

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

**October 10, 2016  
5:30pm**

The Planning and Zoning Board Meeting was held in the Town Hall Commission Chambers at 409 Fennell Blvd., Lady Lake, Florida. The meeting convened at 5:30 p.m.

**CALL TO ORDER:** Vice Chairperson/Member Sigurdson

**PLEDGE OF ALLEGIANCE:** Vice Chairperson/Member Sigurdson

**ROLL CALL:** Peter Chiasson, Member  
William Sigurdson, Vice Chair/Member  
Robert Conlin, Member  
John Gauder, Chairperson (arrived at 5:33 p.m.)

The Staff Assistant reported that Member McKenzie has resigned from the Board effective September 30, 2016.

**STAFF MEMBERS PRESENT:** Wendy Then, Town Planner; Thad Carroll, Growth Management Director; Kris Kollgaard, Town Manager; and Carol Osborne, Staff Assistant to Town Clerk

**Also Present:** Attorney Sasha Garcia, BRS Legal, Commissioner Paul Hannan, Douglas Schimerhorn, and B.J. Hall.

**OPEN FORUM:** Vice Chairperson/Member Sigurdson asked that anyone in attendance with concerns regarding the three ordinances before the Board wait until each ordinance is presented. He stated the floor will be open for questions or comments at the end of each presentation.

**NEW BUSINESS:**

**1. Approval of Minutes – September 12, 2016 Regular Meeting**

*Upon a motion by Member Chiasson and a second by Member Conlin, the Planning and Zoning Board approved the minutes of the Planning and Zoning Board meeting of September 12, 2016 by a vote of 3-0.*

**2. Ordinance No. 2016-30 – Douglas Schimerhorn & BJ Hall –Annexation of Two Lots Consisting of Approximately 0.95 +/- Acres of Land Which Are Located At The Corner of Lakeview Drive and Griffinview Drive, Within Lake County, Florida (Alternate Keys 1770971 and 3868840). (Wendy Then)**

Town Planner Wendy Then presented the background summary for this agenda item (on file in the Clerk's Office). Property owners Douglas Schimerhorn and BJ Hall have filed applications to voluntarily annex properties consisting of two lots located at the corner of Lakeview Drive and Griffinview Drive, approximately 3000 lineal feet east of the intersection of South Highway 27/441

and Griffinview Drive, within Lake County, Florida. The annexation application involves 0.95 +/- acres of property proposing a change from unincorporated Lake County into the Town of Lady Lake.

Ms. Then stated currently there is an existing manufactured home placed on Parcel #1, addressed as 38521 Lakeview Drive, and identified by alternate key number 1770971. Parcel #2 is identified by alternate key number 3868840 and is currently vacant. Ms. Then stated the applicant has not provided any specific plans or timeframe as to when this parcel will be developed. She reported that the appropriate legal descriptions, a location map, and a sketch of the property have been included with the submitted application.

Ms. Then reported per Town of Lady Lake line development regulations, owners of property outside of the Town limits are required to execute an irrevocable recordable covenant agreeing to annex their property when it is contiguous to Town property, pursuant to Florida Statute Chapter 171. Subject property Parcel #1 is currently serviced by Town of Lady Lake potable water. As a condition for the Town to service water at this property, Mr. Schimerhorn and Ms. Hall signed a Covenant to Annex Agreement on June 9, 2016. The property owners are now fulfilling their requirement by submitting the annexation, small scale, and rezoning applications.

Ms. Then presented a map showing the location of the two parcels. The subject properties are on the corner of Lakeview Drive and Griffinview Drive.

Ms. Then emphasized that this property is currently located within the Lake County jurisdiction and all of the building permits for the property improvements were issued through the Lake County Building Department.

Ms. Then presented an aerial view of the properties and adjacent properties. She stated the subject property lies in Section 21, Township 18 South, Range 24 East, in Lake County, Florida.

The annexation application was received on Monday, August 30, 2016, 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.

Notices to inform the surrounding property owners (11) within 150 feet of the properties proposed for annexation request were mailed Monday, September 26, 2016 and advertised in the newspapers. No objections or letters of support have been received. Ms. Then stated she received a telephone inquiry regarding the type of land use that was involved. This person is not one of the surrounding property owners.

The Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2016-30, provided comments by September 26, 2016, 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. 2016-30 for first reading on Monday, November 7, 2016 at 6:00 p.m. The second and final reading will be held on Monday, November 21, 2016 at 6:00 p.m.

Ms. Then stated the applicant is present if there are any questions for the applicant and/or staff.

Vice Chair/Member Sigurdson asked for questions and comments from the Board and from those in attendance.

Member Chiasson asked when a property is annexed into the Town of Lady Lake, will they pay taxes to Lady Lake.

Ms. Then stated Member Chiasson is correct.

- Anthony LaValle, 38548 Lakeview Drive, Lady Lake, stated he is not opposed to anyone building a home in his area and it should not be a personal issue moving forward. Mr. LaValle stated his issue is with the small scale future land use comprehensive plan amendment. He stated in the past, he has had conversations with developers who wanted to construct an apartment complex on the vacant land near Mr. Schimerhorn's property. Mr. LaValle believes the MX-5 zoning, Mixed Low Density Residential, would allow that to happen. He stated his fear is that this property owner will construct a similar housing unit, and wants to ensure that his property retains its value, along with the quality of life that he and the other Lakeview Drive residents currently enjoy.

Ms. Then clarified the MX-5 rezoning classification does not include apartment buildings.

- Barbara Wise, 38629 Lakeview Drive, stated her four acres of property abuts Mr. Schimerhorn's property. She stated that she has lived there for 50 years, and does not understand how a manufactured home was permitted on a one-acre lot. She stated when she originally purchased her property, it was just shy of five acres. Her desire was to purchase a doublewide manufactured home and was told five acres is required for a manufactured home. Ms. Wise stated she is opposed to all three of these ordinances. She stated she does not want another manufactured house on that property. Having lived in her home for 50 years or more, she sees no reason to change the zoning, and wants her property protected.

Thad Carroll stated the home is already constructed and placed on the property. He stated there is not anything the Town of Lady Lake can do. The building permit was issued by Lake County; at this point in time, Mr. Schimerhorn is annexing into the Town because they are connecting to the Town utilities.

- Beth LaValle, 38548 Lakeview Drive, Lady Lake, stated the mobile home should not have been permitted because the area is not zoned for mobile homes. She stated Mrs. Wise was not able to have a mobile home on her property.

Mr. Carroll stated years ago if the property was zoned agricultural, a minimum of five acres was required to erect a house. Over time the zoning classifications have changed and, therefore, the mobile home was permitted by Lake County. He stated there nothing the Town can do because they have the vested right to put the home on the property.

- Ms. LaValle stated her frustration is due to her belief that the manufactured home was constructed without the proper channels being followed.

Mr. Carroll stated the processes that preceded tonight's meeting occurred through Lake County. Tonight's Board meeting is to address the annexation.

- Donald Walzer, 38520 Lakeview Drive, Lady Lake, stated he feels this process is in reverse by approving the annexation of this property. He stated Mr. Schimerhorn has already constructed a home on the property, drilled a well and has water, and he does not understand why the property needs to be annexed "...after the fact...".

Ms. Then stated there are two issues to clarify:

- 1) The Lake County Building Department issued the permit for the manufactured home. The Town of Lady Lake was not involved in this process. According to the record, that property is zoned residential, which she believes allows up to two dwelling units per acre. She encouraged those in attendance to contact the Lake County Building Department to verify the zoning classification for this property.
- 2) Based on the Town of Lady Lake Land Development Regulations Chapter 14, Section 14-11(d)(2), any customer residing outside of the Town limits and are being serviced by Town utility, they are required to annex their property into the town if their property is contiguous with Town property. Ms. Then stated Mr. Schimerhorn and Ms. Hall have signed a Covenant to Annex Agreement, which is the purpose of tonight's meeting.

Vice Chairperson/Member Sigurdson clarified once property is annexed, the property owners must use Town utilities.

Ms. Then stated in order for that home to be constructed, they were required to come to the Town for utilities. She emphasized that she is not aware of a well on the property for irrigation. The potable water is serviced by the Town.

