

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

**April 8, 2013
6:00 p.m.**

The Planning and Zoning Board Meeting was held in the Town Hall Commission Chambers, 409 Fennell Blvd., Lady Lake, Florida.

CALL TO ORDER: John Gauder, Chairperson

PLEDGE OF ALLEGIANCE: John Gauder, Chairperson

ROLL CALL: William Scott, Member
Mike McKenzie, Member
John Gauder, Chairperson
William Sigurdson, Vice Chairperson/Member
Julius Chirieleison, Member

STAFF MEMBERS PRESENT: Attorney Laura Lightsey, BRS Legal; Thad Carroll, Growth Management Director; Wendy Then, Town Planner; and Julia Wolfe, Staff Assistant to Town Clerk

NEW BUSINESS:

1. Approval of Minutes: March 11, 2013 Planning and Zoning Board Meeting

Chairperson/Member John Gauder asked if anyone had any corrections or deletions to the March 11, 2013 Planning and Zoning Board meeting minutes. There were none.

Upon a motion by Member Scott and a second by Member McKenzie, the Planning and Zoning Board approved the Minutes of the Planning and Zoning Board Meeting of March 11, 2013 as presented. The motion passed by a vote of 5-0.

2. Final Plat for Green Key Villages (Formerly Known as Nine Oaks Subdivision) – A 42-Unit Single-Family Residential Subdivision Located on Approximately 24.22 Acres of Land – Located at 1635 Lake Ella Road

Wendy Then, Town Planner, presented the background summary for this agenda item (on file in the Town Clerk's office). She stated the applicant, and owner, Greg Thomas of Mainsail Solutions, Inc., has submitted plans for Final Plat Approval of a subdivision which proposes the construction of 42 single-family residences located on approximately 24.22 acres at 1635 Lake Ella Road (Alternate Keys 1771463 and 3838637). Ms. Then stated the property Future Land Use designation is Single Family Medium Density (SFMD). The Zoning designation is RS-6, Residential Single Family up to 6 dwelling units/acre. Ms. Then stated the Final Plat was reviewed to determine if it is in compliance with the Land Development Regulations (LDRs) and Florida Statutes Chapter 177. Attached are the following items in the packet:

1. Final Plat Review completed by Town Attorney, dated 03/08/2013.
2. Final Plat Review completed by Town Surveyor, dated 03/19/2013.
3. Declaration of Covenants, Restrictions and Easement for Green Key Village
4. Subdivision Title Report
5. Final Subdivision Plat Plans
6. Survey

Ms. Then stated summary is as follows:

- 1) The Green Key Village subdivision received approval by Town Commission on January 22, 2013. The applicant has completed the Improvement Plans/Construction process and is ready to proceed with the Final Plat Application.
- 2) A variance application addressing the front yard setback reduction from 25 feet to 20 feet received Town Commission approval also on January 22, 2013.
- 3) A Sewer and Water Agreement will be executed between Town of Lady Lake and the Property Owner/Developer.
- 4) The Developer/Owner is proposing to convey the lift station and water, sewer, and reuse lines to be owned and maintained by the Town.

Staff comments were as follows:

Satisfied/Revised Items:

- The comments regarding Tract "C" have been addressed. The developer will need to wait after the Final Plat is approved and recorded to reference the legal description of Tract "C" in terms of the plat rather than create a metes and bounds legal description.
- The comments regarding Tract "D" have been addressed. A blanket easement for the installation, maintenance, and access of public utilities over, across, and under has been provided.
- The comment regarding the 40' feet of right-of-way for the perpetual use of the public has been properly depicted.
- The comment regarding emergency vehicle access (access from all platted roadways) has been addressed under Item 16.
- Applicant has addressed all outstanding surveyor comments.
- The Declaration of Covenants, Restriction and Easement for the Green Key Village Subdivision has been corrected to read 10 feet Drainage and Utility Easements on all front and rear lot line and 5 feet Drainage and Utility Easements on all side lot lines.

Photos of the property and the postings were shown on the overhead viewer.

Ms. Then stated public hearings were as follows: The Technical Review Committee (TRC) reviewed the application at their regular meeting on Tuesday, April 2, 2013, recommending approval to forward to the Planning and Zoning Board with a vote 5-0. The Town Commission is scheduled to consider final approval for the Final Plat at their regular meeting on Monday, April 15, 2013.

Ms. Then stated the applicant is present to answer any questions.

Member Chirieleison stated he was curious as to why the land east of the property was vacant, and what the plans for the vacant property are.

