

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

June 5, 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:** Father Ed Waters – St. Timothy Catholic Church
- D. PLEDGE OF ALLEGIANCE:** Led by Joe Quinn.
- 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; Police Chief Chris McKinstry; Marsha Brinson, Director of Library Services; Pam Winegardner, Finance Director; Julia Harris, Administrative Assistant to Town Manager; and Nancy Slaton, Deputy Town Clerk

- F. PUBLIC COMMENTS:** Mayor Richards asked if there were any comments from the audience.
- Nora Choquette of 212 E. McClendon St. read a prepared statement regarding her opposition to the proposed location of the Wawa on the corner of Hwy 27/441 and C.R. 466. She asked the Commissioners to protect the historic home and known landmarks of these parcels, and to consider stopping this project from moving forward by rejecting the code concession requested.
 - Raymond Russomano, President of the Lady Lake Historical Society, announced that Dr. Norma Delaney has retired as curator, and a retirement event is being held in her honor on July 1st between 5 p.m. and 7 p.m. at the museum. He invited the Commissioners and Town staff to attend.

- William Marshall of Weirsdale stated he has worked in Lady Lake for over 30 years. He agreed with Ms. Choquette’s comments against the proposed Wawa to be located at Hwy 27/441 and C.R. 466.
- Marilyn Solomon of 113 N. Old Dixie Hwy stated she will lose her home if the proposed Wawa is built at this location. She spoke against the project.

G. CONSENT:

1. Minutes – May 15, 2017 Regular Commission Meeting

Mayor Richards asked if there were any corrections to the May 15, 2017 Commission meeting minutes, and hearing none, asked for a motion.

Upon a motion by Commissioner Kussard and a second by Commissioner Vincent, the Commission approved Consent Item G-1 by a vote of 5 to 0.

ANNOUNCEMENT: Mayor Richards read the following announcement:

2. In recognition of National Public Works Week, the Lady Lake Public Works Department is sponsoring a “Meet the Trucks of Lady Lake” event. This event will be held as part of the early literacy children’s program (for ages 2 to 6) on June 14th at 10:30 a.m. at the Lady Lake Public Library.

H. OLD BUSINESS: No old business.

Mayor Richards stated that Item I-3 will be heard after Resolution No. 2017-108, as the items are related.

J. TOWN ATTORNEY’S REPORT:

4. Ordinance No. 2017-16 – First Reading – Annexation – The Villages of Lake-Sumter, Inc. – Annexing One Lot (0.23+/- Acres; Alternate Key Number 1483271) – Located within Orange Blossom Gardens Unit 2, Within 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 annex property consisting of one lot located within Orange Blossom Gardens Unit 2. The application involves annexing 0.23 +/- acres of property from unincorporated Lake County into the Town of Lady Lake. The lot is addressed as 1304 Debra Drive.

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. Mr. Carroll noted that the manufactured home on the property has now been removed.

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 has been

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 annexation application was received on Thursday, March 30, 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 consideration by the Town Commission.

Mr. Carroll reported that notices to inform the surrounding property owners (18) within 150 feet of the property proposed by the annexation request were mailed Thursday, April 20, 2017, and the property was posted this same date. He stated no objections or letters of support have been received, although staff has received some comments regarding tree removal on the property.

Mr. Carroll stated that the Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2017-16, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the May 8, 2017 meeting, the Planning and Zoning Board voted 5-0 to forward Ordinance No. 2017-16 to the Town Commission with the recommendation of approval. The Town Commission is scheduled to consider this ordinance for second/final reading on Monday, June 19, 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.

- Richard St. Amant of 1303 Debra Dr. stated he speaks for himself and several other residents in the vicinity regarding their concern for the future of the trees on this property, including two historic live oak trees. He stated they may be the oldest and largest trees in The Villages and the surrounding area. Mr. St. Amant stated he and other residents feel this lot would be better suited to a park area rather than another home in The Villages.

Commissioner Kussard asked Mr. Dzuro to comment on Mr. St. Amant's concerns.

Martin Dzuro, representing The Villages, stated that they will abide by the Town's tree ordinance, although they always try to save and protect the historic trees when they can as they are valuable and make the property valuable as well.

