

**MINUTES OF THE SPECIAL MEETING
OF THE LADY LAKE TOWN COMMISSION
LADY LAKE, FLORIDA**

September 21, 2016

This special meeting of the Lady Lake Town Commission was held in the Commission Chambers at Lady Lake Town Hall, 409 Fennell Blvd., Lady Lake, Florida with Mayor Ruth Kussard presiding. The meeting convened at 6:00 p.m.

- A. CALL TO ORDER:** Mayor Ruth Kussard
- B. PROCEDURE:** *Citizens are encouraged to participate in the Town of Lady Lake meetings. Speakers will be limited to three (3) minutes. Additional time may be granted by the Mayor. Citizen groups are asked to name a spokesperson and the Mayor, at his/her discretion, may allow longer than three minutes. Upon being recognized by the Mayor, please approach the dais, state your name and address, and speak into the microphone. The order of agenda items may be changed if deemed appropriate by the Town Commission. Please be respectful of others and put your cell phone on silent mode.*
- C. INVOCATION:** Pastor Mike Smith – North Lake Presbyterian Church
- D. PLEDGE OF ALLEGIANCE**
- E. ROLL CALL:** Tony Holden, Commissioner Ward 2
Dan Vincent, Commissioner Ward 3
Paul Hannan, Commissioner Ward 4
Jim Richards, Commissioner Ward 5
Ruth Kussard, Mayor/Commissioner Ward 1

STAFF MEMBERS PRESENT: Kris Kollgaard, Town Manager; Derek Schroth, Town Attorney; Pam Winegardner, Finance Director; Thad Carroll, Growth Management Director; C. T. Eagle, Public Works Director; Mike Burske, Parks and Recreation Director; Chief Chris McKinstry, Police Department; Marsha Brinson, Director of Library Services; Wendy Then, Town Planner; and Nancy Slaton, Deputy Town Clerk

F. PUBLIC COMMENTS: Mayor Kussard asked if there were any comments at this time. There were no comments at this time.

G. PUBLIC HEARING:

1. Resolution No. 2016-110 – First/Final Reading – Adoption of Final Millage Rate for FY 2016-2017 (Pam Winegardner)

Finance Director Pam Winegardner gave the background summary for this agenda item (on file in the Clerk's Office). She stated that staff recommends adoption of this resolution, and per State Statute Chapter 200.065, the Town of Lady Lake must hold a public hearing on the tentative millage rate and proposed budget. At this hearing, the Town Commission will disclose and discuss the proposed millage rate, and if changed, re-compute the proposed millage rate and publicly announce the percent,

if any, by which the re-computed millage rate is less than the rolled-back rate, and approve the resolution prior to adoption of the proposed budget.

Ms. Winegardner stated the proposed rate of 3.3962 mills or any rate less than this rate only requires an affirmative vote of three members of the Town Commission. She also stated this hearing was advertised via newspaper advertisement.

Ms. Winegardner then read the heading of Resolution No. 2016-110 regarding the adoption of the final millage rate for FY 2016-2017.

Mayor Kussard asked if there were any questions or comments from the Commissioners or the public. There were no questions or comments.

Upon a motion by Commissioner Hannan and seconded by Commissioner Richards, the Commission approved the first/final reading of Resolution No. 2016-110, which sets the FY 2016-17 final property tax millage rate of 3.3962 mills per \$1,000 taxable valuation which is equal to the current year's rolled back rate, by the following roll call vote:

<i>HOLDEN</i>	<i>YES</i>
<i>VINCENT</i>	<i>YES</i>
<i>HANNAN</i>	<i>YES</i>
<i>RICHARDS</i>	<i>YES</i>
<i>KUSSARD</i>	<i>YES</i>

2. Ordinance No. 2016-28 – Second/Final Reading – Adoption of Operating Budget for FY 2016-2017 (Pam Winegardner)

Finance Director Pam Winegardner gave the background summary for this agenda item (on file in the Clerk's Office). She stated that staff recommends adoption of the ordinance, and that per State Statute Chapter 200.065, the Town of Lady Lake must hold a public hearing on the proposed FY2017 operating budgets. At this hearing, the Town Commission will amend and adopt the budget ordinance after adoption of the final millage rate. She stated this hearing was advertised via newspaper advertisement.

