

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

**August 10, 2015
5:30 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
 Mike McKenzie, Member
 William Sigurdson, Vice Chairperson/Member
 John Gauder, Chairperson

Members Absent: Alfred Monteleone, Member

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

Also Present: Attorney Todd Mazenko, BRS Legal; Mayor Ruth Kussard and Commissioner Paul Hannan

OPEN FORUM:

Chairperson Gauder asked if anyone in the audience had any comments or questions.

- John West of 911 Aloha Way asked how it was determined who would get letters regarding tonight's issues.

Growth Management Director Thad Carroll replied that letters are mailed out to property owners who are within 150 ft. of the subject properties, and postings were done on the subject properties for others.

Planning and Zoning Board Member Gil Pierson stated that he can no longer be a voting member of this board as he is no longer a resident of Lady Lake. He stated he will apply to be a member of a board that does not have residency requirements instead.

Chairperson Gauder commented that Mr. Pierson has been an outstanding member, has done a terrific job, and will be missed.

NEW BUSINESS:

1. **Approval of Minutes** – June 8, 2015 Regular Meeting

Upon a motion by Member McKenzie and a second by Member Sigurdson, the Planning and Zoning Board approved the minutes of the Planning and Zoning Board Meeting of June 8, 2015 as presented by a vote of 3-0.

2. Ord. No. 2015-08 – The Villages of Lake-Sumter, Inc. – Annexing 11 Lots (Approximately 1.56 +/- Acres of Land) – Located within Orange Blossom Gardens Units 1, 2, 3, and 3.1B within Lake County, Florida (Wendy Then)

Wendy Then, Town Planner, presented the background summary for this agenda item (on file in the Clerk's Office) and read the ordinance by title. She stated that the applicant, Martin L. Dzuro, on behalf of the Villages of Lake-Sumter, Inc., has filed applications to annex properties consisting of 11 lots located north of Griffin Avenue and northeast of North Highway 27/441 within the Orange Blossom Garden Subdivisions Units 1, 2, 3, and 3.1B. The annexation application involves 1.56 +/- acres of property from unincorporated Lake County into the Town of Lady Lake.

Ms. Then stated that the 11 lots are spread out along different roads and include the following addresses:

- 1011 Aloha Way
- 806 Beechwood Avenue
- 913 Cindy Drive
- 1004 Nell Way
- 1015 Nell Way
- 1321 Paradise Drive
- 918 Tarrson Boulevard
- 1316 Teakwood Lane
- 704 Truman Avenue
- 819 Truman Avenue
- 1028 Vermont Way

The subject properties lie in Section 06, Township 18 South, Range 24 East, in Lake County, Florida. Appropriate legal descriptions, a location map, and a sketch of the property have been included with the submitted application. All lots will be served by the Village Center Community Development District Central Water and Sewer System, as well as the District's Fire Department.

Ms. Then showed a map of the area and stated the present use of the property is a residential subdivision within The Villages for manufactured homes, and the proposed use is to replace these with single family homes. She stated that staff recommends approval of this ordinance.

Ms. Then stated that in accordance with the provisions of Florida Statute 171.205 and the Interlocal Service Boundary Agreement executed September 4, 2013 between Lake County and the Town of Lady Lake, the Town may annex properties into the Town which are non-contiguous to the existing municipal boundary. She pointed out that the proposed properties under this application exist as both contiguous and non-contiguous lots. An aerial map with the subject properties highlighted in red was shown, as were photos of the posting of the properties.

The annexation application was received on Monday, July 13, 2015 and has been reviewed and determined to be complete, satisfying the necessary criteria as required for annexation under statutory requirements. The application was found to meet the requirements of the Land Development Regulations (LDRs), as well as the adopted Comprehensive Plan, and is ready for transmittal to the Town Commission.

Ms. Then reported that notices to inform the surrounding property owners (193) within 150 feet of the properties proposed by annexation request were mailed by certified mail, return receipt on Monday, July 20, 2015, and the properties were also posted this same date. A list of the names and addresses of the 193 adjacent property owners was shown. She stated that 137 of the return receipts have been received and there has been 26 phone inquiries and four in-person inquiries, with no objections so far, just requests for information.

Ms. Then reported that the Technical Review Committee (TRC) members individually reviewed application for Ordinance No. 2015-08, provided comments on July 30, 2015, and determined the application to be complete and ready for transmittal to the Planning & Zoning Board. She stated that the Town Commission is scheduled to consider Ordinance No. 2015-08 for first reading on Wednesday, September 2, 2015 at 6:00 p.m., and for second/final reading on Wednesday, September 16, 2015 at 6:00 p.m.

