

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

**December 4, 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:** Reverend Carolyn Thomas – Lady Lake United Methodist Church

**D. PLEDGE OF ALLEGIANCE**

- E. ROLL CALL:** Ruth Kussard, Commissioner Ward 1  
Tony Holden, Commissioner Ward 2  
Dan Vincent, Commissioner Ward 3  
Jim Richards, Mayor/Commissioner Ward 5

**ABSENT:** Paul Hannan, Commissioner Ward 4

**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; and Nancy Slaton, Deputy Town Clerk

**F. PUBLIC COMMENTS:** Mayor Richards asked if there were any comments from the audience.

- Doris Turlo of Clown Alley #179 stated that she was part of the Lady Lake Christmas Parade this past Saturday, and that many parade participants commented to her how wonderful it was and that they would like to be part of it again. Ms. Turlo thanked Parks and Recreation Director Mike Burske and Town staff for all their efforts, as well as Chief McKinstry and the Police Department for their help in escorting parade members to their places.

**G. CONSENT:**

1. **Minutes – November 20, 2017 – Special Commission (Conceptual) Meeting  
– November 20, 2017 – Commission Meeting**

2. **Consideration of BT17-015 Budget Transfer for FY 17 (Pam Winegardner)**
3. **Consideration of BA17-021 Budget Adjustment for FY 17 (Pam Winegardner)**
4. **Consideration of BA17-030 Budget Adjustment for FY 17 (Pam Winegardner)**

*Upon a motion by Commissioner Vincent and a second by Commissioner Kussard, the Commission approved Consent Items G-1 through G-4 by a vote of 4-0.*

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

I. **NEW BUSINESS:** No new business.

M. **TOWN ATTORNEY'S REPORT:**

5. **Ordinance No. 2017-46 – First Reading – Annexation – The Villages of Lake-Sumter, Inc. – Annexing Two Lots Located within Orange Blossom Gardens Units 3 and 3.1B (0.25 +/- Acres Referenced by Alternate Key #1483948 and #2666714), 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 two lots located within Orange Blossom Gardens Units 3 and 3.1B. The application involves annexing 0.25 +/- acres of property from unincorporated Lake County into the Town of Lady Lake.

The lots are addressed as follows:

- 816 Truman Avenue
- 1218 Dustin Drive

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 Monday, October 23, 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 (39) within 150 feet of the property proposed by the annexation request were mailed Monday, October 30, 2017, and the properties were also posted this same day. No objections or letters of support have been received to date.

Mr. Carroll stated that the Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2017-46, and determined it to be complete and ready for transmittal to the Planning and Zoning Board. At the November 13, 2017 meeting, the Planning and Zoning Board recommended approval of Ordinance No. 2017-46 by a vote of 5-0. The Town Commission is scheduled to consider this ordinance for second/final reading on December 18, 2017.

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

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

*Upon a motion by Commissioner Kussard and seconded by Commissioner Holden, the Commission approved the first reading of Ordinance No. 2017-46 by the following roll call vote:*

|                 |            |
|-----------------|------------|
| <i>KUSSARD</i>  | <i>YES</i> |
| <i>HOLDEN</i>   | <i>YES</i> |
| <i>VINCENT</i>  | <i>YES</i> |
| <i>RICHARDS</i> | <i>YES</i> |

**6. Ordinance No. 2017-47 – 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 Two Lots Located within Orange Blossom Gardens Units 3 and 3.1B (0.25 +/- Acres Referenced by Alternate Key #1483948 and #2666714), 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 two lots located within Orange Blossom Gardens Units 3 and 3.1B, from Lake County Medium Urban Density to Lady Lake Manufactured Home High Density. The application involves 0.25 +/- acres of property and the lots are addressed as follows:

The lots are addressed as follows:

- 816 Truman Avenue
- 1218 Dustin Drive

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 Monday, October 23, 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 parks and recreation amenities.

Stormwater – Project will be required to adhere to SJRWMD guidelines and to Town of Lady Lake Floodplain Management Ordinance for parcels within Special Flood Hazard Areas.

The subject property involves approximately 0.25 ± 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 |
| 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 (39) within 150 feet of the property proposed by the SSFLUM Amendment request were mailed Monday, October 30, 2017, and the properties were also posted this same day. No objections or letters of support have been received to date.