Ms. Winegardner read the ordinance title which stated the budget is setting forth anticipated revenue of \$15,736,745.00 and expenditures in an equivalent amount. The following amounts are appropriated for various funds: General Fund - \$10,740,320.00; Special Revenue (infrastructure sales surtax) - \$1,200,500.00; and Utilities Fund - \$3,795,925.00; for a total of \$15,736,745.00.

Mayor Kussard asked if there were any questions or comments from the Commissioners or the public. There were no questions or comments.

Upon a motion by Commissioner Holden and seconded by Commissioner Vincent, the Commission approved the second/final reading of Ordinance No. 2016-28, by the following roll call vote:

<i>HOLDEN</i>	<i>YES</i>
<i>VINCENT</i>	<i>YES</i>
<i>HANNAN</i>	<i>YES</i>
<i>RICHARDS</i>	<i>YES</i>
<i>KUSSARD</i>	<i>YES</i>

H. PROCLAMATION:

3. Proclaiming September 24, 2016 as National Public Lands Day (Mayor Kussard)

Mayor Kussard read the proclamation proclaiming September 24, 2016 as National Public Lands Day and encouraged all citizens to recognize and participate in this special observance.

I. CONSENT:

4. Minutes – September 7, 2016 – Special Commission Meeting

5. Consideration of the Renewal of the Lease Agreement between the Town of Lady Lake and the American Legion Post 347 for the Boy Scout Hut (Mike Burske)

The background summary for this agenda item is on file in the Clerk's Office. It states that the American Legion Post 347 desires to renew their lease agreement for the Boy Scout Hut as sponsorship for Troop 244. The dates are the only changes to this document. Our Town Attorney has approved the insurance and lease.

6. Consideration of the Renewal of the Lease Agreement between the Town of Lady Lake and the Chamber of Commerce for the Log Cabin (Mike Burske)

The background summary for this agenda item is on file in the Clerk's Office. It states that the Lady Lake Area Chamber of Commerce once again desires to renew its lease agreement with the Town for the Log Cabin at Veterans Park. The only changes to this document are the dates. The Town Attorney has reviewed the document and insurance prior to it being submitted for your approval.

7. Consideration of the Renewal of the Lease Agreement between the Town of Lady Lake and the Lady Lake Kiwanis Club for the Caboose at the Log Cabin (Mike Burske)

The background summary for this agenda item is on file in the Clerk's Office. It states that the Lady Lake Kiwanis Club once again desires to renew its lease agreement with the Town for the Caboose at the Log Cabin/Veterans Park. The dates on the contract are the only changes to the proposed document.

8. Consideration of the Renewal of the Lease Agreement between the Town of Lady Lake and the Lady Lake Dog Park Association, Inc. for the Rolling Acres Utility Site (Mike Burske)

The background summary for this agenda item is on file in the Clerk's Office. It states that the Lady Lake Dog Park Association desires to once again renew its lease with the Town of Lady Lake. The dates are the only changes to this document. The Town Attorney has reviewed and approved the lease and insurance.

9. Consideration of the Renewal of the Lease Agreement between the Town of Lady Lake and the Lady Lake Little League for the Guava Street Athletic Complex Fields (3) and Concession Stand (Mike Burske)

The background summary for this agenda item is on file in the Clerk's Office. It states that the Little League desires to renew their lease agreement with the Town. The only changes to this document are

the dates. The Town Attorney has reviewed the document and insurance prior to it being submitted for your approval.

10. Consideration of the Renewal of the Lease Agreement between the Town of Lady Lake and the Lady Lake Soccer Association for the Rolling Acres Sports Complex Concession Stand (Mike Burske)

The background summary for this agenda item is on file in the Clerk's Office. It states that the Lady Lake Soccer Association is seeking to renew its lease for the soccer fields and the concession stand for the coming year. The only changes to this document are the dates. The Town Attorney has reviewed the document.

11. Consideration of Approval for the Fall Activities for 2016 (Mike Burske)

The background summary for this agenda item is on file in the Clerk's Office. It states that the programs listed are the same as last year. The dates may have changed and the times will be similar, but staff is asking for flexibility with the times as the events have not been formally programmed and the times may need to be changed due to various reasons. (Dates were included on an attachment.)

