

**MINUTES OF THE REGULAR MEETING  
OF THE LADY LAKE TOWN COMMISSION  
LADY LAKE, FLORIDA  
April 20, 2015**

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 Ruth Kussard presiding. The meeting convened at 6:00 p.m.

- A. CALL TO ORDER:** Mayor Ruth Kussard
  
- B. PROCEDURAL:** *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. PLEDGE OF ALLEGIANCE:** Led by Joe Quinn.
  
- D. INVOCATION<sup>i</sup>:** Father John Kelly, St. George Episcopal Church
  
- E. ROLL CALL:** Tony Holden, Commissioner Ward 2  
Dan Vincent, Commissioner Ward 3  
Paul Hannan, Commissioner Ward 4  
Jim Richards, Commissioner Ward 5  
Ruth Kussard, Mayor/Commissioner Ward 1

**STAFF MEMBERS PRESENT:** Kris Kollgaard, Town Manager; Derek Schroth, Town Attorney; Thad Carroll, Growth Management Director; C.T. Eagle, Public Works Director; Mike Burske, Parks & Recreation Director; Lt. Jason Brough and Officer Paul Eppley, Police Department; Marsha Brinson, Director of Library Services; John Pearl, IT Director; Jeannine Michaud, Finance Director; Pam Winegardner, Assistant Finance Director; Tia O’Neal, Human Resource Director; and Nancy Slaton, Deputy Town Clerk

**F. PUBLIC COMMENTS<sup>ii</sup>**

Mayor Kussard asked if anyone in the audience would like to speak on any item.

- Joe Quinn of 633 Rainbow Blvd., a resident of Lady Lake for seven years, stated that he and his wife are very happy to live here. He stated he saw work by photo artist Betty Eich at the Savannah Center and he and his wife commissioned three paintings to donate to the Town: one of the gazebo at Heritage Park, one of the Log Cabin, and one of the Lady Lake Police badge. Mr. Quinn stated he spoke with the Town Manager and she helped him pick the items, and he entitled them “We Reflect”, “We Remember” and “We Are Secure”, respectively.

The Commissioners and the Town Manager thanked Mr. Quinn and his wife for the donation of the artwork, and Ms. Eich for her beautiful works of art.

**G. PROCLAMATION:**

**1. Proclaiming May 2015 as Law Enforcement Month (Mayor Kussard/Chris McKinstry)**

Mayor Kussard proclaimed the month of May as “*Law Enforcement Month*” in the Town of Lady Lake and urged the citizens of Lady Lake to recognize the dedication and contribution of its valued law enforcement officers. She read the proclamation and presented it to Lt. Jason Brough of the Lady Lake Police Department.

**2. Proclaiming April 24<sup>th</sup>, 2015 as National Arbor Day (Mayor Kussard/Mike Burske)**

Mayor Kussard read the proclamation proclaiming April 24, 2015 as National Arbor Day and presented it to Mike Burske, Parks and Recreation Director.

**3. Proclaiming May 2015 as Motorcycle Safety Awareness Month (Mayor Kussard/Al Monteleone)**

Mayor Kussard proclaimed the month of May as “*Motorcycle Safety Awareness Month*” in the Town of Lady Lake. She read the proclamation and presented it to Al Monteleone, representative of ABATE of Florida.

**4. Proclaiming the Week of May 3<sup>rd</sup>-9<sup>th</sup>, 2015 as North American Occupational Safety & Health Week (NAOSH) (Mayor Kussard)**

Mayor Kussard read the proclamation recognizing the week of May 3<sup>rd</sup>-9<sup>th</sup>, 2015 as North American Occupational Safety & Health Week, and May 6<sup>th</sup> as Occupational Safety and Health Day, and encouraged all industries, organizations, community leaders, employers and employees to support activities designed to increase awareness of the importance of safe workplaces for all.

**H. CONSENT<sup>iii</sup>:**

Mayor Kussard asked if the Commissioners would like to pull any consent items for discussion.

Commissioner Paul Hannan asked that Consent Item H-6 be pulled for discussion.

**5. Minutes – April 6, 2015 – Special Commission Meeting  
– April 6, 2015 – Regular Commission Meeting**

**7. Budget Amendment to Move Budget from General Operating to Capital Equipment Expense to Purchase an Enclosed Trailer (Jeannine Michaud)**

The background summary for this agenda item is on file in the Town Clerk’s office. It states that Amendment BT15-004 decreases General Operating and increases Capital Equipment in Road and Streets in order to purchase an enclosed trailer. There was a \$2,337 savings in Capital Equipment when the budgeted mower was purchased, and with the savings and transferal of this budget, Roads and Streets can purchase an enclosed trailer.

**8. Consideration of the Lake County Supervisor of Elections’ Requests to Use the Lady Lake Library as an Early Voting Site on Oct. 19<sup>th</sup>-24<sup>th</sup> & Oct. 25<sup>th</sup>-31<sup>st</sup>, 2015 and to Use the Community Building as a Polling Place for Precinct #11 for the Special Election on Nov. 3<sup>rd</sup>, 2015 (Kris Kollgaard)**

The background summary for this agenda item is on file in the Town Clerk's office. It states that the Lake County Supervisor of Elections is requesting to utilize the Lady Lake Library as an early voting polling place for the special election on Oct. 19<sup>th</sup>-24<sup>th</sup> & Oct. 25<sup>th</sup>-31<sup>st</sup>, 2015, and to also utilize the Town's Community Building as a polling place for Precinct #11 for the special election on Tuesday, November 3, 2015.