Ms. Then stated that there are two other applications that are submitted concurrently with the annexation for this property. She stated the applicant is present if there are any questions.

Mr. Gauder asked the Board members if they had any questions or comments, and hearing none, asked for public comment.

- Linda Locke of 911 Cindy Drive asked why this annexation is coming up now; why the other homes that have been built did not have this issue, and how some homes are in the Town of Lady Lake and some are not.

Mr. Carroll replied that the applicant can address the issue of timing, but that there are still many lots in the area that are in an enclave and the Town does not force annexations.

Martin Dzuro of The Villages replied that there are 728 lots in Orange Blossom Gardens that are in unincorporated Lake County and include all lots in Unit 1, 2, and 3(1)b, along with a handful of lots in Unit 4 and 5. He stated The Villages is purchasing homes from those who want to sell them and is then pulling the manufactured home out and building a conventional home that is designed to fit in well in the neighborhood. Mr. Dzuro stated The Villages has purchased 40 to 50 lots currently, with some being in Lake County and some in Lady Lake. He stated that they had to travel to Tavares to pull building permits for Lake County and their regulations are quite different from Lady Lake, and would cause the homes to be built with different standards. He stated they approached Lake County and the Town of Lady Lake about the interlocal agreement regarding annexation. Mr. Dzuro stated this is all part of the revitalization of the historic sections of The Villages. He stated there are some owners who do not want to sell their lots to The Villages, but would like to remove their mobile homes and have The Villages build them a new home on their lot. He stated they are trying to bundle the lots in groups such as this so they do not have to go through this process as many times.

Member McKenzie stated that it may be of help to the audience if staff explained what annexation is and how it is achieved.

Mr. Carroll explained that the annexation process used to be for property that was contiguous to the municipal boundary, although through an interlocal agreement with Lake County in 2013, non-contiguous properties can be annexed as they have urban form and are within the Town's service area. He explained that properties that are annexed will be incurring additional millage or property taxes for the Town of Lady Lake and will have Lady Lake police protection, but will remain under the Villages Fire District and most other services. Mr. Carroll stated that these properties will have to

adhere to the Town's building codes, and permits will be processed through the Town rather than through Lake County's office in Tavares.

- John West of 911 Aloha Way asked how the Town will keep public safety issues separate from the Town's police department and the Sheriff's Department.

Mr. Carroll reported that the Town already has had these issues as there are pockets of homes that come under two different services. He stated once this annexation goes through, the response system will be updated. He stated that as enclaves are removed, the conflict goes away.

Ms. Then explained that annexation is a voluntary process which the applicant has requested and it is a three step process: annexation, small scale future land use, and rezoning.

- Linda Locke of 911 Cindy Drive asked how the annexation process effects taxes and utilities.

Mr. Carroll replied that The Villages will still service the annexed lots for utilities, but the property will incur Town of Lady Lake millage for property taxes.

- Tom Dameron of Orange Blossom Gardens asked if there are any long term goals for annexation into the Town of Lady Lake in the next five to ten years. He asked if the primary reason for the annexation was regarding building codes.

Mr. Carroll replied that according to Mr. Dzuro's statement earlier, The Villages intent is to continue this process as long as they come across property owners who wish to sell to The Villages or who wish to voluntarily annex into the Town. He stated the timing is up in the air and depends on how the applications are presented to the Town.

Mr. Dzuro replied that The Villages is hoping that other property owners will approach them about purchasing their home and lot. He stated they would then have to go through this process if it is in Lake County. He stated if a property owner wants to retain their lot but have The Villages build them a home on it, and if it was in Lake County, The Villages would suggest that they annex their property into Lady Lake. Mr. Dzuro stated there are some property owners who are removing their manufactured homes and having someone other than The Villages build them a home on their lot. He stated The Villages is suggesting that those that are in Lake County annex their property into the Town as it would be easier and more consistent with land development regulations. Mr. Dzuro also commented that the Lady Lake Police and Lake County Sheriff's Department already has an interlocal agreement in regard to the enclave areas.

- Ralph Bari of 914 Kim Lane asked if there has ever been an effort to annex the whole area in rather than piecemeal. He expressed concern over trash pick-up, road maintenance and water main breaks. Mr. Bari asked what it would take to have all 728 lots annexed.

Mr. Carroll replied that the Town does not normally force annexations, although it was offered in the past and not all property owners chose to annex into the Town. He stated that The Villages will still service the water/utilities. Mr. Carroll explained the process of annexing into the Town, which would begin with the submission of an application.