- Louise Rahmlow of 1302 Debra Dr. stated she lives next door this lot and that one of the trees is shared with her property. She stated it is her understanding that permits have already been granted to cut down the trees on the lot.

Mr. Carroll disclosed that the Growth Management Department issued a permit for tree removal as per the interlocal agreement with Lake County. He stated that per the agreement, once the annexation has been applied for, the applicant can proceed with pulling permits. He stated that once the applicant has met the Town's code requirements, and the permits have been applied for and the fees paid, the Town is able to release permits for construction and/or tree removal.

Commissioner Hannan stated that it is a done deal if the permits have already been issued.

Mr. Carroll confirmed that the tree removal permits have been issued, although the trees have not been removed yet.

Town Manager Kris Kollgaard clarified that the tree removal is allowed per the Town's code for residential property if the applicant has met all the requirements.

Mayor Richards asked which trees are being removed, as one does appear to be shared with the property next door.

Commissioner Hannan commented that he feels The Villages will do everything in their power to save the trees if they can.

Mr. Carroll stated the tree removal permit was issue for six trees, which appears to be all of the trees on the parcel. Two trees deemed historic were permitted at \$500.00 per tree, two were permitted at \$100.00 each, and the palm tree and other oak were permitted at \$50.00 each.

Ms. Kollgaard asked Mr. Carroll if the trees have to be replaced once the house is constructed.

Mr. Carroll replied that replanting is required based on the lot size, as well as additional restrictions per The Villages through their HOA.

Mayor Richards asked why the 42" tree in the perimeter would have to go.

Commissioner Hannan stated that if the tree is partially on another property (dual ownership), then both property owners would have to consent to remove the tree.

Mr. Dzuro apologized, stating he did not realize the permits to remove the trees had already been issued as that is done by the construction division. He replied that he did not know why all the trees are being removed.

Mayor Richards discussed tabling this ordinance and the other ordinances related to this parcel until further information is received regarding the trees. He stated it was his understanding that if the annexation did not occur, then the Town's Growth Management Department could not issue a permit.

Mr. Carroll replied that per the interlocal agreement, the applicant is able to get permits through the Town of Lady Lake the day they apply for annexation.

Ms. Kollgaard concurred with Mr. Carroll's statement, stating this interlocal agreement has been signed by the county as well.

Town Attorney Derek Schroth stated the applicant would have to agree to stay any kind of tree removal since the permits have been issued.

Mayor Richards stated he understood that the paperwork could move forward per the interlocal, but not that action can be taken prior to the Commission approving the annexation.

Commissioner Hannan asked what happens if the Commission turns this down.

Ms. Kollgaard asked Mr. Dzuro if The Villages would be willing to hold off on removing the trees on this parcel.

Mr. Dzuro replied that they have complied with the Town’s tree ordinance regarding mitigation and permitting requirements, and that it would not be fair to single out The Villages in this instance. He stated he could contact the construction division to see why all the trees need to be removed, although they do their best to protect the trees if they can. Mr. Dzuro stated that if the Town turned down the annexation, The Villages could still proceed with permitting through Lake County, although they are trying to bring the enclaves into the Town whenever possible, which was the intent of the interlocal agreement.

Mayor Richard clarified that per the Town’s tree ordinance, if a historic tree is on a residential property and construction could endanger the tree or if it is in the way of a proposed building, the applicant can get a permit to remove it.

Mr. Carroll agreed that they could if they pay the mitigation fee of \$500.00. He stated they no longer have to go through a variance process since the ordinance has been changed.

Commissioner Kussard stated that a precedent has already been set, and the Commission cannot pick and choose.

- Cecilia DeVries (sp?) voiced her opinion that The Villages was sneaky and dishonest in getting the tree removal permits prior to this meeting. She asked the Commission to be fair in their dealings with The Villages; not to give them carte blanche.

Mayor Richards reminded the audience that the tree is on private property owned by The Villages.

Commissioner Hannan commented that he looked at this lot on Google Earth and the trees’ canopy encompass the entire lot.

Commissioner Holden commented that the HOA should have bought this lot as it would have made a small park for the area, but there was no foresight.

- Tom Lanwehr of 1214 Tarpon Lane asked how many properties The Villages have bought like this to construct new homes on, and if they have had to remove historic trees like this on other parcels.