**9. Consideration of Approval of the FOP Contract for 2014-2017 (Tia O'Neal)**

The background summary for this agenda item is on file in the Town Clerk's office. It states that the Town received notification of ratification of the 2014-2017 FOP contract between the Town of Lady Lake and the Fraternal Order of Police on April 9, 2015. There were minor changes to Articles 5, 8, 9 and 17 that were included in the packet, along with the following changes:

- Article 6 (Grievance Procedure) – The Town agrees to pay for training for members of the Citizens Review Board and any training provided will be approved by the FOP and the Town.
- Article 12 (Hours of Work, Overtime & Compensatory Time) – The Town agrees to allow for the changing of biweekly schedules from 86 hours to 84 hours. This allows for four 9 hour days of quarterly training per year.
- Article 14 (Wages) – Staff recommends date changes in accordance with previous contracts. Bargaining unit members will be given the same increases as other Town staff upon Commission approval.
- Article 31 (Duration, Modification & Termination) – This contract will be effective until September 30, 2017.

**10. Consideration of Acceptance of Continuing Engineering Services Professional Services Agreements and Fee Schedules Resulting from RFQ No. 2015-0001 (C.T. Eagle)**

The background summary for this agenda item is on file in the Town Clerk's office. It states that RFQ No. 2015-0001 was publicly advertised as a Request for Qualifications for Continuing Engineering Services with a submittal date of February 18<sup>th</sup>, 2015. Nine submittals were received by the Clerk's Office. A five member Selection Committee then reviewed and graded the submittals. The Selection Committee then chose five firms to negotiate agreements with. These five firms will serve as Town Engineers of various projects for the Town of Lady Lake on an as needed basis. The contracts have been reviewed and approved by the Town Attorney.

**11. Consideration of Approval of the Microsoft Enterprise Agreement Continuation (John Pearl)**

The background summary for this agenda item is on file in the Town Clerk's office. It states that the Town Commission approved staff's recommendation to accept the SHI Microsoft Enterprise Agreement proposal to enter into a three-year software licensing agreement (documentation attached in packet) on December 3, 2012. This agreement provided licensing for various Microsoft server and client operating systems and applications included in a recent Information Technology infrastructure upgrade plan. This request is to dispense payment for year three of the agreement. The cost for this payment has been included in the 2015 fiscal budget.

*Upon a motion by Commissioner Vincent and seconded by Commissioner Richards, the Commission approved Consent Items #H-5, H-7, H-8, H-9, H-10 & H-11, by a vote of 5 to 0.*

**6. Consideration of the Write-Off of Utility Accounts Receivable Deemed Uncollectible (Jeannine Michaud)**

The background summary for this agenda item is on file in the Town Clerk's office. It states that a list of accounts to be written off is included in the packet, and the accounts are marked in the attached spreadsheet as either a tenant type balance or an owner type balance. If approved for write-off, these accounts will be added to the list that the customer service representatives maintain for possible collection if the customer returns to the Town and requests utility services in the future. The last time accounts were approved for write-off was September 21, 2011. The breakdown of the amounts to be written off are by service and type as follows:

Water:	\$ 3,226.48	Tenants	\$ 4,448.79
Sewer	\$ 567.45	Owners	<u>\$ 139.61</u>
Penalty	\$ 30.00		\$ 4,588.40
Facility Fees	\$ 483.18		
Billing Fees	\$ 137.14		
Utility Tax	\$ 117.34		
Misc. Fees	<u>\$ 26.81</u>		
Total	\$ 4,588.40		

Commissioner Hannan asked if the Town could go after the homeowners for the past due utility accounts.

Town Manager Kris Kollgaard replied that the Town could not legally go after the homeowners for a tenant's account. This was verified by the Town Attorney.

*Upon a motion by Commissioner Hannan and seconded by Commissioner Holden, the Commission approved Consent Item #H-6, by a vote of 5 to 0.*

**I. OLD BUSINESS:** No old business.

**J. NEW BUSINESS:**

**12. Texas Roadhouse Restaurant MJSP 11/14-001 – A Development Proposing the Construction of a 7,163 Sq. Ft. High Turnover (Sit-Down) Restaurant with 281 Seats – Located at 745 N. Hwy 27/441 (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 the applicant, Martin DelleBovi, representing Benchmark Lady Lake 25 Associates, LLC, property owner, has submitted a Site Plan application for property located at 745 N. Highway 27/441, just south of the Sam's Club and north of the Lady Lake Town Hall Municipal Complex. He stated the parcel originally received Major Site Plan approval by the Town Commission on August 4, 2008 for the construction of 16,100 sq. ft. of retail under the project name of Sam's Outparcel that did not come to fruition. The applicant is now proposing a high-turnover 7,163 sq. ft. restaurant building with 281 seats.

Mr. Carroll reported that the subject area is approximately 2.01 +/- acres and is zoned Heavy Commercial. The Future Land Use is Commercial General-Retail Sales and Services; which allows for the proposed restaurant land use. Under the Sam's Outparcel development, the applicant was granted site plan approval for five foot building and landscaping buffers along the north and south

elevations. After the approval of the Site Plan by the Town Commission on August 4, 2008, the Landscaping Buffer Codes changed in 2009; however, the applicant would like to still pursue a five foot landscaping buffer for the north and south elevations on this project primarily to accommodate a five-foot concrete sidewalk on both sides.

