

**MINUTES OF THE REGULAR MEETING  
OF THE TECHNICAL REVIEW COMMITTEE  
LADY LAKE, FLORIDA  
August 20, 2013**

The Technical Review Committee meeting was held in the Commission Chambers at Lady Lake Town Hall, 409 Fennell Blvd., Lady Lake, Florida at 10:00 a.m.

**MEMBERS PRESENT:** Thad Carroll, Growth Management Director; Wendy Then, Town Planner; Thomas (Butch) Goodman, Utilities Supervisor; Joe Crum, Building Official; and Police Chief Chris McKinstry

**STAFF PRESENT:** Julia Wolfe, Staff Assistant to Town Clerk

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

The meeting was called to order by Thad Carroll, Growth Management Director.

**1. Roll Call:**

**2. Public Comments:**

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

**3. Approval of Minutes: August 6, 2013**

*Upon a motion by Joe Crum and seconded by Chief Chris McKinstry, the Technical Review Committee approved the minutes as presented for the August 6, 2013 meeting, by a vote of 5-0.*

**4. 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)**

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, approximately 440 lineal ft. east of the northwest corner of West Hermosa Street and South Hwy 27/441. She stated the property includes approximately 4.13 ± acres (Alternate Keys 1279518, 2561858, and 2747021) currently in the Town of Lady Lake. The applicant has filed the following application for this property:

- Rezoning of 4.13± acres from Lady Lake LC (Light Commercial), to Lady Lake CP (Planned Commercial) and incorporating a Memorandum of Agreement to include permitted uses, landscaping buffers, new buildings, parking spaces, and setback requirements.

Ms. Then stated the subject property is currently vacant. Pursuant to the provisions of the Town of Lady Lake Land Development Regulations, the applicant is 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 phases. She 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 the new propose buildings, retention pond areas, parking areas, landscaping buffers, dumpsters location, propane tank, and fence. Ms. Then stated because of the nature of the transportation service business operation, the applicant will be 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.

Ms. Then stated the application has been reviewed and determined to be complete. 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.

Ms. Then stated the property has a future land use of Lady Lake General Commercial Retail Sales and Services; therefore there is no need for an amendment to the Small Scale Plan. The Future Land Use and Zoning designations of the adjacent properties are as follows:

**Future Land Use**

<b>Subject Property</b>	Lady Lake – General Commercial Retail Sales & Services (RET)
<b>Future Land Use of Adjacent Properties</b>	
<b>West</b>	Lady Lake – General Commercial Retail Sales & Services (RET)
<b>East</b>	Lady Lake- Single Family Medium Density (SF-MD)
<b>North</b>	Lady Lake- Manufactured Home High Density (MH-HD)
<b>South</b>	Lady Lake- Single Family Medium Density (SF-MD) and Lady Lake – General Commercial Retail Sales & Services (RET)

Ms. Then stated the current Future Land Use Designation of the subject property (4.13 ± 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**

<b>Subject Property</b>	Lady Lake – Light Commercial (LC)
<b>Zoning of Adjacent Properties</b>	
<b>West</b>	Lady Lake- Heavy Commercial (HC)
<b>East</b>	Lady Lake- RS-6- - Single Family-Up to 6 dwelling units per acre
<b>North</b>	Lady Lake- MH-9 – Manufactured Homes-Up to 9 dwelling units per acres
<b>South</b>	Lady Lake – Light Commercial (LC) and Lady Lake- RS-6- - Single Family-Up to 6 dwelling units per acre

Ms. Then stated staff commented on the Memorandum of Agreement as follows:

The following permitted uses (#4) shall be allowed: 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), and repairing

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), gazebo area for employees to eat lunch, covered walkway from the northern building to the gazebo area, and a small pond to the east of the northern building.

The proposed uses are consistent with and will further the objectives of the Lady Lake Comprehensive Plan by providing employment and a transition from Heavy Commercial to the west and south to Residential to the north and east.

Ms. Then commented that the MOA originally included residential, however that has been corrected to read managers/caretakers residence because the intention is that it is not to be developed as a residential community, but to allow for the building of a residential facility for the manager or caretaker.

Ms. Then stated that as staff reviewed the Memorandum of Agreement, some changes were submitted and are listed as follows:

Line I: Sidewalks – Sidewalks are required within the site development plan. She stated a note has been incorporated indicating that the deferral of sidewalk improvements abutting Hermosa Street shall occur at the time that abutting properties are improved or expanded and sidewalks are required and/or sidewalk infrastructure is put in place which allows the continuation of connectivity and access between sites.

Line L, M, N: Ms. Then stated the applicant made a couple of changes in relation to the maximum square feet of living areas by the northern, middle and south buildings.

Line P: Ms. Then stated the information on having generators located on the site plan does not need to be on the bubble plan, but could just be on the site plan at the time of the site plan submittal.

Ms. Then stated that upon approval of rezoning, the applicant will be required to submit a Major Site Plan application for Town Commission's consideration prior to submitting for a building permit.

Ms. Then stated a traffic study will be required as part of the application. She stated the Town will need information on the traffic studies, and a generation of traffic during peak hours. She stated the applicant's business is a little different, being that it is transportation, but that is a requirement of the site plan submittal.

Tim Hoban approached the podium. He stated it is an office complex and asked what kind of transportation study the Town is looking for.