The fall season has six activities that will need the services of the Parks and Recreation Department. They will assist the Soccer Association and the Little League with their opening and closing ceremonies, but dates and times have yet to be determined. The opening ceremonies have historically been accepted as part of their programming and have not needed approval from the Town if they do not have activities other than the announcing of the teams or the passing out of awards and trophies. Between the beginning of October and the second Saturday of December, staff will have obligations for seven weekends. Needless to say, this is our busiest time of year, but the most fun.

12. Consideration of Approval for the Lady Lake Police Department to Partner with The Home Depot and Co-Host National Night Out 2016 for the Town of Lady Lake on October 4, 2016 from 4:00 P.M. until 7:00 P.M. (Chris McKinstry)

The background summary for this agenda item is on file in the Clerk's Office. It states that the Lady Lake Police Department (LLPD) is requesting to co-host National Night Out with The Home Depot on Tuesday, October 4, 2016 from 4:00 p.m. until 7:00 p.m. to heighten crime prevention and enhance safety awareness. This is the 32nd Anniversary of National Night Out, and the fourth year that the LLPD would like to organize this community event with local public safety agencies, businesses and civic groups. This year's event is to be held in the south front parking lot of The Home Depot. Community partners expressing a strong interest in participating at this time include: The Villages Public Safety, the Lake County Fire Department, the Sumter County Sheriff's Office, McDonald's, Cal's Barbershop, the Lion's Club, American Legion Post #347, and the local Seniors vs. Crime office. This event will be staffed by on-duty personnel utilizing flex/comp time.

Mayor Kussard asked if there were any questions or comments on the Consent items, and hearing none, asked for a motion.

Upon a motion by Commissioner Richards and a second by Commissioner Holden, the Commission approved Consent Items #1-4 through #1-12 by a vote of 5 to 0.

J. OLD BUSINESS:

13. Consideration of Proposals from Aztek Systems for Installation/Upgrade of Security Camera Systems for all Town Facilities (C.T. Eagle/Chris McKinstry)

Public Works Director C.T. Eagle gave the background summary for this agenda item (on file in the Clerk's Office). He stated that as requested by the Town Commission at the previous meeting, staff has received three quotes for the installation/upgrade of the security camera systems project. Staff developed a quote sheet with specified Tier 1 non-proprietary equipment for the project and supplied it to prospective vendors. This would allow "apples to apples" pricing and would be fair to all vendors submitting quotes. Two of the quotes received were for identical equipment; one of the quotes received proposed using an alternate proprietary Tier 2 type of equipment. Staff recommends installing the Tier 1 non-proprietary equipment specified in the quote request. Aztek Systems submitted the lowest quote for the specified equipment and has a good current working relationship with the Town. Staff recommends approval of their proposal. Funding is proposed utilizing surplus budget funds and Utilities Retained Earnings.

Commissioner Hannan asked where Aztek Systems is headquartered.

Mr. Eagle replied that their office is in Leesburg.

Commissioner Richards thanked staff for getting the other proposals as requested by the Commission.

Upon a motion by Commissioner Richards and a second by Commissioner Holden, the Commission approved the proposals from Aztek Systems for installation/upgrade of security camera systems for all Town facilities by a vote of 5 to 0.

K NEW BUSINESS:

14. Consideration of Interlocal Agreement with Lake County to Transfer Jurisdiction of a Portion of Teague Trail and Oak St. (C.T. Eagle)

Public Works Director C.T. Eagle gave the background summary for this agenda item (on file in the Clerk's Office). He stated that the two roads referenced in this agreement were a part of a road realignment project previously performed in coordination with the Town by Lake County. Staff discovered formal transfer of jurisdiction was not performed as intended at that time. The agreement clarifies maintenance and jurisdiction responsibilities to the Town of Lady Lake. This agreement has been reviewed and approved by the Town Attorney.

Upon a motion by Commissioner Vincent and a second by Commissioner Richards, the Commission approved the Interlocal Agreement with Lake County to Transfer Jurisdiction of a Portion of Teague Trail and Oak St. by a vote of 5 to 0.

