

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

**May 8, 2017
5:30 p.m.**

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

CALL TO ORDER: Chairperson/Member Gauder

PLEDGE OF ALLEGIANCE

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

STAFF MEMBERS PRESENT: Wendy Then, Town Planner; Carol Osborne, Staff Assistant to Town Clerk; and Kris Kollgaard, Town Manager

Also Present: Attorney Sasha Garcia, BRS Legal and Commissioner Paul Hannan

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

NEW BUSINESS:

1. Approval of Minutes – April 10, 2017 Regular Meeting

Vice Chairperson/Member Sigurdson noted one correction on page 14; the Growth Management Director's name was misspelled.

Upon a motion by Member LeClerc and a second by Member Rohan, the Planning and Zoning Board approved the minutes of the Planning and Zoning Board meeting of April 10, 2017 as amended by a vote of 5-0.

2. Ordinance No. 2017-16 – Annexation – The Villages of Lake-Sumter, Inc. – Annexing One Lot 0.23+/- Acres Referenced by Alternate Key Number 1483271, which is located within Orange Blossom Gardens Unit 2, Within Lake County, Florida. (Wendy Then)

Town Planner Wendy Then presented the background summary for this agenda item (on file in the Clerk's Office). She stated this is phase 14 by The Villages of Lake-Sumter for annexation, small scale and rezoning of various properties within the historic side of The Villages. She stated 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

annexation application involves 0.23 +/- acres of property from unincorporated Lake County into the Town of Lady Lake. She stated staff recommends approval of this ordinance.

Ms. Then stated the lot is addressed as follows: 1304 Debra Drive.

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.

Ms. Then presented a map, an aerial photograph of the subject property and a photograph of the property with postings.

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 transmittal to the Town Commission.

Ms. Then reported 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. The property was also posted Thursday, April 20, 2017. She stated there have been no objections or letters of support from surrounding property owners regarding this application to date.

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. The Town Commission is scheduled to consider Ordinance No. 2017-16 for first reading on Monday June 5, 2017 at 6:00 p.m. The second and final reading will be held on Monday, June 19, 2017 at 6:00 p.m.

Ms. Then stated a representative of The Villages of Lake-Sumter is present if there are any questions.

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

Vice Chairperson/Member Sigurdson commented this small house has been there for many years and by constructing a new conventional built house, the trees will most likely have to be removed.

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

Upon a motion by Member Sigurdson and a second by Member Conlin, the Planning and Zoning Board recommended transmittal and approval of Ordinance No. 2017-16 to the Town Commission for consideration by the following roll call vote:

ROHAN

YES

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

3. Ordinance No. 2017-17 – 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 Being 0.23 +/- Acres Referenced by Alternate Key Number 1483271, which is Located Within Orange Blossom Gardens Unit 2, Within Lake County, Florida. (Wendy Then)

Town Planner Wendy Then presented the background summary for this agenda item (on file in the Clerk’s Office). She stated the applicant, Martin L. Dzuro, on behalf of The Villages of Lake-Sumter, Inc., has filed an application to amend the future land use comprehensive plan designation for 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. Ms. Then stated staff recommends approval of this ordinance.

The lot is addressed as follows: 1304 Debra Drive.

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 transmittal to the Town Commission.

Ms. Then presented a map showing the location of the subject property and a future land use map of adjacent properties.

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.

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

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 – The project will be required to adhere to SJRWMD guidelines and to the 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	Lady Lake Medium Urban Density
North	Lake County 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.

Ms. Then stated 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. The property was also posted Thursday, April 20, 2017. She stated there have been no objections or letters of support regarding this application to date.

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. The Local Planning Agency is scheduled to consider Ordinance No. 2017-17 on Monday, June 5, 2017 at 5:45 p.m. The Town Commission is scheduled to consider Ordinance No. 2017-17 for first reading on Monday, June 5, 2017 at 6:00 p.m. The second and final reading will be held on Monday, June 19, 2017 at 6:00 p.m.

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

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

Upon a motion by Member LeClerc and a second by Member Rohan, the Planning and Zoning Board recommended transmittal and approval of Ordinance No. 2017-17 to the Town Commission for consideration by the following roll call vote:

ROHAN	YES
CONLIN	YES
SIGURDSON	YES
LeCLERC	YES
GAUDER	YES

4. Ordinance No. 2017-18 – 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 Being 0.23 +/- Acres of Land Referenced by Alternate Key Number 1483271, Which is Located within Orange Blossom Gardens Unit 2, Within Lake County, Florida. (Wendy Then)

Town Planner Wendy Then presented the background summary for this agenda item (on file in the Clerk’s Office). She stated the applicant, Martin L. Dzuro, on behalf of The Villages of Lake-Sumter, Inc., has filed an application to 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. Ms. Then stated staff recommends approval of this ordinance.

The proposed property is addressed as follows: 1304 Debra Drive.

Ms. Then presented a rezoning map showing the location of the subject property and a zoning map of the adjacent properties.

Ms. Then stated 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 transmittal to the Town Commission.