Mr. Carroll replied the Town has to follow the Metropolitan Planning Organization (MPO) guidelines for traffic analysis and would forward the information to the applicant. He stated there is an exemption to do a tier one analysis versus a tier two or tier three, depending on the count. He stated once the applicant gets their preliminary numbers, they could consult with the MPO to see if they qualify for the exemption. Mr. Carroll stated staff realizes this is not a business that has a lot of to and from trips; however, given that it is a development, it will result in some trips by the applicant's fleet coming in during the a.m. /p.m. peak hours. He stated the

applicant may qualify for the exemption, but the information has to be submitted to the MPO as part of the Town's site plan requirement.

Mr. Hoban asked if the traffic study is needed for the public hearing.

Mr. Carroll replied it would be included in the packet at consideration of site plan, which will go before a public hearing.

Mr. Hoban asked if it was part of the bubble plan.

Mr. Carroll replied the traffic study is needed subsequently to approval of the TRC meeting, and once you have entitlements for the rezoning, the applicant would come back with a major site plan.

Ms. Then stated staff would provide the applicant with the guidelines for the traffic analysis or the traffic study. She stated the applicant may be able to apply for an exemption, and the applicant may not need to go into a tier two traffic study, based on the use of that particular business.

Ms. Then stated notices to inform the surrounding property owners within 150' of the property of the proposed Rezoning-CP MOA adoption will be mailed by certified mail return receipt on Friday, August 23, 2013, and the property will also be posted on the same day.

Ms. Then stated the tentative public hearing dates are scheduled as follows: The Planning and Zoning Board meeting is tentatively scheduled to be held on Monday, September 9, 2013 at 6:00 p.m. The Town Commission is scheduled to hear Ordinance No. 2013-11 for first reading at their special meeting on Wednesday, September 18, 2013 at 6:00 p.m., and for second/final reading at the regular meeting to be held on Monday, October 7, 2013 at 6:00 p.m. She stated the applicant will be notified in advance because the applicant is required to be present at the meetings.

Mr. Carroll asked if there were any questions.

Chief Chris McKinstry asked if the fueling site was new, and if so, was it in compliance with the Town's needs, and has it been accessed and reviewed by the fire department.

Mr. Carroll stated not at this time.

Joe Crum, Building Official, replied it will be done at the site plan review.

Chief McKinstry asked if residential is permitted to allow for a live-in.

Mr. Carroll replied you can have a caretaker facility in a commercial designation. He stated they are entitled to request that use as well as part of the MOA. He stated it is consistent with what can be sought through other commercial districts, which makes it valid to be requested in the MOA. Mr. Carroll commented that on the application, it states 4.6 acres and on the engineer's plans, it states 4.21 acres. He asked if the applicant could state for the record that staff could strike the 4.6 acres and add the 4.21 acres so they can be consistent with the figure going forward.

Mr. Hoban replied he could give an amended application to state that today.

Mr. Carroll stated if the applicant gives staff consent, they could strike the information.

Mr. Hoban stated staff could strike the information.

Mr. Carroll commented staff needs to publish the information because there needs to be a consistent figure going forward with the application.

Mr. Hoban stated the 4.21 acres was off the survey and the 4.6 acres was the property appraiser's estimate.

Mr. Carroll stated staff will go by the survey.

Mr. Hoban asked if the proposed language could be changed on Line "P", Generators, to state "*the generator's location shall be next to the air conditioner units on the property*". He asked Ms. Then if that was an approved change.

Ms. Then replied the language could be incorporated in the MOA.

Mr. Hoban stated he would correct the language on the Exhibit C, the bubble plan, to read (CP) "Planned Commercial".

Mr. Hoban also made a comment regarding the safety aspect of the propane tanks that will be installed on the property. He stated you could explode 53,000 20 gallon propane tanks yards away from a 30,000 gallon propane tank, a 10,000 gallon propane tank, and a 1,000 gallon propane tank, and those big commercial propane tanks would not be harmed. Mr. Hoban stated thousands of projectiles will go through the roofs of houses, but the 20 gallon tanks can be exploded next to commercial propane tanks and were, and the commercial tanks are safe. He stated they would put in the MOA that they will never put in 53,000 20 gallon propane tanks on their site. He stated they are doing nothing more than filling up cars with propane gas. He stated they have actual proof you can explode 53,000 20 gallon propane tanks and not hurt the major 18,000 gallon propane tank that will be on their site.

Chief Chris McKinstry stated he was not insinuating the applicant was going to do anything wrong, he just wanted clarification for himself.

Mr. Carroll asked if there were any comments or questions. He asked for a motion.

***Upon a motion by Joe Crum and seconded by Chief Chris McKinstry, the Technical Review Committee approved the transmittal of Ordinance No. 2013-11 to the Planning & Zoning Board for their consideration, by a vote of 5-0.***

## **5. Chairperson/Members' Report:**

Growth Management Director Thad Carroll asked if there were any comments or reports. There were none.

**6. Adjourn:**

*With nothing further to discuss or report, the meeting was adjourned at 10:15 a.m.*

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Julia Wolfe  
Staff Assistant to the Town Clerk

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Thad Carroll  
Growth Management Director

Minutes transcribed by Julia Wolfe, Staff Assistant to Town Clerk