

1 **DRAFT PLANNING AND ZONING BOARD MEETING MINUTES**
2 **TOWN OF LADY LAKE, FLORIDA**

3 **August 9, 2021**

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

6 **A. CALL TO ORDER**

7 Chairperson Sigurdson

8 **B. PLEDGE OF ALLEGIANCE**

9 **C. ROLL CALL:**

10 Member Nora Choquette; Member Tim Saunders; Member Debra Pressley; Chairman William
11 Sigurdson

12 Member Absent: Member Robert Nyce

13 **STAFF PRESENT:**

14 Thad Carroll, Growth Management Director; Wendy Then, Senior Planner; and Nancy Wilson,
15 Deputy Town Clerk

16 **OTHERS PRESENT:**

17 Sasha Garcia, Attorney, Bowen Schroth

18 **D. PUBLIC COMMENT**

19 Chairperson Sigurdson asked if there were any comments from anyone in the audience. There
20 were none.

21 **E. NEW BUSINESS**

22 **1. Approval of Minutes**

23 Member Saunders made a motion to approve the June 14, 2021, Planning and Zoning Board
24 meeting minutes as presented, Member Choquette seconded the motion; motion carried by
25 a vote of 4 to 0.

26 **2. Lady Lake Commons — Final Commercial Plat — Proposing a Plat of Five Commercial Lots**
27 **and Three Tracts on an 18.52-Acre Parcel Zoned Heavy Commercial (HC), Located West of**
28 **County Road 25, South of Fennell Boulevard, and Northeast of Highway 27/441, within Lake**
29 **County, Florida (Wendy Then)**

1 Senior Planner Wendy Then presented the background summary for this agenda item (on file
2 in the Clerk’s Office). She stated that the applicant is not present.

3 The owner of the Lady Lake Commons subdivision is Benchmark Lady Lake 25 Associates. The
4 plat includes five commercial lots and three tracts, encompassing an area of 18.5 acres and is
5 zoned Heavy Commercial.

6 After complimenting Kane Surveying for their fine work, Chairman Sigurdson questioned
7 whether the utility line that runs through lot one currently exists.

8 Senior Planner Then answered that all improvements to lots one and two shown in the utility
9 easement are currently in place.

10 Phil Mathias from Lakes of Lady Lake asked Ms. Then about roads shown on the map, and she
11 pointed out where on the map the roads are located.

12 There were no further questions.

13 **Member Choquette made a motion to forward the Lady Lake Commons Final Plat to the**
14 **Town Commission with the recommendation of approval, Member Saunders seconded the**
15 **motion; motion carried by a vote of 4 to 0.**

Member	Vote
Pressley	Yes
Saunders	Yes
Choquette	Yes
Sigurdson	Yes

16 In conclusion, Ms. Then said this matter will be heard before the Town Commission for final
17 consideration at their September 8, 2021 meeting.

18 **3. Ordinance 2021-09 — Small Scale Comprehensive Plan Amendment — Linden Street**
19 **Development, LLC — Change from Manufactured Homes High Density (MH-HD) to**
20 **Commercial General – Retail Sales & Services (RET) for Property Owned by J.T. Beahan IV;**
21 **Referenced by Alternate Key 1771421 and being Approximately 22.29 Acres; within Lake**
22 **County, Florida (Wendy Then)**

23 Senior Planner Wendy Then presented the background summary for this agenda item (on file
24 in the Clerk’s Office). She stated that in May of this year, Linden Street Development filed an
25 application to amend the Future Land Use designation of 22.29 acres. Slight changes have
26 been made to the plans such that the developer would like to change Future Land Use to
27 Commercial General which would allow for the development of a 330-unit luxury apartment

1 complex. The Town Commission is scheduled to hold the first hearing for Ordinance 2021-09
2 on September 8, 2021.

3 The applicant, Scott Miller from Linden Street Development, was present to answer questions
4 about the amended plan. He said as they were going through the site planning process with
5 the garages and apartments, he became concerned with the slope of the property. The grade
6 necessary to go in and out of the property amounts to about 65 feet that would likely affect RV
7 traffic to the garages, necessitating two entrances which was untenable. It was then decided to
8 change the plan from mixed use to single use. Nothing is being taken away; they are doing
9 quite a bit more.

10 Chairman Sigurdson asked if there is a hill in the middle of the property.

11 Mr. Miller answered in the affirmative. He added that the top of the site is about 127 feet above
12 sea level. Mr. Miller also confirmed that there would not be parking underneath the buildings. If
13 they had stayed with the original plan, a significant retaining wall would have been necessary
14 and that would not have been aesthetically pleasing nor would it have been practical for the
15 RVs to go up and down those grades. An all-residential site made much more sense, as does
16 moving the RV parking to a different site on CR 466.

17 Growth Management Director Thad Carroll clarified that what was done was essentially
18 splitting the projects that were one property to be on two properties; one property will be all
19 multi-family and the other property will have the luxury garages and a business park. There is
20 no association between the two properties with the new plan.

