

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

**January 8, 2018
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: Vice Chairperson/Member Sigurdson

PLEDGE OF ALLEGIANCE

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

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

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

OPEN FORUM: Vice Chairperson/Member Sigurdson asked if anyone in the audience wished to speak. He requested that if they intended to speak regarding an agenda item, to wait until that item has been reviewed by the Board. There were no comments.

Attorney Garcia stated for the record that Chairperson/Member Gauder arrived at 5:31 p.m.

Chairperson/Member Gauder deferred facilitating the meeting to Vice Chairperson/Member Sigurdson.

NEW BUSINESS:

1. Approval of Minutes – December 11, 2017 Regular Meeting

Upon a motion by Member Rohan and a second by Member LeClerc, the Planning and Zoning Board approved the minutes of the December 11, 2017 Planning and Zoning Board meeting as presented by a vote of 5-0.

2. Ordinance No. 2018-01 – Annexation of Property Being 0.85+/- Acres of Land Owned by The Villages of Lake-Sumter, Inc.; Referenced by Alternate Key Numbers 1483557, 1483859, 1483905, 2573813, 2676027, and 2524162; Six Lots Which Are Located Within Orange Blossom Gardens Units 3 and 3.1B, Within Lake County, Florida (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 annex six lots located within Orange Blossom Gardens Units 3 and 3.1B. The application involves annexing 0.85+/- acres of property from unincorporated Lake County into the Town of Lady Lake. She noted that this is the 22nd wave of annexations from The Villages, totaling nearly 80 lots that have been annexed into the Town. Staff recommends approval of this ordinance.

The lots are addressed as follows:

- 901 Silver Oak Avenue
- 809 Royal Palm Avenue
- 818 Royal Palm Avenue
- 816 Royal Palm Avenue
- 805 Elm Street
- 746 Royal Palm Avenue

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.

Ms. Then presented location maps, boundary surveys, and photographs of the postings for each of the properties proposed for annexation.

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, December 12, 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.

Notices to inform the surrounding property owners (123) within 150 feet of the properties proposed by the annexation request were mailed Thursday, December 21, 2017. The properties were also posted on Thursday, December 21, 2017.

The Technical Review Committee members individually reviewed the application for Ordinance No. 2018-01, 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. 2018-01 for first reading on Monday, February 5, 2018 at 6:00 p.m. The second and final reading will be held on Wednesday, February 21, 2018 at 6:00 p.m.

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

Vice Chairperson/Member Sigurdson 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 Conlin, the Planning and Zoning Board recommended transmittal and approval of Ordinance No. 2018-01 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>SIGURDSON</i>	<i>YES</i>
<i>CONLIN</i>	<i>YES</i>
<i>GAUDER</i>	<i>YES</i>

3. Ordinance No. 2018-02 – Small Scale Future Land Use Comprehensive Plan Amendment from Lake County Medium Urban Density to Lady Lake Manufactured Home High Density for Property Being Approximately 0.85+/- Acres of Land Owned by The Villages of Lake-Sumter, Inc.; Referenced by Alternate Key Numbers 1483557, 1483859, 1483905, 2573813, 2676027, & 2524162; Six Lots Which Are Located Within Orange Blossom Gardens Units 3 and 3.1B, Within Lake County, Florida. (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 amend the future land use comprehensive plan designation for six lots located within Orange Blossom Gardens Units 3 and 3.1B, from Lake County Medium Urban Density to Lady Lake Manufactured Home High Density. Staff recommends approval of this ordinance.

The application involves 0.85 +/- acres of property and the lots are addressed as follows:

- 901 Silver Oak Avenue
- 819 Royal Palm Avenue
- 818 Royal Palm Avenue
- 816 Royal Palm Avenue
- 805 Elm Street
- 746 Royal Palm Avenue

The Small Scale Future Land Use Map Amendment application was received on Tuesday, December 12, 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.

Notices to inform the surrounding property owners (123) within 150 feet of the property proposed by the SSFLUM Amendment request were mailed Thursday, December 21, 2017. The properties were also posted on Thursday, December 21, 2017.

A Concurrency Determination Statement was 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 conventionally built homes. There will be no increase in utility services, traffic, population, or recreation use.

Ms. Then explained there will be no impact on Town services as outlined 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 the average daily trip generation.

