

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

**December 13, 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 5:33 p.m.

CALL TO ORDER: Chairperson/Member Gauder

PLEDGE OF ALLEGIANCE: Chairperson/Member Gauder

ROLL CALL: Carole Rohan, Member
William Sigurdson, Vice Chair/Member
Robert Conlin, Member
John Gauder, Chairperson

ABSENT: Pete Chiasson, Member

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

Also Present: Attorney Sasha Garcia, BRS Legal, Commissioner Ruth Kussard, and Commissioner Dan Vincent.

OPEN FORUM: Chairperson/Member Gauder introduced and welcomed new Board member, Carole Rohan.

Chairperson/Member Gauder asked if anyone in the audience wished to speak. There were no comments.

NEW BUSINESS:

1. Approval of Minutes – November 14, 2016 Regular Meeting

Upon a motion by Member Sigurdson and a second by Member Conlin, the Planning and Zoning Board approved the minutes of the Regular Planning and Zoning Board meeting of November 14, 2016 by a vote of 4-0.

Approval of Minutes - November 14, 2016 Special Meeting

Upon a motion by Member Sigurdson and a second by Member Conlin, the Planning and Zoning Board approved the minutes of the Special Planning and Zoning Board meeting of November 14, 2016 by a vote of 4-0.

2. Ordinance No. 2016-40 – Annexation – The Villages of Lake-Sumter, Inc. – Annexing

Three Lots Located Within Orange Blossom Gardens Units 2 and 3-1.B., Referenced by Alternate Key Numbers 1483131, 1483298, and 2636629, within Lake County, Florida (Wendy Then)

Town Planner Wendy Then presented the background summary for this agenda item (on file in the Clerk's Office). She stated this is the ninth wave of annexations; she stated the applicant, Martin L. Dzuro, on behalf of The Villages of Lake-Sumter, Inc., has filed applications to annex properties consisting of three lots located within Orange Blossom Gardens Units 2 and 3-1.B. The annexation application involves 0.52 +/- acres of property from unincorporated Lake County into the Town of Lady Lake.

The lots are addressed as follows:

- 909 Cindy Drive
- 1310 Debra Drive
- 703 Royal Palm Avenue

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

In accordance with the provisions of Florida Statute 171.205, and the Interlocal Service Boundary Agreement executed September 4, 2013 between Lake County, Florida and the Town of Lady Lake, Florida, the Town may annex property into the Town which are non-contiguous to the existing municipal boundary. The proposed properties under this application exists as both contiguous and non-contiguous lots.

Ms. Then presented an illustration map showing the properties' locations, an aerial view photograph, and photographs of the posting on each of the properties. Also presented was an illustration showing the zoning references of the particular area where the majority of the enclaves within The Villages are located. Ms. Then stated there are approximately 500 homes in the enclave area.

Ms. Then presented aerial photographs of the properties' locations and photographs of the properties' posting.

The annexation application was received on Wednesday, November 9, 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 (72) within 150 feet of the property proposed by the annexation request were mailed Monday, November 28, 2016. The properties were also posted Monday, November 28, 2016. To date, no notifications of support or objections have been received.

The Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2016-40, 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. 2016-40 for first reading on Wednesday, January 18, 2017 at 6:00 p.m. The second and final reading will be held on Monday, February 6, 2017 at 6:00 p.m.

Ms. Then stated a representative from The Villages is present if there are any questions.

Chairperson/Member Gauder asked if there were any questions, and hearing none, asked for a motion.

