

**MINUTES OF THE SPECIAL MEETING
OF THE LADY LAKE TOWN COMMISSION
LADY LAKE, FLORIDA
December 15, 2014**

The Special 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 4:30 p.m.

1. CALL TO ORDER

- 2. 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/Town Clerk; Thad Carroll, Growth Management Director; C.T. Eagle, Public Works Director; Wendy Then, Town Planner; and Nancy Slaton, Deputy Town Clerk

Others Present:

3. Public Comment

Mayor Kussard asked if there were any comments or questions. There were no comments or questions at this time.

4. Conceptual Presentation of the Texas Roadhouse – Proposal of a New High-Turnover (Sit-Down) Restaurant of 281 Seats with Approximately 7,163 Sq. Ft. of Building Space – Located at 745 N. Hwy 27/44 1 (Thad Carroll)

Growth Management Director Thad Carroll gave the background summary from the agenda item cover sheet which is on file in the Town Clerk's office. He stated that the applicant, Benchmark Lady Lake 25 Associates, LLC, is the property owner of a 2.01 +/- acre parcel located at 745 N. Hwy 27/441, just south of the Sam's Club and north of the Lady Lake Town Hall Municipal Complex. The parcel originally received Major Site Plan approval back on August 4, 2008 by the Town Commission for the construction of 16,100 sq. ft. of retail under the project name of Sam's Outparcel. The property has a Heavy Commercial (HC) zoning designation, which allows for the proposed restaurant land use.

Mr. Carroll stated that under the Sam's Outparcel development, the applicant was granted site plan approval for five ft. building and landscaping buffers along the north and south elevations. He stated that 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 ft. landscaping buffer for the north and south elevations on this project primarily to accommodate a five ft. concrete sidewalk on both sides.

Mr. Carroll reviewed the following waivers/variances which the applicant will be pursuing:

- Two landscaping waivers in accordance to Chapter 10, Section 10-3. b).1).:
 - North elevation/Buffer 3 - waive four canopy trees due to existing off-site landscaping.
 - West elevation/Buffer 2 - Substitute the required six canopy trees for understory trees due to overhead utility line conflict along N. Hwy 27/441.
- 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 parking deficiency in the amount of 10% or less of required parking spaces.
- Potential variance to address monument sign separation requirement

At this time, the developer is ready to move forward with the restaurant proposal. Prior to submitting the major site plan application, the applicant would like to showcase the development proposal and exterior building elevations for the Town Commission's feedback. The building does not exhibit one of the four preferred architectural styles; however, Chapter 20, Section 20-3C). 3). has provisions to submit elevations where the compatibility of the proposed building will be reviewed for consistency with adjacent architecture on a case-by-case basis. The building elevations will not exceed the maximum allowed three exterior colors. A similar product is the Longhorn Steakhouse within the Villages Crossroads Plaza across Highway 27/441.

The developer has submitted an introduction letter, along with the following items (included in the packet):

- Approved site plan for the Sam's Out Parcel
- New proposed site plan for Texas Roadhouse
- Exterior building elevations for Texas Roadhouse

The applicant is expected to make full site plan submittal within the next few weeks.

Mr. Carroll introduced Martin Dellebovi of The Benchmark Group, as the developer/applicant.

Mr. Dellebovi stated The Benchmark Group is a real estate development company out of Buffalo, New York, that has been in existence for 32 years. He stated they have had the pleasure of developing in Lady Lake over the past 7-8 years and are the owners of Village Crossroads and Lady Lake Crossing. He stated this will complete the Sam's development with this proposed outparcel use for a national restaurant. Mr. Dellebovi stated that Kimley-Horn will do the engineering as they did with the Sam's structure, and Greenberg Farrow will be the architect for the restaurant. He stated that Benchmark will be developing the site and will build the infrastructure, and will own the site and the restaurant. He stated the tenant will build the restaurant and will be responsible for the permits for the building. Mr. Dellebovi stated the site conditions include all the utilities for water lines and reuse already stubbed in, and the capacity for drainage is already in place with storm drainage stubbed into the site; this will be tied into the current storm system for water and retention. Electric will be coordinated with Duke Energy as the process moves forward.