15. Consideration to Invest \$8,590.00 for CEI Services by Neel-Schaffer Engineering for the Driving Range Parking Lot Project (Mike Burske)

Parks and Recreation Director Mike Burske gave the background summary for this agenda item (on file in the Clerk's Office). He stated that the Town has already invested in the design for the Driving Range parking lot project. As it is time to begin construction, staff is asking to invest \$8,590.00 for Neel-Schaffer Engineering Inc. to conduct Construction, Engineering and Inspection (CEI) services for the project. Mr. Burske reported that staff is looking into the option of piggy-backing off of a

construction project conducted by the City of Ocala, and if unable to, the project will be put out to bid. He stated staff does need to start the permitting process with SJRWMD, regardless.

Commissioner Richards asked what fund this expense will come from.

Town Manager Kris Kollgaard replied that it will most likely come out of the contingency fund as there is currently \$38,000 left in the fund.

Upon a motion by Commissioner Richards and a second by Commissioner Hannan, the Commission approved the consideration to invest \$8,590.00 for CEI Services by Neel-Schaffer Engineering for the Driving Range Parking Lot Project by a vote of 5 to 0.

16. Consideration of a Request by the Lady Lake Little League for Them to Partner with Kevin Yoakum to Provide Concessions while the Concession Stand is Being Constructed (Mike Burske)

Parks and Recreation Director Mike Burske gave the background summary for this agenda item (on file in the Clerk's Office). He stated that the Lady Lake Little League has asked that Kevin Yoakum be approved to use his food trailer to sell concessions while the concession stand is being torn down and reconstructed. He asked that the Commission keep in mind that Kevin Yoakum is a Town employee, but will be doing this on his off hours and will not be wearing a Town uniform while providing concessions. Mr. Burske stated it is his understanding that there will be a 10% split given to the Little League. Mr. Yoakam has provided all necessary insurance which has been approved by our Risk Manager.

Ms. Kollgaard stated that since Mr. Yoakam is a Town employee, he will also be asked to sign a hold harmless agreement so the Town will not have any liability issues.

Upon a motion by Commissioner Vincent and a second by Commissioner Holden, the Commission approved the request by the Lady Lake Little League for them to partner with Kevin Yoakum to provide concessions while the Concession Stand is being constructed, by a vote of 5 to 0.

17. Consideration of Approval of the Contract with M.T. Causley, Inc. for Building Official, Plan Review, Inspections, and Related Support Services (Thad Carroll)

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk's office). He stated that on September 7, 2016, the Lady Lake Town Commission approved awarding a service contract to M.T. Causley, LLC, for Building Official Services, Plan Review, Inspections and Related Support Services, based upon the results and recommendations in response to RFP No. 2016-0005. At this time, that contract has been prepared for your review and approval, should you feel that it is in a form which satisfies the Town Commission.

Mr. Carroll reported that the proposed contract was negotiated and the Town will be billed at an hourly rate in accordance to the attached fee schedule, Exhibit "B", as submitted by M.T. Causley, LLC, in response to RFP No. 2016-0005. However, it has been agreed upon that the annual cap for services under this contract will not exceed \$160,000 dollars. He stated that in the budget that has been prepared for Fiscal Year 2016/2017, the line item for building inspection services has been established in the amount of \$160,000; therefore, the manner in which the proposed contract has been prepared, the Town is assured that costs for these services will be at or below budget.

The Town Attorney, Finance Director, and Human Resources Director have reviewed the contract as proposed and has approved to form for the Town Commission's consideration.

Upon a motion by Commissioner Holden and a second by Commissioner Hannan, the Commission approved the Contract with M.T. Causley, Inc. for Building Official, Plan Review, Inspections, and Related Support Services by a vote of 5 to 0.

Town Attorney Derek Schroth noted that the Commission was provided with a copy of the language from the recent statute that requires all contracts between the Town and the contractor to retain certain public records, and it has been incorporated into the agreement.

Mr. Carroll thanked Mr. Schroth for mentioning this, and stated that the language has been added since the packets were distributed.

L. TOWN ATTORNEY'S REPORT:

18. Ordinance No. 2016-29 – First Reading – Special Exception Use – Basics: Range & Gun, LLC – Requesting to Incorporate the Gun Range Land Use Within the Heavy Commercial (HC) Zoning Classification – Located on Property Being 11.12 +/- Acres at 315 S. Highway 27/441 (Thad Carroll)

Town Attorney Derek Schroth read the ordinance by title only.