Mr. Carroll replied that the Town has issued historic tree removal permits for construction of The Villages homes in the past, although he does not have a number at hand. He stated the mitigation and tree removal requirements are applicable for any residence within the Town, not just The Villages. He stated there are different requirements for commercial and residential properties.

Commissioner Kussard stated she drove by this parcel and she did not see how it would be possible for The Villages to construct a home between the trees.

Upon a motion by Commissioner Kussard and seconded by Commissioner Holden, the Commission approved the first reading of Ordinance No. 2017-16 by the following roll call vote:

HANNAN	YES
KUSSARD	YES

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

5. Ordinance No. 2017-17 – First Reading – 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 One Lot (0.23+/- Acres; Alternate Key Number 1483271) – Located within Orange Blossom Gardens Unit 2, Within 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 2, from Lake County Medium Urban Density to Lady Lake Manufactured Home High Density. The application involves 0.23 +/- acres of property from unincorporated Lake County into the Town of Lady Lake. The proposed property is addressed as 1304 Debra Drive.

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 Thursday, March 30, 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.

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 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 reported that 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 0.23 ± acres and lies 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	Lady Lake Manufactured Home High 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.

Mr. Carroll reported that notices to inform the surrounding property owners (18) within 150 feet of the property proposed by the SSFLUM Amendment request were mailed Thursday, April 20, 2017, and the property was posted this same date. No objections or letters of support have been received other than the inquiries noted earlier.

Mr. Carroll reported the Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2017-17, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the May 8, 2017 meeting, the Planning and Zoning Board voted 5-0 to forward Ordinance No. 2017-17 to the Town Commission with the recommendation of approval. The Town Commission is scheduled to consider this ordinance for second/final reading on Monday, June 19, 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.

- Mr. St. Amant asked who will receive the taxes on the home if the property is annexed into the Town.

Mayor Richards and Ms. Kollgaard replied that the Town and the county will both receive tax proceeds.

Upon a motion by Commissioner Kussard and seconded by Commissioner Hannan, the Commission approved the first reading of Ordinance No. 2017-17 by the following roll call vote:

HANNAN	YES
KUSSARD	YES
HOLDEN	YES
VINCENT	NO
RICHARDS	YES

6. Ordinance No. 2017-18 – 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 (0.23+/- Acres; Alternate Key Number 1483271) – Located within Orange Blossom Gardens Unit 2, Within 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 2. The application involves rezoning 0.23 +/- 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 1304 Debra Drive.

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 Thursday, March 30, 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 (18) within 150 feet of the property proposed by the rezoning request were mailed Thursday, April 20, 2017, and the property was posted this same date. No objections or letters of support have been received for this application.

The subject property lies 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 property 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	Lady Lake Mixed residential Medium Density (MX-8)
South	Lake County Residential Medium (RM)

Mr. Carroll reported that the Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2017-18, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the May 8, 2017 meeting, the Planning and Zoning Board voted 5-0 to forward Ordinance No. 2017-18 to the Town Commission with the recommendation of approval. The Town Commission is scheduled to consider this ordinance for second/final reading on Monday, June 19, 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. 2017-18 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>NO</i>
<i>RICHARDS</i>	<i>YES</i>

7. Ordinance No. 2017-19 – First Reading – An Ordinance Providing for a Text Amendment to the Town of Lady Lake Land Development Regulations (Ordinance No. 94-08) Chapter 6, Section 2, G), 10), C), 3) – Amending the Minimum Required Setback of Gas Station Canopy Structures from 50 Ft. to 45 Ft. (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 on Wednesday, April 12, 2017, the Growth Management Department received an application for a text amendment to the Town of Lady Lake Land Development Regulations (Ordinance No. 94-08) Chapter 6, Section 2, G), 10), C), 3), to amend the minimum required setback of gas station canopy structures from 50 feet to 45 feet. The proposal for the amendment was filed in conjunction with a Special Exception Use request to locate a convenience store with fuel operations at the southwest corner of the intersection of Highway 466 and Highway 27/441. Mr. Carroll stated this application is in association with a proposed Wawa project.

