

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

**September 8, 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 Gil Pierson, Member
 Alfred Monteleone, Member
 William Sigurdson, Vice Chairperson/Member
 John Gauder, Chairperson

ABSENT: Mike McKenzie, Member

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

Also Present: Mayor/Commissioner Ruth Kussard

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** – August 11, 2014 Regular & August 27, 2014 Special Meetings

Upon a motion by Vice Chairperson/Member Sigurdson and a second by Member Monteleone, the Planning and Zoning Board approved the minutes of the Planning and Zoning Board Meeting of August 11, 2014 and August 27, 2014 as presented by the following roll call vote.

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

2. **Resolution No. 2014-114 –Villages Operating Company – Pursuant to Chapter 15, Article II, Section 15-52).a).2).C)., Citizen’s First Bank Drive-Through Facility – Variance Request for Commercial Driveway Distance to Right-of-Way – Located at 1105 Caballero Court (Wendy Then)**

Wendy Then, Town Planner, presented the background summary for this agenda item (on file in the Clerk’s Office). She stated applicant, Martin L Dzuro, on behalf of The Villages Operating

Company, has submitted an application for a variance from Chapter 15, Article II, Section 15-52).a).2).C). She stated the applicant is requesting to allow the driveway to be constructed 23 feet from the right-of-way edge line rather than the minimum 100 foot distance requirement on the property owned by The Villages Operating Company located at 1105 Caballero Court, within the Villages Downtown Center in Spanish Springs, identified by alternate key number 3840565, within the Town of Lady Lake, Florida.

Ms. Then stated no vehicles will be coming out of the facility onto Caballero Court in close proximity to the intersection. Also, the four-way stop should control traffic in a manner that does not cause a problem entering the drive-through, therefore, Town staff is in support of the request.

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

Ms. Then stated as required of the application, a Justification Statement has been submitted. The site is proposed to be home to a new Citizen's First Bank drive-through facility. The new project is considered in-fill development within The Villages Downtown Center in Spanish Springs and due to space limitations and constraints unique to this narrow parcel, the driveway has been placed in the most practical location to the best extent possible. She stated the site in itself is located within The Villages Center Planned Commercial Master Plan and the area has been developed primarily instituting Urban Design principles.

Lastly, the applicant pointed out that Spanish Springs has low speed limits; therefore, the incoming traffic via that driveway into the proposed drive-through facility would not have an adverse effect and would follow similar traffic patterns to the ones currently experienced on the western parking lot area. Additionally, proposed entry and exit signs have been proposed throughout the facility to maximize external and internal traffic circulation.

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.

Ms. Then stated the subject property lies in Section 06, 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 Planned Commercial (CP). The application is complete and ready to be reviewed by the Planning and Zoning Board for their recommendation. Resolution No. 2014-114 was reviewed by Town Attorney Derek Schroth on Monday, August 11, 2014, and was determined to be correct in form.

Ms. Then noted 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, August 25, 2014 and the property was also posted this same day. She reported that of the three

notices sent out, three return receipts were received back, and there have been no phone calls, e-mails or written statements thus far on the matter.

The members of the Technical Review Committee individually reviewed the application for Resolution No. 2014-114 and provided all comments by Wednesday, August 13, 2014. The TRC report was included in the packet. The Town Commission will review the application for Resolution No. 2014-114 for first and final consideration at its regular Meeting on Monday, October 6, 2014 at 6:00 p.m.

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

Member Monteleone referred to the Justification Statement and asked the definition of stacking.

Ms. Then replied that stacking is addressed in the next variance application and asked if the Board would like for her to address it now or wait for the next item, Resolution No. 2014-115.

Chairperson Gauder stated they would like to hear it now.

Ms. Then explained that stacking is required for any drive-through facility, and that stacking is the car length of each vehicle in a service lane that has a drive-through facility. She stated a drive-through is required to have up to five stacking areas for vehicles.

Member Monteleone asked how the building would be installed without removing some trees. He also asked if the one large tree would be affected.

