

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

**November 6, 2017**

The 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:** Chaplain Donna McGlone – American Legion Auxiliary
  
- 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; Thad Carroll, Growth Management Director; C.T. Eagle, Public Works Director; Mike Burske, Parks and Recreation Director; Chief Chris McKinstry, Police Department; Wendy Then, Senior Planner; Pam Winegardner, Finance Director; Tia O’Neal, Human Resource Director; and Nancy Slaton, Deputy Town Clerk

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

**G. PUBLIC HEARING:**

**1. Resolution No. 2017-114 – First/Final Reading – Adoption of Final Millage Rate for FY 2018 (Pam Winegardner)**

Finance Director Pam Winegardner gave the background summary for this agenda item (on file in the Clerk’s Office). She stated that the resolution regarding the millage rate and the budget ordinance must be re-read due to an advertising error.

Ms. Winegardner read the heading of Resolution No. 2017-114 regarding the adoption of the final millage rate for FY 2017-2018 at 3.3962 mils, which is 5.59% greater than the current year’s roll back rate of

3.2164. Per State Statute Chapter 200.065, the Town of Lady Lake must hold a public hearing on the tentative millage rate and proposed budget. At this hearing, the Town Commission will disclose and discuss the proposed millage rate, and if changed, re-compute the proposed millage rate and publicly announce the percent, if any, by which the re-computed millage rate is less than the rolled back rate, and approved the resolution prior to the adoption of the proposed budget. The proposed rate of 3.3962 mils or any rate less than this rate only requires an affirmative vote of three members of the Town Commission. Ms. Winegardner stated this hearing was advertised via newspaper advertisement.

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

*Upon a motion by Commissioner Kussard and seconded by Commissioner Vincent, the Commission approved the first/final reading of Resolution No. 2017-114, which sets the FY 2017-18 final property tax millage rate of 3.3962 mills per \$1,000 taxable valuation, which is greater than the current year’s rolled back rate, by the following roll call vote:*

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

**2. Ordinance No. 2017-35 – Second/Final Reading – Adoption of Operating Budget for FY 2018 (Pam Winegardner)**

Finance Director Pam Winegardner gave the background summary for this agenda item (on file in the Clerk’s Office). She stated that per State Statute Chapter 200.065, the Town of Lady Lake must hold a public hearing on the proposed FY 2018 operating budget. At this hearing, the Town Commission will amend and adopt the budget ordinance after adoption of the final millage rate. This hearing was advertised via newspaper advertisement.

Ms. Winegardner read the ordinance title which stated the budget is setting forth anticipated revenue of \$17,963,218 and expenditures in an equivalent amount. The following amounts are appropriated for various funds: General Fund - \$10,685,013; Special Revenue (infrastructure sales surtax) - \$1,643,000; and Utilities Fund - \$5,635,205; for a total of \$17,963,218.

Mayor Richards asked if there were any questions or comments from the Commissioners or the public. There were no questions or comments.

*Upon a motion by Commissioner Kussard and seconded by Commissioner Hannan, the Commission approved the first reading of Ordinance No. 2017-35, by the following roll call vote:*

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

**H. CONSENT<sup>i</sup>:**

3. **Minutes** – October 16, 2017 – Special Commission (Conceptual Workshop) Meeting  
– October 16, 2017 – Commission Meeting  
– October 25, 2017 – Commission Workshop Meeting

4. **Consideration of Approval for Santa’s Shop With a Cop 2017 (Chris McKinstry)**

The background summary for this agenda item is on file in the Town Clerk’s Office. It states that last year, the Lady Lake Police Department partnered with the Lady Lake Kiwanis for its first Santa’s Shop With a Cop event at the local Target store. That event was so successful that staff wants to do it again on December 9, 2017, from 8 a.m. until 11 a.m. Both the Leesburg and the Fruitland Park Police Departments would join with the Town in this holiday goodwill effort. Each agency would coordinate their local area attendance and funding to sponsor their children to participate in this festive event. The Lady Lake Police Department would be assisting 25 of its community’s underprivileged children with this special shopping trip, and the Lady Lake Kiwanis would contribute the funds to sponsor each child’s wish list.

5. **Consideration of Approval of the 2017 Paygrade Table with Adjustments to Minimums and Maximums (Tia O’Neal)**

The background summary for this agenda item is on file in the Town Clerk’s Office. It states that staff has conducted an across-the-board salary survey for all jobs in the Town, comparing them to other municipalities in Lake County. Based on findings in the survey, staff is recommending adjusting the minimums as shown in the draft paygrade table included in the packet. Adjustments to the paygrade table will not increase an employee’s current salary except in those instances where the current salary falls below the new minimum of the employee’s paygrade. In these cases, the employee will be brought up to the minimum of their current paygrade. Upon recommendation by the Commission, staff will re-evaluate minimums and maximums as necessary.

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

I. **OLD BUSINESS:** No old business.

J. **NEW BUSINESS:**

6. **Consideration of Approval of Change Order Number Two for the Addition of Four Inch Electrical and Phone Conduit at the Guava Street Concession Stand Project (Mike Burske)**

Parks and Recreation Director Mike Burske gave the background summary for this agenda item (on file in the Clerk’s Office). He stated that in the design phase of the concession stand, conduit was not required for the electric lines buried between the pole and the concession stand. Now that the lines are ready to be installed, Duke Energy is requiring that the lines be buried at a deeper depth than originally anticipated and they will have to be placed in conduit. At this time, conduit for phone and other internet type services will also be installed. The cost of this change is \$2,179.00. Details were included in the documents in the packet.

Commissioner Kussard asked if this requirement has anything to do with damage to Duke Energy’s lines due to the hurricane; having to bury the lines deeper in conduit.

Mr. Burske replied that it does not.

