

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

May 1, 2017

This regular 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 Jim Richards presiding. The meeting convened at 6:00 p.m.

- A. CALL TO ORDER:** Mayor Jim Richards
- 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 Lynne Miller – North Lake Presbyterian Church
- D. PLEDGE OF ALLEGIANCE**
- E. ROLL CALL:** Paul Hannan, Commissioner Ward 4
Ruth Kussard, Commissioner Ward 1
Tony Holden, Commissioner Ward 2
Dan Vincent, Commissioner Ward 3
Jim Richards, Mayor/Commissioner Ward 5

STAFF MEMBERS PRESENT: Kris Kollgaard, Town Manager; Derek Schroth, Town Attorney; Thad Carroll, Growth Management Director; C. T. Eagle, Public Works Director; Wendy Then, Town Planner; Chief Chris McKinstry, Captain Jason Brough, Officer Ron Michaud, and Jan Miller, Police Department; John Pearl, I.T. Administrator; Debbie Lopez, Senior Accounting Clerk, Finance Dept.; and Nancy Slaton, Deputy Town Clerk

F. PUBLIC COMMENTS: Mayor Richards asked if there were any comments from the audience. There were no comments at this time.

G. PRESENTATION: Presentation of Lifesaving Award to Officer Ron Michaud and Captain Jason Brough (Chris McKinstry)

Police Chief Chris McKinstry presented a Lifesaving Award to Officer Ron Michaud and Captain Jason Brough for their lifesaving efforts in performing CPR on Arlene Parkinson, who collapsed in the Arby's parking lot on April 3, 2017, and is now continuing to recover. The officers were applauded and thanked for their efforts.

H. CONSENTⁱ:

- 1. Minutes – April 17, 2017 – Special Commission Workshop Meeting**

- April 17, 2017 – Special Commission Conceptual Workshop Meeting
- April 17, 2017 – Special Commission Meeting
- April 17, 2017 – Regular Commission Meeting

2. Consideration of BT17-002 Budget Transfer of \$7,400 from Equipment to Capital Assets in Roads & Streets Department (Debbie Lopez)

The background summary for this agenda item is on file in the Clerk’s Office. It states that BT17-002 allows for a savings of \$8,700 on the purchase of a budgeted mower in Roads & Streets, to be combined with funds transferred from Repairs & Maintenance (\$7,400), totaling \$16,100. This enables the Roads & Streets department to purchase a 725 DT Grasshopper mower with a diesel engine to replace a 1999 725 mower with a bad engine.

3. Consideration of BT17-003 Budget Adjustment to Increase the Roads & Streets Road Resurfacing Expense Line Item and Increase the Revenue Line Item for Other Road & Street Repairs by \$52,978 (Debbie Lopez)

The background summary for this agenda item is on file in the Clerk’s Office. It states that BT17-003 increases revenue line item Other Road & Street Repairs and increases the expense line item Road Resurfacing by \$52,978. The Villages had major road damage which was repaired by the Town of Lady Lake under their agreement with The Villages. The VCCDD reimbursed this repair for \$52,978. This will be an “in and out” transaction resulting in no additional money.

Mayor Richards asked if there were any questions regarding the consent items, and hearing none, asked for a motion.

Upon a motion by Commissioner Hannan and a second by Commissioner Kussard, the Commission approved Consent Items H-1 through H-3 by a vote of 5 to 0.

I. OLD BUSINESS: No old business.

J. NEW BUSINESS:

Mayor Richards announced that agenda item J-4 would be heard after agenda item K-13, as it related to the ordinance.

5. Discussion/Direction for Installation of Street Lighting on C.R. 466 West of Rolling Acres Rd. (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 Town Commission previously requested that staff investigate options and costs associated with installing street lighting on CR 466 west of Rolling Acres Road as there are no lights currently installed on this section of roadway. A memorandum outlining some options and costs for potential installation was included in the packet for the Commission’s review, if the Commission wishes to pursue this project. Option A would include roughly \$24,000 in installation costs and an additional \$500 per month lease expense. Option B would include an initial \$100 in engineering expense from SECO and an estimated \$100,000 underground power utility installation expense; not including light/pole installation costs and monthly lease rates to be determined after the initial engineering is performed.

Commissioner Hannan commented that he believes the Town should wait until commercial development occurs in that area, and let them put in street lights; it is a waste of money now.

Commissioner Kussard stated that she has had complaints from residents since 2009 when CR 466 was widened regarding how dark it is. She stated she sent emails prior to this meeting to residents of La Zamora, who are affected by this road, and only received four replies. Three of the four were in favor of putting in street lights. She stated she will go along with whatever the Commission decides on this issue.

Commissioner Holden stated he is not in favor of installing street lights in this area at this time, and Commissioner Vincent agreed.

Mayor Richards confirmed with Mr. Eagle that Option A would conform to what is currently on the easterly side of Rolling Acres Road going toward US Hwy 27/441. He asked if anyone in the audience wanted to comment on this item.

- Gary Jurkovich of Spring Arbor stated it would be great to have street lights installed in this area as he walks on the sidewalk at night, and that it will never be cheaper. He stated the “Welcome to Lady Lake” sign is not visible at night because it is so dark on CR 466.

After discussion, it was the consensus of the Commission to not move forward with street lights on this section of CR 466 at this time.

6. Consideration of Eliminating the Motorcycle from the Police Fleet and Facilitate the Addition of a Narcotics K9 (Chris McKinstry)

Police Chief Chris McKinstry gave the background summary for this agenda item (on file in the Clerk’s office). He stated that the Town presently leases one Harley-Davidson motorcycle from Gator Harley Davidson at a cost of \$3,000 per year. That lease is scheduled to expire on December 1, 2017. Currently, the Police Department does not have a certified motorcycle officer on staff, and there is no employee expressing a desire to be trained. An audit of actual duty time spent operating the motorcycle revealed that continued maintenance of a motorcycle within the police fleet is not cost effective. Specifically, the motorcycle was used a total of 88 days, or 24% of the last year. Contingent upon approval from the Town Commission, Gator Harley has agreed to the early return of the motorcycle and will release the Town for the remainder of the lease period. The Town currently has \$5,400 of emergency equipment installed on the motorcycle.