Mr. Carroll stated that the Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2017-47, and determined it to be complete and ready for transmittal to the Planning and Zoning Board. At the November 13, 2017 meeting, the Planning and Zoning Board recommended approval of Ordinance No. 2017-47 by a vote of 5-0. The Local Planning Agency voted 4-0 for approval at their meeting earlier this evening. The Town Commission is scheduled to consider this ordinance for second/final reading on December 18, 2017.

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 Vincent, the Commission approved the first reading of Ordinance No. 2017-47 by the following roll call vote:*

|                        |                   |
|------------------------|-------------------|
| <i><b>KUSSARD</b></i>  | <i><b>YES</b></i> |
| <i><b>HOLDEN</b></i>   | <i><b>YES</b></i> |
| <i><b>VINCENT</b></i>  | <i><b>YES</b></i> |
| <i><b>RICHARDS</b></i> | <i><b>YES</b></i> |

**7. Ordinance No. 2017-48 – 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) – Two Lots Located within Orange Blossom Gardens Units 3 and 3.1B (0.25 +/- Acres Referenced by Alternate Key #1483948 and #2666714), 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 two lots located within Orange Blossom Gardens Units 3 and 3.1B. The application involves rezoning 0.25 +/- 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:

The lots are addressed as follows:

- 816 Truman Avenue
- 1218 Dustin Drive

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 Monday, October 23, 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) |
| 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 (39) within 150 feet of the property proposed by the rezoning request were mailed Monday, October 30, 2017, and the properties were also posted this same day. No objections or letters of support have been received to date.

Mr. Carroll stated that the Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2017-48, and determined it to be complete and ready for transmittal to the Planning and Zoning Board. At the November 13, 2017 meeting, the Planning and Zoning Board recommended approval of Ordinance No. 2017-48 by a vote of 5-0. The Town Commission is scheduled to consider this ordinance for second/final reading on December 18, 2017.

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

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

*Upon a motion by Commissioner Kussard and seconded by Commissioner Holden, the Commission approved the first reading of Ordinance No. 2017-48 by the following roll call vote:*

|                 |            |
|-----------------|------------|
| <b>KUSSARD</b>  | <b>YES</b> |
| <b>HOLDEN</b>   | <b>YES</b> |
| <b>VINCENT</b>  | <b>YES</b> |
| <b>RICHARDS</b> | <b>YES</b> |

**8. Ordinance No. 2017-49 – First Reading – An Ordinance of the Town of Lady Lake, Lake County, FL; Adopting Corrections, Updates and Modifications to the Capital Improvements Schedule of the Town of Lady Lake Comprehensive Plan (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 Ordinance No. 2017-49 is a proposal of the annual update of the Capital Improvements Schedule which is part of the Town's Comprehensive Plan. The Capital Improvement Plan update process and the corresponding requirements are no longer required to be processed by a Comprehensive Plan Amendment, but may be adopted by local Ordinance. Staff recommends approval of this ordinance.

Mr. Carroll explained that the Town must annually update the Five-Year Schedule of Capital Improvements pursuant to Florida Statutes. The purpose of the Capital Improvements Element and the Improvement Schedules is to identify the capital improvements that are needed to implement the Comprehensive Plan and ensure that adopted Level of Service (LOS) standards are achieved and maintained for concurrency related facilities. These facilities include: water, water supply, sewer, solid waste, drainage, parks and recreation, public schools, transportation and mass transit. While the Town does not have financial responsibility or accountability regarding some of these public facilities, there is still the requirement to incorporate the five-year capital improvement schedules from other entities.

Mr. Carroll presented the updated capital improvement schedules, noting changes as follows:

- Construction of Well #4 and High Service Pump No. 4 at Water Treatment Plant No. 3
- Water System – Skyline Hills Water System Improvements moved to the 2017-2018 fiscal year.
- Utilities Operations Building moved to the 2017-2018 fiscal year.
- Wastewater and Stormwater System – Collection System Improvements at the north portion of Town limits, 2017-2018 fiscal year.
- Library and Parks and Recreation – A new community building is proposed for fiscal year 2021-2022.
- Transportation –
  - Lady Lake MOA Maintenance/Bridge/Roadway Contract moved to the 2017/2018 fiscal year.
  - Rolling Acres Road Intersection with US 27/441 Improvements moved to 2020/2021 fiscal year.
  - SR 25/500 from Avenida Central to Sumter County Line Resurfacing – The majority of this project was completed during 2016/2017 fiscal year; the balance is carried over to the 2017/2018 fiscal year.
  - SR 500 (US 441) from Lake Ella Road to Avenida Central road widening – Some preliminary engineering and construction has been planned. Construction is scheduled for 2019/2020.
  - An Alignment project for Lake Ella Road from April Hills Blvd. is scheduled for 2021/22.
- Public Schools Improvement Schedule – There are no projects within the Town's jurisdiction.