Ms. Then stated some pear trees will be removed as part of the site plan application, however, the 40" historic oak tree closest to the east boundary will be saved. She stated no large trees have been proposed to be removed at this time, just a few understory trees. Ms. Then stated no historic trees will be affected and they would have to go through the variance process before the Board if they were. She stated any tree less than 36 inches in diameter can be removed through the site development process which has to be approved by Town Commission.

Vice Chairperson Sigurdson asked if The Villages Operating Company owns all of the Citizen's First Banks in The Villages area.

Marty Dzuro of The Villages replied that The Villages Operating Company owns this parcel of land and will be leasing it to the Citizen's First Bank.

Vice Chairperson Sigurdson asked if that particular drive-through serves all of the Citizen's First Banks in The Villages.

Mr. Dzuro replied that all of the Citizen's First Bank drive-throughs, branch or main offices are connected.

Vice Chairperson Sigurdson stated there is another bank just to the west at the corner of Main Street, and another to the east of the development which has multiple drive-throughs. He stated this is going to be crowded into a parking lot and parking there is already a hazard, and now there are going to be more vehicles in and out of the area just for adding another minor drive-through service.

Mr. Dzuro stated this portion of The Villages is Building Area 11 which is part of the approved Village Center Plat and it has been always designated to be developed as Commercial. He stated it

is one of the last of two remaining vacant parcels in the Village Center. He stated when they did the traffic studies during the DRI process and the Memorandum of Agreement process for the Village Center, they accounted for traffic on that parcel as well as the other vacant parcel. Mr. Dzuro stated it has been approved by the local, state and regional government. He stated this will provide customers in the immediate downtown area a good place to go through and do their drive-through banking rather than go all the way to Publix or Winn-Dixie.

Mr. Dzuro asked the Board to remember that 75% of the internal traffic is golf carts, and stacking lanes in the Town are designed for cars, trucks, etc., and that is why they are asking for a variance for stacking and the entry way. He stated 75% of that will be golf carts traffic and they do not need the 10' x 20' long stacking spaces.

Chairperson Gauder clarified that the entrance will be off Caballero and the exit will be over by the existing bank.

Mr. Dzuro replied he is correct. He stated when they go through the drive-through and they come out, they can either turn right and go out the existing bank entrance, or go left and go through the parking lot and come out at the entrance where the pizza place use to be.

Chairperson Gauder asked what the width of the lane is leading out to the stop sign.

Mr. Dzuro stated it was 12 ft., then it goes into the radius required to make the turn out. He stated the original plan would have required the removal of the historic tree, but staff advised that the Town has strict tree ordinances. As a result, the applicant actually flipped the site and it saved the tree and worked better with traffic flow.

Member Monteleone read from the justification statement as follows:

3. "Denial of the permit would result in unnecessary hardship to the owner." Applicant's Response: Yes, denial of the permit would result in the owner having to remove the existing 40" historical tree on site to allow the stacking.

Member Monteleone stated he has seen the tree and cannot see how they are going to have to take that tree out, because it is a big beautiful tree.

Mr. Dzuro reiterated that the original plan called for taking the tree out, but it worked out that it was not necessary by flipping the site plan. He stated they are going to plant more trees than required when they build, as they always do in The Villages.

Chairperson Gauder asked if the packet includes the site plan that has been flipped.

Ms. Then replied that was correct; what is being presented is what will be proposed.

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 Vice Chairperson/Member Sigurdson, and a second by Member Pierson, the Planning and Zoning Board recommended transmittal of Resolution No. 2014-114 to the Town Commission with a recommendation of denial by the following roll call vote:

MONTELEONE

YES

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

Prior to the roll call vote, Marty Dzuro asked the reason for the motion of denial and he was told that the vote needed to be completed before his question was answered.

3. Resolution No. 2014-115 – Villages Operating Company – Pursuant to Chapter 7, Section 7-7).b)., Citizen’ First Bank Drive-through Facility – Variance Request for Stacking Area Reduction – Located at 1105 Caballero Court (Wendy Then)

Wendy Then, Town Planner, presented the background summary for this agenda item (on file in the Clerk’s Office). She stated applicant, Martin L Dzuro, on behalf of The Villages Operating Company, has submitted an application for a variance from Chapter 7, Section 7-7).b). She stated the applicant is requesting the reduction of two spaces per each service lane of the drive-through stacking area rather than the required five spaces on the property owned by The Villages Operating Company located at 1105 Caballero Court, within The Villages Downtown Center in Spanish Springs, identified by alternate key number 3840565, within the Town of Lady Lake, Florida.