*Upon a motion by Commissioner Holden and a second by Commissioner Kussard, the Commission granted approval of Change Order Number Two for the Addition of Four Inch Electrical and Phone Conduit at the Guava Street Concession Stand Project by a vote of 5 to 0.*

**7. Consideration of the Lady Lake Auto Salvage Major Modification to Site Plan - MJM 10/17-002 – BBC Investments II, LLC – Proposing to Dismantle Approximately 20,699 Sq. Ft. of Concrete Pads and 236 LF of Concrete Block Privacy Wall along the West Boundary of the Parking Lot Area for an Auto Salvage/Motor Vehicle Towing and Impoundment Facility – Located on an +/- 7.32-Acre Parcel at 552 South Highway 27/441 (Alternate Key #1121094, 1698928, 3842065, & 1698936) (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 BBC Investments II, LLC, property owner, has submitted a major modification to the site plan for substantial impervious surface improvements totaling 20,669 sq. ft. of additional concrete for the Lady Lake Auto Salvage site located on 552 South Highway 27/441. The property is zoned Heavy Commercial (HC), and the Future Land Use Map designation for the site is Commercial General-Retail Sales and Services (RET); which is consistent with directives of the Comprehensive Plan. The site plan modification engineering plans were submitted by Michael W. Radcliffe Engineering, Inc., dated October 24, 2017.

Mr. Carroll stated that on January 1, 2011, the Town Commission approved the construction of a 12'x90' truck scale and a 3,772 sq. ft. concrete slab for the Lady Lake Auto Salvage. On March 5, 2012, the Town Commission approved a Special Exception Use application, Ordinance No. 2012-03, to allow Motor Vehicle Towing and Impoundment at the site. Subsequently, a minor modification application was approved for the construction of another 3,700 sq. ft. concrete pad and a building permit was submitted and approved (Permit No. 12-0426).

Mr. Carroll stated that when building inspections were being conducted for the concrete pad, it was discovered that the proposed concrete pad was greater than 3,700 sq. ft. The proposed improvements for this major site plan modification include corrective actions required to bring into compliance the original 3,700 sq. ft. concrete slab that was expanded into additional concrete totaling 7,768 sq. ft., constructed just west of parking spaces five through 12.

Mr. Carroll reviewed the major modification site plan drawings. He stated the applicant also is proposing a new dismantling concrete pad totaling 12,931 sq. ft. just north of both existing concrete pads. Lastly, the applicant will be installing a six-foot concrete block privacy wall abutting the front parking lot area to be constructed at a later time. The proposed improvements will be used in coordination with the Lady Lake Auto Salvage Yard best management practices and to remain in compliance with state and federal regulations to minimize environmental risks in their business operation.

Mr. Carroll stated that on December 12, 2014, the applicant received approval from St. John's River Water Management District (SJRWMD), Permit No. 41224-2, for all existing and proposed concrete pads. On September 27, 2017, the Florida Department of Environmental Protection provided notification that Lady Lake Auto Salvage is in compliance with the Site Rehabilitation Completion Order.

Reviews were completed by Town staff, Kerry Barnett for fire, and Building Official Ron Rowe.

The following items were included the packet:

1. Review by Fire Inspector Kerry Barnett dated 10/24/2017 (Satisfied)
2. Review by Building Official Ron Rowe dated 10/25/2017 (Satisfied)

It was noted that outstanding Fire Inspector and Building Official comments will be satisfied by time of building permit issuance.

Mr. Carroll stated that the Technical Review Committee (TRC) members individually reviewed the application on or before Wednesday, October 25, 2017, and determined the application to be complete and ready for transmittal to the Town Commission for final consideration. It was noted that the Planning and Zoning Board does not review Site Plan Modifications. Staff recommends approval.

Mr. Carroll stated that the applicant is present to answer any questions.

Mayor Richards asked if anyone had any questions.

Commissioner Hannan asked if the applicant will have to come back to the Commission for approval of the future wall before it is constructed. He stated the wall will be facing US Hwy 27/441 and the current wall is not attractive, and he would like to see what it will look like.

Commissioner Vincent and Commissioner Holden agreed.

Mr. Carroll replied that approval of this site plan approves the wall to be part of the site plan, although it will need to be permitted through the Growth Management Department before it is constructed. He asked if the Commissioners wanted to see the wall detail before it was permitted.

Commissioner Hannan stated he would like to see the detail prior to permitted.

Mayor Richards asked if the wall is grandfathered as far as the current Commercial Development Standards because it was permitted years ago. He asked if there is anything that requires grandfathered items to be brought up to current standards if over a certain percent is being changed.

Mr. Carroll replied that the current wall is in compliance because it was in existence and was grandfathered in. He stated the new use for the wall could be reviewed to be sure it is in compliance with current standards. He stated there is no proposed expansion to a habitable structure, and detail for the proposed six-foot concrete wall will be submitted at time of permitting.

Commissioner Hannan asked if the existing wall will stay there or if it will be changed.

Stephen Sailor, owner of BBC Investments, stated the old wall will come down and a new finished wall will be installed and will look much better.

Commissioner Kussard asked whether emergency access to the area will be addressed as stated in the fire safety inspector's comments on egress, as she did not see it on the plans.

Mr. Carroll replied that this access for Lake County EMS will be verified on inspection, and Mr. Sailor agreed it is there.

Commissioner Holden asked about the cardboard looking structure on the site.

Mr. Sailor replied the billboard was put up because a hospital was interested in their site for a short time and they were looking for feedback, but the project went to Ocala instead.

*Upon a motion by Commissioner Hannan and a second by Commissioner Holden, the Commission approved the Lady Lake Auto Salvage Major Modification to Site Plan - MJM 10/17-002 by a vote of 5 to 0.*

**8. Consideration of the Water Oak Recreation Complex Major Modification to Site Plan – MJM 09/15-002 – Sun Communities Finance LP – Proposing the Addition of a Paved Walking Trail, Relocation of Proposed Courts and Picnic Pavilions, and Provision of a Grassed Parking Area Providing 24 Additional Parking Spaces at the Shady Oaks Recreation Complex – Located at 1 Shady Oaks Park (Alternate Key # 538951) (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 Lara Parker, representing the property owner, Sun Communities Finance LP, has submitted revisions to the major modification to site plan for the Water Oak Recreation Complex site as per Town of Lady Lake Land Development Regulations, Chapter 7, Section 11.b.