Mr. Carroll reported that the Technical Review Committee members individually reviewed the application for Ordinance No. 2017-49, and determined it to be complete and ready for transmittal to the Planning and Zoning Board. At their meeting on November 13, 2017, the Planning and Zoning Board recommended approval of Ordinance No. 2017-49 by a vote of 5-0. The Town

Commission is scheduled to consider Ordinance No. 2017-49 for second/final reading on Monday, December 18, 2017 at 6 p.m.

Mayor Richards asked if anyone had any questions or comments.

Commissioner Holden asked when the new building for Public Works will begin as there is a lot of expensive equipment out in the open.

Mayor Richards noted it was in the budget for this fiscal year.

Town Manager Kris Kollgaard stated that engineering for the building is underway, and construction should begin after the first of the year.

*Upon a motion by Commissioner Holden and seconded by Commissioner Vincent, the Commission approved the first reading of Ordinance No. 2017-49 by the following roll call vote:*

|                 |            |
|-----------------|------------|
| <i>KUSSARD</i>  | <i>YES</i> |
| <i>HOLDEN</i>   | <i>YES</i> |
| <i>VINCENT</i>  | <i>YES</i> |
| <i>RICHARDS</i> | <i>YES</i> |

**9. Ordinance No. 2017-50 – First Reading – An Ordinance Relating to Medical Marijuana; Amending the Land Development Regulations, Chapter V, "Zoning District Regulations"; Amending Chapter VI, "Conditional Uses and Special Exceptions"; Providing that Medical Marijuana Dispensaries, Non-Medical Marijuana Sales, and Cannabis Farms are Prohibited Uses in all Zoning Districts; Providing that Medical Marijuana Dispensaries are No Longer a Permitted Special Exception Use in the Heavy Commercial Zoning District (Thad Carroll)**

Town Attorney Derek Schroth read the ordinance by title only.

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk's office). He stated that on or about June 23, 2017, Florida Governor Rick Scott signed Senate Bill No. 8-A, which creates a unified regulatory structure for sale, use, distribution, and consumption of medical marijuana in the State of Florida. The same bill also allows a county or municipality to ban medical marijuana treatment center dispensing facilities from being located within the boundaries of that county or municipality. Following the signing of Senate Bill No. 8-A, the Town of Lady Lake elected to impose a 180-day moratorium, effective August 7, 2017, through the passage of Ordinance No. 2017-30 by the Town Commission.

Mr. Carroll stated that the moratorium that was imposed under Ordinance No. 2017-30 is set to expire on February 3, 2018. The adoption of Ordinance No. 2017-50 shall become effective immediately pending its adoption, which is anticipated to occur on Monday, December 18, 2017.

At this time, the Town Commission of the Town of Lady Lake is of the opinion that adequate time has elapsed regarding their efforts to review applicable regulations concerning activities related to or uses of medical marijuana permitted under the legislation, including evaluating whether to ban medical marijuana treatment center dispensing facilities within the Town limits. It has been determined that to protect the public health, safety and welfare of the citizens and residents of the Town of Lady Lake, the Town Commission desires to remove all language from Chapter 5 "Zoning



District Uses”, and well as all language within Chapter 6 of the Land Development Regulations, "Conditional Uses and Special Exceptions", that would allow for a medical marijuana dispensary to be established anywhere within the incorporated boundary of the Town of Lady Lake, Florida.

Mr. Carroll stated the attached draft ordinance for consideration by the Town Commission pertains to the regulation and prohibition of medical marijuana dispensaries, non-medical marijuana sales, and cannabis farms in the Town of Lady Lake. The draft ordinance provides for the following amendments:

- Contains language that amends Chapter 5, Section 5-4 of the Land Development Regulations entitled "Zoning District Uses”, by removing “Medical Marijuana Dispensaries” as a use permitted as a Special Exception Use upon approval of the Town Commission, to a use which is classified as “Uses Strictly Prohibited” in the Heavy Commercial (HC) zoning designation.
- Removes all criteria which must be satisfied to qualify as an appropriate location to establish a medical marijuana dispensary in the Heavy Commercial zoning district as a Special Exception Use (SEU) reflected in Chapter 6 of the Land Development Regulations, "Conditional Uses and Special Exceptions", providing that is no longer a permitted Special Exception Use in any zoning designation within the Town of Lady Lake, Florida.