Mr. Dellebovi reviewed aerial views of the site showing that traffic can access the site from two different directions; from Veterans Way to the north and from US Hwy 27/441. He stated there is

already a crosswalk in place from the Sam's parcel to this outparcel. He reviewed the site plan showing 137 parking spaces to include six handicapped spaces, a dumpster area enclosed behind the building, and a loading zone which will double as parking spaces as any deliveries will be done before the operating hours of the restaurant which are normally from 3:30 p.m. to 10 p.m. Mr. Dellebovi stated new sidewalks will be around the perimeter and will tie into the existing sidewalks. He stated they are proposing a monument sign that may need a variance due to the location of the proposed sign falling within the 100' setback from the existing Sam's sign as it appears to be the best location and will not interfere with sight lines. He stated it makes sense to install a directional sign with the restaurant's logo on it from the north side of the site from Veterans Way, as well, to direct customers in and keep them from missing it and having to turn around by US Hwy 27/441.

Mr. Dellebovi stated the building for the Texas Roadhouse, a national chain, has a themed elevation that is attractive, but it does not fall with the architectural design elements of the Town. He stated there is a stone alternative to the wood elevation that has been done in a couple of other locations, and the tenant would consider it if the Commission so desires. He stated that Benchmark has an executed lease with the tenant that is contingent upon various approvals and permitting. He asked if there were any questions.

Commissioner Hannan stated he is excited about this restaurant coming in as he has eaten at the Lake City restaurant. He stated he would prefer it if the restaurant was pushed back farther from the highway, and if the building was flipped to the other side of the site closer to Sam's, which would allow some parking in the front.

Commissioner Richards commented that he has no objection to the plan.

Commissioner Holden stated he agrees with Commissioner Hannan's comments and that some parking in the front might be a good idea. He also stated he likes the look of the stone elevation.

Mayor Kussard confirmed with Mr. Carroll that the plan complies with the Town's code for a 20' setback from the right-of-way. She stated she also likes the look of the stone façade.

Commissioner Vincent asked if most of the traffic will be coming in from the south, or people coming down and making a left hand turn at the light. He asked if the proposed sign would be two-faced.

Mr. Dellebovi replied the sign would be on both sides. He stated the traffic light at Town Hall was put in with the trip generation count taking into account people coming down and making left hand turns.

Mayor Kussard confirmed that there will be a tree border between the proposed restaurant and Town Hall.

Town Manager Kris Kollgaard stated she has heard no complaints from employees about this restaurant coming in; just questions about when it will open.

Commissioner Hannan agreed there may need to be directional signage from the north. He asked if anyone other than himself and Commissioner Holden wanted the restaurant pushed back.

Commissioner Richards stated that the plan meets existing code.

Commissioner Holden stated since the 20' setback meets code, he will go along with whatever is best for the business.

Mr. Dellebovi stated that Growth Management staff keeps them in line and he feels the setback is fine as is, but they would be able to push it back another 10' if they put in a 4' retaining wall along the back of the property due to the grade, which would mean additional costs to the developer.

Ms. Kollgaard asked if there would be a visibility problem if the restaurant was pushed back another 10 feet, as Town Hall is a large building.

Mr. Dellebovi replied they would be okay, but he would have to go back to the tenant as he currently has an approved site plan as presented.

After further discussion, it was the consensus of the Commission that they were in favor of advancement of the conceptual presentation of the Texas Roadhouse with the 20' setback as presented, by a vote of 3-2 (Hannan/Holden). It was the consensus of the Commission that they were in favor of utilizing the stone façade elevation.

5. Conceptual Presentation of Lady Lake Crossings East – Proposal for 52,000 Sq. Ft. of New Retail Building Space, and a 4,000 Sq. Ft. Building Development on the Outparcel Between Tire Kingdom and McDonald's – Located on US Hwy 27/441 (Thad Carroll)

Growth Management Director Thad Carroll gave the background summary from the agenda item cover sheet which is on file in the Town Clerk's office. He stated that the applicant, SRK Lady Lake 43 & Associates, also known as The Benchmark Group, is the property owner of a 41-acre parcel located at the southeast corner of N. Hwy 27/441 and Fennell Boulevard, designated as Lady Lake Crossings. Mr. Carroll stated that Lady Lake Crossings currently exhibits major retail stores such as Kohl's, Kirkland's, The Salt Room, Dollar Tree, and Rug World in the shopping plaza, as well as Tire Kingdom and the recently developed McDonald's restaurant on the outparcels. The property has a zoning designation of PUD-Planned Unit Development, which is governed under the Memorandum of Agreement (MOA) of Ordinance No. 2006-04.