On January 4, 2016, the Town Commission approved substantial improvements to the Shady Oaks Recreation Complex, including a 130'x90' area providing six pickle ball courts, a 50'x84' proposed basketball court, a 30'x60' volleyball court, and a 30'x50' picnic pavilion, expansion of the parking lot area by adding ten regular parking spaces and reconditioning an existing asphalt parking lot into 48 golf cart parking spaces. Other improvements included the installation of a retention pond area and upgrading the landscaping buffers along Water Oak Boulevard, the east property boundary and the south property boundary lines.

Mr. Carroll stated that prior to the improvements being completed and the site receiving a final project closeout, the applicant submitted revised civil engineering plans. At this time, the applicant is proposing to add a paved walking trail in between the volleyball and basketball courts and around the proposed picnic pavilion to connect the different courts along the site. Also, the applicant shows the relocation of four sports courts, one horseshoe pit, and the picnic pavilion. Lastly, the applicant is providing 24 overflow parking spaces to provide on-site parking for visitors attending tournament softball games with other affiliated Sun Communities Developments within Florida. Staff recommends approval of the revisions to the major modification to site plan.

An aerial view of the property was presented.

The Shady Oaks Recreation Complex is located within the Water Oak Estates Country Club for the exclusive use of Water Oak Residents. The parcel is identified by Alternate Key number 3538951. The site plan was reviewed to determine if it is in compliance with the Land Development Regulations (LDRs) including parking, setbacks, landscaping, engineering, and environmental protection.

The subject area reviewed is approximately 3.32 +/- acres and is located within the Water Oak Estates Country Club. The property is zoned “MH-9” (Manufactured Home High Density; which permits development and construction of the proposed improvements in accordance with the Manufactured Home Rental Park Land Use and the project adopted Development of Regional Impact (DRI). The Future Land Use Map designation for the property is Manufactured Home High Density (MH-HD). The proposed improvements are consistent with the directives of the Comprehensive Plan and adopted Land Development Regulations.

Mr. Carroll reported that the engineering plans submitted, consisting of five sheets, are drawn on 24”x36” sheets and certified by Robert L. Rogers, Professional Engineer with Rogers Engineering, LLC, are dated October 28, 2017. Reviews were completed by Town staff, Neel-Schaffer Engineering, Kerry Barnett for fire, and Building Official Ron Rowe. The following items were included in the packet:

- 1 Review No. 4 for the general site development completed by Neel-Schaffer Engineering, dated 10/04/2017 (Satisfied)
- 2 Review by Fire Inspector Kerry Barnett dated 10/23/2017 (Satisfied)
3. Review by Building Official Ron Rowe dated 03/27/2017 (Satisfied)

Previous engineering plans and site plan renderings were shown, and the current proposed layout site plan was reviewed. Mr. Carroll noted that the horseshoe pit has shrunk significantly, and the main difference is the path between the volleyball and basketball courts, and also the stabilized parking on the south end which the Commission granted a variance for a few weeks back.

On September 6, 2017, the Town Commission approved Resolution No. 2017-111 granting a variance to allow the grassed parking spaces to be recognized as pervious surface based on the site soil permeability. The St. Johns Water Management District Modification Permit No. 19000-5 dated 11/03/2015 has been issued for the project, and the proposed revisions are de minimis and do not affect the permit.

Mr. Carroll reported that the Technical Review Committee members individually reviewed the application on Monday, October 23, 2017, and deemed it complete and ready to be heard before the Town Commission for final consideration. It was noted that the Planning and Zoning Board does not review Site Plan Modifications.

Mr. Carroll stated that the applicant is present to answer any questions.

Mayor Richards asked if anyone had any questions.

Commissioner Vincent asked for more information regarding the fire/safety report requiring a gate that must be accessible.

Lara Parker, Sun Communities in Water Oak, confirmed that there is a two gate system there that allows golf carts to drive through even if the gates are closed. She stated the gates swing open and will never be locked as there is no locking system on this gate.

***Upon a motion by Commissioner Kussard and a second by Commissioner Holden, the Commission approved the Water Oak Recreation Complex Major Modification to Site Plan – MJM 09/15-002 by a vote of 5 to 0.***

**9. Consideration of the Wawa Major Site Plan – MJSP 08/17-001 – A Convenience Store with Fuel Operations – Proposing a 6,119 Sq. Ft. Building and Outside Seating Area on 1.72 +/- Acres Located at the SW Corner of the Intersection of North Hwy 27/441 and Highway 466 (Alternate Key # 1260370, 1131561, 1723680, 1131553, 1131405, & 1131413) (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 August 17, 2017, Town staff received a new Major Site Plan application and plans submitted by Michael Leeds with 441 & Lemon, LLC, on behalf of Wawa, Inc., for the construction of a Convenience Store with Fuel Operations and Deli Market on a parcel located at the southwest corner of Highway 466 and N. Highway 27/441. The plan proposes a 6,119 sq. ft. building with 45 parking spaces, including two Florida ADA accessible parking spaces. Staff recommends approval of the site plan with landscaping waivers as requested.

The property owner will be given credit in the amount of eight water and five sewer ERUs from the existing business, so there will be an additional three sewer ERUs and four reuse ERUs needed capacity by the Town's Code based on the nature and operation of the proposed project.

The subject parcel is 1.72+/- acres. The property is currently zoned "HC" Heavy Commercial and the Future Land Use Map designation for the site is Commercial General- Retail Sales and Services (RET).

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 applications were determined to be in compliance with the Land Development Regulations (LDRs) and the Comprehensive Plan.