Site plans have been submitted by Jay R. Jackson, Professional Engineer with Kimley-Horn and Associates, Inc. The Landscaping and irrigation plans have been prepared and certified by James R. Pankonin, Registered Landscape Architect with Kimley-Horn. For the proposed Mediterranean retail building, the Architectural Exterior Elevations were prepared by Greenberg Farrow. The applicant has complied with requirements pursuant to the Land Development Regulations (LDRs) for site plans, including Chapter 7-Site Plan Development Regulations, Chapter 10–Landscaping & Tree Protection, Chapter 14-Water, Reuse Water, and Sewer Standard Specifications, and Chapter 20-Commercial Design Standards of the LDRs. Reviews were completed for the Town of Lady Lake by Town staff, Neel-Schaffer Engineering, and Fire Inspector Kerry Barnett for compliance with the Florida Fire Prevention Code. The following reviews were included in the packet:

- a. Town Engineer comments for the site plan dated April 13, 2015 (Satisfied).
- b. Fire Review comments dated April 9, 2015 (Satisfied).
- c. Waste Management comments dated January 27, 2015 (Satisfied).
- d. Lady Lake Building Official comments dated March 31, 2015 (Satisfied).
- e. Lake-Sumter MPO comments dated April 10, 2015 (Satisfied).
- f. FDOT comments dated March 16, 2015.
- g. Lady Lake Public Works comments dated February 5, 2015 (Satisfied).
- h. St. Johns River Water Management District Permit Modification No.108726-3 dated February 17, 2015.

Tree Requirements: As per Chapter 10, Section 10-3, a). 2)., all non-residential properties are required to provide 160 tree caliper inches per acre. The site is required to provide 321.6 tree caliper inches based upon its 2.01-acre area (160"x 2.01). The applicant will be providing 355 tree caliper inches, exceeding requirement. It was noted that no historic tree removals have been proposed for this project as part of the application.

Landscaping buffers for the north, west and south boundaries require minimum Class "A" Landscaping Buffer (Buffer Class Requirement-Table 10-1). In accordance with LDRs-Chapter 10, Section 10-3, b).B).1) Class "A", 10' width minimum with two canopy trees, three understory trees and a continuous hedge are required.

Mr. Carroll reported that the applicant is requesting the following variances/waivers:

- North Landscaping Buffer (Buffer 3) - Proposal: To waive four understory trees and reduce landscaping buffer from 10 feet to 5 feet. Justification: Reduction of canopy tree material is due to existing off-site landscaping and reduction in landscaping width is to accommodate proposed connecting sidewalk.
- West Landscaping Buffer (Buffer 2) - Proposal: To substitute six canopy trees for understory trees. Justification: Proposing understory trees in lieu of canopy trees due to overhead utility line conflict.
- South Landscaping Buffer (Buffer 1) - Proposal: Reduce landscaping buffer from 10 feet to five feet. Justification: Reduction in landscaping width is to accommodate proposed connecting sidewalk.

- As per LDRs – Chapter 20, Section 20-3C.10.L) – Parking lots with two or more double rows will have a continuous landscaped strip between the sections. This landscaped strip will run parallel to the circulation flow and shall be a minimum of six feet wide.
- Administrative variance as per Chapter 3, Section 13-3).b).4) to address a parking deficiency in the amount of 10% or less of required parking spaces.
- Variance to address monument sign separation requirement to be heard under Resolution No. 2015-103.

Mr. Carroll showed aerial views of the outparcel site between the Sam's Club and Lady Lake Town Hall, as well as the site plan and proposed elevations.

Mr. Carroll reported that the Commission reached consensus to advance the development plan as presented at the Special Town Commission Conceptual Workshop which took place on Monday, December 15, 2014. The application was presented before the Parks, Recreation and Tree Advisory Committee on February 11, 2015, and they recommended approval of the project by a 4-0 vote. The Technical Review Committee members individually reviewed the application and provided all final comments regarding the Site Plan application on April 13, 2015. It was noted that the Planning and Zoning Board does not review Site Plan applications.

Mr. Carroll stated that staff recommends approval as presented and that Marty DelleBovi is present if there are any questions.

Commissioner Hannan stated he had previously voiced two objections to this project; one being that the building should be moved back and have more parking at the front, and secondly, to have the building on the north side of the lot closer to Sam's Club. He stated he has a third objection regarding the sign which will be brought up later. He stated although his first two objections were overruled by the other Commissioners, he is still in favor of the Texas Roadhouse restaurant.