Ms. Then stated that staff has received telephone inquiries regarding annexation, and she believes one of the main reasons property owners do not want to voluntarily annex into the Town is because of the increase in the millage as they would be assessed Town of Lady Lake taxes if they were annexed in.

She reiterated that the Town does not force annexations and all the property owners would have to be in agreement to annex them into the Town as it is voluntary.

Member McKenzie further clarified that one property owner may choose to annex in, but the neighbor may not want to, and the Town will not force them to.

Ms. Then reiterated that services for annexed properties will include building permits going through the Town's Building Department and code enforcement complaints through the Town's Code Enforcement Department, and that there is an interlocal agreement between the Lake County Sheriff's Department and the Town of Lady Lake Police Department. She stated the main reason for annexation is for consistency in the setbacks, codes and ordinances within the Town.

- Someone from the audience asked how the 11 property owners feel about being annexed in.

Mr. Dzuro replied that the property owners for these 11 lots sold their homes to The Villages and The Villages is requesting the voluntary annexation. He stated that they are encouraging property owners that want to keep their lots but want to build another home on it to annex into the Town so the look of the neighborhood remains consistent. Mr. Dzuro stated that the reason for the 728 lot enclave is that in the early 1980's, The Villages worked with the Town of Lady Lake and annexed all of the vacant property owned by The Villages in Units 6, 7, 8 & 9 from Lake County into Lady Lake, and annexed Units 1, 2, 3, 3(1) B, 4, and 5 that were owned by The Villages. He said the other property owners in those units did not want to annex mainly due to additional taxes, so they remained in Lake County, as annexing is purely voluntary in most cases.

- John West asked if anyone had a comparable on the setbacks between the Town of Lady Lake and Lake County.

Mr. Carroll replied that he did not have the County's code handy to compare. He stated the Town's side setback is five feet, local roadway front setback is 20 feet, and the rear setback is 10 feet.

Mr. Dzuro stated that the County has a 33 ft. setback, however, they will allow a variance to change the setback to the average of what is already in an area. He stated that Lake County has a setback from bodies of water of 50 ft. and they include retention areas as bodies of water. Mr. Dzuro stated that this can create a problem by causing a lot to be unbuildable once a manufactured home is removed due to the setback from a body of water. He stated this is another reason to be consistent with using Lady Lake codes. Mr. Dzuro stated the side setbacks are the same at five feet for both the County and Lady Lake.

Upon a motion by Member McKenzie and a second by Member Sigurdson, the Planning and Zoning Board recommended transmittal and approval of Ordinance No. 2015-08 to the Town Commission for consideration by the following roll call vote:

<i>MCKENZIE</i>	<i>YES</i>
<i>SIGURDSON</i>	<i>YES</i>
<i>GAUDER</i>	<i>YES</i>

3. Ord. No. 2015-09 – The Villages of Lake-Sumter, Inc. – Small Scale Future Land Use Comprehensive Plan Amendment from Lake County Medium Urban Density to Lady Lake Manufactured Home High Density for 11 Lots (Approximately 1.56 +/- Acres of Land) – Located within Orange Blossom Gardens Units 1, 2, 3, and 3.1B within Lake County, Florida (Wendy Then)

Wendy Then, Town Planner, presented the background summary for this agenda item (on file in the Clerk’s Office) and read the ordinance by title. She stated that the applicant, Martin L. Dzuro, on behalf of the Villages of Lake-Sumter, Inc., has filed applications to amend the future land use comprehensive plan for properties consisting of 11 Lots located north of Griffin Avenue and northeast of North Highway 27/441 within the Orange Blossom Garden Subdivisions Units 1, 2, 3, and 3.1B. The application involves 1.56 +/- acres of property from unincorporated Lake County into the Town of Lady Lake.

The Small Scale Future Land Use Map Amendment application was received on Monday, July 3, 2015, and has been reviewed and determined to be complete, satisfying the necessary criteria as required to meet the requirements of the Land Development Regulations (LDRs) as well as the adopted Comprehensive Plan, and is ready for transmittal to the Town Commission.

