

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

**December 12, 2022**

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

## **CALL TO ORDER**

Member Regan

## **PLEDGE OF ALLEGIANCE**

## **ROLL CALL:**

In Chairman Sigurdson's absence, Ed Regan chaired the meeting.

| Member    | Present |
|-----------|---------|
| Furch     | Yes     |
| Saunders  | Yes     |
| Regan     | Yes     |
| Vincent   | Yes     |
| Sigurdson | No      |

It was announced that Town Commissioners Kussard and Hannan were in attendance.

## **STAFF PRESENT:**

Wendy Then, Senior Planner; Thad Carroll, Growth Management Director; William Lawrence, Town Manager and Nancy Wilson, Town Clerk. Attorney Sasha Garcia was also present.

## **A. NEW BUSINESS**

### **1. Approval of Minutes**

Member Vincent made a motion to approve the November 14, 2022, Planning and Zoning Board meeting minutes as presented; Member Saunders seconded the motion. The motion carried by a 4-0 vote.

**2. Ordinance 2022-19 — Rezoning — Nitai Capital Partners Edwards, LLC — Change the zoning designation from Lake County R-1 to Lady Lake Residential Planned Unit Development (PUD) for a Vacant Parcel Being Approximately 31.10 Acres, owned by Nitai Capital Partners Edwards, LLC, property being approximately ¾ of a mile east of the**

**intersection of Edwards Road and South Highway 27/441, Referenced by Alternate Key Number 1280681, within Lake County, Florida (Tabled from the November 14, 2022 meeting).**

Senior Planner Wendy Then stated that the application has been modified since the time of the original submittal in response to comments from the public and the Planning and Zoning Board Members regarding Ordinances 2022-17 (3-2 recommendation to approve) and 2022-18 (5-0 recommendation to deny) at the November 14, 2022 meeting. The changes include:

- A reduction in the total number of lots from 144 lots down to 122 lots which is about 3.9 units per acre below the 4 units/acre threshold allowed under future land use (by Lake County)
- The inclusion of a perimeter wall (stucco/concrete wall panel type) around the development with a minimum 20-foot wide buffer.
- An increase in the western setback of rear lot line to 50-feet from property boundary for added buffer from Ms. Barbara Eaton's property
- The inclusion of a stormwater collector swale to capture storm run-off and route it to the ponds. This should greatly minimize if not prevent storm run-off into Ms. Eaton's property.
- Enhancement of landscaping at amenities/walls, etc.
- The relocation of the Dog Park from Southeast to Northwest at the request of Ms. Pamela Fitchitt who lives immediately adjacent to the northwest. Her preference is to have a dog park rather than lots abutting her property.
- A six-foot-high wall over a two-foot embankment, if possible, to further screen their property from this development.
- Lot sizes range from 50x110, 60x110 and 70x105.
- Inclusion of large lots along the western boundary where Ms. Eaton and Ms. Fitchitt live to minimize impacts.

As a result of the changes, the proposed density of 3.9 units per acre is consistent with the current Future Land Use designation as designated by Lake County of Urban Low Density which permits up to four dwelling units per acre. In addition, the reduction in the number of proposed homes results in a projected decrease in traffic from 1,411 daily trips to 1,196 daily trips. The PM peak hour generation has decreased from 140 to 118 trips, and the AM peak hour generation has decreased from 131 to 111 trips.

Vasu Persaud - Premier Traffic Group – Traffic Engineer and Planner

Mr. Persaud said that with the drop in the number of single-family dwellings from 144 to 122, there will be 200 fewer daily trips; meaning, there will be less traffic on Edwards Road. This means 111 peak trips in the AM and 120 peak trips in the PM which means two vehicles per minute. All traffic will travel west on Edwards Road to 441. Mr. Persaud projected an image explaining what 120 vehicles per hour means and his calculation indicated that Edwards Road will not be congested.

Mr. Persaud then said that Lady Lake is a popular area and is a nice place to live. A lot of people are unable to find homes and this development gives families an opportunity to own homes and enjoy what the area has to offer.

Chair Pro-Tem Regan asked if the traffic calculation is based on one or two car households. Mr. Persaud responded that governing entities require that the trip generation manual be used for calculations. Some data is based on data that existed when families were larger which is what was used for his trip generation calculation. Car and delivery services were not factored in which puts 120 vehicles per hour at the high end of traffic generated. Neither was the increase of people working from home included in the calculation. Bottom line is that each household is projected to generate ten trips per day regardless of the number of vehicles they have.