Upon a motion by Member Sigurdson and a second by Member Conlin, the Planning and Zoning Board recommended transmittal and approval of Ordinance No. 2016-40 to the Town Commission for consideration by the following roll call vote:

<i>ROHAN</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. 2016-41 – Small Scale Future Land Use Comprehensive Plan Amendment – The Villages of Lake-Sumter, Inc. – From Lake County Medium Urban Density to Lady Lake Manufactured Home High Density for Three Lots Located Within Orange Blossom Gardens Units 2 and 3-1.B., Referenced by Alternate Key Numbers 1483131, 1483298, and 2636629, within Lake County, Florida (Wendy Then)

Town Planner Wendy Then presented the background summary for this agenda item (on file in the Clerk’s Office). She stated the applicant, Martin L. Dzuro, on behalf of the Villages of Lake-Sumter, Inc., has filed an application to amend the future land use comprehensive plan designation for properties consisting of three lots located within Orange Blossom Gardens Units 2 and 3-1.B., from Lake County Medium Urban Density to Lady Lake Manufactured Home High Density. The application involves 0.52 +/- acres of property from unincorporated Lake County into the Town of Lady Lake. The proposed properties are addressed as follows:

- 909 Cindy Drive
- 1310 Debra Drive
- 703 Royal Palm Avenue

Ms. Then stated staff recommends approval of this ordinance.

The Small Scale Future Land Use Map Amendment application was received on Wednesday, November 9, 2016, 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.

Notices to inform the surrounding property owners (72) within 150 feet of the property of the proposed amendment were mailed on Monday, November 28, 2016. The property was also posted on Monday, November 28, 2016. To date, no notifications of support or objections have been received.

Concurrency Determination Statement - A Concurrency Determination Statement has also been included as part of the Small Scale Comprehensive Plan Amendment Application, which the

applicant submitted to explain expected impacts on Town Services. The Villages has removed the existing manufactured homes on the lots to construct conventional built homes on the lots. There will be no increase in utility services, traffic, population, or recreation use.

Impact on Town Services

Potable Water - No impact; lot is served by the Village Center Community Development District Central Water System.

Sewer - No impact; lot is served by the Village Center Community Development District Central Sewer System.

Schools – Not factored for project; no foreseen impact of students as the project is located within an active adult retirement community.

Transportation – No impact; the existing home will be replaced with a new home. There will be no change in average daily trip generation.

Parks & Recreation – The small scale future land use amendment will not cause P&R Level of Service 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.

The subject property involves approximately 0.52 ± acres lie in Section 06, Township 18 South, Range 24 East in Lake County, Florida. The Future Land Use of the adjacent properties is as follows:

Future Land Use

Subject Properties	Lake County Medium Urban Density
Future Land Use of Adjacent Properties	
West	Lake County Medium Urban Density
East	Lake County Medium Urban Density
North	Lake County Medium Urban Density
South	Lake County Medium Urban Density

Ms. Then stated the Annexation and Rezoning Applications have been submitted concurrently with this Small Scale Future Land Use Amendment Application. In accordance with the Interlocal Agreement for Building Permits and 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. The project will be required to adhere to St. John’s River Water Management District guidelines and the Town of Lady Lake Floodplain Management Ordinance for parcels within Special Flood Hazard Areas.

The Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2016-41, 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. 2016-41 on Wednesday, January 18, 2017 at 5:45 p.m. The Town Commission is scheduled to consider Ordinance No. 2016-41 for first reading on Wednesday, January 18, 2017 at 6:00 p.m. The second and final reading will be held on Monday, February 6, 2017 at 6:00 p.m.

Ms. Then stated a representative from The Villages is present if there are any questions.

Chairperson/Member Gauder asked if there were any questions, and hearing none, asked for a motion.

Upon a motion by Member Sigurdson and a second by Member Conlin, the Planning and Zoning Board recommended transmittal and approval of Ordinance No. 2016-41 to the Town Commission for consideration by the following roll call vote:

<i>ROHAN</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. 2016-42 – Rezoning – The Villages of Lake-Sumter, Inc. – From Lake County Residential Medium (RM) to Lady Lake Mixed Residential Medium Density (MX-8) - of Three Lots Located Within Orange Blossom Gardens Units 2 and 3-1.B., Referenced by Alternate Key Numbers 1483131, 1483298, and 2636629, within Lake County, Florida (Wendy Then)

Town Planner Wendy Then presented the background summary for this agenda item (on file in the Clerk’s Office). She stated applicant, Martin L. Dzuro, on behalf of the Villages of Lake-Sumter, Inc., has filed an application to rezone property consisting of three lots located within Orange Blossom Gardens Units 2 and 3-1.B. The application involves rezoning 0.52 +/- acres of property from Lake County Residential Medium (RM) to Lady Lake Mixed Residential Medium Density (MX-8). The MX-8 designation is consistent with the other lots in the Villages which are presently in the Town of Lady Lake’s jurisdiction. The proposed properties are addressed as follows:

- 909 Cindy Drive
- 1310 Debra Drive
- 703 Royal Palm Avenue

Ms. Then stated staff recommends approval of this ordinance.