The engineering plans, consisting of fifteen sheets, have been submitted on 24"x36" sheets and certified by Garth R. Ritter, Professional Engineer with Kelly, Collins, and Gentry, Inc., are dated October 2, 2017. Landscaping and irrigation plans submitted, consisting of three sheets and certified by Larry W. Spade, Florida Registered Landscape Architect with Kelly, Collins, and Gentry, Inc. are dated August 17, 2017. Photometric plans consisting of two sheets and certified by Darius D. Adams are dated August 17, 2017. Architectural exterior elevations and floor plan consisting of two sheets certified by Cuhaci & Peterson are dated March 27, 2017.

Mr. Carroll stated that reviews were completed for the Town by Town staff, Neel-Schaffer Engineering, Fire Inspector Kerry Barnett, and Building Official Ron Rowe. The following items were included in the packet:

- 1) Site Plan Review completed by Growth Management on 10/11/2017 (Satisfied).
- 2) Review No. 2 for the general site development completed by Neel-Schaffer Engineering, dated 10/25/2017(Satisfied).
- 3) Review by Fire Inspector Kerry Barnett dated 10/03/2017 (Satisfied).
- 4) Review by Building Official Ron Rowe dated 8/30/2017 (Satisfied).
- 5) Review by Lady Lake Public Works dated 10/24/2017 (Satisfied).
- 6) Lake-Sumter MPO Response dated 10/25/2017 (Satisfied).
- 7) St. Johns Water Management District Permit No. 151081-1 dated 09/19/2017 (Satisfied).
- 8) FDOT email comments dated 10/04/2017 (Satisfied).
- 9) Lake County Public Works email comments dated 10/24/2017 (Satisfied).



An aerial photo of the property, civil plans and landscaping plans for the major site plan were shown.

Mr. Carroll reported that the applicant is advancing forward with three landscaping waivers that came before the Commission in the past. He reviewed them as follows:

1) In accordance to Chapter 10, Section 10-3, b). B).1)., the south elevation on the side abutting the Take 5 Oil site requires “Class A” Landscaping Buffer - Ten feet minimum width with two canopy trees, three understory trees and a continuous hedge or an approved fence or wall.

Request: The applicant is requesting a waiver for the buffer width for Class “A” from the required ten feet to five feet. Plant material required is compliant.

Justification: To accommodate alignment of the proposed commercial driveways along N. Hwy 27/441 and S. Old Dixie Hwy.

2) In accordance to Chapter 10, Section 10-3, b). B).2)., the north and west elevations require “Class B” Landscaping Buffer- Twenty feet minimum width with four canopy trees, three understory trees and a continuous hedge or an approved fence or wall.

Request: The applicant is requesting a waiver for the buffer width from Class “B” on the north boundary from the required twenty feet to 5-29 feet and on the west boundary from the required twenty feet to 5-14 feet at varying points.

Justification: North boundary-due to the location of the underground storage tanks; west boundary-due to the placement of required parking spaces to the west to preserve existing 55” historic oak tree.

3) In accordance to Chapter 10, Section 10-3, g). Building Foundation Planting requirements.

Request: The applicant is requesting a waiver from the required four-foot foundation planting along the sides of the building facing the public right of way to provide raised planters along each corner of the building instead.

Justification: Due to dimensional constraints on the design of connecting sidewalks, outside seating area, loading area, and parking spaces abutting the building.

Tree requirements: In accordance with Chapter 10-Landscape and Tree Protection, the site is required to provide 275.2 tree caliper inches based on its .46-acre site development area (160”x 1.72).

Existing trees to remain	99.0 tree caliper inches
Proposed canopy & understory trees	<u>340.5</u> tree caliper inches
Total tree caliper inches	439.5 tree caliper inches

Photos of examples of specimens that may be planted on the property were shown. It was noted that the applicant will be preserving two historic oak trees on site and one historic tree offsite.

Commercial Design Standards: In terms of the Commercial Design Standard for the Development, the applicant would like to implement a similar mix of elements of the

Craftsman/Bungalow Architectural Design Style. *Craftsman Design Style* elements exhibited are as follows:

- Pre-finished metal roof overhang and metal panel for exterior walls
- Crimped metal roof coverings
- Stucco exterior wall finish (less frequently used, but acceptable)
- Decorative culture stone throughout different exterior wall elevations

No Commercial Design Standard waivers have been requested at this time. Renderings of the proposed elevations for this site plan were shown.

The traffic impacts of this proposed development have been documented through a Tier 3 Traffic Impact Study (TIS). The proposed convenience store with fuel operations and deli is expected to generate 1,451 new daily trips with 79 new AM peak hour trips, and 76 PM peak hour trips. The report providing a breakdown and percentage of trips generated along Hwy 27/441 and County Road 466 was included in the packet.

Mr. Carroll reported that the Technical Review Committee members individually reviewed the application regarding the Site Plan application by Thursday, September 7, 2017. It was noted that the Planning and Zoning Board does not review site plan applications. At the special meeting of the Parks, Recreation, and Tree Advisory Committee held on Tuesday, September 19, 2017, the board voted 4-0 to forward to the Town Commission with the recommendation of approval. At the Town Commission Special Conceptual Workshop held on Monday, October 16, 2017, the Commission voted 3-2 to forward the site plan to the Town Commission for final consideration with recommendation of approval.

Mr. Carroll stated that Mr. Leeds is present to answer any questions.

Commissioner Hannan referred to the Lake-Sumter MPO traffic report. He stated the document did not include a response to the recommended multi-modal accommodation comments, and comments pointed out that there is a safety and operational concern for the northbound left turns; the project will generate significant U-turns for patrons wanting to access the Wawa. Commissioner Hannan stated the report notes that traffic problems will not be alleviated until 2023 when the widening of US Hwy 27/441 takes place.

Commissioner Kussard stated in the meeting regarding the widening of US Hwy 27/441, the year mentioned for this was 2020, not 2023.

Mayor Richards noted that all bets regarding traffic are off once construction for the widening of US Hwy 27/441 starts.