Mr. Carroll reported that the developer has secured negotiations with a tenant at this time on the remaining 7.39-acre parcel piece located within the existing PUD to complement the existing retail, which is Steinmart. Approximately 52,000 sq. ft. of new retail space is proposed to be built on the seven-acre parcel. For the .65-acre outparcel located between McDonalds and Tire Kingdom, the developer proposes a 4,000 sq. ft. building.

Prior to submitting the site plan application, the applicant would like to present the conceptual elevations, discuss Commercial Design Standards and minor modifications to the PUD Ordinance, and/or potential variances. The following information was included in the packet:

- Conceptual Site Plan
- Planned Unit Development Memorandum of Agreement under Ord. No. 2006-04
- Landscaping Plans
- Exterior Building Elevations

At the time the applicant submits a full site plan application, Town staff will conduct a comprehensive review regarding the site plan, commercial design standards, parking, landscaping, and signage requirements. This phase will be built following elements of the Mediterranean

Architectural Design Style in conjunction with the existing exterior elevations of the buildings in Lady Lake Crossings and the Villages Crossroad Plaza. Any landscaping waivers will be brought before the Parks, Recreation, and Tree Advisory Committee, and any commercial landscaping waivers will be brought before the Town Commission for final consideration.

Mr. Carroll introduced Martin Dellebovi of Benchmark to talk about this proposal.

Mr. Dellebovi stated that Benchmark feels that Steinmart will be a great addition to this retail space. He stated that Kohl's and Bed, Bath & Beyond have waived the restrictions to allow this. He stated that Steinmart will use 32,000 sq. ft. of the retail space and there will be 20,000 sq. ft. of additional retail space available adjacent to them, although there are no signed leases for this space yet, which may either be one or two store fronts. He stated there will be a minor modification to the St. John's permit and Kimley-Horn will be updating all the engineering for the infrastructure currently in place, as well as the site conditions and traffic impact. Mr. Dellebovi stated the elevations proposed are consistent with the current theme of the elevations for Village Crossroads and Lady Lake Crossing. He stated that Steinmart is interested in putting a sign on the left side elevation of the building because of the traffic coming down from the bridge into Lady Lake, and this will be brought back before the Commission at a later date.

Mr. Dellebovi stated that they will be building a retail building on the outparcel near McDonald's, although there is no tenant currently in place, and the elevation will match the elevation themes of the outparcel where the Vitamin Shoppe and Aspen Dental are with awnings, etc. He stated the landscaping and lighting will also remain consistent throughout the parcels, which has done very well from the Village Crossroads to Lady Lake Crossing. Mr. Dellebovi stated that the signage for Steinmart and any other tenants will be going on the pylon sign at the corner by McDonald's. He asked if there were any questions.

Commissioner Hannan asked if there would be additional signs on the Tire Kingdom sign. He also mentioned that the developer agreed in the past to pull that sign down if the overpass is torn down.

Commissioner Richards commented that the bridge is slated to come down in 2019.

Mr. Dellebovi stated that there are currently two signs, the one by McDonald's and the one by Tire Kingdom, and he confirmed that they would take it down if the overpass comes down.

It was the consensus of the Commission that they were in favor of advancement of the conceptual presentation of Lady Lake Crossings East as presented.

6. Conceptual Presentation of Changes for Rolling Acres Self Storage (Tree Tops) – Proposal for a Manager's Residence in Phase 2 in an Existing Building Near the Secondary Egress Drive on West Lady Lake Blvd.; Proposal to Change the Planned 12 Mini-Storage Buildings Totaling 41,000 Sq. Ft. to Two Proposed Indoor Motor Vehicle/RV/Boat Storage Buildings Totaling Same; Proposal for an RV Sewage Dump Station Approximately 40' Inside the Gate at the Secondary Egress Drive; and Cancellation of Proposed Phase 3 of the Project (Thad Carroll)

Growth Management Director Thad Carroll gave the background summary from the agenda item cover sheet which is on file in the Town Clerk's office. He stated that on December 16, 2013, Tree Tops Golf Inc., received site plan approval for the construction of a development consisting of three phases with 32 buildings on a 12.65-acre parcel located at 175 S. Rolling Acres Road (referenced

by Alternate Key # 3250290). He stated the Development Order for the first phase of MJSP 10/13-003 was issued on December 17, 2014, consisting of eight buildings being 110,289 sq. ft. of mini-storage space.