Text from Senate Bill 8-A was reviewed, which allows counties or municipalities to adopt an ordinance such as this banning the treatment facilities; otherwise they must allow marijuana treatment dispensing facilities to be located under the same criteria as pharmacies located within the Town’s boundaries.

Mr. Carroll reported that the Technical Review Committee members individually reviewed Ordinance No. 2017-50, and determined it to be ready for transmittal to the Planning and Zoning Board. At their meeting on November 13, 2017, the Planning and Zoning Board recommended denial of Ordinance No. 2017-50 by a vote of 3 to 2. The Town Commission is scheduled to consider Ordinance No. 2017-50 for second/final reading on Monday, December 18, 2017 at 6 p.m.

Mayor Richards asked if anyone had any questions or comments. He stated he would most likely vote against this ordinance as there are residents in his Ward that want the accessibility to this type of facility.

Commissioner Kussard reiterated that she had polled residents in her Ward by e-mail and the majority were against dispensaries being located in Lady Lake, although many were in favor of medical marijuana. She noted there are two dispensaries just north of The Villages; Truelieve in the Oakland Hills Professional Center, and Medical Marijuana Treatment Clinics of Florida located in Baylee Plaza. She read an ad that appeared in the Daily Sun about medical marijuana cards being available by doctors who could provide home visits and free evaluations, with delivery available as well. She stated there are already nine pharmacies in Lady Lake.

***Commissioner Kussard made a motion to approve the first reading of Ordinance No. 2017-50; there was no second and the motion failed.***

Town Attorney Derek Schroth asked Mr. Carroll to confirm that the current status is that these facilities would be allowed as a special exception use in in Heavy Commercial zoning area.

Mr. Carroll replied that the moratorium will expire on February 3, 2018, and until then, the criteria is that dispensaries could be allowed in the Heavy Commercial zoning as a special exception use. He stated once the moratorium expires, the criteria in Chapter 6 will need to be eliminated as the statute does not allow for those specifications.

Mr. Schroth stated that once the moratorium expires or if it is not extended, the Town's codes will have to be modified so that medical treatment dispensing facilities will be an allowable use wherever any pharmacy is allowed.

Mr. Carroll confirmed this.

**10. Resolution No. 2017-121 – First/Final Reading – The Villages of Lake-Sumter, Inc. – Variance – Requesting a Minimum Ten Foot Front-Yard Setback within the MX-8 Zoning District Pursuant to Chapter 5, Section 5-4. f). 4). C). 1.a., of the Town of Lady Lake Land Development Regulations (LDRs) – Located at 809 Aloha Way (Alternate Key #2594161) (Thad Carroll)**

Town Attorney Derek Schroth read the resolution by title only.

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk's office). He stated that the applicant, Martin R. Dzuro, representing The Villages of Lake-Sumter, Inc., has submitted an application for a variance from Chapter 5, Section 5-4. f). 4). C). 1.a., of the Town of Lady Lake Land Development Regulations (LDRs) which requires that the front-yard setback be a distance of 20 feet minimum within the MX-8 Zoning District. The applicant is proposing to construct a new single-family residence at 809 Aloha Way (referenced by Alternate Key No. 2594161), and the variance request is to allow a minimum ten-foot front-yard setback along Aloha Way for the new proposed home.

A location map and photos of the posting and the property were presented. An aerial view of the property was shown as well, with Mr. Carroll noting that the water level in Lake Paradise was relatively low at the time the photo was taken. He stated the structure shown in the photo has since been demolished so that a conventional home can be constructed.

Mr. Carroll stated that the original building permit proposal submittal for 809 Aloha Way showed that the 35-foot Ordinary High Water Line (OHWL) setback from habitable structure could not be met if built with a front-yard setback of 20 feet. The home was placed approximately 27 feet from the OHWL, which is approximately eight feet short. With this variance, an additional ten feet on rear will allow for the minimum 35-foot Ordinary High Water Line setback to be met pursuant to Town's Land Development Regulations, Chapter 12, Article II, Section 12-52).a).1).