The Rezoning Application was received on Wednesday, November 9, 2016, 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.

Notices to inform the surrounding property owners (72) within 150 feet of the property of the proposed annexation were mailed Monday, November 28, 2016. The properties were also posted Monday, November 28, 2016. To date, no notifications of support or objections have been received.

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)
East	Lake County Residential Medium (RM)
North	Lake County Residential Medium (RM)
South	Lake County Residential Medium (RM)

The Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2016-42, 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. 2016-42 for first reading on Wednesday, January 18, 2017 at 6:00 p.m. The second and final reading will be held on Monday, February 6, 2017 at 6:00 p.m.

Chairperson/Member Gauder asked if there were any questions, and hearing none, asked for a motion.

Upon a motion by Member Sigurdson and a second by Member Conlin, the Planning and Zoning Board recommended transmittal and approval of Ordinance No. 2016-42 to the Town Commission for consideration by the following roll call vote:

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

5. Ordinance No. 2016-43 – Rezoning – Green Key Village, LLC – Rezoning 7.29 +/- Acres of Land from Single Family Medium Density (RS-6) to Planned Unit Development (PUD) – Located Approximately 725 Feet West of the Intersection of Taylor Mill Road and Lake Ella Road (Alternate Keys 1771463 and 3838637 (Wendy Then)

Town Planner Wendy Then presented the background summary for this agenda item (on file in the Clerk’s Office). She stated the applicant, Greg Thomas, on behalf Green Key Village, LLC., has filed an application to amend the zoning designation for 7.29 +/- acres located approximately 725 feet west of the intersection of Taylor Mill Road and Lake Ella Road, referenced by Alternate Key Numbers 1771463 & 3838637.

Ms. Then reported the subject property is currently vacant and the applicant is requesting to rezone the properties to Planned Unit Development (PUD) to accommodate 27 single-family residences that will measure in size from 1,200 square feet to 1,650 square feet of living area, plus a rear load garage, lanai, and a front porch. These homes will be built on home sites that average 50 feet wide by 104 feet deep. She stated Exhibit “C” is attached detailing the proposed layout of the lot locations and street network on the subdivision.

Ms. Then stated staff recommends approval of Ordinance No. 2016-43.

The property is zoned Single Family Medium Density (RS-6) under Ordinance No. 2005-63, which provided entitlements for the development of single family residences at a density of six dwelling units per acre. At this time, the property owners would like to rezone the property in an effort to provide an alternative housing option for those who wish to have smaller homes within the Green Key Village Subdivision (the adjacent development). “The Cottages at Green Key” is planned to be an active adult, age-restricted community. The owner has stated within the application that the development will compliment and diversify Green Key Village in appearance, size, and density and will be in keeping with the overall architectural look and lifestyle created within this community. The proposed PUD meets the RS-6 zoning requirement of six homes or less per acre, with a proposed buildout of less than four homes per acre.

The Future Land Use designation of Single Family Residential – Medium Density (SF-MD) is the appropriate designation for what the applicant is seeking by this rezoning request; therefore, a future land use map amendment is not needed. The zoning designation of the subject property and the adjacent properties are as follows:

Zoning Designations

Subject Properties	Lady Lake Single Family Residential Medium Density (RS-6)
Future Land Use of Adjacent Properties	
West	Lady Lake Single Family Residential Medium Density (RS-6)
East	Lady Lake Single Family Residential Medium Density (RS-6) / Single Family Residential Low Density (RS-3)
North	Lady Lake Single Family Residential Medium Density (RS-6)
South	ROW/ Lake County – Agriculture (A)

Ms. Then stated because there are no changes to the future land use of this property and because the density remains the same or lower, there is no need to make any small scale amendments to the Town’s map.