Paul Buchanan approached the podium and identified himself. He stated the property is being developed in phases as with most developments. He stated once Phase One is completed, they will begin with Phase Two, and the whole process will be started over again to plat the rest of the subdivision. Mr. Buchanan stated the applicant is just a little guy, but he has a great product. He stated the homes will be in the upper level price range, which is good for the Town and taxes.

Member Chirieleison asked if there were any plans to pave the dirt road "Abeble" to the north of the property in the future.

Mr. Buchanan stated he believe that would be a Public Works issue with the Town of Lady Lake.

Thad Carroll, Growth Management Director, stated Public Works has no plans to pave Abeble Road at the present time. He stated the property has two access points by the boulevard entrance and a gate on the back of the property. He stated that the applicant would normally be required to do a second entrance, which would be off Abeble road. Mr. Carroll stated the back gate would be for emergency scenarios, and will not be utilized by the residents of the subdivision. He stated during the development of subsequent phases, transportation studies may show that Abeble Road improvement is warranted.

Chairperson Gauder asked Mr. Buchanan if he had anything else he would like to say.

Mr. Buchanan stated the development was platted and approved as 50 ft. lots before, but now they are going to 100 ft. lots. He stated it is going to be a great improvement and an asset to the whole community. Mr. Buchanan stated he appreciates the Town's support and the Growth Management Department has worked really hard with Mr. Thomas to keep the project on the right track. He stated the property was a mess in the beginning with the roads being washed out and the lift station tilted at 45 degrees, and so on.

Chairperson Gauder stated he appreciated Mr. Buchanan for working with the Town.

Upon a motion by Vice Chairperson/Member Sigurdson, and a second by Member McKenzie, the Planning and Zoning Board recommended transmittal and approval of Final Plat for Green Key Villages to the Town Commission for consideration. The motion passed by a vote of 5-0.

3. Discussion and Review of Planning and Zoning Board's Duties and Roles in the Town's Land Development Processes

Thad Carroll, Growth Management Director, stated he wanted to update the Board on the rules and responsibilities of the Planning and Zoning Board and remind them which applications come before the Board for consideration. He stated with the appointment of a new member recently, he would like to take this opportunity to bring the information to the new member and as a refresher for the Board members. Mr. Carroll stated all the information is contained in the Land Development Regulations (LDR) book. He reviewed and commented on the rules and responsibilities of the Board as follows:

Sec. 1-82. Planning and Zoning Board

There is hereby created the Town of Lady Lake Planning and Zoning Board to review comprehensive planning policies and specific development applications as required by this Code, and provide recommendations to the Town Commission on planning and land development related matters:

- a) Membership the Planning and Zoning Board shall consist of five (5) members appointed by, and serving at the pleasure of, the Town Commission. Members shall be qualified electors residing in the Town.
 1. *Members shall be appointed for two (2) year terms. A member whose term expires may continue to serve until a replacement is appointed.*
 2. *Members may be removed without notice or without cause by a majority vote of the Town Commission.*
 3. *If any member fails to attend two or three (3) consecutive meetings without cause and without prior approval of the Chairman, the Board shall declare the position vacant and request a replacement be appointed by the Town Commission.*
 4. *When a vacancy occurs prior to the expiration of a term, the Town Commission shall appoint a member to fill the vacancy for the duration of the term within thirty (30) days after the vacancy occurs.*
 5. *No member of the Board shall be an elected official of the Town.*

- b) Organization and Procedures.
 1. *The Board shall annually elect a Chairman and Vice-Chairman from among its members in the month of March.*
 2. *The Board shall adopt rules of procedures in accordance with this Code and applicable law to carry out its functions and duties.*
 3. *The Board shall meet on the second Monday of each month, unless canceled by the Board or its Chairman, and at such additional times as requested by the Chairman or Town Commission.*
 4. *A quorum shall consist of a majority of the members of the Board.*
 5. *The Town shall provide a recording secretary to keep minutes of the Board's meetings.*

- c) General Functions and Duties.

1. *The Board shall obtain and review information necessary to prepare and amend the Comprehensive Plan, Development Code of the Town, and the Official Zoning Map of the Town.*
2. *The Board shall monitor the operation and effectiveness of the Comprehensive Plan and this Code, and recommend amendments to the Town Commission.*

Mr. Carroll commented if items are brought before the Board frequently, and they continue to have the same variance for the same reason, that would be a reason for the Board to recommend or bring to Staff's attention that this has come up quite a few times and it has always proven to be a hardship. He stated in that case, perhaps the code would need to be amended so that it would not require a variance. Mr. Carroll stated if the Board sees anything that continues to be burdensome time after time; it is probably something that would require a Code change.