Mr. Leeds replied the comments made by the Commissioners are correct, and the report from the MPO has been reviewed. He stated that they met with the FDOT in March, and they are aware of this project. The conditions described in the report will be corrected by the widening of US Hwy 27/441 and the improvement of the intersection. He stated left-hand turns will be accomplished by using a median cut at McClendon (a block south) prior to the widening of the highway if the Wawa is completed before the construction begins. The FDOT did not make any reference to the comments of the MPO, although Wawa's traffic engineers are trying to contact the MPO to address those comments. Mr. Leeds stated the only FDOT comment unresolved is the request for a cross connection to the Take 5 station next door.

Mayor Richards asked for a motion.

*Upon a motion by Commissioner Kussard and a second by Commissioner Vincent, the Commission approved the Wawa Major Site Plan – MJSP 08/17-001 by a vote of 3 to 2 (Hannan/Holden).*

**K. TOWN ATTORNEY’S REPORT:**

**10. Ordinance No. 2017-41 – First Reading – Annexation – The Villages of Lake-Sumter, Inc. – Annexing Four Lots (0.55 +/- Acres Referenced by Alternate Key Numbers 1482607, 1482747, 2603763, & 2676051) – Located within Orange Blossom Gardens Units 2 and 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 annex property consisting of four lots located within Orange Blossom Gardens Units 2 and 3.1B. The application involves annexing 0.55 +/- acres of property from unincorporated Lake County into the Town of Lady Lake.

The lots are addressed as follows:

- 915 Aloha Way
- 1023 Vermont Avenue
- 809 Beechwood Avenue
- 705 Royal Palm Avenue

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

The subject properties are in Section 06, Township 18 South, Range 24 East, in Lake County, Florida. Appropriate legal descriptions, a location map, and a sketch of the properties were 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 properties into the Town that are non-contiguous to the existing municipal boundary.

The annexation application was received on Tuesday, September 19, 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 (100) within 150 feet of the property proposed by the annexation request were mailed Monday, September 25,

2017, and the properties were also posted this same day. No objections or letters of support have been received to date.

The Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2017-41, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the October 9, 2017 meeting, the Planning and Zoning Board recommended approval of Ordinance No. 2017-41 by a vote of 5-0. The Town Commission is scheduled to consider this ordinance for second/final reading on Monday, November 20, 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 first reading of Ordinance No. 2017-41 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>

**11. Ordinance No. 2017-42 – 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 Four Lots (0.55 +/- Acres Referenced by Alternate Key Numbers 1482607, 1482747, 2603763, & 2676051) – Located within Orange Blossom Gardens Units 2 and 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 four lots located within Orange Blossom Gardens Units 2 and 3.1B, from Lake County Medium Urban Density to Lady Lake Manufactured Home High Density. The application involves 0.55 +/- acres of property and the lots are addressed as follows:

- 915 Aloha Way
- 1023 Vermont Avenue
- 809 Beechwood Avenue
- 705 Royal Palm Avenue

A map and an aerial view of the properties 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 Tuesday, September 19, 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 homes on the lots to construct conventional built homes. 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, the lots are served by the Village Center Community Development District Central Water System.

Sewer – No impact, the 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 0.55 ± 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
<b>Future Land Use of Adjacent Properties</b>	
West	Lake County Medium Urban Density (915 Aloha Way/809 Beechwood Avenue) / Lady Lake Manufactured Home High Density (1023 Vermont Avenue/705 Royal Palm Avenue)
East	Lake County Medium Urban 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.

Mr. Carroll reported that notices to inform the surrounding property owners (100) within 150 feet of the property proposed by the SSFLUM Amendment request were mailed Monday, September 25, 2017, and the properties were also posted this same day. No objections or letters of support have been received to date.

The Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2017-42, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the October 9, 2017 meeting, the Planning and Zoning Board recommended approval of Ordinance No. 2017-42 by a vote of 5-0. The Local Planning Agency considered this ordinance earlier this evening and voted 5-0 for approval. The Town Commission is scheduled to consider Ordinance No. 2017-42 for second/final reading on Monday, November 20, 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 Holden, the Commission approved the first reading of Ordinance No. 2017-42 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. 2017-43 – First Reading – Rezoning – The Villages of Lake-Sumter, Inc. – Rezoning from Lake County Residential Medium (RM) to Lady Lake Mixed Residential Medium Density (MX-8) – Four Lots (0.55 +/- Acres Referenced by Alternate Key Numbers 1482607, 1482747, 2603763, & 2676051) – Located within Orange Blossom Gardens Units 2 and 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 four lots located within Orange Blossom Gardens Units 2 and 3.1B. The application involves rezoning 0.55 +/- 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 that are presently in the Town of Lady Lake’s jurisdiction. The proposed properties are addressed as follows:

- 915 Aloha Way
- 1023 Vermont Avenue
- 809 Beechwood Avenue
- 705 Royal Palm Avenue

A map of the properties and an aerial map showing the zoning designations of the parcels and adjoining parcels was shown.

The Rezoning application was received on Tuesday, September 19, 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.

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)
<b>Zoning of Adjacent Properties</b>	
West	Lake County Residential Medium (RM) (915 Aloha Way/809 Beechwood Avenue) / Lady Lake MX-8 (1023 Vermont Avenue/705 Royal Palm Avenue)
East	Lake County Residential Medium (RM)
North	Lake County Residential Medium (RM)
South	Lake County Residential Medium (RM)

Mr. Carroll reported that notices to inform the surrounding property owners (100) within 150 feet of the property proposed by the rezoning request were mailed Monday, September 25, 2017, and the properties were also posted this same day.

Mr. Carroll stated that the Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2017-43, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the October 9, 2017 meeting, the Planning and Zoning Board recommended approval of Ordinance No. 2017-43 by a vote of 5-0. The Town Commission is scheduled to consider this ordinance for second/final reading on Monday, November 20, 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 Hannan, the Commission approved the first reading of Ordinance No. 2017-43 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. 2017-44 – First Reading – Large Scale Comprehensive Plan Future Land Use Map Amendment – First National Bank of Mount Dora/Joel W. Hass – from Lady Lake Commercial General-Retail Sales and Services (RET) to Lady Lake Other Institutional Facilities (OIF) – for 16.8 ± Acres (Referenced by Alternate Key Numbers 2700297 & 2808683) – Located on South Hwy 27/441 Across the Street from the Hartsock Sawmill Rd. Intersection, 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, Joel W. Hass with MJM Associates, LLC, on behalf of First National Bank of Mount Dora, is requesting to amend the Future Land Use designation of two parcels just south of the Oakwood Smokehouse restaurant, along South Hwy 27/441, and across the street of the intersection with Hartsock Sawmill Rd., which includes 16.8± acres of land within the Town of Lady Lake municipal limits. A map of the property location was shown.

