

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

**January 14, 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

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

Also Present: Commissioner Ruth Kussard, and Commissioner Paul Hannan

NEW BUSINESS:

1. **Approval of Minutes:** November 13, 2012 Planning and Zoning Board Meeting

Chairperson/Member John Gauder asked if anyone had any corrections or deletions to the November 13, 2012 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 November 13, 2012 as presented. The motion passed by a vote of 4-0.

2. **Resolution 2013-101 – Green Key Village, LLC – Variance to Chapter 5, Section 5-4. d). 4). C). 1.a., to Reduce Front Yard Setback Within RS-6 Zoning District – 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, Gregory O. Thomas of Green Key Village LLC, has submitted an application for a variance from Chapter 5, Section 5-4. d). 4). C). 1.a., of the Town of Lady Lake Land Development Regulations (LDRs), which requires that the minimum front yard setback be a distance of twenty-five (25) feet. At present, the applicant is proposing to construct 42 single-family residences located on approximately 24.22 acres at 1635 Lake Ella Road (referenced by Alternate Key #1771463). The variance request is to allow a minimum twenty (20) foot front yard setback for all residential lots to be located within the Green Key Village Subdivision, and subsequent additions under the parent parcel. The applicant

has elected the variance application process in an effort to establish within this proposed subdivision the concept of closer setbacks encouraging communication between neighbors. The proposed community subdivision will consist of “net-zero-energy” homes and the structures will feature “Key West” style elevations to include large front porches and side-entry garages set to the rear of the home. Additionally, a neighborhood pool, pavilions for cookouts, activity trails, and sidewalk to serve families and friends interacting together will be provided.

Ms. Then stated a *Justification Statement* is required as part of the variance application and has been provided. The applicant states that by placing the homes just five (5) feet closer, the whole atmosphere changes. Also, the property presents topography challenges and changing elevations in different areas. It has been established that many lots slope towards the rear; some even possessing ten (10) to fifteen (15) foot drop-offs. Lastly, the applicant explained that for aesthetic reasons, locating the homes closer to the road (3,500 to 4,000 sq. ft. homes) will allow rear garages to hide a family’s usual clutter, keeping everything screened and secured properly while keeping the property values higher.

Ms. Then stated 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 29, Township 18 South, Range 24 East, Lady Lake, Florida. The Future Land Use Map designation for the site is SF-MD (Single Family-Medium Density, up to 6 DUs/Acre) and is zoned “RS-6.” The subject property is located at 1635 Lake Ella Road. The Future Land Use and Zoning Designations of the adjacent properties are as follows:

Future Land Use

Subject Property	SF-MD (Single Family-Medium Density- 6 du/acre)
Future Land Use of Adjacent Properties	
West	Lake County-Urban Low Density (Max 4 du/Acre)
East	SF-MD (Single Family-Medium Density- 6 du/acre)
North	Lady Lake- Single Family- Medium Density/Lake County-Urban Medium Density (Max 7 du/acre)
South	ROW/ Lake County-Urban Medium Density (Max 7 du/acre)

Zoning

Subject Property	Lady Lake- RS-6
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Zoning of Adjacent Properties	
West	Lake County -Agriculture
East	Lady Lake- RS-6
North	Lady Lake- RS-6/Lake County-Agriculture
South	ROW/Lake County- Agriculture

Staff comments are as follows:

- 1) A Preliminary Subdivision Plat application is being processed concurrently with this variance application.

Ms. Then stated notices to inform 15 surrounding property owners within 150' of the property of the proposed variance were mailed by certified mail return receipt on Friday, December 28, 2012, and the property was also posted on this date. She stated the notices were re-sent on Wednesday, January 9, 2013 because the Town Commission meeting date changed from Wednesday, December 23, 2013 to Tuesday, December 22, 2013.