*Upon a motion by Commissioner Hannan and seconded by Commissioner Holden, the Commission approved Texas Roadhouse Restaurant MJSP 11/14-001 by a vote of 5 to 0.*

**13. Consideration of Approval for the Supplemental Agreement with Neel-Schaffer Engineering for the Additional Engineering for a South Driveway, Fire Lane and Parking Lot at the Guava Street Concession Stand Area (Mike Burske)**

Parks and Recreation Director Mike Burske gave the background summary for this agenda item (on file in the Clerk's office). He stated that as shown in the contract, the additional engineering is for the building of a fire lane to the concession stand as required by our code. He explained that the fire lane will be at the site of a parking lot constructed with recycled asphalt millings which also has drainage issues. Mr. Burske stated that this additional engineering will designate this area as a formal fire lane and enhance the parking lot to also assist in the erosion and water runoff. He stated that the additional engineering, including the survey, will cost \$6,588.75. He noted that the proposal from March 24, 2015 and the opinion of probable costs shows how this will effect the project. Ms. Burske stated that this project is utilizing Parks and Recreation Impact fees that has a balance of \$388,038.00. He stated that the Parks, Recreation and Tree Advisory Committee voted 5-0 to forward this to the Town Commission with a recommendation of approval at their meeting on April 8, 2015.

Town Manager Kris Kollgaard stated that the Town has had a lot of problems with the dirt area as it is now, and it will be good to deal with it in one project to include the fire lane.

*Upon a motion by Commissioner Holden and seconded by Commissioner Richards, the Commission approved the Supplemental Agreement with Neel-Schaffer Engineering for the Additional Engineering Cost of \$6,588.75 for a South Driveway, Fire Lane and Parking Lot at the Guava Street Concession Stand Area by a vote of 5 to 0.*

**K. TOWN ATTORNEY'S REPORT:**

Mayor Kussard asked if the Commissioners wanted to move forward with the next three items under the Town Attorney's report since they have to do with signage and there were questions regarding signage at the prior meeting. She asked if the Commissioners would like to table the items and have a workshop to address changes to the ordinances before moving forward.

Commissioner Hannan stated that the Town has spent a lot of time on creating the LDRs and he would like to continue on with these items.

Town Manager Kris Kollgaard stated she has heard from different Commissioners at times regarding waiver requests and is not sure if it is the waiver procedure that is the problem or if "hardship" needs to be defined, and asked if a workshop might be needed.

Mayor Kussard stated that there seems to be an objection every time a commercial business wants to put up a sign, although putting a sign on the building is the cheapest way to advertise the type and location of the business.

Commissioner Hannan stated that the Commission has a problem with signs and does not want to turn Lady Lake into another Las Vegas; he stated he would be happy if there were no signs.

Commissioner Richards commented that there are many communities that limit the amount and design of signs. He agreed it is a cheap form of advertising, but that the Town's Commercial Design Standards are in place for a reason and there needs to be a hardship to award a variance.

After further discussion, the Commission agreed to proceed.

**14. Resolution No. 2015-102 – First/Final Reading – Paramount Urgent Care, Inc., JD Orias Novis Partnership Company LLC, and TWVH LLC for the Sunset Professional Plaza – Variance Request Pursuant to Chapter 17, Section 4.b.2.E. to Allow Secondary Wall Signs to be Placed on the South Elevation of Buildings "A" and "B" Located within the Sunset Professional Plaza Which Do Not Have a Public Entrance, Addressed as 801 and 805 Highway 466 (Thad Carroll)**

Town Attorney Derek Schroth read the resolution by title.

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk's office). He stated that on March 5, 2015, Town staff received a variance application for secondary wall signage along the façade of two buildings facing Highway 466 from Jay Berry with Berry's Signs for the Sunset Professional Plaza on behalf of owners Paramount Urgent Care, Inc., JD Orias Novis Partnership Company LLC, and TWVH LLC, for properties addressed as 801 and 805 Highway 466. The variance request has been made pursuant to the provisions of Chapter 17, Section 4.b.2.E. of the Town of Lady Lake Land Development Regulations, which only allows wall signs to be placed on the main façade of the business.

Mr. Carroll showed views of the subject parcel and aerial views of the site, as well as photos of the development, including the front façade of the buildings facing Highway 466. He stated the Town was encouraging buildings to be closer to the right of way with parking in the rear, and explained that the code limits wall signage if there is no public entrance on the front of the building, which resulted in this variance request.

Mr. Carroll stated that as required of this application, a Justification Statement has been submitted. The applicant stated that having the channel letter signs on the additional wall could help many businesses and offices in the plaza since the signs could attract drivers from Highway 466 who would not see the businesses otherwise. Additionally, the applicant insisted that due to the building design, there is no public entrance on Highway 466, which limits the wall signage placement in accordance to the current sign code. Mr. Carroll stated that the Town granted a similar variance under Resolution No. 2008-133 for a series of retail suites on Rolling Acres Road that includes the Trustco Bank, Sprint store, etc. He stated that the code changed in 2009 and variance requests have been brought to the Town Commission for consideration.

When reviewing an application for a variance, the Planning and Zoning Board and the Town Commission shall consider the following requirements and criteria according to Chapter 3, Section 14 f) – Review criteria for variances in the Land Development Regulations:

1. No diminution in value of surrounding properties would be suffered.
2. Granting the permit would be of benefit to the public interest.
3. Denial of the permit would result in unnecessary hardship to the owner seeking it.
4. The use must not be contrary to the spirit of this Code.
5. Financial disadvantages and/or inconveniences to the applicant shall not of themselves constitute conclusive evidence of unnecessary and undue hardship and be grounds to justify granting of a variance.
6. Physical hardships such as disabilities of any applicant may be considered grounds to justify granting of a variance at the discretion of the Town Commission.

