.

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

Upon a motion by Commissioner Holden and seconded by Commissioner Vincent, the Commission approved the Second/Final reading of Ordinance No. 2017-49 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>VINCENT</i>	<i>YES</i>
<i>RICHARDS</i>	<i>YES</i>

10. Resolution No. 2017-122 – First/Final Reading – Lady Lake Commercial Site MJM 10/17-001 – Variance Pursuant to Chapter 15, Art. II, Section 15-52).a).3).A). – Requesting to Allow a Two-Way Driveway to be Lengthened and Remain at 20-Foot Wide Minimum Instead of the Required 24 Feet for the Lady Lake Commercial Site Project - Located at 109 N. Highway 27/441 (Alternate Key No. 1333865 & 1333873) (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 on Wednesday, November 15, 2017, a variance application was filed with the Town of Lady Lake by Michael Leeds with 441 & Lemon, LLC, on behalf of Whiteman Family Properties, LLC, for Affordable Lock & Security Solutions. The application requested a variance from the provisions of Chapter 15, Article II, Section 15-52. a). 3). A), of the Town of Lady Lake Land Development Regulations, which requires that two-way commercial driveways be a minimum of 24 feet in width.

Mr. Carroll stated that the applicant is requesting to allow a two-way driveway to be lengthened and remain at 20-foot wide minimum for the Lady Lake Commercial Site Project for property located at 109 N. Highway 27/441 (Alternate Key No. 1333865 & 1333873), within the Town limits of the Town of Lady Lake, Florida. The Lady Lake Commercial Site is a redevelopment project consisting of a 3,100 sq. ft. retail plaza/shopping center for the first phase, which will later be enhanced into 4,200 sq. ft. at Phase 2 after merging with the existing dentist’s office (Lake Advanced Dentistry) building.

A location map and an aerial photograph of the adjacent properties was presented, as was a rendering of the Cure Plan that was approved by the Commission in 2011. Mr. Carroll reviewed aspects of the Cure Plan.

As part of the application, a Justification Statement is required to be submitted outlining the reasons and unique challenges of the site that require such variance. The following issues were noted in the Justification Statement:

- The applicant will be providing the required number of total parking spaces and the required number of ADA parking spaces as well as adequate landscaping buffers for the site. The proposed development will be in character with development along Hwy 27/441 both north and south.
- Approval of the variance request will allow Affordable Lock to remain in the community in close proximity to its existing business location.
- FDOT acquired approximately 1,439 sq. ft. of right-of-way from this site along the west boundary, which would have been instrumental in complying with the 24-foot driveway width requirement. A Cure Plan application approving reduction in the driveway width to 20 feet from the required 24 feet was approved by the Town Commission on June 6, 2011.
- The request is consistent with the spirit of the Code and the redeveloped site will be substantially in compliance with Code requirements considering the physical limitations of the property dimensions.

Photos of the posting of the property and photos of the property from different perspectives were shown.

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 involving approximately 0.77 ± acres lies in Section 20, Township 18, and Range 24 in Lake County, Florida. Appropriate legal descriptions and a site plan of the property involved along with supplementary material were included with the submitted applications. The Future Land Use for the site is Commercial General-Retail Sales and Services (RET) and is zoned Heavy Commercial (HC).

Mr. Carroll reported that notices to inform the surrounding property owners (6) within 150' of the property of the proposed variance were mailed on Monday, November 27, 2017, and the property was posted the same day. No objections or letters of support have been received to date.

Mr. Carroll stated that the Technical Review Committee members individually reviewed the application for Resolution No. 2017-122 by November 27, 2017; deeming the application complete;

the applicant has submitted all appropriate material in compliance with the Land Development Regulations (LDRs). At the December 11, 2017 meeting, the Planning and Zoning Board recommended transmittal to the Town Commission with the recommendation for approval of Resolution No. 2017-122 by a vote of 4-0.

Mr. Carroll stated that Michael Leeds is present if there are any questions.

Mayor Richards asked if anyone had any questions or comments.