Member Chiasson stated the potable water is coming from the Town, and it has been coming from the Town for the time that the mobile home has existed on this property.

Ms. Then stated this property has had Town utilities since the permit has been issued for this property, approximately three to four months.

Member Chiasson stated the well that was mentioned is not used for potable/drinking water, and asked if it is used for irrigation.

Ms. Then stated she has no knowledge of an irrigation well on the property.

- Douglas Schimerhorn, 38521 Lakeview Drive, Lady Lake, stated at the time he bought the land and obtained the permit for the modular home through Lake County, his desire was to drill a well and was told the Town of Lady Lake would not allow it. Therefore, he connected to the Town's utility service. He emphasized there is no well on the property.
- Anthony LaValle stated years ago Ms. Wise lived on what is now Mr. Schimerhorn's property and there was a four-inch well on that property for the entire time and it was capped. He stated it was wrong to force Mr. Schimerhorn to connect to Town utilities and to be annexed in because Mr. Schimerhorn should have been allowed to re-drill his well. Mr. LaValle stated the well was potable water and not for irrigation purposes. He stated there was a house on that property for many years because Ms. Wise purchased the house from the property owner, and she and her family lived there for many years and drank the water from that well. Mr. LaValle stated he wanted to clarify this for everyone.

Member Chiasson stated he is trying to understand the concern the neighbors have with Mr. Schimerhorn being connected to the Town of Lady Lake water. He understands the concern regarding an earlier statement about apartment buildings.

- Anthony LaValle stated it is not an issue of the water, it is the concern for the future land use for this piece of property. He emphasized it is not a personal issue against Mr. Schimerhorn. He stated continually there are situations where people, unfortunately because they are unaware of their rights, are forced into a situation. He stated in the future what prevents Lake County or the Town of Lady Lake to annex any given piece of property. He clarified that if Mr. Schimerhorn was able to drill a well on his property, he should have been permitted to do so, and the Town of Lady Lake should not have deemed the well non-potable. He stated if a test of the ground water was conducted and the water is safe, he should've been able to drill a well. That way he would not be required to annex his property nor would his taxes change.

Mr. LaValle reiterated his concern is for the future land use. He stated in the ten years that he has lived in Lady Lake, he has seen many county properties annex into the Town under the guise of improving the area. He feels the people in the area do not have a say in it. He stated people need to voice their concerns regarding what is happening so they can retain the neighborhoods for the way they want to live in them.

Member Chiasson stated he cannot predict what will occur in the future, and his responsibility at this meeting is relative to this small piece of property.

- Anthony LaValle stated if Mr. Schimerhorn had a well on his property, why was he forced to abandon that well and connect to Lady Lake utilities. He stated he should not have to have the Town of Lady Lake service his water when he can have ground water from his property.

Member Chiasson asked the Town Planner to clarify the issue of the well versus the potable water.

Ms. Then stated the requirement by Lake County is when a permit for a new construction is applied for, if that property is within the utility matrix and if the Town of Lady Lake is able to service water to that property, even though that property is not within the Town's jurisdiction, the Town is obligated to provide utilities. Therefore, Lake County will not issue a permit unless the property owner makes connection with Town utilities. She stated as a result of Mr. Schimerhorn connecting to the Town's utilities, he is required to annex into the Town. She stated this is through a joint planning agreement between the Town of Lady Lake and Lake County.

Mr. Carroll stated the purpose of the joint planning agreements is to prevent the spread of wells and septic tanks.

- Anthony LaValle stated he is very aware of zoning and commissions due to his construction background. He stated the inference of this annexation issue is, if a person wants a particular house then they have no choice but to annex, and that is the issue that upsets him. He stated if his neighboring property owners decided to annex into the Town, then he would be forced to annex because according to the law, he is in violation because he has a well and a septic tank on his property.

Mr. Carroll stated this annexation issue applies only to new construction.

