

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

**June 9, 2014  
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:** Alfred Monteleone, Member  
Mike McKenzie, Member  
Gil Pierson, Member  
William Sigurdson, Vice Chairperson/Member  
John Gauder, Chairperson

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

**Also Present:** Attorney Todd Mazenko, BRS Legal; and Kevin Reynolds with KM Enterprises, LLC

**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:** March 10, 2014 Planning and Zoning Board Meeting

Chairperson/Member John Gauder asked if anyone had any corrections or deletions to the March 10, 2014 Planning and Zoning Board meeting minutes.

*The Planning and Zoning Board approved the Minutes of the Planning and Zoning Board Meeting of March 10, 2014 as presented by a vote of 5-0.*

2. **Resolution No. 2014-110 – KM Reynolds Enterprises, LLC – Variance Pursuant to Chapter 17, Section 17-3).e).4).D).2). to Allow for an Increase in Size from 14 Sq. Ft. to 30 Sq. Ft. on a Proposed Electronic Message Board/Marquee Sign to be Installed on an Existing Freestanding Sign – Located at 117 N. Hwy 27/441 (Wendy Then)**

Wendy Then, Town Planner, presented the background summary for this agenda item (on file in the Town Clerk's office). She stated that the applicant, Kevin M. Reynolds with KM Enterprises, LLC, has submitted an application for a variance from Chapter 17, Section 17-3).e).4).D).2) which requires that the electronic message board copy area shall not exceed fourteen (14) sq. ft. per each

side. She stated the applicant is requesting to allow the electronic message board copy area to be 30 sq. ft. on the existing sign located on property owned by KM Reynolds Enterprises, LLC, located at 117 N Hwy 27/441 (AK #1723698), within the town limits of the Town of Lady Lake, Florida.

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

Ms. Then stated the existing freestanding sign is 24.5' high by 10' wide with a copy area of 100 sq. ft. In 2010, as part of the Hwy 27/441 widening efforts, a cure plan was approved to relocate the existing sign from 13.6 feet to +/- 1 foot setback from the right-of-way to accommodate the road widening project. She stated the bottom part of the sign has a manually-changeable channel letter board, which copy area consists of a 10'x30' section. The applicant intends on converting the entire channel board into light-emitting diode LED display copy area; meriting this variance request.

Ms. Then stated other applicant's have come before the Board and have not requested that the size be increased, and that has been precedence to keep the size 14 sq. ft. throughout the Town.

Ms. Then stated a Justification Statement has been submitted as required of the application. She stated the applicant contends that switching from a manually-changeable channel letter board to a LED Display would result in a much cleaner, sleeker looking cabinet that would enhance the appearance of the entire pylon structure. In that the Code recognizes the need for outdoor signage, the applicant is requesting to replace the channel letter board with a sign that can be programmed from the office. Likewise, the applicant would like to keep the existing channel letter board size consistent with the size of the new LED display sign. Ms. Then stated the applicant explained that the channel board sign is approximately 17 feet above the ground of the retention area requiring the applicant and his staff to haul a ladder into the pit and climb up to make the changes each time. Additionally, having to move the letters several times per side has become very dangerous and an extremely arduous task. Lastly, the wind blows channel letters off several times a week, which his staff has to retrieve from N Hwy 27/441 under peak traffic hours, creating a high liability exposure. She stated the applicant feels that they are trying to rectify a dangerous situation not created by them but which will help in eliminating the need to put people, both employees and passing travelers, at risk of injury. Town staff acknowledges the applicant's request; however, we understand that the purpose intended can be accomplished with a 14 sq. ft. LED sign; thus Town staff recommends denial.

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.

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The subject property lies in Section 20, Township South, 18 Range 24 East, 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).

Ms. Then stated notices to inform the surrounding property owners (5) within 150' of the subject property of the proposed variance was mailed by certified mail return receipt on Tuesday, May 27, 2014, and the property was posted this same date. Resolution No. 2014-110 was reviewed by Town Attorney Derek Schroth on Friday, May 30, 2014, and determined correct in form. Ms. Then reported that of the five notices sent out, five return receipts were received back, and there have been no phone calls, e-mails or written statements thus far on the matter.

Comments for this application are as follows:

- The applicant has submitted another variance application concurrently with this application requesting the Electronic Message Board/Marquee Sign to be allowed to display multi-color.

Ms. Then stated the Technical Review Committee voted 4-0 to transmit Resolution No. 2014-110 to the Planning and Zoning Board for their recommendation at the June 9, 2014 meeting. The Town Commission will review the application for Resolution No. 2014-110 at their regular meeting on Monday, July 7, 2014 at 6 p.m.

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

Vice Chairperson/Member Sigurdson asked how the sign would change in terms of what the applicant was anticipating on putting out there. He asked if the whole board would be LED.