Commissioner Hannan asked if the Commission approved the 20 ft. wide driveway in 2011. He also asked if a tractor trailer would be able to use this driveway for deliveries.

Mr. Carroll replied that the 20 ft. wide driveway was approved in 2011 as part of the Cure Plan, although a variance will have to be approved for new development.

Mayor Richards stated that the driveway width will be sufficient for emergency vehicles, although he does not believe this property will be serviced by a tractor trailer; perhaps a box truck.

Mr. Leeds stated the businesses that will be located in this plaza would not be serviced by a tractor trailer. He stated service businesses such as Affordable Lock will most likely be in this development; no deliveries are expected by tractor trailers for this type of development.

Commissioner Kussard confirmed there will be no entrance to this development from Hwy 27/441. She expressed concern about vehicles backing out from the parking area into the driveway. She stated there were many accidents occurring at La Grande Plaza by people backing out into the driveway.

Mr. Carroll stated that people were actually backing out onto a through street at La Grande Plaza, whereas this will be a parking lot and drive aisle serving only this development.

With no further questions or comments forthcoming, Mayor Richards asked for a motion.

Upon a motion by Commissioner Kussard and seconded by Commissioner Vincent, the Commission approved the first/final reading of Resolution No. 2017-122 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>VINCENT</i>	<i>YES</i>
<i>RICHARDS</i>	<i>YES</i>

11. Consideration of Approval for the Lady Lake Commercial Site MJM 10/17-001 - A Major Site Plan Redevelopment Consisting of a 3,100 Sq. Ft. Retail Plaza/Shopping Center for the First Phase; to be Increased to 4,200 Sq. Ft. at Phase 2 – Located on a 0.77+/- Acre Parcel Along North Highway 27/441, Fronting West McClendon Street and East Lady Lake Blvd. (AK 1333865, 1333873, 3837574, and 1260361) (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 October 12, 2017, Town staff received a New Major Site Plan application and plans submitted by Michael Leeds with 441 & Lemon, LLC, on behalf Whiteman Family Properties, LLC, for Affordable Lock & Security Solutions for a major site plan

redevelopment consisting of 3,100 sq. ft. of Retail Plaza/Shopping Center for Phase I, to be increased to 4,200 sq. ft. at Phase II, on a 0.77+/- acre parcel along North Highway 27/441, fronting West McClendon Street and East Lady Lake Blvd.

The property is currently zoned “HC” Heavy Commercial, and the Future Land Use Map designation for the site is Commercial General-Retail Sales and Services (RET).

It was noted that FDOT acquired approximately 1,439 sq. ft. of right-of-way from this site, and a Cure Plan application was approved by the Town Commission on June 6, 2011, approving removal of mature oak trees, redevelopment of park area and reduction in the driveway width to 20 feet from the required 24 feet.

The applicant submitted a variance request application, Resolution No. 2017-122, pursuant to Town of Lady Lake Land Development Regulations, Chapter 15, Article II, Section 52-52).a).3).A). to maintain the driveway width at 20 feet after it is lengthened and connected from McClendon to East Lady Lake Boulevard. This was approved just prior to review of this site plan.

The site plan was reviewed to determine if it is in compliance with the Land Development Regulations (LDRs) including parking, setbacks, landscaping, engineering, environmental protection and commercial design standards. The applications were determined to be in compliance with the Land Development Regulations (LDRs) and the Comprehensive Plan.

