

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

**April 13, 2015
5:30 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 Gil Pierson, Member
 Mike McKenzie, Member
 Alfred Monteleone, Member
 John Gauder, Chairperson

Members Absent: William Sigurdson, Vice Chairperson/Member

STAFF MEMBERS PRESENT: Thad Carroll, Growth Management Director; Wendy Then, Town Planner; Kris Kollgaard, Town Manager; and Julia Wolfe, Staff Assistant to Town Clerk

Also Present: Attorney Todd Mazenko, BRS Legal; Mayor Ruth Kussard; and Commissioner Paul Hannan

OPEN FORUM:

Chairperson Gauder asked if anyone in the audience had any comments or questions. There were no comments or questions.

NEW BUSINESS:

1. **Approval of Minutes** – February 9, 2015 Regular Meeting

Upon a motion by Member McKenzie and a second by Member Monteleone, the Planning and Zoning Board approved the minutes of the Planning and Zoning Board Meeting of February 9, 2015 as presented by a vote of 4-0.

2. **Ordinance No. 2015-02 – Phillip and Donna Willman Center – Rezoning/CP MOA Amendment to Add the Motor Vehicle, Recreational Vehicle or Boat Storage Land Use and Set Up an RV Storage Facility on Property Identified Under Alternate Key #2830476 and #3539605 – Located Along County Road 25, North of Allstor Commerce (Wendy Then)**

Wendy Then, Town Planner, presented the background summary for this agenda item (on file in the Clerk's Office). She stated the applicant, James Senatore, has submitted an application on behalf of property owners Phillip A. and Donna D. Willman for property located along County Road 25, north of the Allstor Commerce Center, approximately 440 lineal feet south of the intersection of County Road 25 and Griffin Avenue. The property includes approximately 2.67 ± acres (referenced

by alternate key numbers 2830476 and 3539605 respectively) currently in the Town of Lady Lake. The applicant has filed the following application for this property:

- Rezoning of 2.67 ± acres from Lady Lake CP (Planned Commercial), to Lady Lake CP (Planned Commercial) to change the language of the Memorandum of Agreement (MOA) to include new permitted uses and to establish new terms regarding landscaping buffers, new buildings, fencing, parking spaces, and hour of operation.

Ms. Then stated the subject property is currently home to Water Wizard Irrigation. Pursuant to the provisions of the Town of Lady Lake Land Development Regulations, the applicant is requesting to use the property primarily as a RV storage facility consisting of approximately 70 RV spaces with a typical dimension of 14’x56’. As part of the application, the applicant has provided the new Memorandum of Agreement (MOA) Ordinance terms (Exhibit “B”) and Bubble Plan (Exhibit “C”) showing the new proposed building, retention pond area, parking area, landscaping buffers and fence detail, and gate. For safety, security purposes, and in accordance with the land use, the applicant will be proposing a gate at the entrance and opaque fencing along the perimeter of the property to secure the RV storage facility.

Aerial views of the property and photos of the property and postings were shown.

The application has been reviewed and determined to be complete. The applicant has submitted all appropriate material in compliance with the Land Development Regulations (LDRs) and they are ready for transmittal to the Planning and Zoning Board.

Ms. Then reviewed the main changes to the ordinance as listed below:

- Under permitted uses motor vehicles, recreational vehicles, or boat storage facilities.
- Hours of operation 8:00 am – 5:00 pm, with unattended 24 hour access to the facilities. Access shall be with coded key pad and automatic horizontal sliding gate.
- Buffer Class “B” - Owner shall install solid PVC fencing along CR 25 and first 200’ along north and south property lines then chain link fencing with PVC slats for the remaining property lines. Existing trees located within buffer shall take the place of required trees with proper approvals.
- Signage- Owner will erect ground mounted sign to meet design standards. Final design and layout shall be submitted for proper approvals.
- Improvement to Oxford Avenue has been removed because it is a County road. Town staff has submitted the information to Lake County for them to provide the proper comments.