Chief McKinstry stated that with the retirement of K9 Gangster, the Police Department has a need to replace that asset. The Lake County Sheriff’s Office (LCSO) has a need for additional motorcycle emergency equipment. The LCSO currently has a narcotics trained K9 that they are seeking to place with a law enforcement agency. The LCSO has offered to donate the narcotics K9 to the Town in return for the Town donating the Town-owned motorcycle equipment to the LCSO, if this arrangement is agreeable to the Commission. The LCSO K9 was examined by our Town contracted veterinarian and was found to be in good health. Town Attorney Derek Schroth has reviewed the LCSO transfer agreements.

The Commissioners congratulated Chief McKinstry on his negotiating skills, and there was some discussion regarding the K9’s name. It was agreed that the name should not be changed as the dog has been trained using the current name.

Upon a motion by Commissioner Hannan and a second by Commissioner Kussard, the Commission approved the consideration of eliminating the motorcycle from the police fleet and facilitating the addition of a narcotics K9 by a vote of 5 to 0.

K. TOWN ATTORNEY’S REPORT:

7. Ordinance No. 2017-09 – First Reading – Annexation – The Villages of Lake-Sumter, Inc. – Annexing One Lot (0.15 +/- Acres; Alternate Key #1483932) – Located within Orange Blossom Gardens Unit 3, Lake County, FL (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 the applicant, Martin L. Dzuro, on behalf of The Villages of Lake-Sumter, Inc., has filed applications to annex property consisting of one lot located within Orange Blossom Gardens Unit 3. The annexation application involves annexing 0.15 +/- acres of property from unincorporated Lake County into the Town of Lady Lake.

The lot is addressed as follows: 813 Truman Avenue.

A map of the property was shown, as were aerial views of the property, photos of the postings, and the survey map submitted by the property owner.

The subject property lies 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 property was included with the submitted application. The lot 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 property under this application exists as a contiguous lot.

The annexation application was received on Tuesday, February 28, 2017, 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 final consideration by the Town Commission.

Mr. Carroll reported that notices to inform the surrounding property owners (25) within 150 feet of the property proposed by the annexation request were mailed Thursday, March 9, 2017, and the property was also posted this same date. There have been no objections or letters of support from surrounding property owners regarding the application to date.

The Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2017-09, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the April 10, 2017 meeting, the Planning and Zoning Board voted 5-0 to forward Ordinance No. 2017-09 to the Town Commission with the recommendation of approval. The Town Commission is scheduled to consider this ordinance for second/final reading on Monday, May 15, 2017 at 6:00 p.m.

Mr. Carroll stated the applicant is present if there are any questions.

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

Upon a motion by Commissioner Hannan and seconded by Commissioner Holden, the Commission approved the first reading of Ordinance No. 2017-09 by the following roll call vote:

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

8. Ordinance No. 2017-10 – First Reading – Small Scale Future Land Use Comprehensive Plan Amendment – The Villages of Lake-Sumter, Inc. – Change from Lake County Medium Urban Density to Lady Lake Manufactured Home High Density – for One Lot (0.15 +/- Acres; Alternate Key #1483932) – Located within Orange Blossom Gardens Unit 3, Lake County, FL (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 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 property consisting of one lot located within Orange Blossom Gardens Unit 3, from Lake County Medium Urban Density to Lady Lake Manufactured Home High Density. The application involves annexing 0.15 +/- acres of property from unincorporated Lake County into the Town of Lady Lake.

The lot is addressed as follows: 813 Truman Avenue.

A map of the subject parcel, a map of showing the future land use of the subject parcel and adjacent properties, and photos of the posting of the property were shown.

The Small Scale Future Land Use Map Amendment application was received on Tuesday, February 28, 2017, 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 final consideration by the Town Commission.

Mr. Carroll reported that notices to inform the surrounding property owners (25) within 150 feet of the property proposed by the SSFLUM Amendment request were mailed Thursday, March 9, 2017, and the property was also posted this same date. There have been no objections or letters of support from surrounding property owners regarding the application to date.

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 home on the lot to construct a conventional built home. There will be no increase in utility services, traffic, population, or recreation use.

Mr. Carroll stated there will be no impact on Town services as shown below:

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 0.15 ± 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	Lady Lake Manufactured Home – High Density
North	Lake County Medium Urban Density
South	Lake County Medium Urban Density

Comments:

- 1) Annexation and Rezoning Applications have been submitted concurrently with this Small Scale Future Land Use Amendment Application.
- 2) In accordance to the Interlocal Agreement for Building Permits & Inspections Section 2).A)., executed on June 23, 2015, if the Villages has applied for annexation, then the Town can issue building permits located within the unincorporated area.
- 3) Project will be required to adhere to St. John’s River Water Management District guidelines and the Town of Lady Lake Floodplain Management Ordinance for parcels within Special Flood Hazard Areas.

The Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2017-10, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the April 10, 2017 meeting, the Planning and Zoning Board voted 5-0 to forward Ordinance No. 2017-10 to the Town Commission with the recommendation of approval. The Local Planning Agency considered Ordinance No. 2017-10 earlier this evening and voted 5-0 for approval. The Town Commission is scheduled to consider this ordinance for second/final reading on Monday, May 15, 2017 at 6:00 p.m.

Mr. Carroll stated the applicant is present if there are any questions.