- Anthony LaValle stated he disagrees and checked with Lake County on this issue and was told if there was a house surrounded by annexed property, the homeowner on the outside property is forced to annex. Otherwise the property owner is deemed in violation and will be fined by Lake County. He stated he can address this with Lake County. He stated his concern is in regards to the future because neighbors and people in the area were forced to do this, and he does not want it to continue to occur. He stated he is very happy living within the county jurisdiction.

Mr. Carroll stated the Town of Lady Lake is not doing forced annexations. He stated there are enclaves that are voluntarily annexing into the Town. In addition, as far as the public comment process involvement, in the future should zoning and/or land use changes come before the planning and zoning board and the commissioners, those amendments are discussed in a public meeting.

- Anthony LaValle stated this is currently happening; if someone is surrounded by Town property, they are forced to annex into the Town. He stated if the zoning changes in the future and he does not comply, he will be subject to a fine. He stated he has spoken to neighbors near him that this has happened to. Mr. LaValle stated one neighbor told him that he lived on his property for 30 years and when he refused to annex into the Town like his neighboring property owners did, the Town told him his property would be condemned. Per Mr. LaValle, this neighbor was told by Town officials that he could no longer use his well or his septic system, which had passed inspections.

Town Manager, Kris Kollgaard, asked Mr. LaValle if this incident happened within the Town of Lady Lake.

- Mr. LaValle confirmed that it did. He stated the incident occurred actually in Lake County when the property owners annexed into Lady Lake and the property owner he has been speaking of was forced to annex into the Town.

Ms. Kollgaard stated this issue can be discussed with the Lake County officials. She stated that she has worked for the Town of Lady Lake, in various capacities, for over 20 years and emphasized that the Town does not force anyone to annex their property.

- Mr. LaValle stated he has seen the paperwork regarding this issue, and it had “the Town of Lady Lake on it”.

Ms. Kollgaard asked Mr. LaValle to bring her that paperwork and they will review it and discuss it. She stated Mr. Schimerhorn’s property was vacant when he had the mobile home placed on it. The people who currently own homes on Lakeview Drive will not be told by the Town that they cannot use their wells. She stated the St. John’s River Management District is limiting the number of new construction from being dependent on wells because of the aquifer. She stated the Town Commissioners are not in favor of forced annexations.

- Barbara Wise stated she lived on what is now Mr. Schimerhorn’s property for several years until they sold that one-acre parcel. The people who bought the house lived there for many years, and the house was razed approximately 10 years ago. It is her understanding that a well-driller has been on the property recently and would like to know their findings.

Ms. Then stated she had no information aside from the survey submitted with the annexation application. She emphasized the Board members are present to discuss the annexation, small scale

land development, and rezoning of Mr. Schimerhorn's property, not the well. She suggested that issue could be discussed after tonight's meeting.

Chairperson/Member Gauder clarified that Mr. Schimerhorn is here because he applied for annexation and his property abuts Town property.

Ms. Then stated he is correct. She stated if an applicant does not annex into the Town, they will be assessed 25% of the monthly bill above and beyond what the regular fee is for water services. She speculated that Mr. Schimerhorn has opted to annex into the Town because it is more cost effective.

Chairperson/Member Gauder stated Mr. Schimerhorn is here because he applied for annexation and the Board's obligation is to vote on that issue. The water issue is outside of this Board's responsibilities.

- Donald Melzer asked where is Lady Lake property in reference to Mr. Schimerhorn's property.

Ms. Then showed an aerial view of Mr. Schimerhorn's property, and stated it abuts Town property on the west side.

Vice Chairperson Sigurdson asked if there were any further questions or comments. Hearing none, he asked for a motion.

*Upon a motion by Member Chiasson and a second by Member Gauder, the Planning and Zoning Board recommended transmittal and approval of Ordinance No. 2016-30 to the Town Commission for consideration by the following roll call vote:*

<i>CHIASSON</i>	<i>YES</i>
<i>CONLIN</i>	<i>YES</i>
<i>SIGURDSON</i>	<i>YES</i>
<i>GAUDER</i>	<i>YES</i>