Notices to inform the surrounding property owners (14) within 150 feet of the property of the proposed rezoning were mailed by certified mail return receipt on Monday, November 28, 2016. The property was also posted Monday, November 28, 2016. To date, there have been no notifications of objections or support.

Comments:

- Site Plan/Plat will be required prior to construction of the development.
- All development on the property will be served by Town Utilities.
- All roads will remain private.
- Applicant is requesting a front set back of 5 feet to bring the front porch closer to the sidewalk and raised curb for the streetscape.

- Applicant is also requesting a 55% impervious ratio per home site; however, a few home sites will exceed a 50% impervious ratio; lot sizes are comparable to Lady Lake’s MX-8 zoning density which has a 60% impervious ratio requirement.

The Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2016-43, 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. 2016-43 for first reading on January 18, 2017 at 6:00 p.m. The second and final reading will be held on Monday, February 6, 2017 at 6:00 p.m.

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

Member Conlin stated the homes will have rear-load garages and asked if the vehicles will enter the garages from a private roadway.

Greg Thomas, owner/developer of Green Key Village, stated the residents will enter the garages from a one-way alley/roadway on the backside of this section of the property. He stated the houses will face the main road in the middle of the property.

Member Sigurdson clarified the alley/roadway will be constructed around the perimeter of the property.

Mr. Thomas stated Member Sigurdson is correct.

Member Sigurdson asked if this area will consist of 24’ x 50’ manufactured homes.

Mr. Thomas stated the homes will be concrete block/conventional built homes with the front porches facing the center, which will have a park and with a water feature. He stated there will be 15 feet between homes.

Upon a motion by Member Sigurdson and a second by Member Conlin, the Planning and Zoning Board recommended transmittal and approval of Ordinance No. 2016-43 to the Town Commission for consideration by the following roll call vote:

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

6. Ordinance No. 2016-44 – Amendment to the Land Development Regulations – An Ordinance by the Town Commission of the Town of Lady Lake Land Development Regulations (Ordinance No. 94-08); Amending Chapter 16-Building and Fire Codes, Article I, entitled “Reference Codes”, Amending Section 16-2; Article II, entitled “Building Plans and Permits”, Amending Section 16-52; Article III, entitled “Floodplain Management Ordinance”, Amending Sections 16-81 and 16-83; Repealing Sections 16-84 and 16-85; Amending Chapter 2, Section 2-2, “Definitions”. (Wendy Then)

Town Planner Wendy Then presented the background summary for this agenda item (on file in the Clerk’s Office). She stated on November 5, 2012, the Town Commission approved Ordinance No. 2012-04 in an effort to update Chapter 16, Building and Fire Codes, which were originally adopted

in 1994. To accurately reflect the adopted Florida Building Code currently implemented within Town of Lady Lake jurisdiction, changes to Chapter 16, Articles I through III are hereby proposed addressing coordination with the Florida Building Code, as well as guidelines and measures in the interpretation and implementation of Floodplain Management Regulations within special flood hazard areas with the intent to protect human life and health, to eliminate or minimize property damage, and minimize the need for rescue and relief efforts associated with flooding generally undertaken at the expense of the general public.

Ms. Then reported the changes to Chapter 2, Section 2-2 Definitions and Interpretations have been presented. She stated certain definitions pertaining to the Flood Damage Prevention Model Ordinance provided by Federal Emergency Management Agency (FEMA) have been removed as they are no longer required by the National Flood Insurance Program (NFIP) to be listed separately as they are addressed within the Florida Building Code.

Ms. Then clarified some of the terms have been removed to eliminate duplication. This is to alleviate any conflict by the building official when a determination is made regarding issues in managing the floodplain and the interpretation of the flood plain ordinances.