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

Upon a motion by Commissioner Vincent and seconded by Commissioner Kussard, the Commission approved the first reading of Ordinance No. 2017-10 by the following roll call vote:

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

9. Ordinance No. 2017-11 - First Reading – Rezoning – The Villages of Lake-Sumter, Inc. – from Lake County Residential Medium (RM) to Lady Lake Mixed Residential Medium Density (MX-8) – for One Lot (0.15 +/- Acres; Alternate Key #1483932) – Located within Orange Blossom Gardens Unit 3, Lake County, FL (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 the applicant, Martin L. Dzuro, on behalf of The Villages of Lake-Sumter, Inc., has filed an application to rezone property consisting of one lot located within Orange Blossom Gardens Unit 3. The application involves rezoning 0.15 +/- 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 property is addressed as follows: 813 Truman Avenue.

A map of the property and an aerial view of the property with the zoning designations of the parcel and adjoining parcels was shown.

The Rezoning application was received on Tuesday, February 28, 2017, 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 consideration by the Town Commission.

Mr. Carroll reported that notices to inform the surrounding property owners (25) within 150 feet of the property proposed by the rezoning request were mailed Thursday, March 9, 2017, and the

property was also posted this same date. There have been no objections or letters of support from surrounding property owners regarding the application to date.

The subject properties lie in Section 06, Township 18 South, Range 24 East, in Lake County, Florida. Appropriate legal descriptions and survey information were 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	Lady Lake Mixed Residential Medium Density (MX-8)
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. 2017-11, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the April 10, 2017 meeting, the Planning and Zoning Board voted 5-0 to forward Ordinance No. 2017-11 to the Town Commission with the recommendation of approval. The Town Commission is scheduled to consider this ordinance for second/final reading on Monday, May 15, 2017 at 6:00 p.m.

Mr. Carroll stated the applicant is present if there are any questions.

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

Upon a motion by Commissioner Holden and seconded by Commissioner Kussard, the Commission approved the first reading of Ordinance No. 2017-11 by the following roll call vote:

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

10. Ordinance No. 2017-12 – First Reading – Annexation – The Villages of Lake-Sumter, Inc. – Annexing Three Lots (0.42 +/- Acres; Alternate Key #2594161, 2523026, and 2523361) – Located within Orange Blossom Gardens Unit 3.1B, Lake County, FL (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 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 Unit 3.1B. The annexation application involves annexing 0.42 +/- acres of property from unincorporated Lake County into the Town of Lady Lake.

The lots are addressed as follows:

- 809 Aloha Way
- 806 Maple Lane
- 820 Silver Oak Avenue

A map of the property was shown, as were aerial views of the property, photos of the postings, and the survey maps submitted by the property owner.

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.

The annexation application was received on Monday, March 20, 2017, 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.

Mr. Carroll reported that notices to inform the surrounding property owners (53) within 150 feet of the property proposed by the annexation request were mailed Thursday, March 23, 2017. The properties were posted Monday, March 27, 2017. There have been no objections or letters of support from surrounding property owners regarding the application to date, although one property owner cited concern with the construction and heavy equipment used in the site work and building of the home.

The Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2017-12, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the April 10, 2017 meeting, the Planning and Zoning Board voted 5-0 to forward Ordinance No. 2017-12 to the Town Commission with the recommendation of approval. The Town Commission is scheduled to consider this ordinance for second/final reading on Monday, May 15, 2017 at 6:00 p.m.

Mr. Carroll stated the applicant is present if there are any questions.

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

Upon a motion by Commissioner Kussard and seconded by Commissioner Holden, the Commission approved the first reading of Ordinance No. 2017-12 by the following roll call vote:

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

VINCENT
RICHARDS

YES
YES

11. Ordinance No. 2017-13 – First Reading – Small Scale Future Land Use Comprehensive Plan Amendment – The Villages of Lake-Sumter, Inc. – Change from Lake County Medium Urban Density to Lady Lake Manufactured Home High Density for Three Lots (0.42 +/- Acres; Alternate Key #2594161, 2523026, and 2523361) – Located within Orange Blossom Gardens Unit 3.1B, Lake County, FL (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 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 Unit 3.1B, from Lake County Medium Urban Density to Lady Lake Manufactured Home High Density. The application involves annexing 0.42 +/- acres of property from unincorporated Lake County into the Town of Lady Lake. The proposed properties are addressed as follows:

- 809 Aloha Way
- 806 Maple Lane
- 820 Silver Oak Avenue

A map and an aerial view of the property was presented showing the future land use of the subject parcel and adjacent properties.

The Small Scale Future Land Use Map Amendment application was received on Monday, March 20, 2017, 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.

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 proposes to remove the existing manufactured homes on the lots to construct conventional built homes. There will be no increase in utility services, traffic, population, or recreation use.

Mr. Carroll reported there will be no impact on Town services as shown below:

Potable Water– No impact, lots are served by the Village Center Community Development District Central Water System.

Sewer – No impact, lots are 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 homes will be replaced with new homes. 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 0.45 ± 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/ Lady Lake Manufactured Home High Density
East	Lake County Medium Urban Density/ Lady Lake Manufactured Home High Density
North	Lake County Medium Urban Density/ Lady Lake Manufactured Home High Density
South	Lake County Medium Urban Density/ Lady Lake Manufactured Home High Density

Comments:

- 1) Annexation and Rezoning Applications have been submitted concurrently with this Small Scale Future Land Use Amendment Application.
- 2) In accordance to the Interlocal Agreement for Building Permits & Inspections Section 2).A)., executed on June 23, 2015, if the Villages has applied for annexation, then the Town can issue building permits located within the unincorporated area.
- 3) Project will be required to adhere to St. John’s River Water Management District guidelines and the Town of Lady Lake Floodplain Management Ordinance for parcels within Special Flood Hazard Areas.