Mr. Carroll stated the Memorandum of Agreement of Ordinance No. 2013-10 was approved for the property by the Town Commission on September 18, 2013 (Ordinance No. 2013-10 with MOA attached). He stated that at this time, the applicant is seeking to amend the Memorandum of Agreement to propose the following changes:

- A manager's residence was not constructed in Phase 1. This is now proposed in Phase 2 in an existing building near the secondary egress drive on West Lady Lake Boulevard, approximately 763 sq. ft. in size.
- Phase 2 changes the originally planned 12 mini storage buildings totaling 41,000 sq. ft. to two proposed Indoor Motor Vehicle/RV/Boat Storage Buildings totaling same.
- Phase 2 includes a proposed RV sewage dump station approximately 40' inside the gate at the secondary egress drive.
- Phase 3 is no longer proposed. Six mini storage buildings will not be planned in Phase 3.

Mr. Carroll summarized that a total of 152,452 sq. ft. of buildings is now planned for the site with a net reduction of 9,548 sq. ft. from the originally approved development; the originally approved building coverage on-site was 162,000 sq. ft.

Mr. Carroll reviewed the site plans as originally proposed and the revised plans for the changes being proposed today.

The Future Land Use Map designation for the site is Commercial General-Retail Sales & Services (RET) and property is zoned Planned Commercial (CP). The proposed changes are consistent with the directives of the Comprehensive Plan and zoning classification, provided that the amendments are incorporated and adopted under a revised Memorandum of Agreement.

The applicant has submitted a summary of proposed modifications; which is contained within the packet, along with the following items:

- Approved Ordinance No. 2010-13 with Memorandum of Agreement
- Proposed changes to the Memorandum of Agreement
- Proposed Conceptual Plan to accompany MOA (in color)
- Approved and proposed Site Plans 24" x 36" in black & white
- Executed Development Order for Phase I

Mr. Carroll turned the presentation over to Mr. David Springstead of Springstead Engineering, as project engineer, to review the proposed changes.

Mr. Springstead stated he represents Tree Tops/Rolling Acres Mini-Storage. He stated the manager's residence proposed in Phase 1 in the front building was made into mini storage units instead, and they are proposing that the current storage shed by the back entrance be renovated into a manager's residence. He stated the two proposed indoor storage buildings instead of the 12 unit mini storage buildings would be designed to meet the building codes for restrooms, fire protection

and alarm systems, as these were issues that popped up during the first phase. Mr. Springstead commented that the proposed driveways are wide enough for two-way traffic all around and allow for backing into the facilities. He stated the idea for the RV storage and dump station is that it would be a self-contained site to allow for clean-out and storage, and there would be a second connection to the Town's sewer system to allow for a small lift station to insure that the flow for the dump station would not effect the plant's operation.

Mayor Kussard clarified that the site would not have its own stand-alone system, but would hook up to the Town's system, and that samples could be taken to insure that nothing that should not be going into the system would go into it.

Mr. Springstead confirmed this and stated the lift station could provide a sample if need be. He stated that the site drainage has already been designed to meet the same amount of impervious area that was previously proposed, although there will be a slight modification to the St. John's permit for the piping and transmission. Mr. Springstead stated that Lady Lake Boulevard will be paved down past the second entrance in this phase, and that the entrance will be a gated access that will be coded and monitored closely.

It was the consensus of the Commission that they were in favor of advancement of the proposed changes for Rolling Acres Self Storage (Tree Tops) as presented.

7. ADJOURN: There being no further discussion; the meeting was adjourned at 5:16 p.m.

Kristen Kollgaard, Town Clerk

Ruth Kussard, Mayor

Minutes transcribed by Nancy Slaton, Deputy Town Clerk