

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

**September 9, 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: William Sigurdson, Vice Chairperson

PLEDGE OF ALLEGIANCE: William Sigurdson, Vice Chairperson

ROLL CALL: William Scott, Member (arrived at 6:05 p.m.)
Mike McKenzie, Member (arrived at 6:08 p.m.)
William Sigurdson, Vice Chairperson/Member
Julius Chirieleison, Member

ABSENT: John Gauder, Chairperson

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

Also Present: Commissioner Ruth Kussard; Daniel McCarthy and Daniel McCarthy Jr., of Lady Lake Elks Lodge #2793; and Tim Hoban P.A.

OPEN FORUM:

Vice Chairperson/Member Sigurdson stated the Board has a new procedure for the meeting called open forum, which allows anyone from the public to bring forth any questions or comments they might have. He stated the Board would like to have the opportunity to discuss the items first. Mr. Sigurdson asked if anyone in the audience had any other comments or questions. There was no one.

NEW BUSINESS:

1. **Approval of Minutes:** August 12, 2013 Planning and Zoning Board Meeting

Vice Chairperson/Member William Sigurdson asked if anyone had any corrections or deletions to the August 12, 2013 Planning and Zoning Board meeting minutes.

Upon a motion by Member Scott and a second by Member Chirieleison, the Planning and Zoning Board approved the Minutes of the Planning and Zoning Board Meeting of August 12, 2013. The motion passed by a vote of 3-0.

2. Ordinance No. 2013-11 – Lady Lakes Elks Lodge #2793 – Requesting to Rezone from Lady Lake Light Commercial (LC) to Lady Lake Planned Commercial (CP) Zoning Designation – Located at 121 W. Hermosa St.

Wendy Then, Town Planner, presented the background summary for this agenda item (on file in the Town Clerk's office). She stated the applicants, Daniel McCarthy and Daniel McCarthy Jr., have submitted an application for properties located at 121 West Hermosa Street, on behalf of the property owner, Lady Lake Elks Lodge #2793, located approximately 440 lineal ft. east of the northwest corner of West Hermosa Street and S. Hwy 27/441. The property includes approximately 4.21± acres (Alternate Keys 1279518, 2561858, and 2747021) currently in the Town of Lady Lake. She stated the applicants have filed the following application for these parcels:

- Rezoning of 4.21± acres from Lady Lake Light Commercial (LC) to Lady Lake Planned Commercial (CP) and incorporating a Memorandum of Agreement to include permitted uses, landscaping buffers, new buildings, parking spaces, and setback requirements.

Ms. Then stated the subject parcels are currently vacant. Pursuant to the provisions of the Town of Lady Lake Land Development Regulations, the applicants are requesting to use the property as a transportation service facility consisting of three proposed buildings totaling approximately 14,600 sq. ft. of office/service bay area to be completed in three phases. She stated the applicant has proposed transportation services, office, motor vehicle service center, manager's/caretaker residence, liquefied petroleum gas (LPG) for refilling of vehicles owned by the applicant (not the general public), parking of vehicles, and converting of vehicles from gasoline to liquefied petroleum gas (including general public).

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

Ms. Then stated Phase III will consist of the manager's/caretaker's residence which will be the building located on the northern part of the property. She stated the third building is the last phase of construction on the property. She stated as part of the application, the applicants have provided the new Memorandum of Agreement (MOA) ordinance terms (Exhibit "B") and bubble plan (Exhibit "C") showing the new proposed buildings, retention pond areas, parking areas, landscaping buffers, dumpsters location, propane tank, and fence. Because of particular fueling needs associated with the transportation service business, the applicants are proposing a propane gas tank for the company's exclusive use to be located across from the maintenance/repair building near the center of the property.

The application has been reviewed and determined to be complete. The applicant has submitted all appropriate materials in compliance with the Land Development Regulations (LDRs) and they are ready for transmittal to the Planning & Zoning Board for review and recommendation to the Town Commission. Ordinance No. 2013-11 was reviewed by Town Attorney Derek Schroth on Wednesday, September 4, 2013, and was determined to be correct in form.