**3. Ordinance No. 2016-31 – Douglas Schimerhorn & BJ Hall – Small Scale Future Land Use Comprehensive Plan Amendment from Lake County Urban Low Density to Lady Lake Mixed Residential Low Density for Two Lots consisting of Approximately 0.95 +/- Acres of land which are located at the corner of Lakeview Drive and Griffinview Drive, within Lake County, Florida (Alternate Keys 1770971 and 3868840). (Wendy Then)**

Town Planner Wendy Then presented the background summary for this agenda item (on file in the Clerk's Office). She stated that the applicants, property owners Douglas Schimerhorn and BJ Hall, have filed applications to amend the Future Land Use designation of properties consisting of two lots located at the corner of Lakeview Drive and Griffinview Drive, approximately 3000 lineal feet east of the intersection of South Highway 27/441 and Griffinview Drive, within Lake County, Florida. The small scale application involves 0.95 +/- acres of property proposing a change from unincorporated Lake County into the Town of Lady Lake.

There is an existing manufactured home currently placed on Parcel #1, addressed as 38521 Lakeview Drive, and identified by alternate key number 1770971. This property is currently serviced by Town of Lady Lake Potable Water. This property is located within Lake County jurisdiction and the present land use is Lake County Urban Low Density. The requested future land use is Lady Lake Mixed Residential Low Density.

A map of the location of the properties and a Future Land Use map was shown.

The subject properties lie in Section 21, Township 18 South, Range 24 East, in Lake County, Florida. The current zoning classification is Lake County Urban Low Density. To the west of the subject property is Lady Lake Mixed Residential Medium Density (MRMD), to the east is Lake County Urban Low Density, to the north is Lake County Urban Low Density, and to the south is Lady Lake Single Family Medium Density, as well as the Griffinview right-of-way. The appropriate legal descriptions, a location map, and a sketch of the property have been included with the submitted application.

As a condition for the Town to service water at this property, Mr. Schimerhorn and Ms. Hall signed a Covenant to Annex on June 9, 2016. The property owners are now fulfilling their requirement by submitting the annexation, small scale, and rezoning applications. Parcel #2 is currently vacant, and the applicant has not provided any specific plans or time frame if when this parcel will be developed.

Concurrency Determination Statement - The applicants are annexing into the Town in accordance with the terms set forth in the Covenant to Annex Agreement executed between property owners and the Town on June 9, 2016.

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

- Potable Water - This property is currently serviced by Town of Lady Lake potable water and consumes one water Equivalent Residential Unit (ERU) or a maximum of 250 gallons per day. At the time the vacant parcel is proposed to be developed, an additional ERU will be required for a total of two ERUs, or 500 gallons per day combined for both parcels.
- Sewer - The Town does not service sewer at this location; therefore, the property owners were required to acquire a septic tank permit through Lake County Health Department-Environmental Division when they applied to set up the existing manufactured home.
- Schools – Using the updated Lake County student generation rates based on the recently-updated impact fee study, minimum impact expected with a maximum of three school children (one student for each school):

	<b>SF-DU</b>	<b>MF-DU</b>	<b>Mobile</b>	<b>Mobile Home School Impact (based on 2 MH)</b>
Total	0.328	0.283	0.206	3
Elementary	0.152	0.143	0.097	1
Middle School	0.074	0.063	0.047	1
High School	0.102	0.077	0.062	1

- Transportation – The local roadways that will be affected by these parcels are all Lake County Roads. Traffic impact is existing for Parcel #1 as this is an existing mobile home on this property. The proposed land amendment change is expected to generate a maximum of four additional PM peak hour trips should Parcel #2 be developed with the expectation that only one single family dwelling unit would be built at the location. Based on either build-out of one

single family dwelling unit or two dwelling units at the maximum, there would be low impact to the local road system.

- Parks & Recreation – The annexation, small scale future land use amendment, and the rezoning applications will cause minimum impact to the Town’s Park and Recreation facility in that the highest use would be one single family dwelling unit per each parcel.
- Stormwater – The project will be required to adhere to SJRWMD guidelines. As per FEMA FIRM MAP 12069C0170E effective 12/18/2012, both parcels are Flood Zone X, outside the 500-yr flood plain.

The small scale application was received on Monday, August 30, 2016, and has been reviewed and determined to be complete, satisfying the necessary criteria as required 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.