The engineering plans, consisting of nine sheets, have been submitted on 24”x36” sheets and certified by David W. Springstead, Professional Engineer with Springstead Engineering, Inc., dated December 8, 2017. Landscaping and Irrigation plans submitted, consisting of four sheets and certified by James H. Bailey, Florida Registered Landscape Architect with James Bailey Landscape Architect, are dated November 15, 2017. Photometric Plans consisting of two sheets and certified by Hanson and Headly Professional Engineers are dated October 23, 2017. Architectural exterior elevations consisting of one sheet, certified by Wiedrick Architecture, Inc., are dated November 30, 2017. Reviews were completed for the Town by Town staff, Neel-Schaffer Engineering, Fire Inspector Kerry Barnett, and Building Official Ron Rowe. The following items were included in the packet:

1. Site Plan Review completed by Growth Management on 12/11/2017 (Satisfied).
2. Review No. 2 for the general site development completed by Neel-Schaffer Engineering, dated 12/11/2017(Satisfied).
3. Review by Fire Inspector Kerry Barnett dated 12/12/2017 (Satisfied).
4. Review by Building Official Ron Rowe dated 10/20/2017 (Satisfied).
5. Review by Lady Lake Public Works dated 11/01/2017 (Satisfied).
6. Lake-Sumter MPO Response dated 11/02/2017 (Satisfied).
7. St. Johns Water Management District Permit No. 151450-1 dated 10/09/2017 (Satisfied).
8. FDOT email comments dated 11/02/2017 (Satisfied).

The applicant has requested an exemption from a Tier 1 Traffic Impact Study in that the number of PM Peak Hour traffic trips is significantly less than half of the upper limit of a Tier 1 study. The proposed 4,200 sq. ft. of Specialty Retail for the Lady Lake Commercial Site is expected to generate 186 daily trips with 11 PM peak hour trips. A report providing a breakdown and percentage of trips generated along Hwy 27/441 was included.

It is anticipated that the applicant will receive all permits required by other regulatory agencies; however, in accordance with Florida Statute 166.033, Paragraph 4, this permit may not be a

requirement for development approval. However, the applicant shall provide all required state permits prior to commencing construction.

Mr. Carroll stated that staff recommends approval of the Lady Lake Commercial Site MJM 10/17-001 site plan with the following waivers:

- Chapter 10, Section 10-3). b). B).1) - Landscaping Buffer Class “A” Buffer Plan Material Reduction for the East and Southeast property boundaries, and
- Chapter 10, Section 10-3, b). B).2). – Landscaping Buffer Class “B” Buffer Width Reduction and Plant Material for the North, South, and West property boundaries, and
- Chapter 10, Section 10-3, g). Building Foundation Planting Requirements, to the Town Commission with the Recommendation of Approval.
- Chapter 20, Section 20-3C).3).A).- Commercial Design Standards

Mr. Carroll noted that at the November 20, 2017 Conceptual Workshop meeting, the Commissioners were in favor of the applicant moving forward with the landscaping waivers as requested. The site plan was shown, with Mr. Carroll pointing out that the site has connectivity to both East Lady Lake Blvd. and West McClendon Street with a 20-foot wide drive aisle.

Mr. Carroll stated that the Commission was not in favor of the elevation that was previously proposed at the November 20th meeting, and the applicant was asked to come up with something that better fit with the Town’s design standards. He presented the new proposed elevation which has incorporated some stone work and a flat line at the top rather than the castle parapet look, although there are textured elements that mimic that look somewhat. He stated that Affordable Lock will occupy space in this building on the east side. He stated this is the Italianate Revival style, which is a sub-class of the Mediterranean style, in compliance with the code.

Commercial Design Standard: The site plan and façade elevations for the Lady Lake Commercial Site were included in the packet. In accordance with the Land Development Regulations, Chapter 20, Section 20-3C).3).A)., which requires new buildings to adopt one of four architectural styles: Frame Vernacular, Craftsman/Bungalow, Mediterranean, or Mission.

Affordable Lock and Security Solutions would like to continue their branding by offering a similar look at their proposed new home. The Lady Lake Commercial Site exhibits a mix of Italianate Revival elements accented with modern features along the front and side exterior wall elevations of the building. Primary façade features public entrances, roof treatments, awnings:

- ✓ Square or rectangular floor plan
- ✓ Tower features at the ends with “crenellations” celebrated at the cornice
- ✓ Double doors
- ✓ Front entrance awnings
- ✓ Stone veneer/wainscot
- ✓ Accentuated pilasters
- ✓ Decorative sconces

Mr. Carroll stated that staff is in favor of granting the waiver since the applicant is proposing a mix of styles combining modern style with the Italianate Revival style. Consistency with adjacent architecture on a case-by-case basis has been allowed for other projects along the Highway 27/441 corridor in the past (i.e. Longhorn Restaurant, Insight Credit Union, McDonalds, etc.). The applicant’s justification statement was included in the packet.