Kevin Reynolds, the applicant, stated they are asking to replace the existing 30 sq. ft. bottom section with LED. He stated it is a lot easier to have a new LED board built and replace the channel board with a sleeker style cabinet. He stated they are a senior health agency that provides health insurance products; perform community awareness, fundraisers, and silver alerts. Mr. Reynolds stated by going to a 30 ft. tall board they can increase the letter size from 6 inches to 8 inches, while maintaining two lines read.

Vice Chairperson/Member Sigurdson asked if the center section would remain the same.

Mr. Reynolds replied yes and that he was considering removing all the verbiage and putting a simpler insert there.

Member Monteleone clarified that the bottom portion of the sign will be LED and the center portion will remain the same. He asked how the verbiage is changed now in the center of the sign.

Mr. Reynolds replied the letters are vinyl and they do not change them, but a sign company can peel the letters off and something simpler could be added.

Chairperson Gauder asked if a variance request was given for the size when the sign was installed.

Mr. Reynolds replied he bought the building after the sign was installed.

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Thad Carroll, Growth Management Director, stated the sign was erected as part of the cure plan, and they moved the sign when the right-of-way was installed and the variance was for the sign being located within a foot of the right-of-way.

Chairperson Gauder asked how much larger the sign was compared to what is permitted.

Mr. Carroll stated the sign is not larger than what is permitted. He stated the sign is separated into three components and the applicant is proposing to take the 30 ft. copy area on the bottom part and change it to LED, which is typically limited to 14ft., and should the variance be granted, that portion would exceed the allowable size.

Mr. Reynolds stated the LED sign in front of Town Hall is at ground level and when you have a sign that is 17 ft. in the air, the 14 ft. copy area is much smaller.

Member Pierson asked if the bottom portion of the sign was 30 sq. ft.

Mr. Reynolds replied the entire bottom portion will be replaced with a 30 sq. ft. LED.

Member Monteleone clarified that the bottom portion would be larger and the top portion will remain the same size.

Mr. Reynolds replied the bottom portion will not be any larger than what is there already. He stated they are going to take out that changeable letter piece and replace it with a LED sign.

Mr. Carroll stated the Town has not permitted variances of this type, and the sign out front complies with the Code. He stated the Town has approved a similar sign on Hwy 466 for the First Baptist Church which is an elevated LED sign. He also stated that Lady Lake Family Medicine, in front of Recreation Plantation on Hwy 466, and MMD Computers both have an electronic message board. Mr. Carroll stated this would be a deviation of more than a 100% of the allowable copy area given that the precedence has been set to comply with the Town's Code.

Chairperson Gauder clarified that everything has been up to Code except what the applicant is proposing tonight.

Mr. Carroll replied that was correct.

Mr. Reynolds replied they are not asking to increase the overall size; but to replace it with something that has not been done before. He stated it will look a lot nicer, because it is a terrible looking sign, especially when you cannot keep the letters up to date.

***Upon a motion by Member Monteleone, and a second by Member McKenzie, the Planning and Zoning Board recommended transmittal and denial of Resolution No. 2014-110 to the Town Commission for consideration by the following roll call vote.***

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

**3. Resolution No. 2014-111 – KM Reynolds Enterprises, LLC – Variance Pursuant to Chapter 17, Section 17-3).e).4).D).4). to allow Multi-Color Text Display on a Proposed Electronic Message Board/Marquee Sign to be Installed on an Existing Freestanding Sign – Located at 117 N. Hwy 27/441 (Wendy Then)**

Wendy Then, Town Planner, presented the background summary for this agenda item (on file in the Town Clerk's office). She stated that the applicant, Kevin M. Reynolds with KM Enterprises, LLC, has submitted an application for a variance from Chapter 17, Section 17-3).e).4).D).4) which states that text displayed on electronic message boards shall be amber-colored or similar lettering with black background. She stated the applicant is requesting to allow multi-color text display on the proposed electronic message board/ marquee sign on property owned by KM Reynolds Enterprises, LLC, located at 117 N Hwy 27/441 (AK #1723698), within the town limits of the Town of Lady Lake, Florida.

The existing freestanding sign is 24.5' high by 10' wide with a copy area of 100 sq. ft. In 2010, as part of the Highway 27/441 widening efforts, a cure plan was approved to relocate the existing sign from 13.6 feet to +/- 1 foot setback from the right-of-way to accommodate the road widening project. The bottom part of the existing sign has a manually-changeable channel letter board, which copy area consists of a 10'x30' section.