Parks & Recreation – the small scale future land use amendment will not cause the 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 0.85 ± 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 Property	901 Silver Oak - Lake County Medium Urban Density
Future Land Use of Adjacent Properties	
West	Lake County - Medium Urban Density
East	Lake County - Medium Urban Density
North	Lady Lake – Manufactured Home- High Density
South	Lake County - Medium Urban Density

Subject Property	809 Royal Palm - 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

Subject Property	805 Elm Street - 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

Subject Property	818 Royal Palm - 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

Subject Property	816 Royal Palm - Lake County Medium Urban Density
Future Land Use of Adjacent Properties	
West	Lady Lake – Manufactured Home- High Density
East	Lady Lake – Manufactured Home- High Density
North	Lake County - Medium Urban Density
South	Lake County - Medium Urban Density

Subject Property	746 Royal Palm - Lake County Medium Urban Density
Future Land Use of Adjacent Properties	
West	Lake County - Medium Urban Density
East	Lady Lake – Manufactured Home- High Density
North	Lake County - Medium Urban Density
South	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) The 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.

The Technical Review Committee members individually reviewed the application for Ordinance No. 2018-02, 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. 2018-02 for first reading on Monday, February 5, 2018 at 6:00 p.m. The second and final reading is scheduled for Wednesday, February 21, 2018 at 6:00 p.m.

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

Vice Chairperson/Member Sigurdson 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. 2018-02 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>SIGURDSON</i>	<i>YES</i>
<i>CONLIN</i>	<i>YES</i>
<i>GAUDER</i>	<i>YES</i>

4. Ordinance No. 2018-03 - Rezoning of Property Being 0.85 +/- Acres of Land Owned by The Villages of Lake-Sumter, Inc., from Lake County Residential Medium (RM) to Lady Lake Mixed Residential Medium Density (MX-8); Referenced by Alternate Key Numbers 1483557, 1483859, 1483905, 2573813, 2676027, & 2524162; Six Lots Which Are Located Within Orange Blossom Gardens Units 3 and 3.1B, Within Lake County, Florida (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 six lots located within Orange Blossom Gardens Units 3 and 3.1B. The application involves rezoning 0.85 +/- 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. Staff recommends approval of this ordinance.

The proposed properties are addressed as follows:

- 901 Silver Oak Avenue
- 809 Royal Palm Avenue
- 818 Royal Palm Avenue

- 816 Royal Palm Avenue
- 805 Elm Street
- 746 Royal Palm Avenue

The Rezoning application was received on Tuesday, December 12, 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.

Notices to inform the surrounding property owners (123) within 150 feet of the property proposed by the rezoning request were mailed Thursday, December 21, 2017. The properties were also posted on Thursday, December 21, 2017.

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	901 Silver Oak - Lake County Residential Medium
Future Land Use of Adjacent Properties	
West	ROW/Lake County - Residential Medium Density
East	Lake County - Residential Medium Density
North	Lake County – Residential Medium Density
South	ROW/Lake County - Residential Medium Density

Subject Property	809 Royal Palm Ave. - Lake County Residential Medium
Future Land Use of Adjacent Properties	
West	Lake County - Residential Medium Density
East	Lake County - Residential Medium Density
North	Lake County - Residential Medium Density
South	ROW/Lake County - Residential Medium Density

Subject Property	818 Royal Palm Ave. - Lake County Residential Medium
Future Land Use of Adjacent Properties	
West	Lake County - Residential Medium Density
East	Lake County - Residential Medium Density
North	ROW/Lake County – Residential Medium Density
South	Lake County - Residential Medium Density

Subject Property	816 Royal Palm - Lake County Residential Medium
Future Land Use of Adjacent Properties	
West	Lake County - Residential Medium Density
East	Lake County - Residential Medium Density
North	Lake County – Residential Medium Density
South	ROW/ Lady Lake – Mixed Residential Medium Density

Subject Property	805 Elm Street - Lake County Residential Medium
Future Land Use of Adjacent Properties	
West	Lake County - Residential Medium Density
East	Lake County - Residential Medium Density
North	Lake County – Residential Medium Density
South	ROW/Lake County - Residential Medium Density

Subject Property	746 Royal Palm Ave. - Lake County Residential Medium
Future Land Use of Adjacent Properties	
West	Lake County - Residential Medium Density
East	Lady Lake – Mixed Residential Medium Density
North	ROW/Lake County – Residential Medium Density
South	Lady Lake - Mixed Residential Medium Density

The Technical Review Committee members individually reviewed the application for Ordinance No. 2018-03 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. 2018-03 for first reading on Monday, February 5, 2018 at 6:00 p.m. The second and final reading is scheduled for Wednesday, February 21, 2018 at 6:00 p.m.