Mr. Carroll reviewed the landscaping plans submitted. In accordance with Chapter 10-Landscape and Tree Protection, the site is required to provide 123.2 tree caliper inches based on its .77-acre site development area (160'x .77).

Existing trees to remain	185.0 tree caliper inches
Proposed canopy & understory trees	<u>67.5</u> tree caliper inches
Total tree caliper inches	232.5 tree caliper inches

Staff Basis for Recommendation:

1. The redevelopment is compatible with surrounding commercial land uses (Objective FLU 1-1 of the Comprehensive Plan Goal FLU 1).
2. The redevelopment will allow for the efficient utilization of water and sewer facilities in the area (Objective FLU 1-5 coordinating growth with adequate Level of Service (LOS) as per the Comprehensive Plan Goal FLU 1-5).
3. The redevelopment meets the open space requirements of a minimum of 20 percent of the entire lot (Objective CON 1-2, Policy CON 1-2.4). B). of the Comprehensive Plan).
4. Total required tree caliper inches' requirement is met and large mature oak tree is protected (Objective CON 1-2, Policy CON 1-2.4). B). of the Comprehensive Plan).

Mr. Carroll reviewed the applicant's sidewalk proposal as follows: It should be noted that a sidewalk is not depicted along Lady Lake Boulevard on the proposed site plan that is being considered for approval. In addition, the applicant is not requesting a variance from Chapter 15-54 a) 5) at this time. Given the field conditions and steep grade that exists along the property's frontage on West Lady Lake Boulevard, the applicant has proposed to construct the sidewalk on the south side of Lady Lake Boulevard, concurrent with the construction of the widening of Highway 27/441. According to the applicant's engineer, sufficient right-of-way exists for the construction of the four-foot sidewalk, and the slopes along the south side are much more conducive to engineering a sidewalk to comply with the American Disabilities Act (ADA) regulations. Staff supports this request based upon the following:

1. The sidewalk connection on the south side of Lady Lake Boulevard would benefit the residents of the apartment complexes further to the east, in that they would not have to cross Lady Lake Boulevard and then cross back over to go south along the sidewalk on Highway 27/441.
2. Avoiding switchbacks and railing on the sidewalks to achieve the necessary slope required by ADA will provide for a more user-friendly sidewalk for both disabled and non-disabled users.
3. Deferring the construction until at which time FDOT widens Highway 27/441 will avoid having to potentially remove newly constructed sidewalk, the widening project is set to begin in 2020; it is a near-term improvement.
4. A crosswalk will be required, and provided, on the east side of Highway 27/441 to connect the sidewalk segments fronting MMD and the Lady Lake Commercial Site properties.

Mr. Carroll reported that the Technical Review Committee members individually reviewed the application regarding the Site Plan application by Thursday, November 2, 2017. The Parks, Recreation, and Tree Advisory Committee reviewed this application at their regular meeting on November 8, 2017, and recommended approval of the landscaping waivers with a 4-0 vote. At the Town Commission Special Conceptual Workshop held on Monday, November 20, 2017, it was the consensus of the Town Commission to approve the landscaping plans and waiver requests; however, the commercial design of the building would need to be modified.

Mr. Carroll stated Mr. Leeds is present if there are any questions.

Mayor Richards asked if anyone had any questions or comments.

Commissioner Kussard stated she was concerned about the architectural style for this project presented at the November 20, 2017 meeting. Since then, she stated she has researched the Mediterranean design and Italianate Revival design and found them to be similar. She asked if the elevation on the south side of the building will match the front.