Ms. Then stated the applicant is requesting to amend the Future Land Use from Lake County Medium Urban Density to Lady Lake Manufactured Home High Density. A rendering of the proposed Future Land Use Map for Ordinance No. 2015-09 was reviewed. She reviewed the future land use of adjacent properties as follows:

Future Land Use

Subject Properties	Lake County Medium Urban Density
Future Land Use of Adjacent Properties	
West	Lake County Medium Urban Density Lady Lake- Commercial General- Retail Sales and Services (RET)
East	Lake County – Medium Urban Density
North	Lake County – Medium Urban Density & Lady Lake- Manufactured Home High Density (MH-HD)
South	Lake County – Medium Urban Density & Lady Lake- Manufactured Home High Density (MH-HD)

Ms. Then reviewed the applicant’s justification as follows:

APPLICANT’S JUSTIFICATION:

80% of the Homes in the Historic section of The Villages east of U.S. Hwy 441/27 known as Orange Blossom Gardens are in the Town of Lady Lake. The remainder of the Homes lie within a small County Enclave.

As a revitalization of Orange Blossom Gardens, The Villages has or intends to purchase lots in this Historic section has, or intends to enter into Agreements with existing Homeowners, to replace the existing mobile homes with conventionally constructed homes.

In order to insure that the new homes in the County Enclave (1) are complimentary to the new homes in Lady Lake; (2) the local governments are able to make the most efficient use of their powers and services; (3) there are more favorable economic conditions; and (4) the best interests of the citizens in Lady Lake and Lake County are protected. These properties in the County Enclave should be annexed into Lady Lake. Annexing these properties is compliant with the Goals, Policies and Objectives of the Comprehensive Plans of Lady Lake and Lake County, and the Interlocal Agreement between Lake County and Lady Lake effective June 24, 2015.

Ms. Then reviewed the Concurrency Determination Statement as follows: The proposed Small Scale Comprehensive Plan Amendment is a land use change from Lake County Medium Density Urban Villages to Town of Lady Lake Manufactured Home High Density to accommodate the Annexation of eleven (11) lots in a historic section of the Villages known as Orange Blossom Gardens, an age restricted retirement community. The Villages is proposing to remove the existing manufactured home on each lot and construct a similar size conventional built home. There will be no increase in utility services, traffic, population, or recreation use.

Ms. Then reviewed the impact on Town services as follows:

- Potable Water- No impact as lots are served by the Village Center Community Development District Central Water System.
- Sewer - No impact as lots are served by the Village Center Community Development District Central Sewer System.
- Schools – Not factored for project as no foreseen impact of students as the project is located within an active adult retirement community.
- Transportation – No impact as the existing home will be replaced with a new home. There will be no change in average daily trip generation.
- Parks & Recreation – The annexation, small scale future land use amendment, and the rezoning applications will not cause Parks and Recreation Level of Services to be exceeded since the project is for the replacement of existing homes. Additionally, the Villages provides its residents with all park and recreation amenities.
- Stormwater – Project will be required to adhere to SJRWMD guidelines and of Town of Lady Lake Floodplain Management Ordinance for parcels within Special Flood Hazard Areas.

Applications have been reviewed and determined to be complete. The applicant has submitted all appropriate material in compliance with the Land Development Regulations (LDRs), and the application is ready for transmittal to the Town Commission. Additionally, the applications were reviewed and determined to be in compliance with the directives of the adopted Comprehensive Plan in accordance with the sought designation. A Concurrency Determination Statement has been included as part of the Small Scale Comprehensive Plan Amendment Application, which the applicant submitted to explain expected impacts on Town Services. The subject properties involves approximately 1.56 ± acres and lies in Section 06, Township 18 South, Range 24 East in Lake County, Florida.

Ms. Then reported that there are three comments on this application as follows:

- 1) Annexation and Rezoning applications have been submitted concurrently with this Small Scale Future Land Use Amendment Application.
- 2) In accordance to the Interlocal Agreement for Building Permits & Inspections Section 2).A)., executed on June 23, 2015, if The Villages has applied for annexation, then the Town can issue building permits located within the unincorporated area.

- 3) Project will be required to adhere to St. John's River Water Management District guidelines and the Town of Lady Lake Floodplain Management Ordinances for parcels within Special Flood Hazard Areas.

Ms. Then reported that the application was received on July 13, 2015. Notices to inform the surrounding property owners (193) within 150' of the property of the proposed annexation were mailed by certified mail return receipt on Monday, July 20, 2015, and the property was also posted on this date. She stated that 137 of the 193 return receipts have been returned to date; there has been 26 phone inquiries regarding the application to date, and four in-person inquiries. She stated that there have been no objections to date, just requests for information.

Ms. Then stated that the Technical Review Committee (TRC) members individually reviewed application for Ordinance No. 2015-09 and provided comments on July 30, 2015, determining the application to be complete and ready for transmittal to the Planning and Zoning Board. The Local Planning Agency is scheduled to consider Ordinance No. 2015-09 on Wednesday, September 2, 2015 at 5:30 p.m. The Town Commission is scheduled to consider Ordinance No. 2015-09 for first reading on Wednesday, September 2, 2015 at 6:00 p.m., and for second/final reading on Wednesday, September 16, 2015 at 6:00 p.m.