Changes to Chapter 16- Building and Fire Codes include the following:

- 1) Changes to Article I, "Reference Codes," Section 16-2; regarding adopted fire codes
- 2) Changes to Article II, "Building Plans and Permits," Section 16-52, regarding adopted building plans and permits
- 3) Changes to Article III:

Amend Article III entitled "Floodplain Management Ordinance," to include the following sections:

- Section 16-81 - Administration
- Section 16-83 - Flood Resistant Development
- Section 16-84 - Administrative Amendments to the Florida Building Code- Repealing
- Section 16-85 - Technical Amendments to the Florida Building Code- Repealing

Ms. Then stated due to the amount of material, she will summarize and highlight the amendments.

Ms. Then stated the amendments reflect the adopted Florida Fire Prevention Code, which is the fire code the Town uses in reviewing plans and making decisions regarding fire safety requirements for developments. An important component to these changes is the implementation of fire safety inspection requirements. Per the Florida statute, towns and municipalities must perform annual fire inspections for certain types of buildings based on the level of hazard i.e. high, moderate or low, and have been assigned an inspection schedule of annual, bi-annual, and tri-annual. Definitions, specifications and guidelines for these buildings have been included.

Ms. Then stated another amendment to the fire prevention code is the Change of Occupancy Inspection procedure. She stated when a new business or a new tenant applies for a Lady Lake Business Tax Receipt, the fire inspector analyzes whether any or all required fire inspections have been conducted. Many times changes in tenants will change the occupancy classification, and will alert the fire inspector to identify any type of discrepancy that can be corrected regarding life-safety requirements.

Ms. Then stated Town staff has been directed by the Town Commission to pursue guidelines for burning material in association with land clearing activities. Some of the new guidelines are:

- The open burning to be restricted to the site where the land-clearing debris was generated;
- The fire will be ignited after 8:00 a.m. and will have no visible flame one hour before sunset or any time thereafter.
- Coordination will be required with the Florida Forest Service and the Town of Lady Lake Code Enforcement for intent to burn.
- No more than one burn pile will be burning at any given time on residentially zoned property or on open property that is adjacent to residentially zoned property. Burn piles are limited to no larger than 900 square feet (maximum of a 30'x30' area) and material shall be stacked no higher than 12 feet in total; burn pits with a minimum depth of four feet shall be required for burn piles not to exceed 8 feet off of the ground.
- The fire inspector will review applications for multiple burn piles on a case-by-case basis.
- The EPO or local firefighting authority has the authority to require the use of an air carton incinerator to maintain the level of debris and smoke/sparks as burning plant material takes place.

Ms. Then reported the changes to Article II, Building Plans and Permits, are taken verbatim from the Florida Building Code and are included for those who do not have access to the Florida Building Code. She stated in certain circumstances building permits are not needed, with the exception of the following:

- buildings and structures specifically regulated and preempted by the federal government
- railroads and ancillary facilities
- non-residential farms buildings on farms
- temporary buildings or sheds used exclusively for construction purposes
- mobile or modular structures such as temporary offices.
- Structures directly involved in the generation, transmission, or distribution of electricity.
- temporary assembly of structures in commercial motion pictures
- Chickees constructed by the Miccosukee Tribe or of Indians of Florida
- family mausoleums not exceeding 250 square feet
- temporary housing provided by the department of corrections to any prisoner
- a building or structure having less than 1,000 square feet which main purpose is used for hunting
- structures housing finish work materials such as paint, paper, counter tops, etc.
- swings and other playground equipment accessories within a single-family or two-family dwelling units.

Ms. Then reported now that the Florida Building Code has adopted flood management and flood resistant regulations, the Town no longer has to make amendments.

Ms. Then stated the Lady Lake Building Official reviewed and updated the Florida Building Code provisions to be compliant with the current Florida Building Code edition. A FEMA Representative completed the latest Lady Lake Floodplain Management Ordinance Draft Review on May 04, 2016.

The Town Commission is tentatively scheduled to hear Ordinance No. 2016-44 for first reading on Wednesday, January 18, 2017, and second reading on Monday, February 6, 2017.