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk's office). He stated that Mr. Franklin Dickinson, owner and operator of Basics: Range & Gun, LLC, has filed an application for a Special Exception Use within the Heavy Commercial Zoning Designation, to establish an indoor gun range on property located at 315 South Highway 27/441, being 11.12 +/- acres, in the Town of Lady Lake, Florida. Mr. Carroll stated the property owner is Beatrice E. Brush, Trustee, and the property is currently vacant.

Mr. Carroll reported that this proposal includes a 24,150 sq. ft. building for Phase I, featuring a 10,350 sq. ft. area to include a 20-lane tactical and bull's eye indoor gun range area, 3,600 sq. ft. for gun shop and educational area, and an additional 10,200 sq. ft. of retail sales and services. Mr. Dickinson has operated an indoor gun range in Orange Park, Florida for approximately two and a half years and would like to develop a multi-phase, multi-tenant development.

A zoning map of the parcel and adjacent properties, a detailed drawing of the proposed development, a conceptual plan drawing, and an aerial view of the area with the buildings depicted on it were shown. Mr. Carroll noted that proposed development lies in front of the Oak Grove Subdivision, however, the building proposed to house the gun range is approximately 440 feet from the closest real property line of the subdivision, and the separation distance from the Orange Barn (closest building to proposed development) is 650 feet.

The proposed project will be built following elements of the Spanish Mission Architectural Design Style; specifically, a design replicating the Alamo. A drawing depicting the proposed building was shown. Any landscaping waivers will be brought before the Parks, Recreation, and Tree Advisory Committee, and any commercial landscaping waivers will be brought before the Town Commission for final consideration as part of the site plan application process.

Photos of the property in its current condition were shown, which included a photo of the posting of the property. Mr. Carroll noted that businesses in close proximity include Car Guys Collision Repair Center across the street, as well as a plumbing operation, the Orange Barn to the north, and Lady Lake Realty and Sunoco to the south. A photo from Ivanhoe Circle in the Oak Grove Subdivision demonstrated the distance between the subdivision and the property, with a wetland area in between.

Mr. Carroll reviewed Section 2 of the ordinance as follows:

The Special Exception Use for the property is governed by the following:

- A. Proposed gun range shall be located indoors; archery (if incorporated at a later date) shall be conducted indoors as well; outdoor archery is strictly prohibited.
- B. Hours of operation shall be no earlier than 7:30 a.m. and no later than 9:30 p.m. Normal operating hours for the public shall be from 9 a.m. to 7 p.m.
- C. Accessory uses shall only be permitted in compliance with Chapter 9, Section 2 of the Town of Lady Lake Land Development Regulations.
- D. The Property shall be developed in substantial accordance with an approved site development plan incorporating all conditions of this Ordinance and all testimony and exhibits presented by the applicant at the hearing.
- E. All required buffer(s) or fencing shall be designed and located upon the subject Property only and be regularly maintained in good repair and appearance at all times to properly screen and secure the facility, as well as to prevent car headlights from shining into adjacent residential areas from the parking lot and internal drive aisles.
- F. All proposed signage must be in compliance with the Town of Lady Lake Land Development Regulations and the Town Code of Ordinances, and approved by the Town of Lady Lake.
- G. No person, firm, corporation or entity shall erect, construct, enlarge, alter, repair, remove, improve, move, convert or demolish any building or structure on the Property without first submitting necessary plans, obtaining necessary approvals and obtaining necessary permits in accordance with the Town of Lady Lake Land Development Regulations and the Town Code of Ordinances.
- H. Any required permits from federal, state, and regional or county agencies with jurisdiction over any portion of the proposed development must also be obtained.

The subject property lies in Section 21, Township 18 South, Range 24 East, and is zoned “HC” Heavy Commercial. A Special Exception Use is required to be granted by the Town Commission as per the provisions of Town of Lady Lake Land Development Regulations, Chapter 6, Section 6-2). g).15). to allow for the establishment of the indoor gun range. The Future Land Use Map designation for the property is Commercial General-Retail Sales and Services (RET), which is compatible and consistent with the proposed uses of the property.