Greg Beliveau – LPG Urban and Regional Planners – Applicant Representative

Mr. Beliveau stated that the need for housing in the area has not slowed down, especially with the number of jobs being created in The Villages and other areas nearby. With the added jobs, employees are needed, and those employees would like to live near their places of employment. 10,000 people drive into northwest Lake County per day. The types of jobs are varied and cover a wide spectrum of employment with the most needed housing being in the \$275,000 - \$375,000 price range.

Mr. Beliveau stated that his client met with people along Edwards Road to address their needs and changes were made to the development proposal. People claim that the area is rural but when driving east on Edwards Road the first thing you see is an apartment complex on the right-hand side of the road and two subdivisions on the left-hand side of the road. At the end of the paved road, the road is dirt and becomes more rural but when driving back west on Edwards, there is the backside of two other subdivisions on Griffin View Drive. The rural area of Edwards Road is a pocket within an area that is urbanizing; growth is coming. Benefits of the project include the improvement of Edwards Road and emergency services including an increase in fire hydrants and fire protection. The improvements are all at the developer's expense. For those wanting to stay on septic and well, that is OK. There are not going to be the negative impacts that the residents are describing. Encroachment into the rural lifestyle on Edwards Road has already occurred.

In response to Chair Pro-Tem Regan's question, Mr. Beliveau said recent traffic counts have declined since Covid. How people live and work has changed traffic. Another positive is that developers are building PUD's rather than subdivisions. PUD's have the benefit of requiring open space and recreational amenities further reducing traffic because residents recreate onsite.

Member Furch asked if the price range of \$275,000 - \$375,000 is a drop in what was proposed initially. Mr. Beliveau answered that the range is a target but due to the increase in costs, the new price is \$300,000+ which would be affordable by many who are employed in the area. Also, there will be an HOA.

Member Vincent clarified with the Town Attorney, Sasha Garcia, that no matter how the Board votes, the Commission will still address the three applications submitted by Nitai Capital Partners Edwards and will vote on whether to approve the ordinances.

Member Vincent questioned the Concurrency Management section where it states that the developer will be responsible for the cost and installation of any required on-site and off-site infrastructure improvements necessitated by the impact of the project. He wants a commitment that the developer will bring Edwards Road up to heavy traffic standards. Member Vincent was assured that the road would be stabilized for heavy equipment before site development begins. All improvement costs will be borne by the developer. The road will be designed and built to town standards.

Ms. Then said they could add language to the concurrency section of the Memorandum of Agreement to assuage Member Vincent's concerns. They would first need to meet with the Public Works Director to ensure certain requirements are met.

Chairman Pro-Tem Regan received clarification from Mr. Beliveau that the rural part of Edwards Road is surrounded by R-1 zoning and has a future land use that allows for four units per acre. The Chairman asked if when the property was acquired, did they know they would need to get an R-4 designation? Mr. Beliveau responded that the county does not provide water or sewer so if a developer goes to the county and asks for R-3 or R-4 zoning on a parcel, the county cannot accommodate that density so the developer would need to annex into a jurisdiction that does provide water and sewer. Lake County will not allow the density the developer is requesting, and a certain density is required to justify costs. The area has been identified for urban services and the Town is an urban service provider. For the project to make sense a certain density is required.

Mr. Beliveau said there are land use designations and zoning designations. Future Land Use is the umbrella, and it really governs what is available to a property owner. The location being discussed has a higher probability for meeting a test for single family development because the

county did not preserve the agricultural designations. The county gave the property an urban designation which allows for up to four units per acre. The land has an R-1 zoning designation but the future land use designation is in the urban category. The county recognized that the area is not rural in nature for the future.

Pamela Fitchett - 3117 Edwards Road

Ms. Fitchett said her property borders the parcel on the north and west sides. She thanked the developer for meeting with those in her neighborhood. He agreed to add a concrete perimeter wall around the development and their hope is that it will minimize harm to their herd that would be just feet away. The developer made accommodations to minimize impacts of the proposed development while trying to maintain his bottom line. She and her neighbors want to stay rural, and she understands there will be growth, but the PUD would be in the middle of an agricultural development.

Ms. Fitchett said she and her neighbors were contacted by the Town about a year ago to let them know that several neighbors on Edwards Road wanted to be zoned agricultural. They had no objection as almost all their portion of Edwards Road is rural and agricultural. Now, a year later, the same people were contacted by the Town to say they wanted to put a PUD development in the middle of the area that was previously determined to be rural. The traffic on Edwards Road is horrendous. There is a school bus stop at the end of Edwards Road, so she has great concern for the children in her area especially with an increase in traffic.