The Future Land Use and Zoning designations of the adjacent properties are as follows:

Future Land Use

Subject Property	Lady Lake – General Commercial Retail Sales & Services (RET)
Future Land Use of Adjacent Properties	
West	Lady Lake- Commercial General-Retail and Sales Services (RET)
East	Lake County- Urban Low Density
North	Lady Lake- Commercial General-Retail and Sales Services (RET) Lake County- Urban Low Density Lady Lake- Single Family Low Density
South	Lake County-Urban Low Density

The subject property lies in Section 08, Township 18, Range 24, in Lady Lake, Florida. The property is zoned “CP” Planned Commercial and the current Future Land Use Designation of the subject property (2.67 ± acres) Lady Lake Commercial General – Retail Sales & Services (RET) is compatible with the requested commercial uses. Therefore, the applicant is not requesting any changes regarding the future land use designation with this application.

Zoning

Subject Property	Lady Lake – Planned Commercial (CP)
Zoning of Adjacent Properties	
West	Lady Lake-Light Commercial (LC)
East	Lake County- R1
North	Lady Lake-Light Commercial (LC) Lake County-R1 Lady Lake- RS-3
South	Lake County-R1

Comments for this application are as follows:

- 1) Permitted Uses and restrictions of the property will be governed by the attached Memorandum of Agreement, superseding all uses and prohibitions as stated in the Memorandum of Agreement of Ordinance No. 2004-16 executed on November 1, 2004, as recorded in ORB. 2705 PGS. 0141-147.
- 2) Should the amendment to the Memorandum of Agreement be approved, the applicant will be required to submit a site plan application to develop the site.
- 3) Applicant will be seeking connection to the Town's potable water supply, central sewer system, as well as the Town's reclaimed water system for irrigation. Sufficient capacity exists for all utilities.

Ms. Then reported that notices to inform the surrounding property owners (3) within 150’ of the property of the proposed Rezoning-CP MOA Amendment were mailed by certified mail return receipt on Monday, March 30, 2015. The property was posted on Wednesday, April 1, 2015. To date, three certified mail receipts have been returned, and there have been no objections or letters of support regarding the application to date.

Ms. Then stated the application materials were circulated to members of the Technical Review Committee (TRC) on Tuesday, April 7, 2015. No comments were forwarded that would prohibit advancement of the application to the Planning and Zoning Board. She stated the Town Commission is tentatively scheduled to hear Ordinance No. 2015-02 for first reading at their regular meeting on Monday, May 18, 2015 at 6 p.m., and for second/final reading at the regular meeting to be held on Monday, June 1, 2015 at 6 p.m.

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

Member Monteleone asked if the two cows and the baby calf would be relocated.

Phillip Willman, property owner, replied that he would probably move the cows to his home.

Chairperson Gauder asked if there was anyone in the audience who wished to speak on this matter. There was no one.

Upon a motion by Member Monteleone, and a second by Member McKenzie, the Planning and Zoning Board recommended transmittal and approval of Ordinance No. 2015-02 to the Town Commission for consideration by the following roll call vote:

<i>MCKENZIE</i>	<i>YES</i>
<i>MONTELEONE</i>	<i>YES</i>
<i>PIERSON</i>	<i>YES</i>
<i>GAUDER</i>	<i>YES</i>

3. Resolution No. 2015-102 – 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 (Wendy Then)

Wendy Then, Town Planner, presented the background summary for this agenda item (on file in the Clerk’s Office). She 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. The applicant, Jay Berry with Berry’s Signs, has filed the variance application 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 through 805 Highway 466. She stated 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.

Aerial views of the property and photos of the property and postings were shown.

Ms. Then stated a Justification Statement has been submitted as required of this application. She stated the applicant has 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.

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.

Ms. Then stated 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. In addition, the property was posted on Wednesday, April 1, 2015. She reported that of the eight notices sent out, five return receipts were received back, and there have been no objections or letters of support regarding the application to date.