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

Future Land Use

Subject Property	Lady Lake – Commercial General – Retail Sales and Services (RET)
Future Land Use of Adjacent Properties	
West	Lady Lake – Commercial General – Retail Sales and Services (RET)
East	Lady Lake Manufactured Homes High Density (MH-HD)
North	ROW/ Lady Lake – Commercial General – Retail Sales and Services (RET)
South	ROW/ Lady Lake – Commercial General – Retail Sales and Services (RET)

Zoning

Subject Property	Lady Lake– Heavy Commercial (HC)
Zoning of Adjacent Properties	
West	ROW/ Lady Lake– Heavy Commercial (HC)
East	Lady Lake– Manufactured Homes High Density (MH-9)
North	ROW/Lady Lake– Heavy Commercial (HC)
South	Lady Lake– Heavy Commercial (HC)

Should the Special Exception Use application be approved, the site plan process would follow, at which time the applicant will be required to submit a full site plan application, traffic study, noise study, environmental assessments, geotechnical and drainage reports, etc. Town staff would conduct a comprehensive site plan review to include, parking, landscaping, commercial design standards, and signage requirements.

The application has been reviewed and been determined to be complete. In accordance with all supporting appropriate material, the application is deemed in compliance with the Land Development Regulations (LDRs).

Mr. Carroll stated the application was received on August 29, 2016. Notices to inform the surrounding property owners (20) within 150’ of the property of the proposed amendment were mailed on Tuesday, September 6, 2016, and the property was also posted this same date. He stated two emails in opposition to the project have been received along with one office inquiry. He stated the project will have to be reviewed by the Department of Environmental Protection and the St. Johns Water Management District to be sure that adherence to all regulatory guidelines is being followed.

Mr. Carroll noted that the consensus of the Commission was that they were in favor of the conceptual presentation for Basics: Range and Gun, LLC as presented at the June 20, 2016 Conceptual Workshop meeting, by a 4-1 vote. He stated some concerns were voiced at that time.

The Technical Review Committee (TRC) members individually reviewed application for Ordinance No. 2016-29 and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. The Planning and Zoning Board does not review Special Exception Use applications. The Town Commission is scheduled to consider Ordinance No. 2016-29 for second/final reading on Monday, October 3, 2016, at 6:00 p.m.

Mr. Carroll stated Mr. Dickinson is present if there are any questions.

Mayor Kussard asked if anyone had any questions or comments.

Commissioner Richards confirmed that when the plans are seen in the future, the St. Johns River Water Management District will cover compliance if any portion of the 100-year flood zone will be affected by the project.

Mr. Carroll confirmed that the project will have to comply with all regulatory agencies, which includes St. Johns River Water Management District.

Commissioner Holden commented that there has been flooding in this area before, and this property comes within two feet of the canal. He stated that the canal and retention pond need to remain accessible for cleaning, so if a fence is proposed, it should not be allowed.

Mr. Carroll stated a fence is not shown on the proposed plan at this time, and this will be reviewed as part of the site plan process in the future so as not to affect drainage, etc.

- Darryl Smothers of 306 Ivanhoe Circle asked if the homeowners in Oak Grove Subdivision can meet with the Town or developer regarding this project to have their questions answered since their property backs up to this property.

Franklin Dickinson, developer, stated that the wetlands have been delineated and have been approved by the St. Johns River Water Management District. He stated that the range they currently operate also backs up to a subdivision and there have been no complaints; it is quiet. Mr. Dickinson commented also that they would like to hold a free open shoot once a week at 7:30 a.m. to allow active law enforcement to have the range to themselves. He stated they would also occasionally remain open a little later for classes that might also involve active law enforcement.

Ms. Kollgaard confirmed with Mr. Dickinson that he would be open to meeting with the residents and Commissioner Holden prior to site plan approval.

- David Hodgkins of 314 Ivanhoe Circle voiced his concerns regarding the affect this project may have on the retention pond and canal for overflow from the subdivision, and the wetlands. He also voiced concern if any fences are proposed.

Ms. Kollgaard commented that no fences are proposed at this time, but it will be addressed by the Commission at site plan approval.

- Kenneth Smith of 303 Sherwood asked if there would be any access from the shooting range to Oak Grove Subdivision.

Mr. Carroll replied that there will be no access to Oak Grove Subdivision from this property.

There was a brief discussion regarding tabling this ordinance, and then it was agreed to move forward with the Special Exception Use as most questions had to do with the future site plan process.