The subject properties lie in Section 06, Township 18 South, Range 24 East, in Lake County, Florida. Appropriate legal descriptions and survey information have been included with the submitted application. The zoning designation of the subject properties and adjacent properties are as follows:

Zoning

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

Ms. Then stated 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. The property

was also posted Thursday, April 20, 2017. She stated there have been no objections or letters of support regarding this application to date.

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. The Town Commission is scheduled to consider Ordinance No. 2017-18 for first reading on Monday, June 5, 2017 at 6:00 p.m. The second and final reading will be held on Monday, June 19, 2017 at 6:00 p.m.

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

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

Upon a motion by Member Conlin and a second by Member Sigurdson, the Planning and Zoning Board recommended transmittal and approval of Ordinance No. 2017-18 to the Town Commission for consideration by the following roll call vote:

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

5. Ordinance No. 2017-19 – 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 feet to 45 feet. (Wendy Then)

Town Planner Wendy Then presented the background summary for this agenda item (on file in the Clerk’s Office). She stated on Wednesday, April 12, 2017, the Department of Growth Management 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. She 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.

Ms. Then reported that 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 feet required setback distance. She stated a variance cannot be sought for Special Exception code requirements, rather a text amendment must be granted for any deviation to the code requirements.

Ms. Then 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. In addition, no further reduction 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. She noted there

are older existing gas stations in the area whose canopies are less than the 50-foot setback requirement. These businesses were noted in the meeting packet backup items.

Ms. Then stated it is worth noting that in 2005, the Town of Lady Lake adopted Commercial Design Standards which allowed placement of structures to be located 10 feet from the right-of-way, and less in some cases where design speeds were 35 miles per hour or less. Since that time, the Town Commission has amended the code to require a 20-foot setback from the right-of-way for structures; 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. She stated in the past, the required setback from an arterial road was 50 feet.

Ms. Then stated, given that there is no need to acquire additional right-of-way, and that the required distances for the drive aisles and onsite circulation can be provided with a 45-foot 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.

Ms. Then reported at the Special Conceptual Town Commission workshop meeting on April 17, 2017, the Town Commission voted 3-2 to move forward with the proposed Wawa project. Since that time, the applicant has further modified the design to request a lesser setback deviation.

The Technical Review Committee 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. The Town Commission is scheduled to consider Ordinance No. 2017-19 for first reading on Monday June 5, 2017 at 6:00 p.m. The second and final reading will be held on Monday, June 19, 2017 at 6:00 p.m.

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

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

Member Conlin asked if the applicant intends to utilize the entire block area that includes W. McClellan, Old Dixie Highway, HWY 466 and HWY 27/441.

Michael Leeds introduced himself as the applicant for this text amendment. He stated every parcel will be utilized except where Jiffy Lube is located.

Member Conlin asked if it is possible to move the building back five feet towards the south.

Mr. Leeds stated the request is to reduce the setback from the canopy to Hwy 441, an east-west dimension. He stated they asked the Town to consider reducing the setback to 40 feet in the original application. After the Town Commission workshop meeting in April, they spent time modifying the plan and determined that in order to provide the circulation around the facility on all sides that is required by Wawa, they were able to reduce the setback request to 45 feet from 50 feet.

Member Conlin asked again if it would be possible to move the building back five feet rather than reduce the setback.

Attorney Sasha Garcia clarified that the ordinance currently before the Board is strictly for the canopy restriction; whether the distance being requested for the canopy setback is adequate, not the building structure.

Mr. Leeds stated the building structure is actually 50 feet from the right-of-way; they are requesting that the Town consider reducing the gas station canopy setback from 50 feet to 45 feet.

Member LeClerc asked if the canopy will be shortened.

Mr. Leeds clarified that the canopy will not be reduced as it provides coverage over the fueling stations; it is the canopy setback from the right-of-way that is being reduced.

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

Upon a motion by Member Rohan and a second by Member Sigurdson, the Planning and Zoning Board recommended transmittal and approval of Ordinance No. 2017-19 to the Town Commission for consideration by the following roll call vote:

<i>ROHAN</i>	<i>YES</i>
<i>CONLIN</i>	<i>NO</i>
<i>SIGURDSON</i>	<i>YES</i>
<i>LeCLERC</i>	<i>YES</i>
<i>GAUDER</i>	<i>YES</i>

6. Green Key Village Subdivision – Phase 3 and 4 Preliminary Plat Plan – Proposing 27 Age-Restricted Single Family Residence Lots on a 7.29-Acre Parcel and 19 Non-Age-Restricted Single Family Residential Lots in 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 3903749). (Wendy Then)

Town Planner Wendy Then presented the background summary for this agenda item (on file in the Clerk’s Office). She stated the applicant and 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. The present use of the property is vacant residential. She reported the original parcel was approximately 40 acres which has been subdivided in phases. Staff recommends approval of the Preliminary Plat Plan Phases 3 and 4.