Ms. Then stated eight of the surrounding property owners were aware of the new date for the Town Commission meeting, and that staff received two inquiries from adjacent property owners. One was from Michael Minyard of 1435 Darcy Road, requesting more information about the application, but not expressing whether he was in favor or opposing. Staff left a detailed phone message on his answering machine. She stated she was unsure of the name of the other property owner who lives on the western boundary.

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

Public Hearings are as follows: The Technical Review Committee (TRC) reviewed this application at a special meeting held on Tuesday, January 8, 2013 and recommended approval by a vote of 5-0. The Town Commission is scheduled to consider Resolution No. 2013-101 on first and final reading at its Special Meeting on Tuesday, January 22, 2013, at 6:00 p.m.

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

Vice Chairperson Sigurdson asked if the grading plan contour interval was one foot. He stated there appears to be a 5-6 foot discrepancy of elevation on the back end of the lot where the homes will actually sit.

Ms. Then replied that it is, and asked that the applicant come up and elaborate on the question.

Greg Thomas, property owner, approached the podium and identified himself. He stated when the property was purchased, a lot of dirt was moved, and the previous property owner leveled the lots without worrying about what the terrain looked like. Mr. Thomas stated some of the land will be put back to a more natural slope. He explained the homes will have a front porch which is raised about two feet and the driveway will be leveled with no steps needed to enter the home. Mr. Thomas stated some grading would be done, but it would not be five feet. He stated the slope could be in the front or the back, depending on the lot.

Vice Chairperson Sigurdson asked if the house was being moved forward to take care of some variance in the elevation.

Mr. Thomas stated there are some drastic drop-offs on the property; there is a 65 foot elevation drop from the northeast corner to the southwest corner. He also stated they were even considering adding basements because of the drop-offs.

Growth Management Director Thad Carroll asked the property owner to verify that the streets would be private, local streets within the subdivision. As such, he stated it gives more weight to the variance application that staff is recommending approval of, and staff does not foresee the need for widening of the streets in the future.

Mr. Thomas stated they would retain ownership of the streets and there will be gates at both entrances. He stated the existing entry is being widened to facilitate the gate system. He stated the streets would not be widened in the future.

Chairperson Gauder asked if the streets will be constructed to the standards of the Town or County. He commented that sometimes the streets in a subdivision end up being turned over to the city or county for maintenance.

Mr. Thomas replied the main road is already in, and the additional streets will be of the same quality with curbs and sidewalks. He stated sidewalks will probably be on both sides of the road and that they are designing a high quality subdivision, with the prices of the homes running from \$200,000 to \$400,000. Mr. Thomas stated everything is up to code, including the repairs that were made to the streets due to erosion problems.

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 McKenzie, the Planning and Zoning Board recommended transmittal and approval of Resolution No. 2013-101 to the Town Commission for consideration. The motion passed by a vote of 4-0.

3. Preliminary 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 applicant and owner, Greg Thomas of Mainsail Solutions, Inc., has submitted plans for Preliminary 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 Key No. 1771463 and 3838637). The Preliminary Plat was reviewed to determine if it is in compliance with the Land Development Regulations (LDRs). The following items were included in the packet:

1. Preliminary Plan Review completed by Growth Management and Public Works, dated December 2012.
2. Fire Review for the Preliminary Plat completed by Kerry Barnett, dated 10/15/2012
3. Review No. 1 for Preliminary Plat completed by Neel-Schaffer Engineering, dated 11/05/2012.
4. Lake County Public Works Review completed by Ross Pluta, dated 10/29/2012.

5. Lake County School District-School Concurrency Review by Dawn McDonald, dated 12/10/2012.
6. Permit Transfer- St. Johns Water Management District Permit #40-069-119921-1 (approval issued on 11/12/2009).
7. Permit Transfer- Florida Department of Environmental Protection Wastewater Facility Permit # CS35-0298164-001 (approval issued on 12/04/2009).
8. Permit Transfer- Florida Department of Environmental Protection –General permit for Construction of Extensions to PWS Water Mains-Permit # WD35-0080514-068 (approval issued on 12/04/2009).
9. Florida Wildlife- Permit No. WR09023-Relocation Permit Letter.
10. Lake-Sumter Metropolitan Planning Organization (MPO) traffic comments received on 01/08/2013.