The Department’s recommendation and basis for recommendation are as follows:

- 1) The request is compatible with approved land uses and proposed developments to the east of the subject parcels.
- 2) The request change will efficiently utilize water and sewer facilities in the area.

**Table 1- Existing and Proposed FLU for Site**

<b>Acres</b>	<b>Existing FLU</b>	<b>Proposed FLU</b>
16.8 +/-	Lady Lake Commercial General-Retail Sales and Services (RET)	Lady Lake Other Institutional Facilities (OIF)

**Table 2- Future Land Use Descriptions**

<b>Existing FLU</b>	<b>Proposed FLU</b>
<p><u>Commercial General (Retail Sales &amp; Services) (RET)</u>. This land use category is limited to retail sales and services which is an establishment engaged in the selling of products and services to the public for personal or household consumption, including but not limited to beauty/barber shop, laundry and dry cleaning store, newsstand/bookstore, clothing stores, drug stores, home electronic equipment, food/grocery stores, hotel/motel, religious uses, professional services and sporting</p>	<p><u>Other Institutional Facilities (OIF)</u>. This land use category is intended to support institutional facilities not associated with the direct support of governmental affairs such as libraries and private and public schools, hospitals, and assisted living facilities, hospitals, and assisted living facilities. The floor area ratio (FAR) shall be limited to a maximum of 0.70 for the OIF category.</p>



goods. The intensity standard for this land use category is limited to a maximum of 80% impervious surface ratio per parcel (which includes building coverage) and a maximum building height of 35 feet unless fire protection is adequately provided. The floor area ratio (FAR) shall be limited to a maximum of 0.50 for the Commercial General category.	
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An aerial view of the property and adjacent properties was shown, highlighting the current and future land uses.

The applicant’s justification from the application as follows:

1. The proposed land use and zoning changes will minimize impacts to all surrounding residential and commercial properties and will serve to limit the impact that any other commercial use would allow in the future.
2. Sanitary sewer and potable water are either on-site or adjacent to the site and right-of-way, making the site highly desirable for the project. The Traffic Impact Analysis will demonstrate compliance with the Comprehensive Plan.

Mr. Carroll reviewed the impact on Town service as follows:

Potable Water – The subject parcels are located within the Town of Lady Lake Utilities service area and the project shall be developed in accordance to Objective FLU 1-5, coordinating future land uses with the concurrency management system for adequate Level of Service (LOS) as per the Comprehensive Plan Goal FLU 1-5.

- ♦ Potable Water Systems – CUP allocation of 1.188 million gpd (2017)
- ♦ 2017 average Town’s water systems usage – 743,318 gpd
- ♦ The project estimated consumption – 10,563 gpd

Sewer – The projected demand on the wastewater system is 10,563 gpd

Reuse – The project is proposed to generate 42 ERU's at build-out.

Schools – The property is proposed to generate zero students as the project consists of an institutional facility featuring a 125-bed Assisted Living Facility and a 125-unit Independent Living Facility.

Transportation – Traffic Analysis indicates that the project will generate a total of 763 new daily trips of which 59 trips will occur during the PM peak hour and 43 trips will occur during the AM Peak hour. During the AM peak hour, 21 vehicles are forecasted to enter the project and 22 vehicles are projected to exit the site. During the PM peak hour, 29 vehicles are forecasted to enter the project and 30 vehicles are projected to exit the site.

Table 3.1 - ITE Trip Generation								
Average Weekday Driveway Volumes				AM Peak Hour		PM Peak Hour		
Land Use	ITE Code	Size		Daily Trips	Enter	Exit	Enter	Exit
Assisted Living	254	125	Beds	333	12	6	12	16
Senior Adult Housing - Attached	255	125	Dwelling Units	430	9	16	17	14
<b>Total New Trips</b>				<b>763</b>	<b>21</b>	<b>22</b>	<b>29</b>	<b>30</b>

In comparison, the ITE Trip Generation for the Commercial General-Retail Sales and Services (RET) Future Land Use, a shopping center (ITE Code 820) would derive approximately 3.71 PM peak hour trips per every 1,000 sq. ft. of retail area.

Parks & Recreation – This commercial project shall not affect the Town’s LOS for Parks and Recreation in accordance to Goal REC1 and Objective REC1-1 of the Town’s Comprehensive Plan.

Stormwater – Project will be required to adhere to SJRWMD guidelines.

A justification statement has also been included as part of the Large Scale Comprehensive Plan Amendment application, which the applicant submitted for justifying why the future land use should be amended for the development proposed.

The subject properties involve approximately 16.8 ± acres in Section 28, Township 18, Range 24 in Lake County, Florida. The Future Land Use of the adjacent properties is as follows:

**Table 3. Adjacent Property Characteristics**

Direction	Current Use	Future Land Use of Adjacent Properties
West	Single Family Residence, and Pasture, vegetated, undeveloped commercial land	Commercial Professional Services (PS)
East	R.O.W./Health Exercise Club and Pasture, vegetated, and undeveloped commercial land, (Assisted Living Facility to be constructed soon)	Commercial General – Retail Sales and Services (RET)
North	High-Turnover Sit-down Restaurant	Commercial General – Retail Sales and Services (RET)
South	Pasture, vegetated, undeveloped commercial land	Commercial General – Retail Sales and Services (RET)

Comments:

- 1) A Rezoning application has been submitted concurrently with this Large Scale Future Land Use Amendment application.