The applicant annexed this parcel into the jurisdiction of Town of Lady Lake under Ordinance No. 2017-12 on May 15, 2017 to replace an existing manufactured home with a single family residence. As result of the Town's Land Development Regulations, Chapter 12, Article II, Section 12-52).a).1)., any part of the proposed habitable structure is required to adhere to a 35-foot setback from the Ordinary High Water Line (OHWL) from bodies of water. The parcel abuts Lake Paradise on the rear yard and is located within Special Flood Hazard Area (SFHA) Flood Zone A; which requires that redevelopment adheres to the National Flood Insurance Program (NFIP) and the Town's Floodplain Management ordinance.

Mr. Carroll reported that as part of the variance application, a Justification Statement is required and has been provided. The applicant states that:

- The ten-foot encroachment into the front yard setback along Aloha Way will not present an adverse impact to the general safety or well-being of adjacent properties. The requested ten-foot front-yard setback will still allow for effective sight-lines and safety for automobiles, pedestrians, and residents using other modes of transportation along Aloha Way.
- The property will not suffer diminution of value, but rather enable the property owners to rebuild a new home to a desired square footage, which would be restricted without this variance. By replacing the manufactured home with a modern site-built home, the building would have to meet current Florida Building Code and Life Safety Code standards, including the updated hurricane and wind codes. Also, the new site-built home will provide a renewed, pleasant aesthetic which will enhance the neighborhood and increase the value of surrounding properties.
- Lastly, the applicant stated that in order to accommodate the 35’ OHWL setback, the new site-built home must be designed with a 20-foot rear-yard setback when ordinarily the rear yard setback for the MX-8 zoning would be ten feet. That additional ten feet is what would be needed to meet front-yard setback requirements as the lot only has 45 lineal feet of buildable area.

When reviewing an application for a variance, the Planning and Zoning Board and the Town Commission shall consider the following requirements and criteria according to Chapter 3, Section 14 f) – Review criteria for variances in the Land Development Regulations:

1. No diminution in value of surrounding properties would be suffered.
2. Granting the permit would be of benefit to the public interest.
3. Denial of the permit would result in unnecessary hardship to the owner seeking it.
4. The use must not be contrary to the spirit of this Code.
5. Financial disadvantages and/or inconveniences to the applicant shall not of themselves constitute conclusive evidence of unnecessary and undue hardship and be grounds to justify granting of a variance.
6. Physical hardships such as disabilities of any applicant may be considered grounds to justify granting of a variance at the discretion of the Town Commission.

The subject property lies in Section 06, Township 18 South, Range 24 East, in Lady Lake, Florida. The Future Land Use Map designation for the site is MH-HD (Manufactured Home High Density up to 8 DUs/Acre), and is zoned “MX-8”. The subject property is located at 809 Aloha Way. The Future Land Use and Zoning Designations of the adjacent properties are as follows:

**Future Land Use**

|   |   |
|---|---|
| Subject Properties                            | Lady Lake- Manufactured Home High Density (MH-HD) |
| <b>Future Land Use of Adjacent Properties</b> |   |
| West  | Lake County – Medium Urban Density                |
| East  | Lake County – Medium Urban Density                |
| North   | Lake County – Medium Urban Density                |
| South   | Lake County – Medium Urban Density                |

**Zoning**

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

It was noted that the project will be required to adhere to the Town of Lady Lake Floodplain Management Ordinance for parcels within Special Flood Hazard Areas. Elevation certificates will be required throughout the permitting process to establish compliance.

Mr. Carroll reported that notices to inform the surrounding property owners (16) within 150’ of the property of the proposed variance were mailed on Monday, October 30, 2017, and the property was posted this same date. No objections or letters of support have been received to date.

Mr. Carroll stated that the Technical Review Committee individually reviewed the variance application for Resolution No. 2017-121 on Monday, November 6, 2017, provided comments, and determined it to be complete and ready for transmittal to the Planning and Zoning Board. At the November 13, 2017 meeting, the Planning and Zoning Board recommended transmittal to the Town Commission with the recommendation for denial by a vote of 1 to 4 (failed motion). He stated the motion for recommendation of denial failed, which is essentially an approval.