Mr. Carroll stated that according to Chapter 6, Section 2, G), 10), C), 3), the required distance for a gas canopy structure must maintain a minimum setback of 50 feet from Highway 27/441 when allowed in the Heavy Commercial zoning designation. The proposed development cannot accommodate this required setback distance due to the size limitations of the property; therefore, the applicant is seeking to change the Land Development Regulations to require only a 45 ft. required setback distance. A variance cannot be sought for Special Exception code requirements, rather a text amendment must be granted for any deviation to the code requirements.

Mr. Carroll stated the applicant has provided a written statement of the conditions and circumstances of why the amendment should be considered. Within the statement, the applicant contends that other criteria such as the required parking spaces and drive aisle widths are being maintained. The applicant revised their original plan for a 40’ setback to accommodate a 45’

setback from the right-of-way. In addition, no further taking of right-of-way will be required for the widening of Highway 27/441; therefore, there will not be any further encroachment into the property.

Mr. Carroll stated that it is worth noting is that in 2005, the Town of Lady Lake adopted Commercial Design Standards which allowed placement of structures to be located ten feet from the right-of-way, and in some cases, less where design speeds were 35 miles per hour or less. Since that time, the Town Commission has amended the code to require a 20 feet setback for structures from the right-of-way; however, staff is pointing this out because it is evident that when changes were made to Chapter 20 to reduce the setback of structures, references to the setbacks in Chapter 6 were not amended concurrently. In the past, the required setback from an arterial road was 50 feet. Given that there is no need to acquire additional right-of-way, and that the required distances for the drive aisles and on-site circulation can be provided with a 45 feet setback distance, Growth Management staff supports the request to amend Chapter 6, Section 2, G), 10), C), 3), reducing the minimum required setback of gas station canopy structures from 50 feet to 45 feet.

Mr. Carroll pointed out that this text amendment will apply to any subsequent application for gas canopy in the Town. He noted that there are existing gas stations operating in the area with canopies much closer to the right-of-way (from 0' to 46.3' setback), although they were constructed before the code change.

Mr. Carroll reported that the Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2017-19, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the May 8, 2017 meeting, the Planning and Zoning Board voted 4-1 to forward Ordinance No. 2017-19 to the Town Commission with the recommendation of approval. The Town Commission is scheduled to consider this ordinance for second/final reading on Monday, June 19, 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.

Commissioner Hannan read a prepared statement regarding his opinion that this ordinance is bad for the Town and that he is not in favor of this. He stated that the Commission have made mistakes for allowing building too close to the road such as MMD and the medical building on Griffin Rd. He stated he feels the setback should be changed from 50' to 75', and that this area would be better suited to smaller, more family-friendly businesses.

Commissioner Holden stated that the highway will be expanded by two lanes; he questioned the request for a 45' setback. He stated he agrees with Commissioner Hannan.

Mr. Carroll stated it is his understanding that the FDOT has completed its acquisition of right-of-way in this area, and this 45' setback would be attainable even with the FDOT widening of the highway.

Mayor Richards questioned whether the footprint of the building would fit in even with the 50' setback.

Mr. Carroll stated it would depend on the classification of the roadway; the local roadway setback is 25', the collector roadway setback was 35', and the arterial roadway setback is 50'.

- Joe Quinn of 633 Rainbow Blvd. stated he wants Wawa in Lady Lake, but not at this location. He stated traffic will back-up and that corner is already a bad situation.
- Nora Choquette of 212 E. McClendon St. stated the Commissioners followed the rules allowing old trees to be cut down, and they should follow the rule already in place for the canopy setback.

Commissioner Holden made a motion to not approve the first reading of Ordinance No. 2017-19, and it was seconded by Commissioner Hannan. The motion failed by the following roll call vote:

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

Commissioner Kussard made a motion to approve the first reading of Ordinance No. 2017-19, and it was seconded by Commissioner Richards after he passed the gavel. The motion failed by the following roll call vote:

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

8. Ordinance No. 2017-20 – First Reading – An Ordinance Granting a Special Exception Use to Incorporate the Convenience Store with Fuel Operations Land Use Within the Heavy Commercial (HC) Zoning Classification – on Property Located at the Southwest Corner of the Intersection of Highway 466 and Highway 27/441, North of McClendon Street (1.73 +/- Acres; Alternate Key Numbers 1260370, 1131561, 1723680, 1131553, 1131405, & 131413) (Thad Carroll)

Town Attorney Derek Schroth stated the Commission cannot move forward with this ordinance at this time as part of its text is tied to the previous ordinance that failed. He read the ordinance by title only

Michael Leeds stated he represents the applicant, and cannot offer an alternative to the requested 45’ canopy setback text amendment request at this time.