Notices to inform the surrounding property owners (11) within 150 feet of the properties proposed by annexation request were mailed Monday, September 26, 2016. The properties were posted Monday, September 1, 2016.

**Future Land Use**

<b>Subject Properties</b>	Lake County Urban Low Density
<b>Future Land Use of Adjacent Properties</b>	
<b>West</b>	Lady Lake- Mixed Residential- Medium Density (MR-MD)
<b>East</b>	Lake County – Urban Low Density
<b>North</b>	Lake County – Urban Low Density
<b>South</b>	ROW/Lady Lake- Single Family Medium Density (SF-MD)

It was noted that Annexation and Rezoning Applications have been submitted concurrently with this Small Scale Future Land Use Amendment Application.

The Technical Review Committee members individually reviewed the application for Ordinance No. 2016-31, provided comments by September 26, 2016, and determined 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. 2016-31 on Monday, November 7, 2016, at 5:30 p.m. The Town Commission is scheduled to consider Ordinance No. 2016-31 for first reading on Monday, November 7, 2016 at 6:00 p.m. The second and final reading will be held on Monday, November 21, 2016 at 6:00 p.m.

Ms. Then asked if there were any questions for staff.

Vice Chairperson/Member Sigurdson asked if there were any comments from the Board members, and hearing none, asked if there were any questions from the audience.

- Anthony LaValle, referring his earlier statement regarding people being pressured, stated if he understood Ms. Then correctly, Mr. Schimerhorn would have been assessed a surcharge for having a well on his property.

Thad Carroll clarified the 25% surcharge is for customers who are connected to our utility and are not annexed in the Town. Therefore, there is an incentive to annex into the Town.

- Anthony LaValle stated he feels the pressure and the incentive for Mr. Schimerhorn to annex is to get a break on his situation, yet his property tax increases as a result. Regarding the mixed use zoning designation, Mr. LaValle stated he has talked to developers in the past and their goal was to erect an apartment complex. He asked how many units are permitted in a single unit dwelling, as his concern is for the future land use. He believes it is the concern of other neighbors as well; they do not want an apartment complex on the property as there is one across the street.

Mr. Carroll stated under the MX-5 zoning designation, a two-family duplex dwelling unit, a licensed community home with six residents, or a bed and breakfast would require a special exception permit that would have to be presented to the Commission at a public meeting.

- Anthony LaValle clarified the MX-5 zoning designation is for two single dwellings on the property.

Mr. Carroll confirmed that manufactured homes and single-family homes are allowed on the property under the MX-5 zoning, unless a special exception use application is submitted and presented to the Commission.

- Mr. LaValle thanked Mr. Carroll for the clarification.
- Noreen Walzer of 25820 Lakeview Drive, Lady Lake, asked for clarification regarding the number of homes permitted on each parcel.

Ms. Then stated parcel #1 has an existing structure. She stated the only way parcel #2 could be split into two lots is to connect to sewer lines, and currently sewer is not available at this location. Also, it will be very costly to connect sewer lines for two units.

- Barbara Wise stated it is her understanding since both lots will be in the city, Mr. Schimerhorn is permitted to have another manufactured house on the property.

Mr. Carroll stated there is no proposal for a structure on parcel #2.

- Ms. Wise commented that it will be much easier to get a structure once it is annexed into to the city.

Mr. Carroll stated that is not accurate. Mr. Schimerhorn secured the building permit for his mobile home with the Lake County Building Department. Another structure would have to be on a different parcel. He stated the property could be sold in the future and the new owners could construct a home on the property.

- Ms. Wise clarified that a mobile home could be put on the property.

Mr. Carroll confirmed this; stating mobile homes are permitted through the county as well.

- Ms. Wise argued that they cannot do that in the county now; that is if you are going to build a site-built house.

Mr. Carroll reiterated that it is an approved structure through the county as Mr. Schimerhorn received his building permit through Lake County.

- Ms. Wise asked if it is one structure per acre or one structure per parcel.

Mr. Carroll stated it would be for parcel #2.

Ms. Then stated parcel #1 has currently been developed, and per Lake County zoning regulations, Mr. Schimerhorn is permitted to place another manufactured home on the second parcel.