Ms. Then explained that whenever there is a subdivision, concurrency has to be reviewed for such items as traffic, schools, and other items as reviewed above.

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. Photos of the subdivision lots and the postings were shown on the overhead viewer.

Ms. Then stated the Preliminary Plan meets the requirements of the Town of Lady Lake Land Development Regulations, Chapter 8 – Subdivision and Plats, and will meet the requirements of the Comprehensive Plan. The Preliminary plat plans are ready for formal review and recommendation by the Planning and Zoning Board.

Staff comments were as follows:

- 1) The subdivision has completed most of the site improvements based upon the prior construction plan approval for the Nine Oaks Subdivision; following the approval of the Preliminary Plat the applicant will proceed to the Final Plat Application process.
- 2) Regarding the Fire Review comments, the applicant has provided two (2) access points for emergency vehicle access purposes.
- 3) A variance application addressing the front yard setback reduction from 25 feet to 20 feet has been submitted concurrent with Preliminary Plat application.
- 4) Town's Reuse utility is available and connection will be required for irrigation purposes for all units.
- 5) Gate Entrance has been addressed to measure fourteen (14) feet.
- 6) For future additions to this subdivision, all concurrency elements, including road/traffic circulation, sanitary sewer, solid waste, storm water drainage, potable water, reclaimed water, recreation facilities, and public school facilities, will need to be separately evaluated and requirements need to be met as per the Town of Lady Lake Land Development Regulations.

- 7) In accordance with Lake County Public Work's comments, most of the site improvements have been completed based upon the prior construction plan approval for the Nine Oaks Subdivision. Prior to Final Subdivision Plat process, Lady Lake Public Works will conduct an inspection to ascertain condition of the improvements and compliance with requirements.

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 public meetings for this application are as follows: The Technical Review Committee reviewed this preliminary plat at their regular meeting on Tuesday, December 18, 2012, and recommended transmittal to the Planning and Zoning Board, by a vote of 5-0. The Town Commission is scheduled to consider the Preliminary Plat at their Special Meeting on Tuesday, January 22, 2013.

Ms. Then explained that this preliminary plat will be forwarded to the Town Commission. If approved by the Town Commission, the applicant will be able to move forward with the completion of the construction plans, although an application for a Final Plat subdivision approval will need to be processed prior to construction beginning.

Ms. Then commented the application runs concurrent with the variance. She also stated that there are no requirements to notify adjacent property owners with a Preliminary Plat; it is only required for a variance.

Chairperson Gauder asked if there were any comments from the audience. There were no comments.

A motion was made by Member Scott, and Attorney Laura Lightsey asked that the motion be re-phased. She asked that the board not make a motion to approve the preliminary plat, but that the motion should *recommend* transmittal and approval.

Upon a motion by Member Scott and a second by Member McKenzie, the Planning and Zoning Board recommended transmittal and approval of Preliminary Plat to the Town Commission for consideration. The motion passed by a vote of 4-0.

Attorney Laura Lightsey clarified for the record that the vote is 4-0, not 5-0 as stated by the Chairperson.

CHAIRPERSON/MEMBERS' REPORT:

Chairperson Gauder announced that former Board member Bill Calhoun passed away. He stated a memorial service will be held in the near future.

OPEN FORUM:

Chairperson Gauder asked if there were any comments from the audience. There were no comments.

ADJOURN:

With nothing further to discuss, the meeting was adjourned at 6:22 p.m.

Julia Wolfe, Staff Assistant to Town Clerk

John Gauder, Chairperson

Minutes transcribed by Julia Wolfe, Staff Assistant to Town Clerk