Ms. Then advised that a subdivision has three different applications:

- 1) The preliminary plat plan.
- 2) The improvement plan showing details regarding utilities, road construction, etc., which is presented to the Technical Review Committee. Once all is satisfied, a development order is issued.
- 3) The final plat – The applicant is granted approval or given to permission to record the subdivision in the county clerk of court records. When that is completed, lots can be sold.

Ms. Then reported that Phase 3 proposes a planned unit development (PUD) parcel consisting of approximately 7.29 acres of land from the parent parcel, proposing to accommodate 27 single family residence lots that will measure in size from 1,200 sq. ft. to 1,650 sq. ft. of 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.

Ms. Then reported that Phase 4 proposes a parcel consisting of approximately 9.59 acres of land from the parent parcel; 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.

All comments have been satisfied for the preliminary plat application.

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.

Ms. Then stated the following will be submitted along with the Improvement Plans:

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).

Ms. Then explained that the 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.

Ms. Then stated there are two variance applications concurrently being processed and reviewed with the Preliminary Plat Plan:

- Resolution No. 2017-107-Historic Tree Removal Variance

- Resolution No. 2017-108- Open Space Requirement Calculation Variance

Ms. Then reported that the Preliminary Plat Plan application was received on Monday, December 19, 2016. 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. The Town Commission is tentatively scheduled to consider the Preliminary Plat for final consideration at their regular Meeting on Monday, June 5, 2017.

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

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

Member Conlin asked if the fire department has approved the width of the roads.

Ms. Then stated the reviewer for the local Fire District has reviewed the plan and approved it.

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

Upon a motion by Member LeClerc and a second by Member Rohan, the Planning and Zoning Board recommended transmittal and approval of Green Key Village Subdivision Phase 3 and 4 Preliminary Plat Plan to the Town Commission for consideration by the following roll call vote:

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

7. Resolution No. 2017-108 – Variance Request – Green Key Village, LLC – 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 Road (Alternate Key 3903749) (Wendy Then)

Town Planner Wendy Then presented the background summary for this agenda item (on file in the Clerk’s Office). She stated the applicant, 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. Staff recommends approval of this resolution.

Ms. Then presented a map of the subject property along with an aerial photograph of the property.

Ms. Then stated the applicant proposes that the open space requirement be satisfied in a cumulative manner across all platted phases of the Green Key Village Subdivision (Phases 1-4) rather than at each phase of a new subdivision application, as required by Town code. She stated Mr. Thomas has completed Phase 1 and Phase 2 of the development. The applicant is requesting that the development be viewed as a whole rather than in phases, instead of providing 25 percent open space for each phase, as indicated in the Justification Statement. She stated when the applicant acquired the property, the project 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. In keeping with the green development concept, the applicant provided additional open space area in Phase 1 and Phase 2, although it was not required by the Code, and the applicant desires that open space be accounted for as a whole for the entire development.

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	

Ms. Then presented photographs of the property postings and of the subject property from different viewpoints.

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.

Ms. Then stated the application was received on April 19, 2017. Notices to inform the surrounding property owners (15) within 150 feet of the subject property of the proposed variance were mailed on Monday, April 24, 2017. The property was posted on Monday, April 24, 2017. She stated there was one inquiry from an adjacent property owner, who has attended several meetings.

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. The Town Commission will review the application for Resolution No. 2017-108 on first and final reading at their regular meeting on Monday, June 5, 2017, at 6:00 p.m.

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

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

Vice Chairperson/Member Sigurdson stated the locations and acreage of Phases 5 and 6 are not shown on the maps provided. He stated it appears that an area to the east of Phase 4 will remain vacant.

Ms. Then stated the applicant is concerned with Phases 3 and 4 at this time. The remaining property is not platted at this time.

Vice Chairperson/Member Sigurdson asked if undeveloped land was included in figuring the open space.

Ms. Then stated the undeveloped area is not being considered (at this time). She explained the percentage of open space is based on the total number of acreage on developed land (Phases 1 and 2), and in this case, the proposed development (Phases 3 and 4).

Greg Thomas, the applicant and owner/developer of Green Key Village, clarified the current calculations are strictly on the phases that are coming before the Board as a pre-plat. He stated only the land that is encompassed in Phase 1 through Phase 4 will meet the 25 percent open space requirement. The undeveloped vacant land will also meet that requirement when that area is platted in the future. He stated that Phases 5 and 6 will have green area; therefore, when you look at the entire 78 acres there will be 25 percent open space and five percent active space as required by the code.

Member Conlin asked where the open space will be located.

Mr. Thomas stated the total open space encompasses two large retention areas and the easements that were platted in Phase 1 and this is more than 25 percent. He stated the excess is being included in Phases 3 and 4.

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

Upon a motion by Member Conlin and a second by Member Rohan, the Planning and Zoning Board recommended transmittal and approval of Resolution No. 2017-108 to the Town Commission for consideration by the following roll call vote:

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

CHAIRPERSON/MEMBERS' REPORT: There was no report.

ADJOURN: *With nothing further to discuss, the meeting was adjourned at 6:11 p.m.*

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

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