Mr. Carroll stated he visited the property earlier today and confirmed that although the structure is proposed to be ten feet from the front property line, the property line sits approximately eleven feet back from the edge of pavement. He stated some members of the Planning and Zoning Board were worried about line of sight, and because of the right-of-way from the edge of pavement to the property line, the structure will still be situated about 20 feet back from the edge of pavement. He stated the applicant is present if there are any questions.

Commissioner Kussard asked if another home near to this property requested a similar variance.

Mr. Carroll replied that there was a home at 1016 Aloha Way that also required a variance. He stated that the aerial shows other structures in this area are encroaching on the 35’ OHWL at present time, and will need to comply with the current code if new structures are constructed on these properties. Mr. Carroll stated that according to Chapter 3, no modifications shall be granted for a setback from the OHWL, which is why the variance for the setback is being requested to move the structure toward the road, rather than back toward the water line.

Mayor Richards asked if the 20 ft. setback in the front will allow for adequate parking. He also asked why this property is not grandfathered in for the setback from the water.

Mr. Carroll replied that the driveway apron on many of these properties is in the right-of-way, and parking should be adequate.

Ms. Kollgaard stated that the setback from the 35’ OHWL cannot be grandfathered in because a new structure is being built.

Commissioner Vincent asked if it would be allowed if someone wanted to extend their backyard with a seawall into the 35’ OHWL.

Mr. Carroll replied that this variance request pertains to habitable structure, and that a seawall may require other permitting and cannot encroach into the 35’ OHWL (researched and found on a 1941 aerial photo).

Marty Dzuro, representing The Villages, stated there may be other properties in the future that will require a setback variance as well. He stated perhaps the Commission and staff could revise the LDRs in the future to take this type of situation into account.

Commissioner Holden asked where the 100-year flood plain comes up to on this setback.

Mr. Dzuro replied that he would have to look at the FEMA maps to ascertain that information. He stated this setback is measured from the OHWL.

Commissioner Holden then asked how far the home will be from the OHWL.

Mr. Carroll replied the building itself will be 27 feet from the OHWL.

Mayor Richards asked if the foundation of the building will be at least a foot and a half higher than the 100 year-year flood plain elevation.

Mr. Carroll confirmed that the building has to be constructed at least 18 inches above the base flood elevation if the property is in the flood plain.

With no further questions or comments forthcoming, Mayor Richards asked for a motion.

*Upon a motion by Commissioner Holden and seconded by Commissioner Vincent, the Commission approved the first/final reading of Resolution No. 2017-121 by the following roll call vote:*

|                        |                   |
|------------------------|-------------------|
| <i><b>KUSSARD</b></i>  | <i><b>YES</b></i> |
| <i><b>HOLDEN</b></i>   | <i><b>YES</b></i> |
| <i><b>VINCENT</b></i>  | <i><b>YES</b></i> |
| <i><b>RICHARDS</b></i> | <i><b>NO</b></i>  |

**K. TOWN MANAGER’S REPORT:**

**11. Consideration of Approval to Cancel the First Commission Meeting in January 2018 Due to the New Year’s Day Holiday (Kris Kollgaard)**

Town Manager Kris Kollgaard requested that the Commission consider cancelling the first meeting in January 2018 as it would fall on the New Year’s Day holiday. She stated that many people may still be out for the holidays if it was moved to the following Wednesday, and there are not that many items to bring forth.

*It was the consensus of the Commissioners to cancel the first Commission meeting in January 2018.*

Ms. Kollgaard reminded everyone that Light Up Lady Lake is scheduled for this Friday, December 8<sup>th</sup> at 6:15 p.m., and the Holiday Luminary Walk is scheduled for December 14<sup>th</sup> at the Log Cabin.

Ms. Kollgaard stated that the Town is looking for volunteer board members for the Citizens Advisory Task Force. She stated this board meets on an as needed basis to review potential grant projects for the Town.

**L. MAYOR/COMMISSIONER’S REPORT:**

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

Commissioner Kussard thanked Parks and Recreation Director Mike Burske for putting the Commissioners at the front of the Christmas Parade, as it allowed them to view the whole parade.

Commissioner Vincent commented that the parade was a great hit and is good for Lady Lake.

Mayor Richards agreed, stating he enjoyed riding in a 1971 Olds Cutlass 442 convertible. He thanked Public Works and the Police Department staff for their assistance as well.

**M. PUBLIC COMMENTS<sup>ii</sup>**

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

**N. ADJOURN:** There being no further business, the meeting was adjourned at 6:38 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.*