

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

October 9, 2023

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: Chairwoman Dorilyn Furch

PLEDGE OF ALLEGIANCE

INTRODUCTIONS

John Brinson was introduced; he is the newest member of the Planning & Zoning Board.

ROLL CALL:

Member	Present
Brinson	Yes
Saunders	Yes
Galloway	Yes
Vincent	No
Furch	Yes

STAFF PRESENT:

Thad Carroll, Growth Management Director; Rebecca Higgins, Senior Planner; Nancy Wilson, Town Clerk.

Attorney Sasha Garcia was also present.

A. NEW BUSINESS

1. Approval of Minutes

Planning & Zoning meeting minutes – August 14, 2023

Member Galloway made a motion to approve the August 14, 2023, Planning and Zoning Board meeting minutes as presented; Member Saunders seconded the motion. Motion carried 4-0.

2. Resolution No. 2023-110 – Variance - A Resolution Granting a Variance from the Provisions of Chapter 5). Chart 5-2, of the Town of Lady Lake Land Development Regulations Which Requires the Rear Yard Setback to be a Minimum of 20 Feet for All Single-Family Lots Located Within the MF-12 "Multi-Family High-Density Low Rise" Zoning District. The

Variance Request is to Allow a Minimum of an 11.8 Foot Rear Yard Setback on Property Owned by Jason and Helen Accurso, Located at 428 Sierra Oaks Circle, within the Town Limits of Lady Lake, Florida.

Growth Management Director Carroll stated that the variance request is to allow the rear yard setback to be 11.8 feet from the property line to allow for encroachment of an after-the-fact pool enclosure. The primary residence is located at 428 Sierra Oaks and last year 428 and 430 Sierra were aggregated so a pool could be built. At the time of the permit submittal for the construction of the pool and subsequent submittal for the enclosure, the dimensions provided to Town staff indicated the setback was to be 20 feet from the rear property line. However, upon receipt of the post-construction as-built survey, the setback was only 11.8 feet from the rear property line. The variance request is to allow an 11.8-foot rear yard setback on the property.

The applicant's justification statement expresses that the construction of the pool and enclosure within the setback was an honest mistake, and that he did not realize the pool enclosure would be considered a structure. The pool, as well as the enclosure, do not encroach into any drainage or utility easements on the property, and the front setback as well as the side yard setbacks are being met. Relocating the pool would be cost-prohibitive with an estimated cost to be between \$50,000 and \$60,000.

Variances typically are not granted on the basis of financial hardships. However, Mr. Carroll said that in the town's Land Development Regulations (LDR's), Chapter 5, Schedule of Dimensional Requirements, in column four for the MX-5, MH-8 and MF-12 districts, they all read 5,000 minimum lot area. The setback requirements for those three districts are comparable across the board except MF-12 shows a 20-foot rear setback. Based on the lot size, the subject property is similar in nature to those in the other two zoning districts. Mr. Carroll said he can support this variance because although the applicant is in violation, if changed to the setback requirements for similar properties, their property would be in compliance. He is considering a change to the rear setback requirements for MF-12 properties to 10 feet in the LDR's.

Member Galloway asked how it happened that this was not caught, everybody knew what the setback was.

Jason Accurso - 428 Sierra Oaks Circle

Mr. Accurso said they were not aware of the setback. Placement of the pool was moved to accommodate a desire by the homeowner to have the pool closer to his house and they were unaware that they had moved the location into the setback. There is a five-foot easement that

they knew they could not breach. Mr. Accurso said he would have come sooner if he had been aware of the setback issue.

Member Galloway made a motion to forward Resolution 2013-110 to the Town Commission with the recommendation of approval, allowing a minimum of an 11.8-foot rear yard setback; Member Brinson seconded the motion.

Member	Present
Brinson	Yes
Saunders	Yes
Galloway	Yes
Furch	Yes

Motion carried 4-0.

3. Resolution 2023-111 – Variance – Boulevard Oaks Subdivision - Historic Tree Removal – Pursuant to Chapter 10, Section 10-5). c).3).A., of the Land Development Regulations (LDRs) which requires a variance for the removal of historic trees. (Historic trees are classified as a tree with a diameter at breast height (DBH) of 36” or greater). The variance request is to allow for the removal of two viable historic trees located within the property of the proposed Boulevard Oaks Subdivision, owned by Palm Property Partners – Haymaker, LLC, within the town limits of the Town of Lady Lake, Florida.

Growth Management Director Carroll said the variance request is to allow the removal of two Laurel Oak historic trees.

On Monday, April 3, 2023, the Town Commission approved the preliminary plat for Boulevard Oaks, a 160-unit subdivision. Growth Management is currently processing the improvement plans and zoning entitlements for the property were approved on February 23, 2022 by Ordinance 2021-29.