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

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

Maria Pelletieri of 912 Silver Oak Ave., stated 901 Silver Oak Ave. is a large parcel. She asked if more than one house will be built on that site.

Ms. Then explained this zoning district permits only one single-family residence per parcel.

Ms. Pelletieri stated the signs posted were for multiple use and rezoning.

Growth Management Director Thad Carroll explained that “Mixed-Use Medium Density” is the zoning classification of the zoning district. He stated the zoning district in which 901 Silver Oak Ave. is located does not permit more than one dwelling unit per parcel. Therefore, there could not be two manufactured homes, two single-family homes or a duplex permitted on that parcel.

Ms. Pelletieri thanked Mr. Carroll for the clarification.

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

Member Conlin made a motion to forward Ordinance No. 2018-03 to the Town Commission with the recommendation for approval.

Attorney Sasha Garcia stated there were errors in the reading of the motion, including the alternate key numbers, and asked for it to be read again.

Member Conlin repeated his motion to forward Ordinance No. 2018-03 to the Town Commission with the recommendation for approval and re-read the correct alternate key numbers involved.

Member LeClerc seconded the motion with the caveat that the written motion governs the motion that was read as follows, per Attorney Garcia's instructions: Motion to forward Ordinance 2018-03 – Rezoning of Property being 0.85 +/- Acres of Land Owned by The Villages of Lake-Sumter, Inc., from Lake County Residential Medium (RM) to Lady Lake Mixed Residential Medium Density (MX-8), Reference by Alternate Key Numbers 1483557, 1483859, 1483905, 2573813, 2676027, and 2524162; Six Lots Which Are Located Within Orange Blossom Gardens Units 3 and 3.1B, Within Lake County, Florida to the Town Commission with the recommendation of approval

The Planning and Zoning Board recommended transmittal and approval of Ordinance No. 2018-03 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>SIGURDSON</i>	<i>YES</i>
<i>CONLIN</i>	<i>YES</i>
<i>GAUDER</i>	<i>YES</i>

5. Ordinance No. 2018-04 – T-Lynne Properties, LLC– Rezoning/Amendment to Planned Commercial (CP) Memorandum of Agreement (Ordinance No. 2017-03) for Property Located at 1124 Teague Trail, Consisting of Two Parcels Located Along the West Side of County Road 25, Approximately 650 +/- Lineal Feet North of the Intersection of Griffin Avenue and County Road 25, Within Lake County, Florida, Approximately 1.63 +/- Acres of Land, (Alternate Keys 3785245 and 2933089) (Wendy Then)

Senior Planner Wendy Then presented the background summary for this agenda item (on file in the Clerk's Office). She stated that a rezoning application was filed with the Town of Lady Lake by Lawrence Breech with T-Lynne Properties, LLC, on Thursday, August 3, 2017, to rezone/amend the existing Memorandum of Agreement for two parcels being 1.63 +/- acres and located approximately 650 +/- linear feet north of the intersection of Griffin Avenue and County Road 25 (aka Teague Trail), identified by Alternate Key Numbers 3785245 and 2933089, within Lake County, Florida.

The mixed-use development proposes a total of 5,787 square feet in the footprint, for a total area of 11,574 square feet of restaurant and retail area. The two-story building will feature a 1,920 square foot diner, 3,867 square feet of retail area, and six apartments on the second floor.

Ms. Then stated the current use is Planned Commercial. The applicant is requesting to modify hours of operation under the existing Memorandum of Agreement (Ordinance No. 2017-03) as follows:

Existing: 7:00 a.m. to 9:00 p.m.
 Proposing: 5:00 a.m. to 9:00 p.m.

The applicant will be proposing a breakfast restaurant and the changes for the hours of operation seek to align the use with required business operation hours.