Mr. Carroll reported that notices to inform the surrounding property owners (53) within 150 feet of the property proposed by the SSFLUM Amendment request were mailed Thursday, March 23, 2017. The properties were posted Monday, March 27, 2017. There have been no objections or letters of support from surrounding property owners regarding the application to date.

The Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2017-13, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the April 10, 2017 meeting, the Planning and Zoning Board voted 5-0 to forward Ordinance No. 2017-13 to the Town Commission with the recommendation of approval. The Local Planning Agency considered this ordinance earlier this evening and vote for approval by a vote of 5-0. The Town Commission is scheduled to consider Ordinance No. 2017-13 for second/final reading on Monday, May 15, 2017 at 6:00 p.m.

Mr. Carroll stated the applicant is present if there are any questions.

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

Upon a motion by Commissioner Kussard and seconded by Commissioner Vincent, the Commission approved the first reading of Ordinance No. 2017-13 by the following roll call vote:

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

12. Ordinance No. 2017-14 – First Reading – Rezoning – The Villages of Lake-Sumter, Inc. – from Lake County Residential Medium (RM) to Lady Lake Mixed Residential Medium Density (MX-8) for Three Lots (0.42 +/- Acres; Alternate Key #2594161, 2523026, and 2523361) – Located within Orange Blossom Gardens Unit 3.1B, Lake County, FL (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 the 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 Unit 3.1B. The application involves rezoning 0.42 +/- 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:

- 809 Aloha Way
- 806 Maple Lane
- 820 Silver Oak Avenue

A map of the property and a map of the zoning designations of the parcel and adjoining parcels was shown.

The Rezoning application was received on Monday, March 20, 2017, 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.

Mr. Carroll reported that notices to inform the surrounding property owners (53) within 150 feet of the property proposed by the rezoning request were mailed Thursday, March 23, 2017. The properties were posted Monday, March 27, 2017. There have been no objections or letters of support from surrounding property owners regarding the application to date.

The subject properties lie in Section 06, Township 18 South, Range 24 East, in Lake County, Florida. Appropriate legal descriptions and survey information have been included with the

submitted application. The zoning designation of the subject properties and adjacent properties are as follows:

Zoning

Subject Property	Lake County Residential Medium (RM)
Zoning of Adjacent Properties	
West	Lake County Residential Medium (RM)/Lady Lake Mixed residential Medium Density (MX-8)
East	Lake County Residential Medium (RM)/Lady Lake Mixed residential Medium Density (MX-8)
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 Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2017-14, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the April 10, 2017 meeting, the Planning and Zoning Board voted 5-0 to forward Ordinance No. 2017-14 to the Town Commission with the recommendation of approval. The Town Commission is scheduled to consider this ordinance for second/final reading on Monday, May 15, 2017 at 6:00 p.m.

Mr. Carroll stated the applicant is present if there are any questions.

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

Upon a motion by Commissioner Vincent and seconded by Commissioner Hannan, the Commission approved the first reading of Ordinance No. 2017-14 by the following roll call vote:

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

13. Ordinance No. 2017-15 – Second/Final Reading – Rezoning/CP MOA Amendment – VVLL Properties, LLC – Village Veranda at Lady Lake – Requesting to Rezone/Amend the Existing CP Memorandum of Agreement (Ord. 2013-06) for Approximately 8.22 +/- Acres – Located at 955 South 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 a Planned Commercial (CP) Memorandum of Agreement (MOA) amendment/rezoning application has been filed with the Town of Lady Lake by Greg Beliveau, on behalf of VVLL Properties, LLC, to rezone/amend the existing Memorandum of Agreement for 8.22 +/- acres of land located approximately 260 lineal feet north of the intersection of Hartsock Sawmill Road and South Hwy 27/441(identified by Alternate Key #1699100) within Lake County, Florida.

A map of the property and a map of the zoning designations of the parcel and adjoining parcels was shown.

The proposed Rezoning/Memorandum of Agreement Amendment is requesting to modify the allowed number of beds for the assisted living facility (ALF) and the memory care (MC) under the existing agreement (Ordinance No. 2013-06). The applicant is proposing to increase the number of ALF beds from 90 to 116, and they are proposing to reduce the MC number of beds from 40 to 30; for a total net 16-bed increase for the Village Veranda at Lady Lake MJSP 10/14-002 project. The number of beds is proposed to be interchangeable between ALF and Memory care as long as the total number of beds does not exceed the 146-bed count.

The subject property lies in Section 28, Township 18 South, Range 24 East, in Lake County, Florida. Appropriate legal descriptions, a location map, and a sketch of the property were included with the submitted application.

A rendering of the conceptual plan was shown, as were photos of the posting and the property from different viewpoints.

The rezoning application was received on Monday, March 27, 2017, and has been reviewed and determined to be complete, satisfying the necessary criteria as required for rezoning. 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.

Zoning

Subject Property	Lady Lake –Planned Commercial (CP)
Zoning of Adjacent Properties	
West	ROW/Heavy Commercial (HC)
East	Lake County –R-1- Rural Residential
North	Lady Lake –MH-9 Manufactured Homes(9 du/pa) and Lady Lake- Heavy Commercial (HC)
South	Lady Lake- Heavy Commercial (HC)

Future Land Use

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

Mr. Carroll reported that notices to inform the surrounding property owners (7) within 150 feet of the properties proposed by the rezoning request were mailed Monday, March 27, 2017, and the properties were also posted this same date. There have been no objections or letters of support from surrounding property owners regarding the application to date.

The Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2017-15, provided comments by April 3, 2017, and determined the application to be

complete and ready for transmittal to the Planning and Zoning Board. The Planning and Zoning Board reviewed Rezoning/CP MOA amendment Ordinance No. 2017-15 at their regular meeting on Monday, April 10, 2017; and recommended approval with a 5-0 vote. The Town Commission is scheduled to consider this ordinance for second/final reading on Monday, May 1, 2017 at 6:00 p.m.