Andrew Kittsley, a Registered Consulting Arborist, completed an arborist report on the subject property which evaluated all historic trees proposed to be removed. The 41.22-acre project contains a total of five historic trees. Of the three Laurel Oak trees to be removed, one is considered to be at a moderate risk level and two are considered to be at a low risk level. The applicant is requesting the removal of the two low risk level/viable historic trees.

On Monday, September 25, 2023, a variance application was filed with the Town of Lady Lake by Jordan Theis of Palm Property Partners – Haymaker, LLC. pursuant to Chapter 10, Section 10-5).c).3).A., of the Land Development Regulations which requires a variance for the removal

of viable historic trees. (Historic trees are classified as trees with a diameter at breast height (DBH) of 36" or greater.)

The justification statement states that they propose to retain one 44-inch and one 46-inch historic oak tree as well as 40 other protected trees, retaining over 850 caliper inches. The applicant will also be providing an additional 219 canopy trees.

The applicant states that the removal of the historic trees is necessary because the trees are located in areas that would prevent three homes from being built. The laurel oak trees to be removed will be replaced with live oak trees which typically tend to have a much longer life span.

Mr. Carroll stated that in his conversations with arborists in the past, they conveyed to him that although Live Oaks do very well beyond the 36" DBH, once the Water and Laurel Oak species approach the same size, they begin to deteriorate. This application may create changes in the town's landscaping code to back off on some of the protections of the Water and Laurel Oak trees in the future.

Member Galloway commented that we lose so many trees with the growth the town is experiencing. He hates to lose trees if we do not have to and would hope the project could be redesigned so the trees could be saved.

Sandra Ellison – 1814 SE 180th Street

Ms. Ellison asked if the trees are on the property line. Mr. Carroll responded that they are located within the boundary survey well beyond the ten feet from the property line. Ms. Ellison is worried that the trees on her property will be cut down. Mr. Carroll assured her that her trees would not be disturbed.

Jordan Theis – Palm Property Partners-Haymaker, LLC

Mr. Theis submitted the application and stated that the goal is to preserve as many trees as possible on the property. They are keeping 40 historic trees on the 40-acre parcel, unfortunately, two trees need to be removed because of grading required to make the sites level. He stated that it is not just about the three lots that would be lost, rather, it is the grading that would endanger the trees and they would likely not survive.

Member Galloway commended Mr. Theis for the effort he has made to preserve as many trees as possible.

Member Saunders made a motion to forward Resolution 2013-111 to the Town Commission with the recommendation of approval; Member Brinson seconded the motion.

Member	Present
Brinson	Yes
Saunders	Yes
Galloway	Yes
Furch	Yes

Motion carried 4-0

- 4. Resolution 2023-112 – Variance – Elite RV & Boat Storage MJSP 02/23-001 – Reduction in Required Parking – Chapter 7, Section 7-4). b).4)., of the Land Development Regulations (LDRs) which require one parking space per ten motor vehicle/boat storage stalls. The variance request is for the reduction of the 19 required parking spaces located within the property of the proposed Elite RV & Boat Storage development, owned by Elite RV & Boat Storage Villages, LLC, within the town limits of the Town of Lady Lake, Florida.**

Senior Planner Higgins stated that the subject property is made up of four parcels totaling 8.71 acres and it is located on County Road 25 and Griffin Avenue. The property is zoned Planned Commercial, and the future land use is Lady Lake Commercial General – Retail Sales & Services.

This matter came before the Planning & Zoning Board and the Town Commission a few years ago, at which time the owner received zoning entitlements.

On Tuesday, February 28, 2023, an application for a new site plan was submitted by Common Oak Engineering, LLC for a 3-story self-storage building and RV and boat storage stalls.

On Monday, September 18, 2023, a variance application was filed requesting a reduction in the required parking spaces. The variance request is to allow the reduction of 19 required parking spaces located within the proposed Elite RV & Boat Storage site.

The applicant's justification letter states that the current provision for parking requirements does not take into account the specific details and operations for this facility. The nature of the covered boat/RV storage is to store your vehicle, and typically, these customers drive their vehicles to their boat/RV bay and park their car or truck into the bay while they take their RV out. Also, the drive aisles between the covered boat/RV bays are wide enough to allow a customer to temporarily move their vehicle out of the bay while they maneuver their boat or RV out of or into their stall.

The mini warehouse also includes a striped area to the east and north of the building, which should be considered additional parking, although this additional parking is not included in the 55 total proposed parking stalls for the facility.

The proposed site includes a 99,850-square-foot mini-warehouse facility, 200-square-foot office space, and 224 boat/RV storage stalls. The required 51 parking spaces for the mini-warehouse facility and office space will be provided. The applicant is asking for a reduction of 19 spaces in the boat/RV storage area. Per the Land Development Regulations, the boat/RV area requires 23 parking spaces; the applicant is proposing to provide four spaces.