Chairperson/Member Gauder 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 Sigurdson and a second by Member Conlin, the Planning and Zoning Board recommended transmittal and approval of Ordinance No. 2016-44 to the Town Commission for consideration by the following roll call vote:

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

7. Resolution No. 2016-112 – Variance Request – Edward R. Watts Life Estate and Lynn K. Lamb Estate – Pursuant to Chapter 5, Section 5-4, f). 4). C). 2., of the Town of Lady Lake Land Development Regulation (LDRs) – Requesting to Establish the Rear-Yard Setback at 7.77 Feet for a Newly Constructed Home Located at 930 S. Andrews Blvd. (Alternate Key Number 2995556).

Town Planner Wendy Then presented the background summary for this agenda item (on file in the Clerk’s Office). She stated the applicant, Scott Olschewske of Pounds Construction, LLC, has submitted an application on behalf of property owners, Edward R. Watts Life Estate and Lynn K. Lamb Life Estate, for an after-the-fact variance from Chapter 5, Section 5-4. f). 4). C). 2., of the Town of Lady Lake Land Development Regulations (LDRs). The Town of Lady Lake Land Development Regulations requires the rear yard setback to be a minimum distance of ten feet within the MX-8 Zoning District. The applicant is requesting to allow an existing 2.23-foot rear-yard setback encroachment to remain for a newly constructed home, thus creating the need to establish the rear-yard setback at 7.77 feet on property located at 930 St. Andrews Blvd. (Alternate Key No. 2995556), within the Town limits of the Town of Lady Lake, Florida.

Ms. Then stated a rear-yard setback encroachment in excess of two feet requires approval from the Planning and Zoning Board and the Town Commission. She stated the property owners originally acquired the property in 2011, decided to replace the existing manufactured home with a single family residence, and contracted this project with Pounds Construction, LLC. She stated staff recommends approval of this variance.

Ms. Then reported as part of the variance application, a *Justification Statement* is required and has been provided. The applicant stated that:

- The new home was built in-line (parallel) to the rear of other existing neighboring homes to create an aesthetically pleasing look.
- The adjacent properties will not suffer diminution of value. By replacing the existing late model manufactured home with a conventional built home, the construction adhered to all new Florida Building Code and Life Safety Code inspections, including new hurricane and wind codes, and has enabled the property owners to rebuild to the square footage desired.
- Lastly, the applicant stated that the parcel is located along the Orange Blossom Hills Golf Course and the rear-yard setback encroachment does not affect adjacent neighbors. All adjacent neighbors’ view of the golf course and access remain unobstructed.

Ms. Then presented aerial view photographs, photographs of the property posting, and photographs of the home from all sides and from various neighboring locations.

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, 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 930 St. Andrews Blvd. 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)

Notices to inform the surrounding property owners (12) within 150 feet of the property of the proposed variance were mailed by on Tuesday, November 29, 2016. The property was also posted on Tuesday, November 29, 2016. There has been no notifications of objections or support to date.

The Technical Review Committee individually reviewed the variance application for Resolution No. 2016-112 on Monday, December 5, 2016, provided comments, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. The Town Commission is scheduled to consider Resolution No. 2016-112 for first and final reading at the Special Commission Meeting on Wednesday, January 18, 2017, at 6:00 p.m.

Member Conlin clarified there are no houses behind this property, and the foundation is in and that is as far as it is right now.

Ms. Then stated Member Conlin is correct (the house is fully constructed).

Chairperson/Member Gauder asked if there were any questions or comments.

Mr. Carroll clarified there is a 7.5-foot utility easement along the rear of the property, and the structure does not encroach that area.

Upon a motion by Member Conlin and a second by Member Sigurdson, the Planning and Zoning Board recommended transmittal and approval of Resolution No. 2016-112 to the Town Commission for consideration by the following roll call vote:

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

CHAIRPERSON/MEMBERS' REPORT:

Chairperson Gauder stated he wanted to review meeting procedures for the new board member.