The subject property lies in Section 18, Township 18, Range 24, in Lady Lake, Florida. The property is zoned “RP” Residential Professional, which permits the development in existence. The Future Land Use Map designation for the site is PS (Professional Services). The requested use is consistent with the directives of the Comprehensive Plan and adopted Land Development Regulations.

Mr. Carroll reported that notices to inform the surrounding property owners (8) within 150’ of the subject property of the proposed variance were mailed by certified mail return receipt on Monday, May 30, 2015, and five return receipts have been returned as received with no objections or letters of support to date. The property was posted on Wednesday, April 1, 2015.

Mr. Carroll stated that the Technical Review Committee (TRC) members individually reviewed the application for Resolution No. 2015-102 and provided comments on April 7, 2015 that determined the application was complete and ready for transmittal to the Planning and Zoning Board and the Town Commission. The Planning and Zoning Board heard the application for Resolution No. 2015-102 at their regular meeting on Monday, April 13, 2015 and recommended approval by a 4-0 vote.

Mr. Carroll stated that Jay Berry of Berry’s Signs and John Toscani as managing member of the Sunset Professional Plaza are present if there are any questions.

Commissioner Hannan stated he thinks the Trustco Bank signs are neat and fit in, and asked if the signs being proposed for these building are similar. He stated he would like to have more detail on what is being proposed.

Mr. Berry replied that the proposed signs will be lighted channel letters with LEDs, very similar to Trustco Bank and identical in construction.

Commissioner Richards asked if Sunset Plaza was going to have any type of monument sign such as the Summit Medical Plaza has next door.

Mr. Berry replied that they have one small sign for the whole plaza that has been permitted and constructed.

Mr. Carroll also interjected that the sign only identifies the complex and is not a directory sign like the Summit Medical Plaza sign, or like the sign at the plaza across the street.

Mr. Berry stated that the façade sign will make the urgent care facility easier to find when passing by on the highway in an emergent situation, as well as Lake Eye Associates. He stated that these people have spent a lot of money for their facilities and want clients to be able to locate them.

Commissioner Hannan stated that it is impossible for him to make a decision on the placement of these signs without photos of the existing buildings and adjacent properties, as artist's renditions of the signs do not show him the entire picture.

Commissioner Richards agreed that they need more information. He asked where the monument sign is now for Sunset Professional Plaza.

Mr. Carroll replied that it is at the entrance of the plaza.

Commissioner Holden commented that perhaps the Paramount Urgent Care sign could be made smaller and could just say "Urgent Care".

John Toscani stated he represents Sunset Professional Plaza as the developers of the property, and that the property was purchased with the site plan approved in accordance to building regulations in 2007/2008 where buildings were encouraged to be close to the roads with parking in the rear. He stated that he would have done a redesign of the site to push the properties off the road if he had the opportunity. Mr. Toscani reported the code for signage states that a sign can be placed on the façade of the building, and façade is defined as the side of the building facing the road. He stated this would have been addressed earlier if he had known it would be an issue. He stated that he manages a number of properties that uses Mr. Berry's signs and they are all well done. Mr. Toscani asked the Commission to approve the signage and resolution.

Commissioner Vincent asked if the sign could be made without being lighted. He stated he does not like the illuminated letters, but perhaps a light could shine on the sign itself.

Mr. Toscani stated that it gets dark around five p.m. in the winter, and lighted signs are needed, especially for the urgent care facility that is open from 7 a.m. until midnight. He stated that up-lights and down-lights are used for the landscaping and to bring the beauty out, but he does not feel it will work on the signs.

Mr. Berry stated the letter style can be changed, but that Lake Eye Associates has their own logo which they want on the sign. He pointed out that the signs in the plaza across the road are all different channel letter styles and it would not seem fair if this request is not approved

Commissioner Richard asked Mr. Berry if he knows of a national logo for urgent care facilities that would be recognized.

Mr. Berry stated he is not aware of a nationally recognized logo for urgent care facilities as they are all independently owned businesses.

Commissioner Holden once again pointed out that Paramount is 40% of the sign for the urgent care and suggested just putting "Urgent Care" on the sign, as most people do not care who owns the business but are just looking for an urgent care facility.

Mr. Toscani replied that urgent care centers have become more of a mainstay as an alternative to a doctor's office.

Mr. Carroll stated that the name is important to some as their insurance may cover only certain urgent care facilities such as Paramount. He stated that staff was only concerned with the variance request as it applies to code; whether the sign can be put on this façade, not the design. He stated that the Commission may request a certain size or color.

Commissioner Richards asked the Town Attorney if the Commission could deny a variance request, and could request the sign be a certain color or design.

Town Attorney Derek Schroth stated it is at the discretion of the Commission and the applicant would have to consent to it and negotiate something, with the alternative being a denial of the application.

Commissioner Kussard stated she is in favor of a lit sign on the façade of the buildings facing Highway 466.

After further discussion, Mayor Kussard asked if anyone in the audience had any questions or comments.

- A member of the audience suggested that the Paramount sign have Paramount in script and urgent care in block letters.