Ms. Then stated the applicant is present if there are any questions.

- David Kessler stated he has an objection to this as an owner of a manufactured home because he believes that the more manufactured homes that are pulled out will make his property value go down, and stated he is opposed to the rezoning.

Upon a motion by Member Sigurdson and a second by Member McKenzie, the Planning and Zoning Board recommended transmittal and approval of Ordinance No. 2015-09 to the Town Commission for consideration by the following roll call vote:

<i>MCKENZIE</i>	<i>YES</i>
<i>SIGURDSON</i>	<i>YES</i>
<i>GAUDER</i>	<i>YES</i>

4. Ord. No. 2015-10 – The Villages of Lake-Sumter, Inc. – Rezoning from Lake County Residential Medium (RM) to Lady Lake Mixed Residential Medium Density (MX-8) for 11 Lots (Approximately 1.56 +/- Acres of Land) – Located within Orange Blossom Gardens Units 1, 2, 3, and 3.1B within Lake County, Florida (Wendy Then)

Wendy Then, Town Planner, presented the background summary for this agenda item (on file in the Clerk's Office) and read the ordinance by title. She stated that the applicant, Martin L. Dzuro, on behalf of the Villages of Lake-Sumter, Inc., has filed applications to rezone properties consisting of 11 lots located north of Griffin Avenue and northeast of North Highway 27/441 within the Orange Blossom Garden Subdivisions Units 1, 2, 3, and 3.1B. The application involves 1.56 +/- acres of property from unincorporated Lake County into the Town of Lady Lake.

The Rezoning application was received on Monday, July 13, 2015, and has been reviewed and determined to be complete, satisfying the necessary criteria as required to meet the requirements of the Land Development Regulations (LDRs) as well as the adopted Comprehensive Plan, and is ready for transmittal to the Town Commission.

The subject properties lie in Section 06, Township 18 South, Range 24 East, in Lake County, Florida. Appropriate legal descriptions and survey information have been included with the submitted application. The zoning designation of the subject properties and adjacent properties are as follows:

Zoning

Subject Property	Lake County Residential Medium (RM)
Zoning of Adjacent Properties	
West	Lake County Residential Medium (RM) Lady Lake- Planned Commercial (CP)
East	Lake County Residential Medium (RM)
North	Lake County Residential Medium (RM) Lady Lake- Mixed Residential Medium Density (MX-8)
South	Lake County Residential Medium (RM) Lady Lake- Mixed Residential Medium Density (MX-8)

A map showing the proposed area to be rezoned was shown. Ms. Then stated that staff recommends approval.

Ms. Then reported that notices to inform the surrounding property owners (193) within 150' of the property of the proposed annexation were mailed by certified mail return receipt on Monday, July 20, 2015 and the property was also posted on this date. She stated that 137 of the 193 return receipts have been returned to date; there has been 26 phone inquiries regarding the application to date, and four in-person inquiries. She stated that have been no objections to date, just requests for information.

Ms. Then reported that the Technical Review Committee (TRC) members individually reviewed application for Ordinance No. 2015-08, provided comments on July 30, 2015, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. The Town Commission is scheduled to consider Ordinance No. 2015-08 for first reading on Wednesday, September 2, 2015 at 6:00 p.m. and for second/final reading will be held on Wednesday, September 16, 2015 at 6:00 p.m.

- Linda Locke asked for the definition of Mixed Residential; stating she was wondering if villas or duplexes could be built.

Ms. Then stated the zoning of Mixed Residential allows the applicant to replace a manufactured home with either another manufactured home or a single family conventional home. She stated that the lots are all individual lots and cannot accommodate any other type of home.

Upon a motion by Member McKenzie and a second by Member Sigurdson, the Planning and Zoning Board recommended transmittal and approval of Ordinance No. 2015-10 to the Town Commission for consideration by the following roll call vote:

<i>MCKENZIE</i>	<i>YES</i>
<i>SIGURDSON</i>	<i>YES</i>
<i>GAUDER</i>	<i>YES</i>

CHAIRPERSON/MEMBERS' REPORT:

Chairperson Gauder asked if the members had any comments. There were no comments.

ADJOURN: *With nothing further to discuss, the meeting was adjourned at 6:33 p.m.*

Nancy Slaton, Deputy Town Clerk

John Gauder, Chairperson

Minutes transcribed Nancy Slaton, Deputy Town Clerk