Vice Chairperson/Member Sigurdson asked if there were any questions from the Board, and hearing none, asked for a motion.

*Upon a motion by Member Gauder and a second by Member Chiasson, the Planning and Zoning Board recommended transmittal and approval of Ordinance No. 2016-31 to the Town Commission for consideration by the following roll call vote:*

<i>CHIASSON</i>	<i>YES</i>
<i>CONLIN</i>	<i>YES</i>
<i>SIGURDSON</i>	<i>YES</i>
<i>GAUDER</i>	<i>YES</i>

**4. Ordinance No. 2016-32 - Douglas Schimerhorn & BJ Hall - Rezoning from Lake County Estate Residential (R-2) to Lady Lake Mixed Low Density Residential (MX-5) for Two Lots Consisting Of Approximately 0.95 +/- Acres Of Land Which Are Located At The Corner Of Lakeview Drive and Griffinview Drive, Within Lake County, Florida (Alternate Keys 1770971 and 3868840). (Wendy Then)**

Property owners Douglas Schimerhorn and BJ Hall have filed applications to rezone properties consisting of two lots located at the corner of Lakeview Drive and Griffinview Drive, approximately 3000 lineal feet east of the intersection of South Highway 27/441 and Griffinview Drive, within Lake County, Florida. The rezoning application involves 0.95 +/- acres of property proposing a change from unincorporated Lake County into the Town of Lady Lake.

There is currently an existing manufactured home placed on Parcel #1, addressed as 38521 Lakeview Drive, and identified by alternate key number 1770971. This property is currently serviced by Town of Lady Lake potable water. As a condition for the Town to service water at this property, Mr. Schimerhorn and Ms. Hall signed a Covenant to Annex on June 9, 2016. Now the property owners are fulfilling their requirement by submitting the annexation, small scale, and rezoning applications. Parcel #2 is currently vacant and the applicant has not provided any specific plans or time frame if or when this parcel will be developed.

Based on the dimensions and lot size, Parcel #2 is buildable and meets the minimum design guidelines of the MX-5 Zoning District to place a single family dwelling unit. Unless central sewer becomes available at this location, the property cannot be split and will be required to be developed as one parcel allowing a maximum of one single family dwelling unit per parcel (per the MX-5 Zoning District, parcels with septic systems are required to have a minimum of 12,500 square feet in size).

Ms. Then presented a zoning map of the area where the subject properties are located. She stated the subject property zoning classification is Lake County Estate Residential (R-2), to the west is Lady Lake Mixed Residential Medium Density (MX-8), to the east is Lake County Estate Residential (R-2), to the north is Lake County Estate Residential (R-2). She noted all of the properties surrounding the parcel #1 and parcel #2 have the same zoning designation. She pointed out the majority of these properties have been developed as single-family residences. To the south is Griffinview Drive right-of-way, Lady Lake Mixed Residential Medium Density (MX-8).

The subject properties lie in Section 21, 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.

**Zoning**

<b>Subject Property</b>	Lake County Estate Residential (R-2)
<b>Zoning of Adjacent Properties</b>	
<b>West</b>	Lady Lake- Mixed Residential Medium Density (MX-8)
<b>East</b>	Lake County Estate Residential (R-2)
<b>North</b>	Lake County Estate Residential (R-2)
<b>South</b>	ROW/Lady Lake- Mixed Residential Medium Density (MX-8)

The rezoning application was received on Monday, August 30, 2016, and has been reviewed and determined to be complete, satisfying the necessary criteria as required 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.

Notices to inform the surrounding property owners (11) within 150 feet of the properties proposed by annexation request were mailed Monday, September 26, 2016. The properties were posted Monday, September 1, 2016.

The Technical Review Committee members individually reviewed application for Ordinance No. 2016-32, provided comments by September 26, 2016, 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. 2016-32 for first reading on Monday, November 7, 2016 at 6:00 p.m. The second and final reading will be held on Monday, November 21, 2016 at 6:00 p.m.

Ms. Then asked if there were any questions for staff regarding this application.