Mr. Carroll stated the applicant is present if there are any questions.

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

Upon a motion by Commissioner Holden and seconded by Commissioner Hannan, the Commission approved the second/final reading of Ordinance No. 2017-15 by the following roll call vote:

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

4. Village Veranda at Lady Lake MJM 01/17-001 – Major Modification to Site Plan – A Facility to be Developed in Two Phases including Office, Adult Day Care, and Clinic; a Total of 22,000 Sq. Ft. of Commercial Space and a Proposed Multi-Story Building with 116 Assisted Living Units and 30 Memory Care Facility Units – to be Constructed at 955 South Hwy 27/441, North of the Too Your Health Spa (V) (Alternate Key 1699100) (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 January 31, 2017, Gregory A. Beliveau with LPG Urban & Regional Planners, on behalf of VVLL Properties, LLC, submitted an application for a Major Site Plan. This facility is proposed to be developed in two phases including office, adult day care, and clinic uses with a total of 22,000 sq. ft. of commercial spaces, and a proposed multi-story building with 116 assisted living units and 30 memory care units, to be erected along South Hwy 27/441 (identified by Alternate Key #1699100). The site plan was reviewed to determine if it is in compliance with the Land Development Regulations (LDRs) including parking, setbacks, landscaping, engineering, environmental protection and commercial design standards.

The subject area reviewed is approximately 8.22 +/- acres and is located just north of the Too Your Health Spa (V) project, approximately 260 lineal feet north of the intersection of Hartsock Sawmill Road and South Highway 27/441. The property is zoned “CP” (Planned Commercial) which permits development and construction of the proposed improvements in accordance with CP Memorandum of Agreement of Ordinance No. 2017-17; which is to be adopted concurrently with the major site plan. The requested uses are consistent with the directives of the Comprehensive Plan, adopted Land Development Regulations, and Ordinance No. 2017-15.

Site plans have been submitted by Kenneth Randal Wicks, Professional Engineer with Wicks Engineering Services, Inc. The landscaping and irrigation plans have been prepared and certified by L.R. Huffstetler III, Registered Landscape Architect with LPG Urban & Regional Planners, Inc. For the proposed three-story craftsman architectural style building, the exterior elevations were drawn by FORUM out of Altamonte Springs, Florida. The applicant has complied with requirements pursuant to the Land Development Regulations (LDRs) for site plans, including Chapter 7-Site Plan Development Regulations, Chapter 10–Landscaping & Tree Protection, Chapter

14-Water, Reuse Water, and Sewer Standard Specifications, and Chapter 20-Commercial Design Standards of the LDRs. Reviews were completed for the Town of Lady Lake by Town staff, Neel-Schaffer Engineering, and Fire Inspector Kerry Barnett for compliance with the Florida Fire Prevention Code. Attached are following reviews contained in the packet:

- a. Town Engineer comments for the site plan dated March 28, 2017 (Satisfied).
- b. Fire Review comments dated March 21, 2017 (Satisfied).
- c. Lady Lake Building Official comments dated March 24, 2017 (Satisfied).
- d. Lake-Sumter MPO comments dated March 1, 2017 (Satisfied)
- e. Lady Lake Public Works comments dated February 23, 2017 (Satisfied).
- f. Florida Department of Transportation comments dated February 28, 2017 (Satisfied).

No state permits have been received to date by Town staff; however, in accordance with Florida Statute 166.033, Paragraph 4, these permits may not be a requirement for development approval. However, the applicant shall provide all required state permits prior to commencing construction. A note will be added to the Development Order accordingly.

Mr. Carroll reviewed and compared the new site plan to the earlier site plan rendering. He noted that there is a cross-access easement planned which is required by the Memorandum of Agreement with the Too Your Health Spa facility. It was noted that the north cross-access easement was not included, and it had been drawn in using red pen at the anticipated connection point paralleling the property line.

Mr. Carroll presented the elevation drawing submitted by the applicant, which has been slightly modified since the first site plan, and noted they will be using three colors. No waivers of the commercial design standards have been requested.

Commercial Design Standard: The site plan and façade elevations for the Village Veranda at Lady Lake Facility were included with the packet. In accordance with the Land Development Regulations, Chapter 20, Section 20-3C).3).A)., new buildings should adopt one of the four recommended architectural styles: Frame Vernacular, Craftsman/Bungalow, Mediterranean, or Mission. The Village Veranda at Lady Lake facility building features the Craftsman/Bungalow architectural style. The building exhibits:

- ✓ Steep pitched seam metal roof on dormers and end-cap towers
- ✓ Porte cochere/porch entrance with square columns
- ✓ Stucco exterior wall finish (less frequently use but acceptable)
- ✓ Typical foam trims and brackets
- ✓ Typical fiber cement lap siding and shingle siding
- ✓ Decorative foam shutters along the main facade
- ✓ Decorative stone along the main façade, west and north elevation
- ✓ Door entrance offset
- ✓ Pastel family colors for building exterior walls

Tree Requirements: In accordance with Chapter 10-Landscape and Tree Protection, the site is required to provide 1315.2 tree caliper inches based on its 8.22-acre area (160”x 8.22). Mr. Carroll reviewed the landscaping tree proposal breakdown as follows:

Existing trees to remain	783 tree caliper inches
Proposed canopy & understory trees	<u>557</u> tree caliper inches

Total tree caliper inches 1,340 tree caliper inches

It was noted that no historic trees will be removed for this development, and no landscaping waivers have been requested.