The subject properties lie in Section 08, Township 18 South, Range 24 East, in Lake County, Florida. Appropriate legal descriptions, a location map, and a sketch of the property have been included with the submitted application. The rezoning application 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)
Zoning of Adjacent Properties	
West	Lady Lake- Mixed Residential Medium Density (MX-8)
East	ROW/Lady Lake Planned Commercial (CP)
North	Lady Lake Planned Commercial (CP)
South	Lake County Community Commercial District (C-2)

Future Land Use

Subject Properties	Lady Lake- Commercial General- Retail Sales and Services (RET)
Future Land Use of Adjacent Properties	
West	Lady Lake - Mixed Residential- Medium Density (MR-MD)
East	ROW/ Lady Lake - Commercial General- Retail Sales and Services (RET)
North	Lady Lake - Commercial General- Retail Sales and Services (RET)
South	Lake County - Urban Medium Density

Ms. Then highlighted some portions of the current Memorandum of Agreement (Ordinance 2018-04) as follows:

- Permitted Uses - Retail Sales and Services, Business Services, Personal Services, Financial Services, Offices, Medical Office/Clinic, Apartments, Restaurants, and Clubs, Lodges, and Fraternal Organizations.
- Design Standards – The maximum impervious surface ratio shall be limited to eighty percent (80%). Maximum building height is thirty-five feet unless adequate fire protection
- Setback requirements shall be:
 - Front Yard Setback - Fronting CR 25 – Thirty-five feet
 - Rear Yard Setback: Ten feet
 - Side Yard Setback: Other Lot-Ten feet

- Landscaping - Landscaping requirements shall be Landscape Buffers “Class A”: Existing trees located within the buffer shall take the place of required trees with proper approvals. The owner shall maintain all landscaping in good order pursuant to all Town codes and shall maintain all walls/fences in good order as determined by the Town. Maintaining all walls/fences in good order includes, but is not limited to, keeping walls/fences clean with no mildew, repairing or replacing any breaks and ensuring walls/fences are not stained, rusted or otherwise unsightly. The eight-foot masonry wall shall be constructed simultaneously with the site work of the property and completed prior to occupancy of any building on premises.

The application for the Rezoning/CP MOA Amendment application was received on Thursday, August 3, 2017. Notices to inform the surrounding property owners (29) within 150 feet of the properties proposed by rezoning/CP Memorandum of Agreement Amendment request were mailed Thursday, December 21, 2017, and the properties were posted this same date. Ms. Then stated that as a courtesy, notices were also sent to property owners outside of the 150-foot boundary.

Ms. Then stated there has been one inquiry from a surrounding property owner who expressed opposition to the application.

The Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2018-04, provided comments by Tuesday, December 26, 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. 2018-04 for first reading on Monday, February 5, 2018 at 6:00 p.m. The second and final reading will be held on Wednesday, February 21, 2018 at 6:00 p.m.

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

Vice Chairperson/Member Sigurdson asked if the map included in the packet is similar to the map that was presented when the Memorandum of Agreement was originally presented to this Board.

Ms. Then stated the site plan has changed to encompass both lots. Originally, the applicant proposed two buildings and he is now proposing one building.

Vice Chairperson/Member Sigurdson asked if there were any further questions or comments.

Member Conlin clarified that there is ten feet from the back of the building to the property line.

Ms. Then stated Member Conlin is correct. She stated the setback itself from any building on this development is ten feet. In addition, there is an existing land buffer between this property and the property owners, effectively creating 21+/- feet of distance to the closest proposed building on this development to any adjacent lot.

Member Conlin asked if delivery trucks will be accessing the building via the rear of the building.

Ms. Then asked Attorney Garcia to address that question.

Attorney Garcia advised what is before the Board is strictly the time change for operational use for a proposed restaurant. All of the other aspects of the Memorandum of Agreement have been considered and approved by the Town Commission.

Mr. Conlin asked Attorney Garcia if he can ask about noise.

Attorney Garcia stated it is not pertinent at this point unless it is something that the Board desires to factor into the change of operation hours from 7:00 a.m. to 5:00 a.m., and as a result of the restaurant providing breakfast services.

Mr. Conlin stated his concern is that it will create a noise situation if deliveries are permitted prior to 7:00 a.m.

Attorney Garcia stressed that the request for 5:00 a.m. is to be the operational time and that the Board should only consider the time change from 7:00 a.m. to 5:00 a.m.

Lawrence Breech, 935 SE 42nd Street, Ocala, FL, 34480, stated he is the managing member of T-Lynne Properties. He explained that he is also in the breakfast/diner business and that is the reason for the request to the operational hours, which was overlooked originally. He stated any deliveries are made by Sysco Foods and he does not believe they deliver before 7:00 a.m. Also, deliveries are made through the front of the building because there is not adequate room in the rear of the building. Mr. Breech reminded the Board that there is an eight-foot masonry wall that will be constructed at the rear of the property.