21 Responding to a question about water retention, Mr. Miller answered that the engineers will
22 have to decide how the water is going to flow and emphasized that they will build according to
23 the Town's requirements, adding that a second retention pond is not out of the question.

24 Member Choquette commented that the plan looks beautiful, and she appreciates that they
25 are keeping a lot of green space. Her only reservation is that in the future, she would rather see
26 longevity plans attracting permanent residents to the area rather than apartments.

27 Phil Mathias said a retention pond must handle run-off from the property.

28 Ms. Then said the Saint Johns River Water Management District will be meticulously reviewing
29 the plans.

30 Mr. Mathias then asked how many apartments Lady Lake has on the books.

31 Mr. Carroll answered that there are 500 condos and 906 apartments on the books; adding that
32 with the Town's current population, we have a need for affordable housing.

1 **Member Saunders made a motion to forward Ordinance 2021-09 to the Commission with a**
2 **recommendation of approval, Member Pressley seconded the vote; motion carried by a roll**
3 **call vote of 4 to 0.**

Member	Vote
Pressley	Yes
Saunders	Yes
Choquette	Yes
Sigurdson	Yes

4 **4. Ordinance 2021-10 — Rezoning — Linden Street Development, LLC — Redesignating**
5 **Zoning Classification from Manufactured Homes High Density (MH-9) and Heavy Commercial**
6 **(HC) to Planned Commercial (CP) for Property Owned by J.T. Beahan IV; Referenced by**
7 **Alternate Key Number 1771421 and being Approximately 27.82 Acres, within Lake County,**
8 **Florida (Wendy Then)**

9 Senior Planner Wendy Then presented the background summary for this agenda item (on file
10 in the Clerk’s Office).

11 **Member Choquette made a motion to forward Ordinance 2021-10 to the Town Commission**
12 **with the recommendation of approval, Member Saunders seconded the motion. The motion**
13 **passed by the following roll call vote:**

Member	Vote
Pressley	Yes
Saunders	Yes
Choquette	Yes
Sigurdson	Yes

14 **5. Resolution 2021-105 — (First and Final Reading) — Variance — Cynthia L. Hines-White and**
15 **Lester L White — Chapter 5). 5-4). F).4).C).1).A)., of the Town of Lady Lake Land**
16 **Development Regulations Which Requires the Front Yard Setback within the MX-5 Zoning**
17 **District to be 25 Feet; After-the-Fact Variance Request to Allow the Front Yard Setback to be**
18 **18.7 Feet to Preserve a Carport Erected at 223 Gibson Street, Referenced By Alternate Key**
19 **1750776 (Wendy Then)**

20 Senior Planner Wendy Then explained that the White’s were unable to attend the meeting, and
21 this item has been tabled indefinitely.

1 **6. Resolution 2021-107 (First and Final Reading) — Variance — Lynk Investments, LLC —**
2 **Granting a Request to Remove 18 Historic Trees in Accordance with the Provisions of**
3 **Chapter 10, Section 10-5. C). 3). A)., of the Town of Lady Lake Land Development**
4 **Regulations, on Property Located at 41101 and 41109 County Road 25, Referenced by**
5 **Alternate Keys 1237718 and 1237734 (Wendy Then)**

6 Senior Planner Wendy Then presented the background summary for this agenda item (on file
7 in the Clerk’s Office). She stated that Lady Lake Land Development Regulations require the
8 submittal of an historic tree removal variance application when a property owner requests the
9 removal of healthy historic trees on commercial property. During the review process for the
10 proposed Lighthouse Storage site plan, 17 historic trees were identified as needing to be
11 removed to accommodate those plans; the site has 177 trees of which 49 are historic but it’s
12 only the 17 that require the variance for removal. The Planning and Zoning Board and the
13 Town Commission will consider certain criteria to make the determination if removal is
14 justified.

15 Professional Landscape Architect Suzanne Stansill, from Michael Pape and Associates, was
16 present to answer questions. She is the landscaper for the property and indicated that the 17
17 trees in question are located mainly in the center of the site; they are hoping to preserve the
18 trees on the perimeter of the property. Their staff arborist, William Needham, evaluated the
19 trees and determined which ones would need to be removed to accommodate project
20 development. Many trees were determined to be either a nuisance, invasive, prohibited or
21 were damaged or in decline, even so, 65 percent of the trees will be preserved. The historic
22 trees in question have been in growing in a natural setting for so long that to attempt to create
23 landscape islands or keep them near driveways would be detrimental and counterproductive.
24 The health of the trees if left in place, would suffer and they would ultimately die. This is why
25 the owner is requesting removal. Landscape buffers along the north and south roadsides are
26 being proposed to help make up for the inches lost and to further buffer the property. For the
27 project to move forward and to be feasible, the removal of the 17 trees would be necessary.