Ms. Then stated as required of the application, a Justification Statement has been submitted. The site is proposed to be home to a new Citizen’s First Bank drive-through facility. The new project is considered infill development within The Villages Downtown Center in Spanish Springs and due to space limitations and constraints unique to this narrow parcel, the site can only accommodate three (3) spaces per each proposed service lanes. She stated the site in itself is located within The Villages Center Planned Commercial Master Plan and the area has been developed primarily instituting Urban Design principle; therefore, in order to compensate for the reduction in spaces within the stacking area, the site plan design includes three service lanes.

Lastly, the applicant pointed out that in order to save an existing 40” historic oak tree, the drive-through facility is limited to provide the required stacking lengths because of the existing tree, therefore, Town staff is in support of the request.

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

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 06, 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 Planned Commercial (CP). The application is complete and ready to be reviewed by the

Planning and Zoning Board for their recommendation. Resolution No. 2014-115 was reviewed by Town Attorney Derek Schroth on Monday, August 11, 2014, and was determined to be correct in form.

Ms. Then 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, August 25, 2014 and the property was also posted this same day.

The members of the Technical Review Committee individually reviewed the application for Resolution No. 2014-115 and provided all comments by Wednesday, August 13, 2014. The TRC report was included in the packet. The Town Commission will review the application for Resolution No. 2014-115 for first and final consideration at its regular meeting on Monday, October 6, 2014 at 6:00 p.m.

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

Member Pierson asked how many parking spaces would be removed.

Ms. Then replied a service lane would require five, but the applicant is proposing three, so they are reducing two.

Thad Carroll, Growth Management Director, stated he thinks the question is are any parking spaces in the current lots going to be removed in the site plan.

Ms. Then replied there is no proposal to remove any parking, but the proposal is to shorten the stacking area from what is normally required in a drive-through facility.

Member Monteleone clarified where the building would be located and asked how they would put the whole pad in without having to remove those trees.

Ms. Then replied the site plan shows six pear trees to be removed, along with some shrubbery trees, but the main 40 inch oak tree will be saved. Ms. Then reviewed the Site Plan of the development with Mr. Monteleone.

Chairperson Gauder asked if there was anyone in the audience who wished to speak on this matter.

Marty Dzuro of The Villages stated the Town's Land Development Code and the Tree Ordinance protects historic trees which is what is being done on this site. He stated the code also allows for tree removal, but it does require replacement diameter inches for what you take out. He stated they are taking out mature oaks in the area, but as always, The Villages will require landscaping and they are replacing three times as many diameter inches as the Town of Lady Lake requires in the Town Center and throughout the whole project. Mr. Dzuro stated they are very sensitive about the trees and the landscaping, and they are in compliance with the Land Development Code and the tree ordinance.

Upon a motion by Member Pierson, and a second by Vice Chairperson/Member Sigurdson, the Planning and Zoning Board recommended transmittal of Resolution No. 2014-115 to the Town Commission with the recommendation of denial by the following roll call vote:

<i>MONTELEONE</i>	<i>YES</i>
<i>PIERSON</i>	<i>YES</i>

SIGURDSON
GAUDER

YES
NO

4. O’Hanrahan Farms Subdivision – Preliminary Plat of a 28-Unit Single-Family Residential Subdivision on 9.12 +/-Acres – Located at 1310 Wildwood Street, Approximately 1,962 Ft. West of the Intersection at Arlington Avenue (Wendy Then)