Ms. Then stated the Technical Review Committee (TRC) members individually reviewed the application for Resolution No. 2015-104 and provided comments on April 6, 2015. It was determined that the application was complete and ready for transmittal to the Planning and Zoning Board and the Town Commission. The Town Commission will review the application for Resolution No. 2015-102 for final consideration at its regular meeting on Monday, April 20, 2015 at 6:00 p.m.

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

Chairperson Gauder commented that with all the traffic on Highway 466, he would hate to see more signs, but he realizes that businesses must have people coming in and they need to know where to go. He asked if there was anyone in the audience who wished to speak on this matter. There was no one.

Upon a motion by Member McKenzie, and a second by Member Monteleone, the Planning and Zoning Board recommended transmittal and approval of Resolution No. 2015-102 to the Town Commission for consideration by the following roll call vote:

<i>MCKENZIE</i>	<i>YES</i>
<i>MONTELEONE</i>	<i>YES</i>
<i>PIERSON</i>	<i>YES</i>
<i>GAUDER</i>	<i>YES</i>

4. Resolution No. 2015-103 – 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 feet from the Closest Freestanding Sign on the Property Owned by Benchmark Lady Lake 25 Associates, LLC – Located at 745 North Hwy 27/441 (Wendy Then)

Wendy Then, Town Planner, presented the background summary for this agenda item (on file in the Clerk’s Office). She stated 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. 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 and identified by alternate key #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.

Aerial views of the property and photos of the property and postings were shown.

Ms. Then stated that a Justification Statement has been submitted as required of the application. She stated the site will be home to the Texas Roadhouse, a 7,163 sq. ft. high turnover (sit-down) restaurant proposing 281 seats. The applicant has stated that, as 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. She 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 provide the driver good directions with time to make the turn into the property safely. Ms. Then stated the applicant feels that a 64 ft. 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 and Zoning Board for their recommendation.

Ms. Then reported 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. The property was posted on Wednesday, April 1, 2015. She reported that of the two notices sent out, two return receipts were received back, and there have been no objections or letters of support regarding the application to date.

Ms. Then stated the application materials were circulated to members of the Technical Review Committee (TRC) on Tuesday, April 7, 2015. No comments were forwarded that would prohibit advancement of the application to the Planning and Zoning Board. She stated the Town Commission is tentatively scheduled to hear Resolution No. 2015-103 at their regular meeting on Monday, April 20, 2015 at 6 p.m.

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

Member Pierson asked if the sign was going to be at the turn-in between the existing Sam's sign.

Ms. Then replied that the sign has a minimum setback and it has to meet the visibility triangle as you turn into the site.

Member Pierson clarified that the Sam's monument sign is on the other side of the street and asked if a sign was going to be on each side of the street.

Ms. Then replied that was correct.

Member Pierson stated that is a two way street and asked if the sign would block the visibility for people coming northbound on Hwy. 441. He asked if there would be a turn lane coming out of the site. He stated he is concerned that there are monument signs on each side of the street and if someone will have ample time to turn when they see the Texas Roadhouse sign.

Ms. Then replied there is a deceleration lane. She stated that at the time the site plan comes in for building review and approval, those visibility triangle considerations are put into place. She stated the Building Official insures the visibility triangle is met during the building review process.

Martin DelleBovi of the Benchmark Group stated the variance they are looking at is for the distance from the Sam's sign. He stated they had to meet the requirement of the triangle so the visibility coming off the frontage road is not impaired. He stated when they did the Sam's development, they went with a low profile small monument sign instead of a pylon. Mr. DelleBovi stated the sign will be on this side of the access road directing the traffic to come in to the access road for the restaurant. He stated the sign has to meet the requirement so it does not block traffic coming northbound on Highway 27/441 and it does meet that; except that it does it within 67 ft. of the Sam's monument sign.

Member Pierson stated that was his only concern and it is fortunate that there is a light close to it so people will probably be going slowly, but if someone is in the left hand lane and wants to turn in there because they just saw the sign, it could be a little bit of an issue.