It was the consensus of the Commissioners to table the voting on first reading of Ordinance No. 2017-20.

9. Resolution No. 2017-108 – First/Final Reading – Variance – Green Key Village, LLC – Variance Request Pursuant to Chapter 8, Section 8-5. f). 1), of the Town of Lady Lake Land Development Regulations (LDRs) – Requesting to Allow Open Space Requirement to be Satisfied in a Cumulative Manner, Including the Open Space Provided Across All Platted Phases of the Green Key Village Subdivision – Located at 1635 Lake Ella Rd. (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 8, Section 8-5).f).1). of the Land Development Regulations (LDRs), which requires that each phase of a new subdivision within the RS-6 and Planned Unit Development (PUD) Zoning Districts provide 25 percent of open space area.

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

Mr. Carroll reported that the applicant proposes that open space requirement be satisfied in a cumulative manner across all platted phases of the Green Key Village Subdivision rather than at each phase of a new subdivision application. Due to the nature and timing of the development, open space was provided ahead of time during Phase 1 and Phase 2. The developer inherited a project that was originally designed for 273 single family units and most of the road networks and utility layout were already underway. The Green Key Village subdivision community concept consists of “net-zero-energy” homes and the structures will feature “Key West” style elevations that includes large front porches and side-entry garages set to the rear of the home. In line with the green development concept, the applicant provided additional open space area in Phase 1 and Phase 2 even when the Code did not require it. Therefore, the applicant desires that open space be accounted for as a whole for the entire development.

Mr. Carroll reviewed the open space data as shown below:

OVERALL OPEN SPACE DATA								
PHASE	PARENT PARCEL (ACRES)	SITE AREA (ACRES)	ACREAGE REMAINING	25% OPEN SPACE REQUIRED (ACRES)	OPEN SPACE PROVIDED (ACRES)	ACTIVITY-BASED OPEN SPACE REQUIRED (ACRES)	ACTIVITY-BASED OPEN SPACE PROVIDED (ACRES)	NOTES
PHASE 1	67.15	24.22	42.93	6.06	7.54	0	0	*PRIOR TO ADOPTION OF OPEN SPACE AND ACTIVITY-BASED OPEN SPACE REQUIREMENTS ON 07/01/13 *INCLUDES LOTS 1-42
PHASE 2	42.93	1.54	41.39	0.39	0.85	0.3445	0.85	*SITE AREA INCLUDES THE RECREATION FACILITY ONLY AS LOTS 1-6 WERE INCLUDED IN PHASE 1
PHASE 3	41.39	7.29	34.10	1.82	1.90	0.3645	0.75	*INCLUDES LOTS 43-69
PHASE 4	34.10	9.59	24.51	2.40	0.99	0.4795	0.61	*INCLUDES LOTS 70-88
FUTURE	24.51	24.51	0.00	TBD	TBD	TBD	TBD	
TOTAL	-	67.15	-	10.67	11.28	1.19	2.21	

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, in Lady Lake, FL. 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, April 24, 2017, and the property was posted the same date. One letter was received from an adjacent neighbor regarding the landscape buffers.

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

Mr. Carroll stated that the Technical Review Committee individually reviewed the variance application for Resolution No. 2017-108 on Monday, April 24, 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, May 8, 2017, the board recommended approval of Resolution No. 2017-108 with 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.

Commissioner Kussard asked Mr. Thomas if the residents in all phases, including the age restricted Phase 3, will be able to use all the open space.

Greg Thomas, contractor/developer, replied that all amenities and all open space will be open to all residents of Green Key Village, regardless of which area they live in.

Upon a motion by Commissioner Holden and seconded by Commissioner Vincent, the Commission approved the first/final reading of Resolution No. 2017-108 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>

I. NEW BUSINESS:

3. Green Key Village Subdivision – Phase 3 and 4 Preliminary Plat Plan – Proposing 27 Age-Restricted Single Family Residential Lots on a 7.29-Acre Parcel and 19 Non-Age-Restricted Single Family Residential Lots on a 9.59-Acre Parcel Respectively, Within the Green Key Village Development – Located on the North Side of Lake Ella Road, Approximately ½ Mile East of Rolling Acres Road, Addressed as 1635 Lake Ella Road (Alternate Key No. 3903749) (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 the applicant/owner, Greg Thomas of Mainsail Solutions,

Inc., has submitted plans for Preliminary Plat Approval of a subdivision proposing Phase 3 and Phase 4 of the Green Key Village Development.