Wendy Then, Town Planner, presented the background summary for this agenda item (on file in the Clerk’s Office). She stated applicant, Dr. Sheikh M. Hasan, with Planning & Engineering Resources, Inc., on behalf of property owner Edward O’Hanrahan Jr., has submitted plans for Preliminary Plat Approval of a subdivision which proposes the construction of 28 single-family residential units on approximately 9.12 +/- acres. She stated the property is located at 1310 Wildwood Street, approximately 1,962 ft. west of the intersection at Arlington Avenue (Alternate Key Numbers 1819580). The Preliminary Plat was reviewed to determine if it is in compliance with the Land Development Regulations (LDRs). Attached are the following items in the packet:

1. Preliminary Plan Review completed by Public Works dated 08/27/2014 (Satisfied).
2. Fire Review No. 3 for the Preliminary Plat completed by Kerry Barnett dated 08/21/2014 (Satisfied).
3. Review No. 3 for Preliminary Plat completed by Neel-Schaffer Engineering, dated 08/26/2014. (Satisfied).
4. Lake County Public Works Review completed by Seth Lynch dated 7/2/2014 (Satisfied).
5. Lake County School District-School Concurrency Review by Dawn McDonald dated 6/26/2014 (Satisfied).
6. Lake Sumter MPO Traffic Analysis review dated 7/2/2014 (Satisfied).
7. Lady Lake Building Official comments dated 08/26/2014 (Satisfied).

The property Future Land Use designation is Single Family Medium Density (SF-MD). The Zoning designation is Single Family Medium Density allowing up to six dwelling units per acre.

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

The Preliminary Plan meets the design requirements of the Town of Lady Lake Land Development Regulations, Chapter 8 – Subdivision and Plats, and adheres to the requirements of the Comprehensive Plan of the Town of Lady Lake. The preliminary plat plans, consisting of six sheets, are drawn in 24”x36” pages and have been certified by Dr. Shiekh M. Hasan, Professional Engineer of Planning & Engineering Resources Inc.

Ms. Then stated the applicant is proposing a 60 feet right-of-way with sidewalks on both sides. She stated the subdivision proposes to connect to Town’s water, sewer, and reuse; therefore, the applicant will be required to execute a water, sewer, and reuse utilities agreement reserving capacity for 28 ERU’s, which will be done at the very end after the final plot process is completed.

The O’Hanrahan Farms residential subdivision will be providing the required Open Space area for activity-based recreation facilities, as provided by the following matrix:

Zoning District	Open Space Percentage	Activity-Based Recreation Area*
RS-6	25%	5%

9.12 +/- Site Acreage	2.32 +/- Acres to be provided	Minimum 15,000 Sq. Ft. to be provided
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In accordance with the provisions of Chapter 8, Section 8-5).f).1), the applicant has provided the dimensional acreage for activity-based recreation areas on the plans, meeting the required 5% of the 25% Open Space.

The applicant has proposed the following amenities for the Activity-based Recreation Area:

- ✓ Swing Sets (minimum of four)
- ✓ Picnic Tables
- ✓ Built-In Grill

All comments have been satisfied for this application.

To be submitted at the Time of Improvement Plans Submittal:

- 1) In accordance with the provisions of Chapter 8, Section 8-6).e).1), the applicant shall submit copies of all jurisdictional agency approved permits and/or exemption letters (when applicable), including:
 - Lady Lake Right-of-Way Utilization Permit
 - Lake County Right-of-Way Utilization Permit
 - Florida Department of Environmental Protection Water Main Extensions permit and/or exemption.
 - Florida Department of Environmental Protection Wastewater Collection/Transmission System and/or exemption.
 - St. John's River Water Management District ER Permit
- 2) The applicant will be required to submit the Articles of Incorporation for the Home Owner's Association for the subdivision at the time of Improvement Plans submittal.
- 3) The applicant will be required to submit the Street Lighting Plan for the subdivision at the time of Improvement Plans submittal.
- 4) A tree survey will be required at the time of submittal of improvement plans. Removal of any trees 36" in diameter at breast height shall require a variance and mitigation of \$100 per caliper inches for the Tree Bank.
- 5) All utilities (gas, water, sewer, electric, telephone, cable) for new construction shall be underground as per Chapter 9, Section 9-6).a).1).