28 Chairman Sigurdson asked if Town staff is going to go on the property to identify the trees.

29 Ms. Then answered by saying that staff will do a site visit prior to the final hearing to make sure
30 the trees are properly identified. Prior to any trees being removed, there will be a final site visit
31 to measure the diameter of the trees to determine mitigation fees will be added to the Town’s
32 tree bank.

33 Ms. Stansill said she wanted to remind the Commission that the site in question is currently
34 zoned commercial, so the intended use shown on the plan does meet the spirit of Town Code
35 and complies with the Town’s commercial zoning. To develop the property as intended,

1 removal of some trees is necessary. Sixty three percent or 111 of the trees are being kept and
2 additional trees will be planted that will acclimate to their new environment.

3 Mr. Carroll stated he knows there are people passionate about preserving trees. Their job as
4 planners is to evaluate the site and consider that the owner does have development rights to
5 the property. The planners must balance the owners' rights with the preservation of trees.
6 Growth Management feels the applicant has done a good job saving as many trees as possible;
7 this isn't a public park or public land. He concluded by saying the final decision is not likely to
8 be popular.

9 The developer, Steven Valentine, asked to speak. He said they eliminated a few things from the
10 originally approved plan from several years ago. The original plan included a gas station with
11 diesel fuel for RV's that included a large septic field but that has since been scrapped due to
12 environmental issues. It is a passive use site. There will ultimately be solar power capability,
13 and everything will be designed to be high efficiency; the project will be very "green".

14 Phil Mathias asked about previously discussed uses for the site and suggested that staff go
15 back to see what was approved in the past.

16 Ms. Then said the owner has entitlements for RV, vehicle, boat and mini storage.

17 Mr. Mathias then questioned removal of the trees based on what was discussed in 2018. He
18 said that replacing big trees with smaller trees does not cut it and added that a six-foot-high
19 fence should be erected along the west side of the property.

20 Mr. Carroll said the project has not been fully engineered, but the builder must comply with the
21 MOA; if he fulfills the requirements spelled out in the memorandum, he cannot be denied his
22 rights.

23 Mr. Valentine said that a six-foot fence will encircle his entire property and he will be utilizing
24 down lighting.

25 Yolanda Buchanan, 567 Dowling Circle, said that neither of the historic trees is on the property
26 line, and that the trees are probably 200 years old. They are very pretty and to remove them
27 would be really a terrible idea. She does not think they will die because the retention pond is
28 there. There is even a bench underneath them.

29 Janay Newton, 537 Dowling Circle, agreed with Ms. Buchanan . She asked that removal of the
30 two trees be reconsidered because they are so beautiful. They are near the retention pond on
31 the border of the property. She offered a couple of options.

1 Responding to a question posed by Chairman Sigurdson, Mr. Valentine said that when they
2 sculpt the pond and the elevation drops, the large root spread of the trees will be injured
3 which is why the engineers think the trees need to be removed.

4 Ms. Stansill added that the trees in question are located south of the property line. They have a
5 good understanding of what will ultimately happen to those trees and they most likely could
6 not be saved. It is best to remove them now and install new shade trees that have a better
7 long-term benefit.

8 Chairman Sigurdson recommended that when the retention pond goes in, that the two trees
9 be saved by redesigning where the retention pond is placed.

10 The answer was that other improvements on the site may limit what they can do in that regard.
11 Mr. Valentine said he will work with the engineers.

12 Member Choquette said she respects all those who have shared their opinions. She said she
13 used to share her opinion to the Board before she became a member. One thing she has
14 learned since being on the Board is that they are required to follow the Code and commercial
15 zoning rules. There are things they must consider with that responsibility. The Town can be
16 held liable for preventing businesses from doing what they have the right to do, but the Board
17 is also responsible for preserving as many trees as practical. She then asked if the tree issue is
18 going to be revisited by the owner, should they conduct a vote.

19 Mr. Carroll responded that if it is voted on and passes, the owner would be allowed to remove
20 the trees. He added that the Commission will still hold the public hearings to make a final
21 decision.

22 Member. Choquette asked if they vote to recommend denial, would the Town be violating the
23 rights of the property owner to remove the trees.

24 Attorney Garcia said the applicant has complied with what is expected of them. This is just a
25 recommendation to the Commission so even if the Board votes no on the item, the
26 Commission will ultimately make the final decision.

27 **Member Saunders made a motion to forward Resolution 2021-107 to the Town Commission**
28 **with the recommendation of approval, Member Pressley seconded the motion. The motion**
29 **passed 3 to 1 by the following roll call vote:**

Member	Vote
Pressley	Yes
Saunders	Yes

Member	Vote
Choquette	Yes
Sigurdson	No

1 **F. CHAIRPERSON and MEMBERS' REPORT**

2 **G. ADJOURN**

3 With nothing further to discuss, the meeting adjourned at 6:48 p.m.

4 Respectfully submitted,

5 _____
6 Nancy Wilson, Deputy Town Clerk

7 _____
8 William Sigurdson, Chairperson