Vice Chairperson/Member Sigurdson asked if there were any questions from the Board.

Member Conlin asked if the majority of the homes surrounding the subject properties are site built homes or mobile homes.

Ms. Then replied that there are site-built homes across the street from Mr. Schimerhorn, and Mr. Schimerhorn has a manufactured home. The particular zoning for his property allows him to construct a manufactured home, a modular home, or a site built home.

Mr. Carroll stated the majority of the homes on the north side of Griffinview Drive are site built homes, and the majority of homes on the south side are manufactured homes.

Member Chiasson asked how many units are permitted within Lake County with the current zoning.

Mr. Carroll stated two dwelling units per acre are permitted.

Member Chiasson clarified this includes site built homes and mobile homes.

Mr. Carroll stated that he is correct.

Ms. Then stated this is her understanding based on the fact that Mr. Schimerhorn was granted a building permit for his manufactured home.

Member Chiasson asked if the current zoning in Lake County allows for the construction of a site built or a mobile home.

Ms. Then replied that the building permit submitted by Mr. Schimerhorn does not specify. She read the following from the job description on the permit: "...a new 26.8 by 56 mobile home...". She stated since this permit was issued by Lake County, it is her understanding that both manufactured homes and site built homes are permitted within the Lake County estate zoning district.

Member Chiasson asked Mr. Schimerhorn if it is his mobile home that is being discussed.

- Mr. Schimerhorn verified that it is his home.

Member Chiasson asked Mr. Schimerhorn if he had to apply for rezoning or if he just received the building permit from Lake County for the mobile home to be placed on his property.

- Mr. Schimerhorn stated he received the building permit directly from Lake County.

Member Chiasson stated that apparently the zoning as it exists today within Lake County allows the placement of a mobile home.

- Mr. Schimerhorn stated zoning issues were not discussed with him.

Mr. Carroll confirmed Member Chiasson's statement. He stated he does not have Lake County's zoning code book with him, without a variance or a waiver if Mr. Schimerhorn was able to obtain a building permit the zoning designation would permit the manufactured home.

Referring to a copy of the permit included in the meeting packet, Ms. Then showed the permit does not identify any special instructions for a variance or conditional use issued for Mr. Schimerhorn.

Vice Chairperson/Member Sigurdson asked if the particular zoning for these two particular pieces of land as similar to areas close by, are there any homes on the additional zoned areas.

Ms. Then presented the Town of Lady Lake zoning map and showed the area to the west of Mr. Schimerhorn's property is zoned MX-8, which allows up to eight dwelling units per acre. She stated in identifying the most compatible land use this site, the zoning classification MX-5 was the most suitable. This particular zoning classification has design guidelines such as minimum lot size.

Vice Chairperson/Member Sigurdson asked in the surrounding area near the subject property are there more mobile homes or site built homes.

Ms. Then stated there are several manufactured homes south of the subject property.

- Ms. Wise stated on Lakeview Drive from Griffinview to Lady Lake Boulevard is approximately a half-mile long and there are no mobile homes. She stated the only mobile homes that are close to Lakeview Drive is across Griffinview Drive by Sunshine Mobile Home Park, in a complete different area. All of the other homes on Lakeview Drive are manufactured homes, block homes and she state her home is a brick home.

Vice Chairperson/Member Sigurdson asked if there were any questions or comments from the Board or from those in the audience and hearing none, asked for a motion.

*Upon a motion by Member Gauder and a second by Member Chiasson, the Planning and Zoning Board recommended transmittal and approval of Ordinance No. 2016-32 to the Town Commission for consideration by the following roll call vote:*

<i>CHIASSON</i>	<i>YES</i>
<i>CONLIN</i>	<i>NO</i>
<i>SIGURDSON</i>	<i>YES</i>
<i>GAUDER</i>	<i>YES</i>

**CHAIRPERSON/MEMBERS' REPORT:**

**ADJOURN:** *With nothing further to discuss, the meeting was adjourned at 6:42 p.m.*

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Carol Osborne, Staff Assistant to the Town Clerk      John Gauder, Chairperson

Minutes transcribed by Carol Osborne, Staff Assistant to the Town Clerk