

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

**March 11, 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
Julius Chirieleison, 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

NEW BUSINESS:

1. Approval of Minutes: January 14, 2013 Planning and Zoning Board Meeting

Chairperson/Member John Gauder asked if anyone had any corrections or deletions to the January 14, 2013 Planning and Zoning Board meeting minutes. There were none.

Upon a motion by Vice Chairperson Sigurdson and a second by Member Scott, the Planning and Zoning Board approved the Minutes of the Planning and Zoning Board Meeting of January 14, 2013 as presented. The motion passed by a vote of 5-0.

2. Selection of a New Chairperson and Vice Chairperson for the Planning & Zoning Board

Chairperson Gauder asked for nominations to select and vote on a Chairperson and Vice Chairperson for the Planning and Zoning Board.

Upon a motion by Member Scott and a second by Vice Chairperson Sigurdson, the Planning and Zoning Board elected to retain John Gauder as Chairperson and William Sigurdson as Vice Chairperson of the Planning and Zoning Board for the next year, by a vote of 5-0.

3. Ordinance No. 2013-02 – Hilltop Manors Inc. – Requesting Amendment of the Memorandum of Agreement (MOA) for the Planned Unit Development (PUD) – Located on Griffin Avenue Approximately 5,650 Ft. East of the Intersection at County Road 25 (Teague Trail)

Wendy Then, Town Planner, presented the background summary for this agenda item (on file in the Town Clerk's office). She stated the applicant, Michael Orem, has submitted an application on behalf of Hilltop Manors Inc. for property located on Griffin Avenue, approximately 5,650 ft. east of the intersection at County Road 25, also known as the Hilltop Manors Inc. She stated the property includes approximately 43.92+/- acres in Section 09, Township 18, Range 24, currently in the Town of Lady Lake, Florida; referenced by alternate key numbers 1238277, 1770483, and 1238111. The applicant has filed the following application for this property:

- Rezoning of 43.92+/- acres from Lady Lake PUD (Planned Unit Development), to Lady Lake PUD (Planned Unit Development) to change language of the Memorandum of Agreement (MOA) addressing new open space requirements.

Ms Then stated that pursuant to the provisions of the Town of Lady Lake Land Development Regulations, the applicant is requesting the minimum open space requirement to be changed from thirty 30% to 25%. She stated the subject property, which encompasses three parcels, is currently vacant; however, the property owner desires to retain the land use designation of Single Family Medium Density for a future residential project. Ms. Then stated 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 a single family residential project with the potential of up to 220 dwelling units. Ms. Then stated in addition to the proposed open space requirements, each individual lot would also be required to maintain a minimum of 40% of open space. The application has been reviewed and determined to be complete.

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

Ms. Then stated the Hilltop Manors Planned Unit Development Memorandum of Agreement was originally adopted under Ordinance No. 2005-57 in 2006 when the property was rezoned from Manufactured Home High Density (MH-9) and Agriculture Residential (AG-1) to Lady Lake Planned Unit Development (PUD). She stated the developer submitted a Preliminary Plat application shortly after rezoning approval, which received Town Commission approval in June 2007, but it has expired.

Ms. Then stated 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.

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

Future Land Use

Subject Property	Lady Lake- Single Family Medium Density (SF-MD)
Future Land Use of Adjacent Properties	
West	Lady Lake- Manufactured Home- High Density- (MH-HD)
East	Lady Lake- Manufactured Home- High Density- (MH-HD)/Lake County- Rural Transition
North	Lake County- Rural Transition
South	Lady Lake- Governmental Facility (GF)

Ms. Then stated the current Future Land Use Designation of the subject property is Lady Lake-Single Family Medium Density (SF-MD); which is compatible with its current zoning. The applicant is not requesting any changes regarding the future land use designation with this application.

Zoning

Subject Property	Lady Lake- Residential Planned Unit Development- PUD
Zoning of Adjacent Properties	
West	Lady Lake- Manufactured Home – Up to 9 dwelling units (MH-9)
East	Lady Lake- Agricultural (AG))/ Lake County- Agricultural
North	Lake County- Agricultural, Lake County- R-1- Residential
South	Lady Lake- Public Facilities District (PFD)

Ms. Then stated the 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 accompanying Ordinance 2005-57 as recorded in Orb. 3202 Pg 1918.
- 2.) Applicant will be required to submit additional land use applications such as preliminary subdivision plat, Improvement Plans, and Final Plat applications to develop the property into a residential subdivision.

Ms. Then stated notices to inform the seven surrounding property owners within 150’ of the property of the proposed Rezoning-Planned Unit Development (PUD) MOA Amendment were mailed by certified mail return receipt on Monday, February 25, 2013. The property was posted on Wednesday, February 27, 2013. Ms. Then reported that of the seven notices sent out, six 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 in person.