Ms. Then stated 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 – General Commercial Retail Sales & Services (RET)
East	Lady Lake- Single Family Medium Density (SF-MD)
North	Lady Lake- Manufactured Home High Density (MH-HD)
South	Lady Lake- Single Family Medium Density (SF-MD) and Lady Lake – General Commercial Retail Sales & Services (RET)

The current Future Land Use Designation of the subject property (4.21 ± 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 – Light Commercial (LC)
Zoning of Adjacent Properties	
West	Lady Lake- Heavy Commercial (HC)
East	Lady Lake- RS-6- - Single Family-Up to 6 dwelling units per acre
North	Lady Lake- MH-9 – Manufactured Homes-Up to 9 dwelling units per acre
South	Lady Lake – Light Commercial (LC) and Lady Lake- RS-6- - Single Family-Up to 6 du/acres

Ms. Then stated the development phases will consist of the following:

- Phase I: service bay building (middle building), liquefied petroleum gas tank, front parking lot, landscaping buffers, retention pond areas.
- Phase II: rear building (including the manager’s /caretaker’s residence).
- Phase III: front building

Comments for this application are as follows:

- 1) Upon adoption of ordinance, the applicant will be required to submit a Major Site Plan application for Town Commission’s consideration prior to submitting for a building permit.
- 2) 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, if available. Sufficient capacity exists for all utilities and a separate agreement will be executed for the provision of utilities.

Ms. Then stated notices to inform the surrounding property owners within 150' of the property of the proposed Rezoning-CP MOA adoption were mailed by certified mail return receipt on Friday, August 23, 2013, and the property was posted this same date. Ms. Then reported that of the 12 notices sent out, ten return receipts were received back, and there have been no phone calls, e-mails or written statements thus far on the matter, other than one inquiry by an adjacent property owner.

Ms. Then stated the Technical Review Committee (TRC) voted 5-0 to transmit Ordinance No. 2013-11 to the Planning and Zoning Board for their recommendation at the August 20, 2013 meeting. The Town Commission is tentatively scheduled to hear Ordinance No. 2013-11 for first reading at their special meeting on Wednesday, September 18, 2013 at 6 p.m., and for second/final reading at the regular meeting to be held on Monday, October 7, 2013 at 6 p.m.

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

Member Chirieleison asked why it is necessary for the change of re-zoning for this particular type of property.

Ms. Then replied the Light Commercial zoning district does not allow transportation services as a permitted land use. She stated it has to be a more intensive type zoning. She stated the Town has Heavy Commercial zoning and also Planned Commercial, which is what the applicant is seeking. She stated with Planned Commercial, you can incorporate land use found in Heavy Commercial and Light Commercial zoning districts.

Vice Chairperson/Member Sigurdson asked if the rezoning was just for the two areas to the east, where the main two-story building, parking lot, and dog run is shown. He stated he thought it was just the end pieces.

Ms. Then replied the entire 4.21 acres is being rezoned. She stated in order to be able to accomplish what they want to do with the entire process, as they develop the three phases, they need the entire property to be Planned Commercial (CP) with the transportation services and the LPG tank.

Vice Chairperson/Member Sigurdson questioned if the contour lines shown on the existing map are what is existing now.

Ms. Then stated she believes that is accurate.

Vice Chairperson/Member Sigurdson stated he was visiting the property on the north side and it appears the wetlands have a considerable amount of large trees in the depression. He asked if they would have to be cleaned out.

Ms. Then replied staff is in the process of working with the applicant to get a true and accurate tree survey to determine what trees will remain and which will need to be planted. She stated staff has established within the MOA that there might be a waiver needed for the minimum number of canopy and understory trees needed in some of the boundaries. She stated the applicant has found there are several existing trees that are not very mature abutting the property. Ms. Then stated she predicts that there could be a number of trees that will need to be removed,

and that this is virgin property that has never been built upon. She stated she had not personally inspected the property, but had been told to be very careful driving because there are some areas where the elevation maybe a little higher than others. She stated the wetland area will remain for the retention pond.

Vice Chairperson/Member Sigurdson stated there is a house on the other property that had been built, and before they could get into residency, they had to move it up two ft. in elevation. He asked how the floodplain deals with this property.

Tim Hoban approached the podium and introduced himself as representing the applicants. He replied they had to move the buildings to the east because a good part of the property is in the floodplain. He stated a lot of the infrastructure is to the east, and the water retention pond and the storage areas are more to the west and the northwest of the property.

Vice Chairperson/Member Sigurdson asked if the WRAs shown on the bubble plan are retention areas and if they have to be built into it.

Mr. Hoban replied that they would be putting in the retention areas.

Vice Chairperson/Member Sigurdson commented the building is being put on a fairly level area on the east side of the property.

Mr. Hoban stated it is the level and higher area.

Vice Chairperson/ Member Sigurdson asked if there was anyone in the audience who wished to speak on this matter.