Member Galloway asked if with the reduction of 19 spaces, can the business operate as it should.

Jeremy Anderson – Common Oak Engineering, LLC

Mr. Anderson stated that he has a lot of experience working on self-storage facilities as an engineer. He has found that a lot of agencies do not have specific land development regulations pertaining to parking, so he has had to justify the amount of parking with parking studies and referencing the Institute of Transportation Engineers manual. Generally, for a facility of the size being discussed, the required parking is between 15 and 20 spaces for self-storage. The variance is being requested for the boat and RV area because the nature of that type of storage area is that the boat and RV are being picked up and if necessary, the vehicle can be parked in the vacated bay. The drive aisles are 30 feet wide so parking behind or next to a boat or RV would still leave ample room for maneuvering. 55 parking spaces is a significant amount, and it is the most he has ever had to provide.

Member Saunders asked about access – will it be right-in, right-out? Mr. Anderson responded that there would be a right-in and a full-access driveway positioned in alignment with the driveway across the street. He added that the boat and RV storage area will be fenced and gated.

Ken Smithson - 1714 Griffin Avenue

Mr. Smithson stated that he does not have an issue with the variance, but he wants to know the location of the gates at the rear of the property. Mr. Anderson answered by showing on the map where the gates would be placed. Mr. Smithson says he hopes the trees between the storage development and the houses nearby will be preserved to maintain the privacy they enjoy now.

Member Galloway made a motion to forward Resolution 2013-112 to the Town Commission with the recommendation of approval; Member Brinson seconded the motion.

Member	Present
Brinson	Yes
Saunders	No
Galloway	Yes
Furch	Yes

Motion carried 3-1.

5. Lady Lake Reserve — Preliminary Plat Plan — Proposing a total of 111 lots (69 Single Family and 42 Town Homes), on property consisting of approximately 24.75 acres, owned by Carl A. Smith Trustee, with the zoning entitlement of Planned Unit Development (PUD), located on the east side of Rolling Acres Road, lying one mile south of Highway 466.

Senior Planner Higgins stated that Charles Hiott of Halff Associates, Inc., submitted a Preliminary Subdivision Plat Plan and application for approval on behalf of the property owner for the Lady Lake Reserve Subdivision.

The property Future Land Use designation is Single-Family Medium Density which permits a maximum of six dwelling units per acre. The Zoning designation is Planned Unit Development, and the current use of the property is vacant.

The Lady Lake Reserve Subdivision proposes the construction of 111 lots (69 Single Family and 42 Town Homes), on property consisting of approximately 24.75 acres. There are 4.0 acres devoted to stormwater management areas and open space, and 2.82 acres for park and recreation areas. Overall density of the development is 4.48 dwelling units per acre. The development includes just over 3,000 linear feet of paved roadways. Located just north of the property is the landfill facility.

The application was received on Wednesday, October 12, 2022. The Preliminary Plan meets the design requirements of the Town of Lady Lake Land Development Regulations, Chapter 8 – Subdivision and Plats, and adheres to the requirements of the Comprehensive Plan of the Town of Lady Lake.

Frank Mintz - 3464 Arnett Avenue

Mr. Mintz asked how much of the access road from Rolling Acres Road will remain after the property is developed.

Chuck Hiott – Managing Director – Halff Associates

Mr. Hiott stated that they are not messing with Sunshower Lane with their design. They will be bringing the road in as shown and it will be turned back around up to the northeast corner of the property where it will extend at a future date to the school property that is to the east.

Mr. Mintz asked where the roundabout is being placed. Mr. Hiott responded that where the pond is located at the northwest corner and the entrance that is being tied into Rolling Acres – that whole area will be redeveloped into a roundabout.

Member Saunders asked if notices were mailed to surrounding property owners. Senior Planner Higgins responded that notices are not sent for preliminary plat plans.

Member Galloway made a motion to forward the Lady Lake Reserve Preliminary Plat Plan to the Town Commission with the recommendation of approval; Member Saunders seconded the motion.

Member	Present
Brinson	Yes
Saunders	Yes
Galloway	Yes
Furch	Yes

Motion carried 4-0

CHAIRPERSON AND MEMBERS REPORT

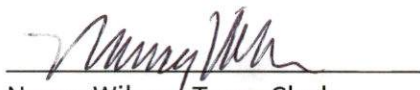
No comments

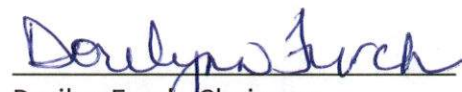
PUBLIC COMMENT

No public comments

ADJOURN

The meeting adjourned at 6:15 p.m.


Nancy Wilson, Town Clerk


Dorilyn Furch, Chairman