***Upon a motion by Commissioner Hannan and a second by Commissioner Richards, the Commission tabled a decision on Resolution No. 2015-102 – First/Final Reading – Paramount Urgent Care, Inc., JD Orias Novis Partnership Company LLC, and TWVH LLC for the Sunset Professional Plaza – Variance Request Pursuant to Chapter 17, Section 4.b.2.E. to Allow Secondary Wall Signs to be Placed on the South Elevation of Buildings "A" and "B" Located within the Sunset Professional Plaza Which Do Not Have a Public Entrance, Addressed as 801 and 805 Highway 466, until the May 18, 2015 Commission meeting, by the following roll call vote:***

<b><i>HOLDEN</i></b>	<b><i>YES</i></b>
<b><i>VINCENT</i></b>	<b><i>YES</i></b>
<b><i>HANNAN</i></b>	<b><i>YES</i></b>
<b><i>RICHARDS</i></b>	<b><i>YES</i></b>

*KUSSARD*

*YES*

Town Attorney Derek Schroth asked if it is the applicant's intention to revise the proposed plan for the application for further consideration by the Commission.

Mr. Berry replied that he will redesign everything for the Commission to look at.

Mr. Carroll asked for direction from the Commission for the applicant.

Commission Hannan stated he would like to see a picture of the entire building, not just a portion of it.

Commissioner Richards asked that the design be something tasteful such as making Paramount smaller and make urgent care stand out. He asked if several designs could be brought back for consideration.

**15. Resolution No. 2015-103 – First/Final Reading – Benchmark Lady Lake 25 Associates, LLC for the Texas Roadhouse Restaurant – Variance Request Pursuant to Chapter 17, Section 17-3).e).1).A). to Allow a Freestanding Sign to be Erected 64 Ft. from the Closest Freestanding Sign on the Property Owned by Benchmark Lady Lake 25 Associates, LLC – Located at 745 North Hwy 27/441 (Thad Carroll)**

Town Attorney Derek Schroth read the resolution by title.

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 J. DelleBovi, submitted a variance application on behalf of property owner Benchmark Lady Lake 25 Associates, LLC, pursuant to the provisions of Chapter 17, Section 17-3).e).1).A). of the Town of Lady Lake Land Development Regulations which requires that no freestanding sign shall be erected closer than 100 feet from any other freestanding sign. He stated that the variance request is to allow a freestanding sign to be erected 64 feet from the closest freestanding sign on the property owned by Benchmark Lady Lake 25 Associates, LLC, located at 745 North Hwy 27/441 (AK #3861958). The proposed monument sign is designed to be approximately 8' high with a minimum five foot setback along North Highway 27/441, which meets sign code requirements.

Mr. Carroll showed the site plan, aerial views of the property, and photos of the posting and the current Sam's Club sign. He stated that some members of the Planning and Zoning Board had questions about the sight lines for traffic, and these were taken into consideration for the location of the sign and photos of the entrance and exit were shown.

As required of the application, a Justification Statement has been submitted. The site will be home to the Texas Roadhouse, a 7,163 sq. ft. high turnover (sit-down) restaurant proposing 281 seats. Given that the restaurant is proposed to be constructed on an outparcel, the applicant has indicated that the proposed monument location is the best location for the sign to direct the public to restaurant's entrance. The applicant has stated that adding the monument sign has been part of the improvement plans for the site to make it fully operational and attractive, as well as to provide the driver good directions with time to make the turn into the property safely. The applicant feels that a 64 foot separation still accomplishes the spirit of the Code to the best extent practicable given the restaurant land use. Lastly, the applicant pointed out that the amount of signage out there is minimal in proportion to the retail space in place. In selecting the location of the sign, the applicant

considered what best suits the design of the frontage without causing clutter or blockage to any viewing corridor.

When reviewing an application for a variance, the Planning and Zoning Board and the Town Commission shall consider the following requirements and criteria according to Chapter 3, Section 14 f) – Review criteria for variances in the Land Development Regulations:

1. No diminution in value of surrounding properties would be suffered.
2. Granting the permit would be of benefit to the public interest.
3. Denial of the permit would result in unnecessary hardship to the owner seeking it.
4. The use must not be contrary to the spirit of this Code.
5. Financial disadvantages and/or inconveniences to the applicant shall not of themselves constitute conclusive evidence of unnecessary and undue hardship and be grounds to justify granting of a variance.
6. Physical hardships such as disabilities of any applicant may be considered grounds to justify granting of a variance at the discretion of the Town Commission.

The subject property lies in Section 08, Township 18, Range 24, in Lady Lake, Florida. The Future Land Use Map designation for the site is Commercial General-Retail Sales & Services (RET) and is zoned Heavy Commercial (HC). The application is complete and ready to be transmitted to the Planning & Zoning Board for their recommendation.

Mr. Carroll noted that notices to inform the surrounding property owners (2) within 150' of the subject property of the proposed variance were mailed by certified mail return receipt on Monday, March 30, 2015, and there have been no objections or letters of support regarding this application. The property was posted on Wednesday, April 1, 2015.

Mr. Carroll stated that the Technical Review Committee (TRC) members individually reviewed the application for Resolution No. 2015-103 and provided comments on April 7, 2015 that determined the application was complete and ready for transmittal to the Planning and Zoning Board and the Town Commission. He stated that the Planning and Zoning Board heard the application for Resolution No. 2015-103 at their regular meeting on Monday, April 13, 2015, and recommended approval by a 4-0 vote.

Mr. Carroll stated Marty DelleBovi is present to answer any questions.

Commissioner Hannan asked why the Town has the LDRs if changes like this can be approved. He asked if the Sam's Club monument sign can be moved.