Phase 3: Proposes a PUD parcel consisting of approximately 7.29 acres of land from the parent parcel and proposing to accommodate 27 single family residence lots that will measure in size from 1,200 sq. ft. to 1,650 sq. ft. living area (with rear load garages, lanai, and front porches). These homes will be built on home sites that average 50' wide by 104' deep. The 27 single family residence lots will be aged-restricted.

Phase 4: Proposes a parcel consisting of approximately 9.59 acres of land from the parent parcel and proposing 19 single family residence lots with a typical lot measuring 75' wide by 120' deep. The zoning will remain RS-6 for the lots on Phase 4 and these lots will be non-age-restricted.

The Preliminary Plat was reviewed to determine if it is in compliance with the Land Development Regulations (LDRs). The following items were included in the packet:

1. Preliminary Plan Review completed by Public Works dated April 20, 2017 (Satisfied).
2. Fire Review No. 2 for the Preliminary Plat completed by Kerry Barnett dated April 22, 2017. (Satisfied).
3. Review No. 3 for Preliminary Plat completed by Neel-Schaffer Engineering dated April 24, 2017.
4. Lady Lake Building Official comments dated February 28, 2017.
5. St. John's River Water Management District Permit No. 119921-4 (Minor Modification of Permit No. IND-069-119921-2 for Green Key Villages).
6. Lake-Sumter MPO determination and comments dated April, 27, 2017.

The property Future Land Use designation is Single Family Medium Density (SF-MD) on both parcels. The Zoning designation is Residential Planned Unit Development (PUD) for the 7.29-acre parcel and "RS-6" (Single Family Medium Density) allowing up to six dwelling units per acre on the 9.59-acre parcel.

The Preliminary Plan meets the design requirements of the Town of Lady Lake Land Development Regulations, Chapter 8 – Subdivision and Plats, and adheres to the requirements of the Comprehensive Plan of the Town of Lady Lake. The preliminary plat plans, consisting of nine sheets, are drawn in 24"x36" pages and have been certified by Charles Cecil Hiott, Professional Engineer with Booth Ern Straughan Hiott, Inc. dated May 19, 2017.

All comments have been satisfied for the Preliminary Plat application.

To be submitted at the time of improvement plans submittal:

- 1) In accordance with the provisions of Chapter 8, Section 8-6).e).1, the applicant shall submit copies of all jurisdictional agency approved permits and/or Exemption Letters (when applicable), including:
 - Florida Department of Environmental Protection Water Main Extensions permit and/or exemption.
 - Florida Department of Environmental Protection Wastewater Collection/ Transmission System and/or exemption.

- 2) The applicant will be required to submit the Street Lighting Plan for each proposed subdivision respectively at the time of Improvement Plans submittal.
- 3) All utilities (gas, water, sewer, electric, telephone, cable) for new construction shall be underground as per Chapter 9, Section 9-6).a).1).

Mr. Carroll noted that Preliminary Plat Approval does not permit the construction of any improvements. All permits from other agencies with jurisdiction must be completed before a development order may be issued. Two variance applications are concurrently being processed and reviewed with the Preliminary Plat Plan: Resolution No. 2017-107 - Historic Tree Removal Variance, and Resolution No. 2017-108 - Open Space Requirement Calculation Variance

Mr. Carroll reported that the Technical Review Committee members individually reviewed the application on Thursday, April 27, 2017, and provided comments regarding the Preliminary Plat Plan application; those comments have been satisfied. At the Planning and Zoning Board meeting held on Monday, May 8, 2017, the board recommended approval of the Green Key Village Subdivision-Phase 3 and 4-Preliminary Plat Plan with 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 Kussard and a second by Commissioner Hannan, the Commission approved the Green Key Village Subdivision – Phase 3 and 4 Preliminary Plat Plan by a vote of 5 to 0.