Mr. Carroll stated the application was received on January 31, 2017. There have been no objections or letters of support from surrounding property owners regarding the application to date. He stated that the Technical Review Committee members individually reviewed the major modification to site plan application on Wednesday, April 5, 2017, and provided all final comments regarding the Site Plan application. The Planning and Zoning Board does not review Site Plan applications.

Mr. Carroll stated the applicant is present if there are any questions.

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

Upon a motion by Commissioner Kussard and a second by Commissioner Holden, the Commission approved the Village Veranda at Lady Lake MJM 01/17-001 – Major Modification to Site Plan, by a vote of 5 to 0.

14. Ordinance No. 2017-21 – First Reading – Parking Ordinance (Chris McKinstry)

Town Attorney Derek Schroth read the ordinance by title only.

Police Chief Chris McKinstry gave the background summary for this agenda item (on file in the Clerk’s office). He stated that the Town does not currently have any process in place to issue parking citations or adjudicate violations. Parking violations are a consistent complaint from Town residents and a source of frustration for both residents and police officers when blatant violations go unresolved. There are currently two municipalities within Lake County (Mount Dora and Groveland) that utilize the services of the Lake County Clerk of the Court for parking violation hearings and delinquent collections, thus eliminating the need for a Town parking magistrate.

Chief McKinstry stated that when a parking citation is issued, the violator has the option to pay a fine or request a hearing. If the violator pays the fine within the prescribed time limit, the Town retains the fine amount in its entirety. If a violator does not pay the fine within the prescribed time limit, the parking citation is forwarded to the Lake County Clerk of the Court, and they will charge a statutory fee (FS 34.045) of \$10.00 for filing each case the municipality sends as “default”. A default case would be any case in which a fine has not been paid within the time allotted. To cover the filing fee, an escrow account would be established with the Lake County Clerk’s Office with no minimum set amount. The Town could start with \$100.00 in escrow. Chief McKinstry stated that for each sustained violation, the Lake County Clerk’s Office charges an additional \$10.00 fee to the fine amount established by the municipality ordinance. The late fee is assessed to the violator and returned to the Town. This return is basically to refund the filing fee. In the event that a hearing officer finds that the Town issued a parking citation improperly, the Town would be required to pay a \$40.00 fee.

Chief McKinstry stated the Police Department currently utilizes TRACS software for traffic citations which gives officers the ability to create and print parking tickets on existing software at no additional cost. The only initial expense incurred would be the purchase of pre-printed

envelopes for parking violation notices. He stated that Town Attorney Derek Schroth has reviewed this proposal.

Mayor Richards commented that he was glad Chief McKinstry was taking on this responsibility. He asked if anyone had any questions or comments;

- Phil Mathias of Lakes of Lady Lake commented that he has been fighting for this for five to eight years now. He asked if it would include enforcement of handicap parking spots and whether pictures would be taken, and voiced his pleasure that this was being enacted.

Town Manager Kris Kollgaard replied that it would include enforcement of handicap parking spots.

Chief McKinstry replied they would be taking pictures of violations as well.

Upon a motion by Commissioner Hannan and seconded by Commissioner Kussard, the Commission approved the first reading of Ordinance No. 2017-21 by the following roll call vote:

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

15. Resolution No. 2017-105 – First/Final Reading – Variance Request – The Villages of Lake-Sumter, Inc. – Pursuant to Chapter 5, Section 5-4. f). 4). C). 3). a)., of the Town of Lady Lake Land Development Regulations (LDRs) – Requesting to Establish the Right Side-Yard Setback at Three Feet for a Newly Constructed Home – Located at 1716 Myrtle Beach Drive (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, Doug Wade with Wade Surveying, has submitted an application on behalf of property owner, The Villages of Lake-Sumter, for an after-the-fact variance from Chapter 5, Section 5-4. f). 4). C). 3). a)., of the Town of Lady Lake Land Development Regulations (LDRs). The Town of Lady Lake Land Development Regulations requires that the side yard setback be a distance of five feet minimum within the MX-8 Zoning District. The applicant is requesting to allow an existing 1.76-foot side-yard setback encroachment to remain for a newly constructed home, thus creating the need to establish the rear-yard setback at three feet even from the front property line to the rear property line, on a parcel addressed as 1716 Myrtle Beach Drive (Alternate Key No. 2879769), within the Town limits of the Town of Lady Lake, Florida. Staff recommends approval.

A map showing the subject parcel was shown, as was a survey showing the area where the error occurred.

Mr. Carroll reported that the former property owners acquired the property in late 2014 when the house was originally built, and entered into a contract with a second individual buyer. At that time, as a result of a survey issued by Farner-Barley, dated January 25, 2017, a 1.76-foot setback encroachment was found. Since the encroachment was found, The Villages purchased the home

from the first buyer and is currently leasing to the second buyer until a resolution is adopted. The applicant has stated that:

- A calculation error was made in the field that led to the setback encroachment.
- The adjacent properties will not suffer diminution of value. In replacing an existing late model manufactured home with a new single family residence, the construction adhered to all new Florida Building Code and Life Safety Code inspections, including new hurricane and wind codes. Additionally, the closest structure on the east elevation side-yard setback is at least a minimum of 10 feet; which is required for Fire Safety.
- Lastly, no utilities were found within the five-foot utility/drainage easement as shown on the survey by Douglas C. Wade, Professional Surveyor and Mapper, FL Certificate Number 4685, dated 03/07/2017. Two feet of the five-foot side-yard utility easement will be vacated and a separate application has been submitted concurrently with this variance application.

An aerial map depicting the parcel location was shown, as were photos of the postings and the property from different viewpoints. Mr. Carroll reviewed a photo showing there is still a 10’ fire safety distance between this home and the property next door.