Attorney Sasha Garcia stated it would be beneficial for the new member to review the minutes from the Special Planning and Zoning Board meeting of November 14. After she has reviewed them, she can direct any questions to Ms. Garcia for clarification.

Chairperson Gauder agreed and continued, stating the chairperson cannot make a motion.

Ms. Garcia clarified the chairperson can make a motion. She stated the proper procedure is for the chairperson to pass the gavel to the vice chairperson; once that has occurred, the chairperson can make the motion.

Chairperson Gauder agreed; he explained introducing and seconding an ordinance or resolution puts it before the Board for a vote. Once that has occurred, the chairperson will ask the staff assistant for the roll call vote. At this time, the members' individual vote is taken - for or against - for the record.

Chairperson Gauder stated in his experience, asking questions is the best practice. He emphasized it is his belief that making statements could come back to haunt you. He asked if there are any questions from the Board.

Member Rohan thanked Chairperson Gauder.

Ms. Garcia stated she is always available to answer questions relating to procedure. The goal is for the Board to make an informed decision and for everyone to actively participate in that process, and for the public to have an opportunity to speak. She stated it is important for public input to be a guided process while maintaining time restrictions.

Chairperson Gauder stated it is his experience that everyone has the right to make their statements. He stated if an individual repeats the same statement, he will interfere. He feels each person is entitled to speak even if two people make similar statements.

Ms. Garcia stated this is a procedural issue; the chairperson runs the meeting. She stated it is the chairperson's discretion as to how much time each person in the audience is permitted speak and how many times he allows them to repeat comments. She noted in the past there have been many situations where a proposed project presents traffic concerns, and it has been generally noted. She advised in an instance where many people have the same view, the recommendation is to poll the audience so the Board knows how everyone feels on that particular matter, and then move on to other comments for the Board's consideration.

Chairperson Gauder agreed.

Member Sigurdson requested the Chairperson ask the Board for their input prior to asking the audience.

Chairperson Gauder stated he will ask the Board for questions or comments first. He stated by asking for public comment first, it may spark discussion relative to the issue.

Member Conlin asked what is the proper verbiage when making a motion to forward an ordinance or resolution to the Commission.

Chairperson Gauder stated the Growth Management staff provides two motions, to approve or to deny, and has the proper verbiage written for the Board to read.

Ms. Garcia stated a motion must be made and seconded in order for there to be a vote.

Member Sigurdson asked if the Board should continue on with the next item on the agenda, if no one makes a motion.

Ms. Garcia stated a motion to approve or deny an agenda item must be made in order for it to go before the Commission. She reminded the Board there have been instances when this Board's vote resulted in a tie, and the agenda item was forwarded to the Commission that way. She stated those circumstances should not happen; there should be a clear decision for or against an agenda item.

Member Sigurdson clarified if a board member introduces an agenda item that he/she does not want to approve, the motion is to deny.

Ms. Garcia stated that is correct.

Chairperson Gauder stated after the motion has been made, either to approve or to deny, it is the individual members' vote that determines the final outcome. He stated the Town of Lady Lake has the finest group of professionals to help this Board with any questions, and encouraged the Board to rely on them. Chairperson Gauder asked if there are any questions.

Ms. Garcia stated she is available to hold a special workshop or to set more formalized rules that the Board can agree to use to assist in the process. She stated she is a resource and is willing to assist in any way to benefit the Board.

Town Manager Kris Kollgaard stated a workshop meeting is acceptable.

Discussion was held regarding scheduling the special meeting.

Ms. Kollgaard stated she will contact Ms. Garcia and tentatively schedule the workshop meeting to be held prior to the regular Planning and Zoning meeting in January.

Chairperson Gauder state he would like to invite the other committee members to attend.

Ms. Kollgaard stated the other committees deal with different issues and this workshop is primarily for the Planning and Zoning Board. She stated each of the Town's committees set their own procedures. The other committee members are welcome to attend and observe.

ADJOURN: *With nothing further to discuss, the meeting was adjourned at 6:34 p.m.*

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

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