Vice Chairperson/Member Sigurdson stated that noise would not be an issue in terms of vehicles.

Steve Lutz of 414 Tarrson Blvd. asked what size vehicle Sysco uses for deliveries, and if the truck will encompass the entire length of the property.

Mr. Breech stated that he believes they are pup trucks; approximately 25-30 foot trailers, plus the tractor.

Vice Chairperson/Member Sigurdson asked if there were any further questions or comments.

Barbara Lutz of 414 Tarrson Blvd. advised she lives directly behind this development. She stated when the Memorandum of Agreement was first presented, the Commission asked for the 7:00 a.m. starting time; originally it was 6:00 a.m. She stated this development abuts a residential area and 5:00 a.m. is extremely early for a start time. She stated that Lady Lake does not currently have a noise ordinance and there is a quiet time in The Villages. She believes that constructing a restaurant is not an appropriate use of this development. Ms. Lutz stated the original plan was for a medical/professional building with apartments on the second floor, and she does not have an issue for a professional business to begin operation at 7:00 a.m. She stated that 20 feet is not far in terms of the noise from the patrons of the restaurant and deliveries. She stated that she does not believe anyone can guarantee the neighboring residents that a 5:00 a.m. start time will not be an issue, then once the business is in operation, find out it is noisy. Ms. Lutz stated that she fears once an earlier operational time is approved, it cannot be changed. Speaking on behalf of her neighbors, Ms. Lutz respectfully requested that the start time not be changed to 5:00 a.m. and to please leave it at 7:00 a.m.

Member LeClerc asked how far the distance is between the proposed building and the homes.

Mr. Carroll stated he cannot quote an exact distance. He stated the proposed property abuts the rear yards of the residential area, with an additional ten feet from the wall to the building; he estimated approximately 30 feet.

Ms. Then stated the proposed building is 11 +/- feet in the rear, which is within the Memorandum of Agreement setback requirements. In addition, there is an additional buffer between the property line that is owned by The Villages, along with an eight-foot masonry wall and a required landscaping buffer.

Member LeClerc asked if staff believes the masonry wall and the buffer will be adequate.

Mr. Carroll stated the Town Commission has approved the buffer and the buffer is not what is before the Board tonight. He explained that the factor of constructing the masonry wall as an element of noise reduction was considered as part of the original Memorandum of Agreement. Mr. Carroll asked Mr. Breech how many patrons will the restaurant accommodate.

Mr. Breech stated there will be approximately 45 seats in this particular location. He asked the Board to take into consideration that the patrons are entering through the front of a 35-foot high building, plus buffer zone, the eight-foot masonry buffer wall, and the residents' rear yards. He stated it is not his intention to annoy anyone, just to conduct business. He stated the breakfast-diner business operates successfully by opening early, which is why he is requesting the change in operating hours.

Ms. Lutz stated when Mr. Breech initially proposed this project to the residents, it was for a medical/professional building to be opened at 7:00 a.m., and she does not understand when the restaurant became a part of this project. She stated that she cannot help but feel that it may have been Mr. Breech's thought process initially when he presented the project to the Commission, and now he is trying to change the hours of operation. She stated this should be a development for medical professionals starting at 7:00 a.m. with no restaurant in the building.

Ms. Then referred to the permitted uses in the Memorandum of Agreement included in the Board's packets. She stated the applicant is permitted to develop any of the approved businesses listed in that agreement. She stated if by conducting a market analysis, the applicant believes a restaurant is a more viable business than a medical office, he may pick from those permitted uses

Ms. Lutz asked if Mr. Breech knew that a restaurant could be a part of this project, why he did not make the earlier start time of operation known during the initial presentation. She stated that she is aware that a two-hour time difference is not a large amount of time and that apartments are also included in this project. Therefore, the residents that abut this property will have a quiet time from 9:00 p.m. to 5:00 a.m., assuming the apartment residents are also quiet during that time frame. She reiterated that they respectfully request that the hours of operation do not begin at 5:00 a.m. on behalf of the residents. Ms. Lutz stated that this is a big change for their neighborhood from what was approved by the Town Commission.

Vice Chairperson/Member Sigurdson asked staff if this amendment is a result of the applicant changing the development from two buildings to one building.

Ms. Then clarified that a conceptual plan gives an outline of what could be developed and there is flexibility for any property owner to present a site plan that meets the regulations as per Town of Lady Lake code.