The Technical Review Committee reviewed the application for Ordinance No. 2013-02 at their regular meeting on March 5, 2013 and determined the application to be complete and ready for transmittal to the Planning and Zoning Board by a vote of 5-0.

The Town Commission will consider Ordinance No. 2013-02 for first reading on Monday, March 18, 2013, and for second and final reading on Monday, April 1, 2013.

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

Vice-Chairperson Sigurdson asked the applicant where the 5% difference will be taken from in the open space area, and if the borders along the outside edges would be cut down. He stated he believed there was a 25 ft. space for trees and greenway between the outside of the property and the location of the homes in the original plan. He asked if that would remain or would the 5% be taken from that area.

Attorney Joshua Bell and Michael Orem representing Hilltop Manors, Inc. approached the podium and identified themselves. Mr. Orem replied that Hilltop Manors, Inc. would still comply with the 10 feet buffer for landscaping of the perimeter. He stated the 5% would probably be taken from the front of the property near the retention area.

Chairperson Gauder asked if there were any comments from the audience.

Davis Coleman of 2511 Griffin Avenue approached the podium and identified himself. He stated he lives across the street from the entrance of Hilltop Manors Inc. and stated the applicant is removing 5% of the open space nearest his property. Mr. Coleman asked the applicant what types of dwelling would be built, and where the entrance and exit for the property would be located on this rural road. He stated his property is rural and he was against any homes coming toward his property. Mr. Coleman also asked if the property was located in the city limits of Lady Lake.

Growth Management Director Thad Carroll replied that the property was incorporated property within the Town limits. He stated the property is zoned residential and the application is requesting to change the minimum open space requirement from 30% to 25%. He stated the applicant could address the issue of the types of homes that would be built.

Mr. Bell stated that custom built, single family residences would be built on the property, and since the homes will be custom, there is no standard size; the homes would probably be 2000 sq. ft. on average. He stated that for safety purposes, there will be one entrance and exit at the crest of the hill to allow for maximum visibility for all drivers.

Cynthia Stairs of 2930 Griffin Avenue approached the podium and identified herself. She stated she is concerned about the traffic, and stated there has been two accidents in the area within the last two weeks. Ms. Stairs stated when you add that many homes in a rural area, the traffic is just going to get worse and asked if this is being taken into account. She stated speeding is already occurring and it is getting very dangerous, and adding an entrance at the crest of a hill will only make it worse.

Vice Chairperson Sigurdson stated he believed the speed limit on Griffin near C.R. 25 is 35 mph. He asked Ms. Stairs if the speed limit changes farther toward the hill.

Ms. Stairs replied she could see the applicant's property from her house, and the speed limit is 45 mph in front of his property.

Chairperson Gauder stated this kind of concern is beyond the authority of the Planning and Zoning Board, and stated Ms. Stairs may want to address her safety concerns regarding traffic to the Town Commission.

Ms. Then clarified that the applicant's request is only addressing the amendment of the open space area. She stated when Hilltop Manor Inc.'s Preliminary Plat application is processed, information will be sent to the County and they will identify which mechanisms need to be put in place for the development at that time; the County will determine if a deceleration lane is needed to accommodate the additional traffic. Ms. Then stated there will be six dwelling units per acre with a maximum of 220 units, and each individual lot would be required to maintain a minimum of 40 percent of open space. She stated the property does have elevation concerns.

Mr. Carroll stated the applicant is currently entitled to 270 dwelling units under Ordinance No. 2005-57, but the applicant is only requesting 220 dwelling units on this application, which is a reduction. He stated this MOA amendment request is for a reduction of open space from 30% to 25%, and if the ordinance does not pass, the applicant will still be entitled to build 270 dwelling units under the existing agreement. He stated if the numbers of units are a concern, that issue needs to be addressed during the Preliminary Plat application process. He stated that is when the County will look at the roadway, analyze the capacity, and see if widening or a deceleration lane would alleviate some of the safety concerns. He stated that surrounding property owners could still voice their concerns at the Commission meeting, but suggested they wait until later in the process.

Upon a motion by Member McKenzie, and a second by Member Scott, the Planning and Zoning Board recommended transmittal and approval of Ordinance 2013-02 to the Town Commission for consideration. The motion passed by a vote of 5-0.

CHAIRPERSON/MEMBERS' REPORT:

Chairperson Gauder welcomed Julius Chirieleison as a new member of the Planning and Zoning Board.

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 6:24 p.m.

Julia Wolfe, Staff Assistant to Town Clerk

John Gauder, Chairperson