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 1716 Myrtle Beach Drive. The Future Land Use and Zoning Designations of the adjacent properties are as follows:

Future Land Use

Subject Properties	Lady Lake- Manufactured Home High Density (MH-HD)
Future Land Use of Adjacent Properties	
West	Lady Lake- Manufactured Home High Density (MH-HD)
East	Lady Lake- Manufactured Home High Density (MH-HD)
North	Lady Lake- Manufactured Home High Density (MH-HD)
South	Lady Lake- Manufactured Home High Density (MH-HD)

Zoning

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

Notices to inform the surrounding property owners (27) within 150’ of the property of the proposed variance were mailed on Thursday, March 23, 2017, and the property was also posted this same date. There have been no objections or letters of support from surrounding property owners regarding the application to date; one neighbor inquired personally about the applications.

The Technical Review Committee individually reviewed the variance application for Resolution No. 2017-105 on Monday, March 27, 2017, provided comments, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the Planning and Zoning Board meeting held on Monday, April 10, 2017, the board recommended approval of Resolution No. 2017-105 by a 4-1 vote. Commentary during the Planning and Zoning meeting noted that if this variance is granted by the Town, the property may still be in violation of the deed restrictions of The Villages. Mr. Carroll noted that the Town does not enforce the deed restrictions of The Villages.

Mr. Carroll stated the applicant is present if there are any questions.

Commissioner Kussard noted that the surveyor attended the Planning and Zoning meeting and took responsibility for the error that was made. She stated the house has already been built and is in the process of being sold a second time; she stated other than tearing down the house, the Town really has no choice but to grant this variance.

Commissioner Holden and Commissioner Vincent both stated they were in favor of it.

Mayor Richards asked if this issue has ever been taken to the Architectural Review Committee (ARC).

Mr. Carroll replied that he does not believe it has, although it is not a requirement of the Town’s application process.

Mayor Richards stated he has personal knowledge that the ARC is having people tear down and move things that are not in compliance, including screen enclosures and walls. He stated he would prefer to have input from the ARC or The Villages’ deed restrictions office prior to approving this.

Commissioner Kussard asked for clarification of ownership of the house at this time.

Mr. Carroll replied that The Villages currently owns the house and is leasing it to the potential buyer until this issue is resolved.

Ms. Kollgaard and Mr. Carroll both noted that this is a variance resolution and only comes before the Commission for one reading.

Mayor Richards asked if anyone from the audience had any questions or comments

Ron Hur of Wade Surveying stated that this is strictly the result of a surveying error and is not setting a precedent; they are trying to rectify the error so the buyers can own the home.

Mayor Richards stated he understands that, but states he wants to be sure they protect themselves by asking for approval from The Villages’ deed restrictions for this easement encroachment.

Commissioner Vincent asked if this resolution could be tabled and brought back.

Mr. Schroth stated the Town has discretion on this. He stated regardless of what the Town decides, the AAC has the ability to enforce deed restrictions. He stated he believes the applicant is aware that the Town’s approval in no way guarantees their approval before the ARC. Mr. Schroth stated that the Town would not set a precedent either way because each piece of real property is considered unique.

- Gary Jurkovich of Spring Arbor suggested that The Villages could move the property line to resolve this issue by keeping ten feet between the properties and still have a five-foot setback.

Commissioner Vincent made a motion to table this until the Town hears more from The Villages.

Commissioner Hannan stated he is on the ARC board and does not want to make comments as a member of that board. He attempted to make a motion to deny, but was reminded there was already a motion pending.

Commissioner Vincent rescinded his motion.

Commissioner Hannan made a motion to deny Resolution No. 2017-105. This motion died for lack of a second.

After further discussion, the following motion was made:

Upon a motion by Commissioner Vincent and seconded by Commissioner Holden, the Commission tabled the first/final reading of Resolution No. 2017-105 by the following roll call vote:

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

16. Resolution No. 2017-106 – First/Final Reading – Side-Yard Easement Vacation Request – The Villages of Lake- Sumter, Inc. – Vacating Two Feet of the Five Foot East Elevation Side-Yard Drainage and Utility Easement for Lot 2570 of the Orange Blossom Gardens Unit 9 – Located at 1716 Myrtle Beach Drive (Thad Carroll)

Town Attorney Derek Schroth read the resolution by title only.

Growth Management Director Thad Carroll asked the Commission, given that this resolution concerns the same issue, if they would like to consider tabling this item concurrently with the previous resolution.

Upon a motion by Commissioner Vincent and seconded by Commissioner Holden, the Commission tabled the first/final reading of Resolution No. 2017-106 by the following roll call vote:

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

17. Resolution No. 2017-107 – First/Final Reading – Variance Request – Green Key Village, LLC – Pursuant to Chapter 10, Section 10-5. c). 2). A)., of the Town of Lady Lake Land Development Regulations (LDRs) – Requesting the Removal of a Historic 37.56” Live Oak Tree – Located Approximately 500 Feet East of the Intersection of Taylor Mill Road and Lake Ella Road (Alternate Key #3903749) (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, Gregory Thomas representing Green Key Village, LLC, has submitted an application for a variance in accordance with Chapter 10, Section 10-5).c).2).A). of the Land Development Regulations (LDRs), which states that on all properties, the removal of historic trees shall require a variance from the Planning and Zoning Board and the Town Commission.

The applicant proposes the removal of a 37.56” Live Oak tree to accommodate the construction of a road that will be part of the Green Key Village Cottages Subdivision – Phase 3. The applicant states that the tree lies directly within the proposed road; therefore, it is required to be removed. Additionally, the applicant has indicated that they have saved other historic trees on the property and have implemented the most practicable design approach possible to preserve existing mature oak trees. Lastly, in the long run, the applicant contends that if the tree is left standing, the construction around it will likely cause damage to the root structure over time and make the tree unstable and dangerous for future residents of the proposed subdivision.