K. TOWN MANAGER’S REPORT:

Town Manager Kris Kollgaard reported that she, Mayor Richards, and Chief McKinstry met with Congressman Daniel Webster last week. She passed out an informational pamphlet provided by his office to the Commissioners.

L. MAYOR/COMMISSIONER’S REPORT:

Mayor Richards asked if there were any comments from the Commissioners.

Commissioner Kussard pointed out that members of the public who are against the proposed Wawa have mentioned the castle as being a historical building. She stated a historical building is defined as being 50 years old or older, and the castle building was built in 1979, and is 39 years old.

Commissioner Holden stated his feelings about this being the wrong location for Wawa has to do with the land the town purchased off Old Dixie Highway a few years ago, which may end up being a park, and he would not like to see a lot of traffic being promoted in the area. He stated the property from Lady Lake Blvd. south is one way with no side streets other than the one way in and out.

Commissioner Vincent stated that people have the right to sell their property and if they do not sell to Wawa, they could sell to someone else who wants to put up something less favorable.

Mayor Richards stated that the Commissioners spent a lot of time determining where the commercial areas of the town would be, with public input, moderators, and visioning sessions. He stated he built Old Dixie Highway in 1998 and it was a dirt trail before that; water and sewer lines were run to be available for commercial development. Mayor Richards stated this would be the place where he would put a gas station – right next to a four-lane and six-lane highway in a commercial area. He stated everything requested tonight is a legal request. He stated everyone is saying the town does not need another gas station, although there used to be a BP and a Citgo gas station within the same 3/8 of a mile area. Mayor Richards stated that 45' from the right-of-way is a long distance compared to some that are only six or ten feet.

Commissioner Vincent stated he wanted to make it clear he is not against a Wawa; he is against rules or codes changing constantly.

Commissioner Holden stated this intersection is already a high accident area, as he has been hit twice in the past four years.

M. PUBLIC COMMENTSⁱⁱ

Mayor Richards asked if there were any comments from the audience.

- Joe Quinn of 633 Rainbow Blvd. stated that some citizens left this meeting with a bad taste in their mouth regarding the historic trees because they did not understand the process. He stated the Commission should do a better job of explaining.
- Nora Choquette reiterated her opinion that this is a bad location for a Wawa because this location is like a small downtown area, and the congestion and traffic in this area is already bad. She stated she does not want her son growing up not being able to play in his neighborhood and where big business is dictating what her neighborhood looks like.
- Tom Lanwehr of 1214 Tarpon Ln. spoke about property rights and reiterated he is in favor of Wawa, but not in this location. He asked the Commissioners why they are in favor of this location.

Mayor Richards stated he would pick this site for a gas station because it is in a commercial area, close to businesses, and near accessible highways. He stated that the roadways at that intersection are not in failure although everyone is complaining about the traffic; traffic studies are completed during the site plan process. He stated he understands everyone's concerns; they do not want one in their backyard, but this is a good site for a gas station. Mayor Richards stated many different types of businesses could go in this area, some may not be as acceptable as this.

Commissioner Vincent stated he is not sure if he is in favor of this or against it.

Commissioner Kussard stated she had never heard of a Wawa before they introduced their conceptual plan to the Commission. She stated that Wawa has offered to purchase those parcels on contingency for building their project, and the property owners are willing to sell. She stated that she feels they should have the right to build as long as they are willing to build within the requirements and LDR regulations of the town. Commissioner Kussard stated that it is not her choice as to whether it is the best location for it.

Commissioner Holden stated he believes that Wawa will find another location in this town if this site does not work out for them.

Commissioner Hannan stated he believes this corner has a lot to do with Wawa's choice to build in Lady Lake.

- William Marshall of Weirsdale reiterated that he thinks this is a bad intersection and a bad location for Wawa. He stated also that many small businesses will probably go out of business once FDOT starts road construction.

Commissioner Vincent stated that officials of Wawa have told him they will assist in relocating the businesses located on these parcels now.

Commissioner Hannan asked Mr. Schroth to repeat the reason for tabling Ordinance No. 2017-20.

Mr. Schroth stated that as drafted, Ordinance No. 2017-20 would violate the code because the current code is a 50' setback for the canopy, and this proposal is inconsistent with that request.

N. ADJOURN: There being no further business, the meeting was adjourned at 7:33 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.*