- 2) Town of Lady Lake Commercial Design Standards outlined in Chapter 20 and Site Development Plan Regulations of the LDRs must be adhered to prior to any design of site plans for the proposed buildings associated with this development.
- 3) Connection to Town Water, Sewer, and Reuse Utilities will be required.
- 4) Mitigation may be necessary for site plan approval to address concurrency deficiencies associated with the impacts of this project.
- 5) Mitigation/Relocation for wildlife will be needed for any endangered species found on the property following an Environmental Assessment conducted on the subject parcels.

The Large Scale Future Land Use Map Amendment application was received on Wednesday, September 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 in accordance to what is being proposed under the Other Institutional Facilities (OIF) designation, and is ready for transmittal to the Town Commission.

Photos of the postings along Hwy 27/441, along with photos of the existing conditions of the property were shown.

Mr. Carroll reported that notices to inform the surrounding property five (5) within 150' of the property of the proposed amendment were mailed on Monday, September 25, 2017. The property was posted on Tuesday, September 26, 2017. No objections or letters of support have been received to dated.

The Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2017-44, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the October 9, 2017 meeting, the Planning and Zoning Board voted 5-0 to forward Ordinance No. 2017-44 to the Town Commission with the recommendation of approval. The Local Planning Agency considered this ordinance earlier this afternoon and voted 5-0 for approval. The Town Commission is scheduled to consider Ordinance No. 2017-44 for second/final reading on a date to be determined pending review by the Department of Economic Opportunity (DEO).

Mr. Carroll stated that Mr. Hass 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 Hannan, the Commission approved the first reading of Ordinance No. 2017-44 by the following roll call vote:*

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

**14. Ordinance No. 2017-45 – First Reading – Rezoning – First National Bank of Mount Dora/Joel W. Hass –from Lady Lake Heavy Commercial (HC) to Lady Lake Public Facilities District (PFD) – for 16.8 ± Acres (Referenced by Alternate Key Numbers 2700297 & 2808683) – Located on South Hwy 27/441 Across the Street from the Hartsock Sawmill Rd. Intersection, 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 a rezoning application has been filed with the Town of Lady Lake by Joel W. Hass with MJM Associates, LLC on behalf of First National Bank of Mount Dora, requesting rezoning for two parcels of land, a combined total 16.8 +/- acres, along the west side of South Highway 27/441, just south of the Oakwood Smokehouse restaurant and across the street of the intersection with Hartsock Sawmill Rd., identified by alternate keys 2700297 and 2808683, within Lake County, Florida. The applicant proposes to develop a 125-bed Assisted Living Facility and a 125-unit Independent Living Facility, to be completed in two phases proposing two three-story buildings.

Mr. Carroll stated that permitted uses shall be limited to Adult Care Facility, Adult Congregate Living Facilities, Assisted Living Facilities, Independent Living Facilities, Skilled Nursing Facility. He stated that the applicant has requested a change to the MOA be *age restricted housing (for those over the age of 55)*, Memory Care Facilities, and associated Medical Office. Mr. Carroll noted another change included in the MOA is that *alcohol sales shall be permissible ancillary to the primary land use and shall not constitute an independent use. Permitting for alcohol sales will be required per local and state alcoholic beverage laws.* He stated that the owner has made some insignificant amendments to some of the language such as changing owners to owner, substituting applicant for developer, and this will be included for consideration at final reading

Uses Expressly Prohibited: Any and all uses other than those aforementioned as “permitted uses” shall be expressly prohibited.

Design Standards: The maximum impervious surface ratio for the overall property (which includes building coverage) shall be limited to seventy-five percent.

Maximum building height shall be limited to fifty feet.

Setback requirements shall be:

Front yard setback to Hwy 27/441: Twenty feet minimum

Rear yard setback: Ten feet minimum– west side

Side yard setback: Ten feet minimum– north and south side

Parking: Parking requirements shall be as required pursuant to Chapter 7 of the Town’s Land Development Regulations for the specific use. All regular parking spaces shall be ten by twenty feet in size. Florida Accessible parking spaces should be twelve by twenty feet in size with an eight-foot wide minimum van accessible access aisle.

Landscaping: Landscape requirements shall be Landscape Buffer Class “A” on the east and west sides of the property, and Class “B” on the north and south side of the property as delineated in Chapter 10-Section 10-3, Tables 10-1 and 10-2, Landscaping section of the Land Development Regulations.

An aerial view showing the zoning of the subject property and adjacent properties was presented.

The subject properties lie 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.

The conceptual plan for the property as outlined in the MOA was shown. Mr. Carroll noted that cross access easement will be available to the Sherwin Williams parking lot. There will be no median cut directly in front of the property, and will be left in, left out. He stated there is a median open at Hartsock Sawmill Road, and signalization of this intersection may be warranted in the future.

The rezoning application was received on Wednesday, September 20, 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 Heavy Commercial (HC)
<b>Zoning of Adjacent Properties</b>	
West	Lady Lake- Residential Professional (RP)
East	ROW/Lady Lake Planned Commercial (CP) and Lady Lake Heavy Commercial (HC)
North	Lady Lake Heavy Commercial (HC)
South	Lady Lake Heavy Commercial (HC)

Mr. Carroll reported that notices to inform the surrounding property five (5) within 150’ of the property of the proposed amendment were mailed on Monday, September 25, 2017, and the property was posted on Tuesday, September 26, 2017. No objections or letters of supported have been received to date.

Mr. Carroll reported that the Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2017-45, and determined it to be complete and ready for transmittal to the Planning and Zoning Board. At the October 9, 2017 meeting, the Planning and Zoning Board voted 5-0 to forward Ordinance No. 2017-45 to the Town Commission with the recommendation of approval. The Town Commission is scheduled to consider this ordinance for second/final reading on a date to be determined pending review by the Department of Economic Opportunity (DEO).

Mr. Carroll stated Mr. Hass is present if there are any questions.

Mayor Richards asked if anyone had any questions or comments.

Commissioner Hannan asked how close this development will be to the highway.