Mr. Hoban stated while driving up here on Hwy. 441 at the Racetrack service station gasoline is selling for \$3.44 per gallon. He stated LPG gas cost \$1.25 per gallon, and the federal government gives you a fifty cent rebate per gallon; you can fill up your car with LPG gas for seventy five cents per gallon. Mr. Hoban stated LPG gas is higher octane and it is better for the engine and the environment. Mr. Hoban stated the handout of the newspaper article from Marion County they are converting their vehicles to natural gas, and Polk County Sheriff is converting their vehicles to LPG gas. He stated 50% of the dollars spent on gasoline goes overseas to other countries, and 98% of the dollars spent on LPG gas stays in America, creates America jobs, and it is produced in America.

Mr. Hoban stated the problem with LPG gas is that there is no place in Florida to convert your existing vehicles to LPG gas; you must ship your vehicles to Georgia to get it done. He stated what Dan McCarty is proposing is to build a state-of-the-art facility to convert existing vehicles to LPG gas here in Lady Lake. Mr. Hoban stated the applicant plans to live in the northern building and have a safe place for his dog, with a dog run. He stated they are also looking at a gazebo area for their employees. Mr. Hoban stated if the Town of Lady Lake would like to convert its vehicles to run on LP gas, they will have a state-of-the art place employing local people to do the work.

Mr. Hoban stated what they are proposing is the same as a corner gas station. He also stated an LPG propane gas tank is safe. Mr. Hoban referred to the handout, stating the big tanks are

30,000 gallon tanks; the one on the far right is a 10,000 gallon tank, and the one on the far left corner is a 1,000 gallon tank. He stated you could explode 53,000 20 gallon propane tanks right next to a big propane tank and nothing would happen to the big propane tanks. He stated gasoline and diesel will explode at 495 degrees, but LPG gas ignites at 920 degrees, and their proposed LPG tank is far safer than any gasoline tank they could have on site. Mr. Hoban reiterated that there is a difference between a major oil refinery and a corner gas station, and the owner of the company and some employees will be living on the site closer than anyone else. He thanked the Board for letting him put his comments on record.

Vice Chairperson/Member Sigurdson asked what the difference was between natural gas and LPG gas.

Daniel McCarthy, Jr. approached the podium. He replied natural gas is what comes out of the ground and you can press it and some vehicles run on compressed natural gas. He stated LPG is natural gas with a by-product that is made when you make gasoline and petroleum products that binds it to make it liquid. Mr. McCarthy stated 98% is made here and 2% is made in Canada, and it is a stable fuel.

- Bernice Schrack of 238 Lake Griffin Road introduced herself. She asked how they dispose of the gas that was in the vehicles when they convert it over to the other gas.

Mr. McCarthy replied the vehicles are actually bi-fuel vehicles; they will run on gasoline and LPG. He stated you will never have to worry about running out of gas as it has both gasoline and a LPG tank. Mr. McCarthy stated they never dispose of the gasoline.

Vice Chairperson/Member Sigurdson clarified that whatever regular gas they drive in with remains in the vehicles and that they are basically adding a tank to the vehicles and putting the LPG gas into it from there.

Mr. McCarthy replied that was correct.

Mr. Hoban also agreed and stated they are not taking anything out; they are adding on to the vehicle.

Member Chirieleison asked if there are any by-products that result from this change.

Mr. McCarthy replied there are no by-products. He stated they add a few components to the vehicles and there is no body work, painting or sanding that needs to be done. He stated there are some pieces added into the engine and a few pieces that are removed from underneath the vehicle.

Mr. Hoban stated that if LPG is ever spilled accidentally, it fizzes and goes into the atmosphere. He stated it does not cause ground pollution like a gas or diesel fuel spill would.

Mr. McCarthy stated it is not a greenhouse gas; it does not effect global warming.

Member Chirieleison stated he understood there would be some people living on the property as well, and asked how that effects the zoning of the property. He asked if there were any regulations regarding that.

Thad Carroll, Growth Management Director, replied there is the ability in the Commercial designation to provide for caretakers' residences, and by inserting that provision into the Memorandum of Agreement as a commercial use, it will be allowed as per code.

Upon a motion by Member Chirieleison, and a second by Member McKenzie, the Planning and Zoning Board recommended transmittal and approval of Ordinance No. 2013-11 to the Town Commission for consideration. The motion passed by a vote of 4-0.

CHAIRPERSON/MEMBERS' REPORT:

There were no comments or reports.

ADJOURN:

With nothing further to discuss, the meeting was adjourned at 6:37 p.m.

Julia Wolfe, Staff Assistant to Town Clerk

John Gauder, Chairperson

Minutes transcribed by Julia Wolfe, Staff Assistant to Town Clerk