Member Monteleone stated that he believes when you come out of the entrance of Sam's to Highway 27/411, it is just a right hand turn. He asked if the entrance to the restaurant will be coming off of Highway 27/441 or the access road into Sam's.

Mr. DelleBovi replied that the entrance will be off the access road from Sam's. He stated if someone were to want to come out of Sam's or the restaurant, they would go to the traffic light because the access road is a right in, right out, and you cannot come out of there and make a left onto Highway 27/441.

Member Pierson asked if that was from the Texas Roadhouse.

Mr. DelleBovi replied that you can only turn right from the access drive onto US Hwy 27/441, but that you can go to the traffic light and make a left. He stated they are not altering any traffic patterns. Mr. DelleBovi stated that the sign code that was in place when they put up the monument sign for Sam's did not have a required distance between monument signs, but the new code does. He stated the best location for the new sign happens to be within 67 ft. of the Sam's sign.

Chairperson Gauder asked if there was anyone in the audience who wished to speak on this matter. There was no one.

Upon a motion by Member Monteleone, and a second by Member McKenzie, the Planning and Zoning Board recommended transmittal and approval of Resolution No. 2015-103 to the Town Commission for consideration by the following roll call vote:

<i>MCKENZIE</i>	<i>YES</i>
<i>MONTELEONE</i>	<i>YES</i>
<i>PIERSON</i>	<i>YES</i>
<i>GAUDER</i>	<i>YES</i>

5. Resolution No. 2015-104 – 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 (Wendy Then)

Wendy Then, Town Planner, presented the background summary for this agenda item (on file in the Clerk’s Office). She 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.

Aerial views of the property and photos of the property and postings were shown.

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 not 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 Planned Commercial (CP), 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 Ordinance No. 2006-04 for the Lady Lake Crossing Plaza and the directives of the Comprehensive Plan and adopted Land Development Regulations.

Ms. Then stated 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. In addition, the property was posted on Wednesday, April 1, 2015. She reported that of the three notices sent out, two return receipts were received back, and there have been no objections or letters of support regarding the application to date.

The Technical Review Committee (TRC) members individually reviewed the application for Resolution No. 2015-104 and provided comments on April 6, 2015 that determined the application complete and ready for transmittal to the Planning and Zoning Board and the Town Commission. The Town Commission will review the application for Resolution No. 2015-104 for final consideration at its regular meeting on Monday, April 20, 2015 at 6:00 p.m.

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

Member Pierson asked where the sign would be on the building after it is built.

Ms. Then replied the sign will be on the back of the building facing Fennell Blvd., by the retention pond.

Member Monteleone stated the parcel of land is quite large. He asked if that would be the only building out there or if there will be other buildings that may request sign variances that will come before the Board.

Ms. Then replied the Planning and Zoning Board does not review site plans. She stated the Town Commission just approved a site plan for this development which consists of 52,000 sq. ft. of retail space; 32,000 sq. ft. will be for Stein Mart, the middle space is for Ulta Beauty, and then the remainder. She stated Town staff has done the landscaping plan and the building plan, and unless the applicant comes back with a development change which has to be approved by the Town Commission, there will be one big building with three tenants.

Chairperson Gauder asked if there was anyone in the audience who wished to speak on this matter. There was no one.

Upon a motion by Member Pierson, and a second by Member McKenzie, the Planning and Zoning Board recommended transmittal and approval of Resolution No. 2015-104 to the Town Commission for consideration by the following roll call vote:

<i>MCKENZIE</i>	<i>YES</i>
<i>MONTELEONE</i>	<i>YES</i>
<i>PIERSON</i>	<i>YES</i>
<i>GAUDER</i>	<i>YES</i>

CHAIRPERSON/MEMBERS' REPORT:

There were no comments or reports.

ADJOURN:

With nothing further to discuss, the meeting was adjourned at 6:08 p.m.

Julia Wolfe, Staff Assistant to Town Clerk

John Gauder, Chairperson

Minutes transcribed by Julia Wolfe, Staff Assistant to Town Clerk