Mr. DelleBovi stated Benchmark was approved for this site plan with the setback requirements as called for in the LDRs, and it was approved. He stated that they incurred a \$15,000 expense to recess the property back another 10 feet which requires them to put a retaining wall across the back of the property as requested by Commissioner Hannan, despite being approved with the original setback. He stated there was no restriction under the previous sign ordinance when they originally put the Sam's Club sign up, and this request should have been grandfathered in for the outparcel. Mr. DelleBovi stated that they have made other concessions such as installing a monument sign instead of a pylon sign. He stated it cannot be moved, and he does not feel it is the right thing to do to move the sign for the Texas Roadhouse, and as such, the variance request is to allow for the sign to be closer than 100 ft. from the nearest freestanding sign. He stated they made sure there was no line of sight issues and that it is the best place for the sign.

Mr. DelleBovi commented that the Town's ordinance was drafted years ago, with his input, and he stated that due to its nature, it calls for each development to be handled on a case by case basis. He stated that the sign ordinance was done separately from the LDRs.

Mayor Kussard asked if there was any comments or questions from the audience. There were no comments.

*Upon a motion by Commissioner Richards and a second by Commissioner Holden, the Commission approved Resolution No. 2015-103 – First/Final Reading – Benchmark Lady Lake 25 Associates, LLC for the Texas Roadhouse Restaurant – Variance Request Pursuant to Chapter 17, Section 17-3).e).1).A). to Allow a Freestanding Sign to be Erected 64 Ft. from the Closest Freestanding Sign on the Property Owned by Benchmark Lady Lake 25 Associates, LLC – Located at 745 North Hwy 27/441, by the following roll call vote:*

<i>HOLDEN</i>	<i>YES</i>
<i>VINCENT</i>	<i>YES</i>
<i>HANNAN</i>	<i>YES</i>
<i>RICHARDS</i>	<i>YES</i>
<i>KUSSARD</i>	<i>YES</i>

**16. Resolution No. 2015-104 – First/Final Reading – SRK Lady Lake 43 Associates, LLC for Ulta Beauty – Variance Request Pursuant to Chapter 17, Section 4.b.2.E. to Allow a Secondary Wall Sign to be Placed on the Elevation Facing Fennell Blvd. of Retail Tenant Space 2 – Located within the Lady Lake Crossing Plaza, Which Does Not Have a Public Entrance, Addressed as 460 North Highway 27/441 (Thad Carroll)**

Town Attorney Derek Schroth read the resolution by title.

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk's office). He stated that on March 17, 2015, Town staff received a variance application for secondary wall signage to be placed on the elevation facing Fennell Blvd. of Retail Tenant Space 2 located within the Lady Lake Crossing Plaza. The applicant, Martin J. DelleBovi with SRK Lady Lake 43 Associates, has filed the variance application for Ulta Beauty to be located at the Lady Lake Crossing Plaza for property addressed as 460 North Highway 27/441. The variance request has been made pursuant to the provisions of Chapter 17, Section 4.b.2.E. of the Town of Lady Lake Land Development Regulations, which only allows wall signs to be placed on the main façade of the business.

Mr. Carroll reviewed the site plan, as well as aerial views of the property, photos of the property posting and photos of the surrounding area. Renderings of the proposed illuminated sign lettering was also reviewed.

As required of this application, a Justification Statement has been submitted. The applicant stated that having the channel letter signs on this elevation will assist the public and other retail stores by identifying its location from the south to the north. Additionally, the applicant indicated that drivers coming south to north on Fennell Blvd. would be better directed to the store and the center. Lastly, the applicant feels that since Ulta Beauty is a middle tenant, potential customers may pass by without finding the location and they could lose business.

When reviewing an application for a variance, the Planning and Zoning Board and the Town Commission shall consider the following requirements and criteria according to Chapter 3, Section 14 f) – Review criteria for variances in the Land Development Regulations:

1. No diminution in value of surrounding properties would be suffered.
2. Granting the permit would be of benefit to the public interest.
3. Denial of the permit would result in unnecessary hardship to the owner seeking it.
4. The use must not be contrary to the spirit of this Code.
5. Financial disadvantages and/or inconveniences to the applicant shall not of themselves constitute conclusive evidence of unnecessary and undue hardship and be grounds to justify granting of a variance.
6. Physical hardships such as disabilities of any applicant may be considered grounds to justify granting of a variance at the discretion of the Town Commission.

The subject property lies in Section 08, Township 18, Range 24, in Lady Lake, Florida. The property is zoned “CP” Planned Commercial, which permits the development in existence. The Future Land Use Map designation for the site is RET (Commercial General-Retail Sales and Services). The requested use is consistent with the adopted Memorandum of Agreement of Ordinance No. 2006-04 for the Lady Lake Crossing Plaza and the directives of the Comprehensive Plan and adopted Land Development Regulations.

Mr. Carroll reported that notices to inform the surrounding property owners (3) within 150’ of the subject property of the proposed variance were mailed by certified mail return receipt on Monday, May 30, 2015. The property was posted on Wednesday, April 1, 2015.

Mr. Carroll reported that the Technical Review Committee (TRC) members individually reviewed the application for Resolution No. 2015-104 and provided comments on April 7, 2015 that determined the application was complete and ready for transmittal to the Planning and Zoning Board and the Town Commission. The Planning and Zoning Board heard the application for Resolution No. 2015-104 at their regular meeting on Monday, April 13, 2015 and recommended approval by a 4-0 vote.