Mr. Leeds confirmed that the south elevation will match the front elevation.

Mayor Richards asked if this design style will meet the Town’s commercial design standards.

Mr. Carroll replied that the Italianate Revival style has elements of the Mediterranean style, although it will still require approval of a waiver as it is not one of four specific primary styles.

Commissioner Kussard agreed that this style is very similar to the Mediterranean style.

Commission Hannan stated he originally objected because the style did not meet one of the four design standards, and he feels the same way.

After further discussion, it was agreed that this is a variation of the Mediterranean style and that the applicant has done as asked.

Upon a motion by Commissioner Kussard and a second by Commissioner Vincent, the Commission approved the Lady Lake Commercial Site MJM 10/17-001 with the four waivers as requested 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>VINCENT</i>	<i>YES</i>
<i>RICHARDS</i>	<i>YES</i>

K. TOWN MANAGER’S REPORT:

12. Consideration of Hosting the 3rd Annual Civics Day with Staff Working with the Villages Middle School Civics Classes to Participate in a Mock Commission Meeting on Monday, January 22, 2018 (Kris Kollgaard)

Town Manager Kris Kollgaard stated this will be the third year that the Town would like to work with Marie Ray from the American Legion Auxiliary Post #347 and the Villages Middle School to allow their 8th grade Civics Class to come to Town Hall for the chance to experience local government. The students (approx. 32-35) would come to Town Hall and each of the department heads would give a short presentation at 9:00 to 9:15 a.m. in the Chambers regarding their department’s function.

After the department heads’ presentations, the students would break out into their groups and the department heads would assist them in getting prepared for the presentation to the Commission at a mock Commission meeting. The students will have decided on a topic they would like to present to the Commission before they arrive; they would also have their five Commissioners, Town Attorney, Town Manager, staff, and residents selected. At the mock Commission meeting, staff would have the

student Commissioners and Mayor sitting alongside the actual Commission/Mayor and staff. Then after the mock meeting, the students would have an opportunity to ask questions of the Commissioners.

Ms. Kollgaard stated that this year, staff would like to purchase either a Student Council medallion or a Student Council pin for each of the students. There is money in the Town Manager’s budget to cover this if approved by the Commission. She stated the Town will also furnish pizza for lunch from the Town Manager’s budget as well, if approved.

35 - Deluxe Medallions w/holder and Name Engraved - \$176.00
35 - Student Council Pins w/case - \$89.79

Ms. Kollgaard stated the proposed date for this mock Commission meeting is on Monday, January 22, 2018, if the Commission is available.

It was the consensus of the Commissioners to approve hosting the 3rd Annual Civics Day with staff working with the Villages Middle School Civics Classes to participate in a Mock Commission meeting on Monday, January 22, 2018, and to furnish medallions to the students participating.

Ms. Kollgaard wished everyone Happy Holidays!

L. MAYOR/COMMISSIONER’S REPORT:

Mayor Richards asked if there were any comments from the Commissioners.

Commissioner Hannan and Commissioner Kussard wished everyone Merry Christmas and Happy New Year.

Mayor Richards commented that the Christmas lights are great, as was the Luminary Walk event. He also wished everyone Merry Christmas. He thanked Meta Minton for the coverage in the Village News e-news.

M. PUBLIC COMMENTSⁱⁱ

Mayor Richards asked if there were any comments from the audience. There were no comments.

N. ADJOURN: There being no further business, the meeting was adjourned at 6:49 p.m.

Kristen Kollgaard, Town Clerk

Jim Richards, Mayor

Minutes transcribed by Nancy Slaton, Deputy Town Clerk

ⁱ *All items listed under consent are considered routine by the Town Commission and will be enacted by one motion. There will be no separate discussion of these items unless a Town Commissioner so requests, in which event the item will be removed from the consent agenda and considered in its normal sequence.*

ⁱⁱ *This section is reserved for members of the public to bring up matters of concern or comments. It is not limited to items on the agenda and it is open to any concern or comments that the public may have.*