Regarding the need statements. The applicant states that more homes are needed in the \$300,000+ price range but that amount is not affordable for most people. We live in a retirement area which employs mostly those in the service industry. Who is going to be living in all the new developments? How can an agricultural lifestyle be encouraged for part of Edwards Road and then in good conscience support a large, densely populated development adjacent to it. You are building family friendly developments yet there are limited activities and services for children.

William Merskin - 3471 Edwards Road

Mr. Merskin said the renderings of the development are not pretty, trees will be cut down and the houses will be packed in. There will be a lot of traffic and the dust raised on Edwards Road by that traffic will be awful. Neither the County nor the Town will take care of Edwards Road once it passes the entrance to the development. This should have been fought during future land use discussions. The Town has recognized that the area is becoming Orlando which is why a moratorium is being imposed. How much can the Town handle? He is opposed to the project.

Doug Pickett - 3426 Edwards Road

Mr. Pickett wanted to move to a rural area. He and his wife knew about the subdivision and the apartment buildings when they moved to Edwards Road. However, other than those two areas, it is all county and rural. The property owners were told that Lake County would not pave their road. Investors are coming in and since Lake County will not allow for four houses per acre, they are counting on Lady Lake to approve their developments. If this goes through and the road is widened for an easement, three large oaks will be removed. Also, the average person cannot afford \$300,000+ houses.

Anthony Di Scala - 3524 Edwards Road

Mr. Di Scala said the peace in their area is being disturbed. Their home values will go down. It is not right, and it is not fair.

Ed Moore – 3041 Edwards Road

Mr. Moore said that the prices of the new houses is too high for most people; it is not entry level housing. He also thinks that a representative from Lake County should be present to speak on behalf of the county. He is afraid that once the area is annexed into Lady Lake, they could be forced to annex also. Regarding using dry ponds for recreation, they are supposed to be used for water runoff, not playgrounds. This annexation would threaten the neighbors' way of life. They have been a rural community and want to stay that way. They relied on current zoning and lifestyle now an urban housing development in the middle of their rural area is being proposed.

Nicolas Capra - 800 Edwards Road

Mr. Capra said that in 2021, his property was designated by the Town Commission as AG-1. At that time, it was stated by Planning & Zoning that the road was rural in nature and it was going to stay that way and the rezoning of their property was in keeping with that philosophy. Why the change? He asked FDOT if they anticipated an increase in traffic on Edwards Road during the SR441 road construction project; they said there should not be an increase. However, if the proposed development is approved, there will be a traffic hazard at the intersection of Edwards Road and SR441.

Greg Beliveau - LPG Urban and Regional Planners

Mr. Beliveau said that driving on the existing road creates dust. One of the conditions that was requested by the residents will reduce the dust in the area to the east, there is only a small area remaining that is not going to be improved. The developer is also willing to put a bus stop on their property at the entrance so the unpaved portion of Edwards Road will not be impacted. Regarding the impact of the proposed development on the adjacent rural properties there will

be anticipated conflicts that will not be problems later. Also, there will not be fences around water retention areas.

Lady Lake has never forced an annexation or town water and sewer on anybody.

The development should attract homebuyers across the board though maybe not those from the service industry. There are a lot of employers creating jobs; people who work in the area want to live locally

Pam Fitchett - 3117 Edwards Road

Ms. Fitchett said a bus stop would be great, but the traffic will still impact the children on Edwards Road. She is sure everybody will love her animals but the added noise during and after construction will affect her breeding program. Lady Lake is a retirement community and there is nothing to attract and keep families here.

**Member Furch made a motion to forward Ordinance 2022-19 to the Town Commission with the recommendation of denial; Member Vincent seconded the motion. The motion passed by the following roll call vote:**

| Member   | Present |
|----------|---------|
| Furch    | Yes     |
| Saunders | No      |
| Regan    | Yes     |
| Vincent  | Yes     |

#### **CHAIRPERSON and MEMBERS' REPORT**

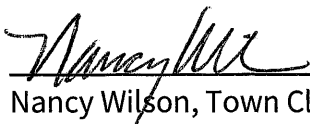
No reports

#### **PUBLIC COMMENT**

Commissioner Ruth Kussard thanked all the Planning & Zoning Board members for serving on the board. The Board is very important because they deal with a lot of issues and public comments and participation are encouraged. She commended Chairman Sigurdson and Member Regan for encouraging public comment.

#### **ADJOURN**

The meeting adjourned at 6:52 p.m.

  
Nancy Wilson, Town Clerk

  
Ed Regan, Chairman Pro-Tem