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

Member Rohan made a motion to recommended transmittal of Ordinance No. 2018-04 to the Town Commission with the recommendation for approval; there was no second and the motion failed.

Upon a motion by Member Conlin and a second by Member LeClerc, the Planning and Zoning Board recommended transmittal with the recommendation for denial of Ordinance No. 2018-04 to the Town Commission for consideration by the following roll call vote:

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

6. Ordinance No. 2018-05- An Ordinance of the Town of Lady Lake, Florida Relating to Medical Marijuana; Amending the Land Development Regulations, Chapter V, "Zoning District Regulations"; Amending Chapter VI, "Conditional Uses and Special Exceptions"; Providing that Medical Marijuana Dispensaries are a Permitted Use in the Heavy Commercial (HC) Zoning District, the Light Commercial (LC) Zoning District, the Commercial Planned Unit Development Zoning District, the Mixed-Use Planned Unit Development District, the Industrial Planned Unit Development Zoning District, and the Industrial Zoning District. (Wendy Then)

Senior Planner Wendy Then presented the background summary for this agenda item (on file in the Clerk’s Office). She stated that on December 4, 2017, the Town Commission of the Town of Lady Lake considered Ordinance No. 2017-50 at a public hearing to determine whether the language of Chapter 5, Section 5-4 of the Land Development Regulations entitled "Zoning District Uses”, as well as the language of Chapter 6, "Conditional Uses and Special Exceptions", should be amended to fully prohibit the establishment of Medical Marijuana Dispensaries within the municipal limits. At that meeting, a motion was made for approval of Ordinance No. 2017-50; however, the motion failed due to the lack of a second.

Since that time, it has been expressed that the majority of the Town Commission does not wish to regulate the establishment of medical marijuana dispensaries within the Town of Lady Lake. Therefore, staff has prepared Ordinance No. 2018-05, making amendments to Chapter 5 and Chapter 6 of the Land Development Regulations.

The attached ordinance provides for the following:

- The ordinance allows the medical marijuana dispensaries to operate within the Heavy Commercial, Light Commercial, Industrial, Mixed Use PUD and Commercial PUD zoning Districts (Chapter 5 Changes).
- It repeals all of the criteria that needed to be met in order for a medical marijuana dispensary to be established as a Special Exception Use (Chapter 6 Changes).

On or about June 23, 2017, Florida Governor Rick Scott signed Senate Bill No. 8-A which created a unified regulatory structure for sale, use, distribution, and consumption of medical marijuana in the State of Florida. The same bill also allows a county or municipality to ban medical marijuana treatment center dispensing facilities from being located within the boundaries of that county or municipality. Following the signing of Senate Bill No. 8-A, now codified as Section 381.986(11) Florida Statutes (2017), the Town of Lady Lake elected to impose a 180-day moratorium, effective August 7, 2017, through the passage of Ordinance No. 2017-30 by the Town Commission.

The moratorium that was imposed under Ordinance No. 2017-30 is set to expire on February 3, 2018. The adoption of Ordinance No. 2018-05 shall become effective immediately upon adoption, which is anticipated to occur on Monday, February 5, 2018.

The Technical Review Committee (TRC) members individually reviewed Ordinance No. 2018-05 and determined it to be ready for transmittal to the Planning and Zoning Board. The Town Commission is scheduled to consider Ordinance No. 2018-05 for first reading on Wednesday, January 17, 2018 at 6:00 p.m., and for second/final reading on Monday, February 5, 2018 at 6:00 p.m.

Vice Chairperson/Member Sigurdson clarified, this ordinance permits medical marijuana dispensaries in heavy commercial, light commercial and industrial areas of the Town, and is being removed as a prohibited use within those zoning districts.

Ms. Then replied affirmatively, stating it is changing all of the language within Chapter 5 that would prohibit medical marijuana dispensaries, and in Chapter 6 where medical marijuana dispensaries are regulated under a Special Exception Use. Medical Marijuana Dispensaries will have its own category within the uses outlined.

Vice Chairperson/Member Sigurdson 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 with the recommendation for approval of Ordinance No. 2018-05 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>SIGURDSON</i>	<i>YES</i>
<i>CONLIN</i>	<i>YES</i>
<i>GAUDER</i>	<i>YES</i>

CHAIRPERSON/MEMBERS' REPORT: There was no report.

ADJOURN: *With nothing further to discuss, the meeting was adjourned at 6:20 p.m.*

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

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