Commissioner Holden asked if there is a timeframe for working with the St. Johns River Water Management District on the output for the recharge area.

Mr. Carroll replied that he will need to meet with the developer to see where he is with the engineering for his application as this is involved with the site plan process. He stated the meeting with Oak Grove residents will occur before bringing the site plan to the Commission for approval.

Upon a motion by Commissioner Richards and seconded by Commissioner Hannan, the Commission approved the first reading of Ordinance No. 2016-29, by the following roll call vote:

<i>HOLDEN</i>	<i>NO</i>
<i>VINCENT</i>	<i>YES</i>
<i>HANNAN</i>	<i>YES</i>
<i>RICHARDS</i>	<i>YES</i>
<i>KUSSARD</i>	<i>YES</i>

19. Resolution No. 2016-107 – First/Final Reading –Variance Request – Daniel O’Neill – Requesting a Minimum 10 Foot Front-Yard Setback to Replace an Existing Manufactured Home with a Single Family Residence – Located at 1016 Aloha Way (Thad Carroll)

Town Attorney Derek Schroth read the resolution by title only.

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk’s office). He stated that the applicant, Daniel O’Neil, has submitted an application for a variance from Chapter 5, Section 5-4. f). 4). C). 1.a., of the Town of Lady Lake Land Development Regulations (LDRs) which requires that the front yard setback be a distance of a 20 feet minimum within the MX-8 Zoning District. The applicant is proposing to construct a new single-family residence at 1016 Aloha Way (referenced by Alternate Key No. 1482496), and the variance request is to allow a minimum ten-foot front-yard setback along Aloha Way for the new proposed home. A map of the area and photos of the posting, the subject property and adjacent properties were shown.

Mr. Carroll reviewed the survey showing the current front yard setback of 5.74 and the rear setback of 35 feet. He stated that the applicant is proposing a ten-foot setback for the new home which will be further away from the right-of-way and edge of pavement. He noted that the 35-foot rear setback remains the same due to the body of water.

The applicant just recently annexed this parcel into the jurisdiction of Town of Lady Lake on March 21, 2016 to replace an existing manufactured home with a single family residence. As result of the Town’s Land Development Regulations, Chapter 12, Article II, Section 12-52).a).1).), any part of the proposed habitable structure is required to adhere to a 35-foot setback from the ordinary high water line from bodies of water. The parcel abuts Lake Paradise on the rear yard and it is located within a Special Flood Hazard Area (SFHA) Flood Zone A; which requires that re-development adheres to the National Flood Insurance Program (NFIP) and the Town’s Floodplain Management Ordinance.

Mr. Carroll stated that as part of the variance application, a *Justification Statement* is required and has been provided. The applicant states that:

- The ten (10) feet encroachment into the front yard setback along Aloha Way will not present an adverse impact to the general safety or well-being to adjacent properties in that the current manufactured home sits at a 5.74-foot front yard setback; therefore, the new single family residence proposal would be more in compliance with the current zoning regulations than the existing structure.
- The property will not suffer diminution of value, but rather enable the property owners to rebuild to the square footage desired. By replacing the existing late model manufactured home, the applicant must adhere to all new Florida Building Code and Life Safety Code inspections,

including new hurricane and wind codes, which would enhance the neighborhood and increase the value of surrounding properties.

- Lastly, the applicant stated that in order to accommodate the setback requirements for the OHWL on the rear, the house has to be designed with a 21-foot rear-yard setback when ordinarily the rear yard setback for the MX-8 zoning would be 10 feet. That additional 11 feet is what would be needed to meet front-yard setback requirements.

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.

The subject property lies in Section 06, Township 18, South Range 24 East, in Lady Lake Florida. The Future Land Use Map designation for the site is MH-HD (Manufactured Home High Density, up to 8 DUs/Acre), and is zoned “MX-8.” The subject property is located at 1016 Aloha Way. The Future Land Use and Zoning Designations of the adjacent properties are 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- Manufactured Home High Density (MH-HD)
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)

Zoning

Subject Property	Lake County Residential Medium (RM)
Zoning of Adjacent Properties	
West	Lake County Residential Medium (RM) Lady Lake- Mixed Residential Medium Density (MX-8)
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)

The project will be required to adhere to the Town of Lady Lake Floodplain Management Ordinance for parcels within Special Flood Hazard Areas. Elevation certificates will be required throughout the permitting process to establish compliance.