A tree structure evaluation by Bryan Stanage, an ISA Certified Arborist, was presented. His report stated that the tree has a few co-dominant stems that will cause some stability issues in the future, but that the tree is growing vigorously and is very healthy, and is not likely to fall under normal circumstances.

A map of the property was shown, as were photos of the parcel and the tree in question, and the postings. A map depicting land uses of this and adjacent properties was presented, as was a map showing the zoning in the area. A site plan was also presented.

Mr. Carroll noted that if this request is approved by the Town Commission, the applicant shall be required to pay to the Town’s Tree Bank \$3,600.00 for one 36” DBH historic tree, plus \$100 for each additional inch over the 36 DBH, within thirty days of the approval date.

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 29, Township 18 South, Range 24 East, Lady Lake, Florida. The Future Land Use Map designation for the site is Single Family Medium Density (SF-MD) and is zoned PUD (Residential Planned Unit Development). The general location of the subject parcel is 1635 Lake Ella Road, at the Green Key Village Subdivision (Alternate Key 3903749); within the town limits of the Town of Lady Lake, Florida.

Mr. Carroll reported that notices to inform the surrounding property owners (15) within 150' of the subject property of the proposed variance were mailed on Thursday, March 23, 2017, and the property was posted this same date. There has been one inquiry by mail regarding the project by an adjacent neighbor.

Upon approval of this variance resolution, the applicant will continue with the Preliminary Plat Plan application process for approval of Phase 3 and 4. All landscaping buffer requirements and planting will be satisfied following up the Improvement Plat Plan process.

The Technical Review Committee individually reviewed the variance application for Resolution No. 2017-107 on Monday, March 27, 2017, provided comments, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the Planning and Zoning Board meeting held on Monday, April 10, 2017, the board recommended approval of Resolution No. 2017-107 by a 5-0 vote.

Mr. Carroll stated the applicant is present if there are any questions.

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

Upon a motion by Commissioner Holden and seconded by Commissioner Kussard, the Commission approved the first reading of Resolution No. 2017-107 by the following roll call vote:

HANNAN	YES
KUSSARD	YES
HOLDEN	YES
VINCENT	YES
RICHARDS	YES

L. TOWN MANAGER’S REPORT:

18. Consideration of Request to Allow Wawa to Use the Town of Lady Lake Log Cabin Park to Host an Event to Promote a Potential Store to be Located within the Town of Lady Lake (Kris Kollgaard/Thad Carroll)

Growth Management Director Thad Carroll stated that Michael Leeds of Shagbark Properties, representing Wawa, has requested of the Town of Lady Lake to be able to host an event to promote a potential store opening within the Town of Lady Lake. The event would be held on Wednesday, May 17, 2017, between the hours of 5 p.m. to 8 p.m. Samples of Wawa products will be available for the public, and coffee and non-alcoholic beverages will be served as well. Wawa is fully insured and will provide a Certificate of Insurance to the Town for the event. No tents will be placed on the property in conjunction with the event, nor will any music be played at the event. A Special Event permit will be required for the event.

Commissioner Hannan stated he is totally against this as he feels this would appear that the Town is helping them to promote their business. He confirmed with the other Commissioners that they received the emails from concerned citizens: Jessica Frank, Tom Lanwehr and Nora Choquette.

Ms. Kollgaard stated that the Town has allowed various businesses and entities to use this area for their events, including the Taste of Lady Lake, as well as the Easter church services.

Commissioner Kussard agreed; stating this would be a good opportunity for concerned citizens to go to the event, talk to Wawa representatives, and perhaps alleviate their concerns.

Commissioner Vincent agreed with Commissioner Kussard.

Commissioner Holden stated he is not against the Wawa business itself, as he feels they have an excellent reputation; he just thought they could find a better location. He feels this event may be a good idea.

Mayor Richards stated he agrees with the request.

It was the consensus of the Commission to allow Wawa to host an event at the Town of Lady Lake Log Cabin Park to promote a potential store to be located within the Town of Lady, by a vote of 4 to 1 (Hannan).

19. Consideration of Approval of the Lease Agreement between Lake-Sumter Metropolitan Planning Organization (MPO) and the Town for Commercial Lease Space

Town Manager Kris Kollgaard stated that the Town Commission approved the Town moving forward with renovating office space/conference room for the MPO on the 2nd floor of the library back in January. On Wednesday, April 26, 2017, the MPO Governing Board approved the two-year lease agreement. The two-year lease does have the option for both parties to renew the lease for three one-year terms after the initial two years. Derek Schroth, Town Attorney, has reviewed and approved the lease.

Upon a motion by Commissioner Hannan and a second by Commissioner Holden, the Commission approved the Lease Agreement between Lake-Sumter Metropolitan Planning Organization (MPO) and the Town for Commercial Lease Space, by a vote of 5 to 0.

Mayor Richards then handed the gavel over to Mayor Pro Tem Kussard as he needed to leave for a previous commitment.

M. MAYOR/COMMISSIONER’S REPORT:

Mayor Pro Tem Kussard asked if there were any comments from the Commissioners. There were no comments.

N. PUBLIC COMMENTSⁱⁱ

Mayor Pro Tem Kussard asked if there were any comments from the audience. There were no comments.

O. ADJOURN: There being no further business, the meeting was adjourned at 7:03 p.m.

Kristen Kollgaard, Town Clerk

Jim Richards, Mayor

Minutes transcribed by Nancy Slaton, Deputy Town Clerk

ⁱ *All items listed under consent are considered routine by the Town Commission and will be enacted by one motion. There will be no separate discussion of these items unless a Town Commissioner so requests, in which event the item will be removed from the consent agenda and considered in its normal sequence.*

ⁱⁱ *This section is reserved for members of the public to bring up matters of concern or comments. It is not limited to items on the agenda and it is open to any concern or comments that the public may have.*