Mr. Carroll stated that Mr. DelleBovi is present to answer any questions.

Commissioner Richards stated he is not in favor of this because there is no entrance or traffic in that back area of Fennell Blvd. and that there will be a sign on the front of the building.

Commissioner Holden stated he is in favor of it.

Mayor Kussard asked if there were any comments or questions from the audience. There were no comments or questions.

***Upon a motion by Commissioner Holden and a second by Commissioner Vincent, the Commission approved Resolution No. 2015-104 – First/Final Reading – SRK Lady Lake 43 Associates, LLC for Ulta Beauty – Variance Request Pursuant to Chapter 17, Section 4.b.2.E. to Allow a Secondary Wall Sign to be Placed on the Elevation Facing Fennell Blvd. of Retail Tenant Space 2 – Located within the Lady Lake Crossing Plaza, Which Does Not Have a Public Entrance, Addressed as 460 North Highway 27/441, by the following roll call vote:***

***HOLDEN  
VINCENT***

***YES  
YES***

<i>HANNAN</i>	<i>YES</i>
<i>RICHARDS</i>	<i>NO</i>
<i>KUSSARD</i>	<i>YES</i>

**L. TOWN MANAGER'S REPORT:**

Town Manager Kris Kollgaard reported that the Library Board currently has one member whose term expired this month, Linda Underhill, and she wishes to be reappointed. She stated there is also a vacancy on this board, but there are no new applications on file at this time. When new applications are received, they will be brought to the Commission for consideration of appointment(s). Ms. Kollgaard reported that staff was waiting on the FOP contract and an ad will be going out to all three newspapers for all of the Boards. She asked the Commissioners to make their selection.

*Commissioner Vincent, Commissioner Holden, Commissioner Richards, Commissioner Hannan and Mayor Kussard voted unanimously to reappoint Linda Underhill to the Library Board.*

Ms. Kollgaard reported that she and Public Works Director C.T. Eagle met with the City Manager of Fruitland Park and voiced some concerns regarding the proposed agreement and Fruitland Park will make some minor changes to the terms. She stated that once the revisions have been made, they will send it back and the Town Attorney will review it before it comes before the Commission.

Ms. Kollgaard stated it has come to her attention that some cities do background checks on volunteer board members. She stated the Town currently does background checks on volunteers that work in the library or the police department, but not on members of the boards. She asked if the Commissioners were in favor of doing background checks on board members.

Commissioner Hannan stated he feels background checks would be beneficial and should not be much of an expense to the Town.

Mayor Kussard asked Ms. Kollgaard how much it would cost.

Ms. Kollgaard replied that it will cost 55 to \$75 per background check. She recommended that if the Commission does want background checks, they should select board members contingent upon passing a background check or it could be expensive.

After discussion, it was the consensus that the Commission did not currently want background checks done on volunteer board members, although Ms. Kollgaard asked them to contact her if this changes.

Ms. Kollgaard reminded everyone that the May 4<sup>th</sup> Commission meeting has been cancelled, and the next Commission meeting is scheduled for May 18<sup>th</sup>.

**M. MAYOR/COMMISSIONER'S REPORT:**

Commissioner Hannan stated that many homeowners have gone to Florida Friendly lawns and are putting in rocks instead of grass to the edge of their property line which is against the Town's ordinance that requires that lawns have grass one foot off the property line. He asked that the Town's code enforcement officer be proactive in seeking out those who are violating the Town's ordinance in this regard.

Town Manager Kris Kollgaard stated she will have staff look into it. She stated that when rocks are to the edge of the property, they sometimes get into the gutters and run-off into the wastewater.

Town Attorney Derek Schroth stated that he will look into that before the Town enforces it because there may be a preemption issue with the Florida Friendly landscaping state statute.

Commissioner Hannan also stated he would like to know what The Villages Fire Chief's policy is regarding cars and golf carts parked on both sides of the road, possibly blocking access for emergency vehicles.

Ms. Kollgaard stated she will check with Chief Cain.

Commissioner Richards stated he believes that whoever is blocking the right of way can get ticketed for obstructing.

Ms. Kollgaard stated she also believes the Town can have the vehicles towed, but she will check with the Police Chief.

Commissioner Holden stated he has had no complaints from residents in his ward for some time.

Mayor Kussard stated the Town looks wonderful. She reported that she attended the "Spring into Safety" event at The Home Depot this past Saturday and it was well attended, and she was glad to see the Town participating in this type of activity.

#### **N. PUBLIC COMMENTS<sup>iv</sup>**

Mayor Kussard asked if anyone in the audience would like to speak on any item. There were no comments from the audience.

**O. ADJOURN:** There being no further discussion, the meeting was adjourned at 7:35 p.m.

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Kristen Kollgaard, Town Clerk

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Ruth Kussard, Mayor

Minutes transcribed by Nancy Slaton, Deputy Town Clerk

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<sup>i</sup>Any invocation that may be offered before the official start of the Commission meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Commission, and the Commission is not allowed by law to endorse the religious beliefs or views of this, or any other speaker.

<sup>ii</sup> 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.

<sup>iii</sup> 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.

<sup>iv</sup> 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.