Mr. Carroll reported that notices to inform the surrounding property owners (15) within 150 ft. of the property of the proposed variance were mailed by on Monday, June 27, 2016, and the property was also posted this same date. There have been no objections or letters of support received, although there was one phone inquiry.

Mr. Carroll stated the Technical Review Committee individually reviewed the variance application for Resolution No. 2016-107 on Monday, June 27, 2016, provided comments, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the regular Planning and Zoning Board meeting held on Monday, July 11, 2016, the board recommended approval by a 4-0 vote.

Mayor Kussard asked if anyone had any questions or comments.

Commissioner Hannan asked if this complies with the deed restrictions of The Villages as well. He stated it is possible that the Town could approve this variance and then The Villages could deny it if it is against their deed restrictions.

Mr. Carroll replied that the Town cannot govern the deed restrictions of The Villages and cannot answer the question, although he is aware that Mr. O’Neil is required to go through the Architectural Review Committee before coming to the Town.

Commissioner Vincent asked the Town Attorney if the Town would be setting a precedent for other areas if they approved this variance.

Mr. Schroth replied that property is considered unique, and as such, it would not be setting a precedent for another area. He stated someone could make that argument if another similar property was in a similar location.

Mayor Kussard asked if anyone else had any questions or comments, and hearing none, asked for a motion.

Upon a motion by Commissioner Richards and seconded by Commissioner Holden, the Commission approved the first/final reading of Resolution No. 2016-107, by the following roll call vote:

<i>HOLDEN</i>	<i>YES</i>
<i>VINCENT</i>	<i>YES</i>
<i>HANNAN</i>	<i>YES</i>
<i>RICHARDS</i>	<i>YES</i>
<i>KUSSARD</i>	<i>YES</i>

M. TOWN MANAGER’S REPORT:

Town Manager Kris Kollgaard reported that she met with T. J. Fish of the Lake-Sumter MPO who stated their lease for their current office space is month to month, and they are looking for another space. She stated Mr. Fish contacted her about it, and they, along with Public Works Director C.T.

Eagle, Library Director Marsha Brinson, and Michelle from Lake County, looked at a large unfinished room upstairs in the library next to the large storage space that could be utilized for their offices. Ms. Kollgaard stated the MPO would like to see if the Town would consider leasing that space to them. She stated there are library impact fees available per the auditor that could be used to finish the ceiling and other finishing work that would be needed. She stated some of these costs could be incorporated into the lease, as well. Ms. Kollgaard stated this would be a central location for them. If the Commission is willing to consider this, they will meet with Mr. Fish and get some estimates, and it would have to go before the MPO Board as well.

Mayor Kussard asked if this would be setting a precedent for leasing out space to others.

Ms. Kollgaard replied that there will be a contract and it should not set a precedent.

Commissioner Richards commented that the MPO is also a quasi-governmental agency.

After discussion, it was the consensus of the Commission to move forward with this.

Ms. Kollgaard stated she would like to schedule a workshop before one of the Commission meetings in October to go over long-term and short-term goals. She stated one of the items for discussion is the management of the rentals for the Community Building. Previously, the rentals were handled by library staff, but as they got busier, it was turned over to the Clerk's Office. Ms. Kollgaard reported that it is rented out quite a bit, and there have been problems with some groups leaving it dirty instead of cleaning up afterward. Currently, a staff member has been asked to check the building after rentals and is being given comp time for it. She stated that a part-time person could possibly be hired with flexible hours to manage the Community Building, perhaps utilizing funds from the leasing of space in the library.

Ms. Kollgaard announced that staff will approach the Commission about paying off the library loan at one of the meetings in October.

N. MAYOR/COMMISSIONER'S REPORT:

Mayor Kussard announced that the Lady Lake Soccer Association is holding their opening ceremonies at 8 a.m. this Saturday, September 24th.

O. PUBLIC COMMENTS:

Mayor Kussard asked if there were any further questions or comments. There were no comments or questions.

P. ADJOURN: Their being no further business, the meeting was adjourned at 6:51 p.m.

Kristen Kollgaard, Town Clerk

Ruth Kussard, Mayor

Minutes transcribed by Nancy Slaton, Deputy Town Clerk