Ms. Then stated a Justification Statement has been submitted as required of the application. The applicant indicates in the justification statement that aside from business uses, the sign would also be used to announce various senior-related events throughout Lady Lake and The Villages, thus the need for multi-color text display. She stated Senior Health Plus, Inc. prides itself in organizing holiday-related food drives and fundraisers tailored to the needs to the community, so the sign will help continue to project the image of the organization. Senior Health Plus, Inc. actively operates a booth at the Lady Lake Farmers Market and participates in educational meetings and events at medical facilities in the region. Ms. Then stated the applicant expressed that there are other signs of similar nature within Town of Lady Lake corporate limits and that they recognize the need to upgrade their outdoor signage into a cleaner, more up-to-date pylon sign with multi-color text display features. She stated other businesses and organizations within the Lady Lake community currently display multi-color text; therefore, Town staff is in support of the request.

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 20, Township 18, South Range 24 East, 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).

Ms. Then stated notices to inform the surrounding property owners (5) within 150' of the subject property of the proposed variance was mailed by certified mail return receipt on Tuesday, May 27, 2014, and the property was posted this same date. Resolution No. 2014-111 was reviewed by Town Attorney Derek Schroth on Friday, May 30, 2014, and was determined to be correct in form. Ms. Then reported that of the five notices sent out, five return receipts were received back, and there have been no phone calls, e-mails or written statements thus far on the matter.

Comments for this application are as follows:

- The applicant has submitted another variance application concurrently with this variance application requesting the Electronic Message Board/Marquee Sign to be allowed to be increased in size from 14 square feet to 30 square feet on the existing freestanding sign.

Ms. Then stated the Technical Review Committee voted 4-0 to transmit Resolution No. 2014-111 to the Planning and Zoning Board for their recommendation at the June 9, 2014 meeting. The Town Commission will review the application for Resolution No. 2014-111 at their regular meeting on Monday, July 7, 2014 at 6 p.m.

Ms. Then reminded the Board there are three applications running concurrently, the Special Permit Use, which allows them to do their electronic message board, the prior variance Resolution No. 2014-110, which allows for sign increase, and this application for multi-colored text display.

Ms. Then stated that the applicant is present if there are any questions.

Vice Chairperson/Member Sigurdson stated the Town Commission is going to make the final decision and he feels it is kind of redundant that the Board is voting on the coloring when they are denying the change. He asked if the applicant is asking that the sign size that is there now be multi-colored, and how many colors the Town allows now.

Ms. Then replied the Town allows an amber or reddish type with a black background.

Vice Chairperson/Member Sigurdson asked if the Town requires that it be a certain number of colors.

Ms. Then replied only one color, whichever the applicant decides on. She clarified that the Special Permit Use does not come before the Planning and Zoning Board, and stated the applicant is allowed to have the sign as long as he complies. Ms. Then stated the applicant is before the Board because the variance deviated from what is allowed. She stated multi-color is something which has been granted in the past for other LED signs.

Vice Chairperson/Member Sigurdson stated he thought there were other multi-colored requests that have come before the Board in the past, and asked if they were generally denied.

Ms. Then replied they were granted; therefore Town staff is in support of the application. She stated if the variances were denied, the applicant will still be allowed to install the LED sign with the minimum design guidelines, but will not be allowed to do multi-color and would be limited to 14 sq. ft.

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Mr. Carroll stated what is being debated tonight is not whether the LED sign is going to be installed, but whether: (1) should it be allowed to be installed greater than what the current Code allows, and (2) would it be allowed the one color or multiple colors. He stated the variance is before the Board as the recommending body to say whether or not to limit the sign to an amber color or multi-colored. He stated staff's recommendation is for approval, because the Town has granted variances of this nature on other signs within Town limits.

Member McKenzie asked if the applicant can have multi-color if he decides to keep the sign within what is allowable, if the Board approves the application.

Ms. Then and Mr. Carroll replied that was correct.

Member Pierson clarified that the text would be color.

Ms. Then replied the text only.

***Upon a motion by Vice Chairperson/Member Sigurdson, and a second by Member Pierson, the Planning and Zoning Board recommended transmittal and approval of Resolution No. 2014-111 to the Town Commission for consideration of approval by the following roll call vote.***

<i>MCKENZIE</i>	<i>NO</i>
<i>MONTELEONE</i>	<i>YES</i>
<i>PIERSON</i>	<i>YES</i>
<i>SIGURDSON</i>	<i>YES</i>
<i>GAUDER</i>	<i>YES</i>

**CHAIRPERSON/MEMBERS' REPORT:**

Mr. Carroll welcomed Gil Pierson as a new member of the Planning and Zoning Board.

**ADJOURN:**

***With nothing further to discuss, the meeting was adjourned at 6:33 p.m.***

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Julia Wolfe, Staff Assistant to Town Clerk

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John Gauder, Chairperson

Minutes transcribed by Julia Wolfe, Staff Assistant to Town Clerk