Preliminary Plat Approval does not permit the construction of any improvements. All permits from other agencies with jurisdiction must be completed before a development order may be issued.

The Technical Review Committee members individually reviewed the application on Tuesday, August 26, 2014, and provided comments regarding the Preliminary Plat Plan application, those

comments have been satisfied. The Town Commission is scheduled to consider the Preliminary Plat for final consideration at their regular meeting on Monday, October 6, 2014.

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

Vice Chairperson Sigurdson stated the drainage retention area at the entrance has a culvert, and asked if that was going to the recreation area.

Ms. Then stated some of the details will be tightened up in the improvement plans part, which they are working on, so they may be able to elaborate more on that.

Aneash Tiwari with Planning and Engineering Resources stated the drainage retention area is on the northeast corner.

Ms. Then stated it shows the typical section of what the road would look like with the sidewalks on page four. She stated there is an area that is going to be grassy with mulch.

Vice Chairperson Sigurdson stated his concern is the retention area looks a little small area-wise compared to the whole area, and he is concerned it will drown out the recreational area if it gets filled up.

Ms. Tiwari stated they are required to submit an application to St. Johns Water Management District (SJWMD), and they have not done the detailed calculation, but they will. She stated to help the grassy area, the seed and mulch is actually swales, so that helps in the percolation of the water below the surface.

Vice Chairperson Sigurdson stated there is going to be a lot of water coming down as there is a 35 ft. drop from the southwest corner to the northeast corner.

Ms. Tiwari stated the site development will take care of some of that, and the Civil Engineering work will make sure. She stated they are just going through the Preliminary Plat process and there is a lot more work to be done when the final plat and the development is ready for construction.

Ms. Then stated the Town has instituted regulations for the illicit discharge when it comes to storm water and that is something that will be thoroughly reviewed through the improvement plan process. She stated anything to do with culverts and such will be covered.

Ms. Tiwari thanked the Growth Management and Public Works staff for their patience with all their questions. She stated they are working very closely with them to address all the issues.

Chairperson Gauder asked if there was anyone in the audience who wished to speak on this matter.

Upon a motion by Vice Member Monteleone, and a second by Member Pierson, the Planning and Zoning Board recommended transmittal and approval of Preliminary Plat to the Town Commission for consideration by the following roll call vote:

MONTELEONE	YES
PIERSON	YES
SIGURDSON	YES
GAUDER	YES

CHAIRPERSON/MEMBERS' REPORT:

Member Monteleone stated a comment was made regarding the possibility of having the meetings a little earlier.

Mr. Carroll stated there was discussion at the last meeting about changing the meeting to 5:30 p.m. He stated he has spoken with the Town Manager on the issue, and visited the Land Development Regulations, and there is nothing specifically written regarding the time the meeting would convene. He stated it does not need to be changed through the ordinance process, however, it needs to be formally taken back to the Planning and Zoning Board to get the Board's recommendation. Mr. Carroll stated staff will get a formal recommendation at the next meeting and then carry it forward to the Town Commission for their approval. He stated staff's work schedule will be voted on at the next meeting of the Town Commission, and if it does change from the four ten hour days, he did not know if the Board wanted to go to a 5:30 p.m. meeting as one of the issues brought up was that it could save staff time.

Mr. Carroll stated during the course of the discussion on Resolution No. 2014-114, the issue of stacking was brought up and it is certainly purview of the Board to ask those questions. He stated when you have multiple ordinances or resolutions on the same piece of property, sometimes conversations that are more pertinent to one variance come forth in the first variance and staff tries to keep those separate so the judgment is made based on what the variance is actually for. He stated the first variance was for a 23 ft. separation requirement and although stacking was discussed before the vote on the 23 ft. separation variance was made, it should not factor into the decision by the Board or sway the position of the vote, when that is not the variance being considered. He stated he wanted to explain why the variance applications are separate.

ADJOURN:

With nothing further to discuss, the meeting was adjourned at 6:52 p.m.

Julia Wolfe, Staff Assistant to Town Clerk

John Gauder, Chairperson

Minutes transcribed by Julia Wolfe, Staff Assistant to Town Clerk