3. *The Board shall conduct public hearings and perform other duties as required by the Code.*

Applications to be considered by the Planning and Zoning Board for Recommendation:

- *Annexations - Chapter 1 Section 83*

Mr. Carroll commented this is one of the primary duties of the Planning and Zoning Board. He stated when annexations occur in the Town; the Board needs to evaluate the proximity to infrastructure, what is being proposed, along with consideration of the rezoning Comprehensive Plan Amendment. He stated annexation applications will come before the Board for their recommendation to the Town Commission.

- *Comprehensive Plan Amendment – Chapter 3 Section 4*

Mr. Carroll stated the Annexation, Comprehensive Plan, and Rezoning applications are taken together, but if the property is already annexed, the Comprehensive Plan and the Rezoning can be considered at a different time. He stated the Town will want to know what intended future land use and what intended zoning designation is being sought by the applicant.

- *Rezoning – Chapter 3 Section 3*

Mr. Carroll stated the rezoning has to compliment the Comprehensive Plan. He stated it is the duty of the Board to make sure the Town's zoning designation, and the uses that are defined under the designation, are within the Future Land Use element so there are no Commercial uses in a Residential Future Land Use designation.

- *Development Code Changes – Chapter 3 Section 5*

Mr. Carroll commented Development Code Changes allow a use to be added or removed from the Code.

- *Variances – Chapter 3 Section 14*

Mr. Carroll stated variance applications come before the Board. He stated variance requests are usually made by property owners as a result of a hardship due to a strange lot configuration, or some other topographical anomaly.

- *Subdivision Plats - Preliminary Plat/Final Plat - Chapter 8 Section 6*

Mr. Carroll stated Preliminary Plats come before the Board, and then the Final Plat is reviewed by the Board after the development order and construction plans are finalized.

Applications “Not” to be considered by the Planning and Zoning Board for Recommendation

- *Subdivision Construction (Improvement Plans) – Chapter 8 Section 6*

Mr. Carroll commented that this is a function of Public Works and the technical components of the plans. He stated the Town looks heavily into the sewer infrastructure and roadway network making sure what is proposed on the preliminary plat is going to be constructed in a sufficient manner.

- *Site Plan Approvals – Chapter 7 Section 9*

Mr. Carroll stated the Planning and Zoning Board makes recommendation to the Town Commission to establish Land Uses and once those Land Uses are established, as long as they meet all sections of the Code, they can begin building.

- *Major Modifications – Chapter 7 Section 11*

Mr. Carroll commented that Major Modifications go before the Town Commission. He stated a Major Modification is a 10% or more change to the project acreage or square footage, number or mix of units, or any improvements onsite.

- *Minor Modifications – Chapter 7 Section 11*

Mr. Carroll stated a Minor Modification does not affect any infrastructure; there are no permits with DEP or St. Johns that are going to be triggered. He stated the Town Manager authorizes the Minor Modifications.

- *Lot Aggregations – Chapter 8 Section 4*

Mr. Carroll commented Lot Aggregations are very minor and go before the Technical Review Committee. He stated it is when a property owner wants to join property.

- *Lot Splits – Chapter 8 Section 4*

Mr. Carroll stated a Lot Split is just where someone wants to divide property, and this is also reviewed by the Technical Review Board before going to the Town Commission.

Mr. Carroll stated that the Planning and Zoning Board will not review all applications; some items are only reviewed by the Technical Review Committee prior to going before the Town Commission, and the only thing that goes through the Local Planning Agency is the Comprehensive Plan Amendment, which is concurrent with annexation applications. He stated the Planning and Zoning Board will always see applications regarding subdivisions.

Vice-Chairperson Sigurdson stated he appreciated the information on what is not covered. He stated he has been to the Technical Review Committee meeting several times and has seen an item on the agenda that is not seen by the Planning and Zoning Board, and he was wondering why.

Mr. Carroll stated the Board members are welcome to attend any of the Town meetings; just check the schedule for dates and times.

Chairperson Gauder asked if anyone else had any ideas, corrections or additions.

Ms. Then stated the Board members are also welcome to stop in at the Growth Management Department, or they can e-mail or call. She stated staff is available to answer questions at any time.

CHAIRPERSON/MEMBERS' REPORT:

There were no comments or reports.

OPEN FORUM:

There were no comments.

ADJOURN:

With nothing further to discuss, the meeting was adjourned at 6:25 p.m.

Julia Wolfe, Staff Assistant to Town Clerk

John Gauder, Chairperson