Mr. Carroll stated the proposed conceptual plan shows the facility will be on the west side of the property and back from the highway.

Commissioner Holden asked if there are contingencies to run access to Lake Ella Road at the second phase.

Mr. Carroll replied that the developer will be asked to reserve an easement to the property line at the second phase so an easement could be extended to Lake Ella Road, although the property owner of the Lake Ella Road property would also have to be approached to request an easement from them as well. He stated there could also be a connection to Hartsock Sawmill Road during the second phase depending on how that alignment comes in.

*Upon a motion by Commissioner Holden and seconded by Commissioner Vincent, the Commission approved the first reading of Ordinance No. 2017-45 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>

**L. TOWN MANAGER’S REPORT:**

**15. Discussion/Direction Regarding the Florida Department of Transportation’s Response Regarding the Town’s Request for Consideration of a Golf Cart Crossing Across US Hwy 27/441 at the Wales Plaza/Avenida Central Intersection (Kris Kollgaard)**

Town Manager Kris Kollgaard gave the background summary for this agenda item (on file in the Town Clerk’s office). She stated that at the September 20<sup>th</sup> Commission meeting, staff was directed by the Town Commission to investigate the possibility of the installation of a formal golf cart crossing at the intersection of US Hwy 27/441 and Wales Plaza/Avenida Central. The first step in this process was for the Town to request that the Florida Department of Transportation (FDOT) do an initial feasibility assessment.

Ms. Kollgaard stated that per FDOT’s response, a golf cart crossing at that location does not meet specific criteria for approval; the first issue being that the US Hwy 27/441 crossing distance exceeds five travel lanes, and the second issue is that the side streets (Wales Plaza/Avenida Central) exceed the maximum vehicular volume for a golf cart crossing at a signalized intersection. Letters were included in the packet. She asked for the Commission’s direction on whether staff should pursue this.

Mayor Richards stated that he will look into it a little more and do some homework as he believes there is another golf cart crossing on a major highway in Indian Rocks Beach. He stated it would make a great option, although it appears it is not likely to happen.

Commissioner Hannan commented that people from the North Lake Presbyterian Church were delivering meals to people who could not cross the road during the golf cart bridge closing. He stated it is conceivable that they could also pick up people and taxi them across the street in case of an emergency.

Commissioner Kussard stated that it may be asking too much, as they already provide the service of taking meals to people who cannot get out. She stated it may be a burden to ask them to provide transportation as well.

Ms. Kollgaard clarified that some people may need transportation to doctor's appointments, etc.

Mayor Richards stated that the local AARP may also provide some of these types of services, and it should be checked out.

***It was the consensus of the Commission that further discussion regarding a golf cart crossing on US Hwy 27/441 be put on hold at this time.***

Ms. Kollgaard stated that Michelle Wilkinson from Lake County contacted her regarding the Clerk of Courts' and Property Appraiser's offices. She stated they currently lease space from The Villages which is for three staff people. They are not sure they will renew the lease and asked if the Town would consider renting them space on the second floor of the library as the MPO does. Ms. Kollgaard stated she is not sure how this would work out with parking at the library. She asked for the Commissioner's thoughts on this.

Mayor Richards stated he is receptive to leasing space, although it would be a shame that it would not be golf cart accessible. He stated it would have to be a similar deal as with the MPO; a lease would have to be negotiated before the Town would agree to finish this space.

Ms. Kollgaard stated there would be costs involved in finishing the space on the second floor of the library.

Commissioner Kussard stated that the reason for building the second floor of the library was to use it for storage and in case the Town needed to expand and use it for office space. She stated that Lake County has a beautiful new facility in Leesburg, and it could be a one-stop shop for them since they have already moved the tax collector's office there, as opposed to renting out space at the library.

***After further discussion, the Commissioners decided they were not in favor of this by a 2 – 3 consensus (Holden/Vincent in favor; Hannan/Kussard/Richards not in favor).***

Ms. Kollgaard asked if the Commissioners were agreeable to holding this year's employee Christmas party on Thursday, December 14<sup>th</sup>, from 11 am until 2 pm. The Commissioners were in favor of this.

#### **M. MAYOR/COMMISSIONER'S REPORT:**

Mayor Richards asked if there were any comments from the Commissioners. There were no comments.

#### **N. PUBLIC COMMENTS<sup>ii</sup>**

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

- Lowell Barker of 1517 W. Schwartz Blvd. commented that the Town has a beautiful library. He also stated that he would not be in favor of a golf cart crossing on US Hwy 27/441.
- Attorney Joseph Hanratty of 723 E. 14<sup>th</sup> St. of Ocala, Florida, stated he was present on behalf of BBC Investments. He stated that the major modification to the site plan element that was heard earlier this evening was the final element of a code enforcement matter that was brought before the Town earlier. Mr. Hanratty stated he contacted Town staff last week on

Thursday to request that the code enforcement settlement issue be put on this agenda, but was told it was too late.

Mr. Hanratty remarked that the actual lien itself was never sent to his client or himself and that violates Florida law; he cited another case in Florida; Massey vs. Charlotte County. He stated he and his client were working with the prior code enforcement officer, Cindy Diemer, to clear up the violations. Mr. Hanratty stated he is asking the Commission to remove the code enforcement lien that was improperly imposed on his client's property.

Mayor Richards stated that he believes this needs to go back before the Special Magistrate, and then the Commission will take her recommendation under advisement.

- Mr. Hanratty clarified that this issue will need to go before the Special Magistrate and then back before the Town Commission, which may potentially cause his client to lose money on an improperly imposed lien.

Mayor Richard stated that is by Mr. Hanratty's definition, although the Commission will await the Special Magistrate's word on this.

**O. ADJOURN:** There being no further business, the meeting was adjourned at 7:05 p.m.

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Kristen Kollgaard, Town Clerk

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Jim Richards, Mayor

Minutes transcribed by Nancy Slaton, Deputy Town Clerk

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<sup>i</sup> *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.*

<sup>ii</sup> *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.*