

MINUTES OF THE COMMISSION MEETING TOWN OF LADY LAKE, FLORIDA

FEBRUARY 23, 2022

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 Rietz presiding. The meeting convened at 6 p.m.

A. CALL TO ORDER

Mayor Jim Rietz

B. INVOCATION

Moment of silence

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

Commissioner (Ward)	Present
Hannan (Four)	YES
Kussard (One)	YES
Holden (Two)	YES
Freeman (Three)	YES
Rietz (Five)	YES

STAFF PRESENT

Attorney Derek Schroth, Town Attorney; Bill Lawrence, Town Manager; Thad Carroll, Growth Management Director; Wendy Then, Senior Planner; C.T. Eagle, Public Works Director; Sergeant Jason Brough and Lieutenant Nelson Vargas, Lady Lake Police Department; Nancy Wilson, Town Clerk

E. CONSENTⁱⁱ

1. Minutes — February 7, 2022 — Commission Workshop

2. Minutes — February 7, 2022 — Commission Meeting

3. Advertising RFQ for Continuing Engineering, Architectural and Land Surveying Consulting Services

4. Approval of Bid Documents to Construct Phase II of the Wastewater Treatment Plant Improvements

Commissioner Kussard made a motion to approve the Consent Agenda as presented; Commissioner Hannan seconded the motion. The motion passed by a vote of 5-0.

F. NEW BUSINESS

5. Consideration of proposal from Mittauer and Associates for Bidding, Construction Administration, and Inspection Services during the Wastewater Treatment Plant Improvements Project Phase Two. (C.T. Eagle)

Public Works Director Eagle said that the proposal includes full time inspection services during the construction phase. This item is related to the bid documents to construct phase II of the wastewater treatment plant improvements.

Commissioner Kussard made a motion to approve the proposal from Mittauer and Associates; Commissioner Holden seconded the motion. The motion passed by a vote of 5-0.

6. Consideration of Sewer Utility Agreement with Benchmark (C.T. Eagle)

Public Works Director Eagle said the Town's current Wastewater Master Plan identified priority projects to ensure the current wastewater collection and treatment systems meet current and future needs. Currently the top priority project is correcting the "bottleneck" situation with Pump Station #7 and Pump Station #6 and extending the main collection line that serves the entire north end of Town from the southwest corner of Fennell Blvd to Griffin Avenue along CR 25. This proposed agreement accomplishes the task and is mutually beneficial to the developer and the Town. The developer has agreed to fund all the "soft" costs including the engineering, design, regulatory permitting, and any due Utility Impact Fees for the proposed Lady Lake Apartments project. Benchmark is also donating the easement area on their property for the new collection line. This agreement will expedite the project, reduce the Town's project costs significantly, and ensure that any future developments on the north side of Town will be able to be served by Town Sewer. The Town's portion of the costs will be offset by the Sewer Impact Fees collected for the Lady Lake Apartments Project. This agreement has been reviewed and approved by the Town Attorney. The Town Engineer and Town Auditor have also approved the use of Utility Impact fees for this project.

Commissioner Hannan made a motion to approve the Sewer Utility Agreement utilizing Sewer Impact Fees from the project; Commissioner Holden seconded the motion. The motion passed by a vote of 5-0.

7. Consideration for the Lady Lake Square Apts. Sewer Line/Griffin Avenue Force Main Upgrade MJM 02/22-001 – Proposing a New 12-inch force main Beginning at Fennell Blvd. and Running North to Griffin Avenue, running along a 15-foot easement west of County Road 25 and up to the Lady Lake Post Office site, then Continuing on a 20-foot easement thereafter west of County Road 25 and south of Griffin Avenue along a 44-acre parcel owned by Lady Lake Square LLC, identified by Alternate Keys 3305124 and 3302494. (Wendy Then)

Senior Planner Then said that the applicant submitted civil site plans detailing the proposed extension of the main collection line that serves the entire north end of Town from the southwest corner of Fennell Blvd to Griffin Avenue along CR 25.

The new 12-inch PVC sewer force main will begin at the south boundary of Fennell Blvd. and run north in an 80-linear-feet directional bore under Fennell Blvd. It will continue to run north to Griffin Avenue along a 15-foot easement west of County Road 25 and up to the Lady Lake Post Office site for approximately 530 linear feet, then continue within a 20-foot easement approximately 1,262 linear feet thereafter west of CR25 up until reaching south of Griffin Avenue. Then a 6-inch PVC sewer force main will continue west along the south boundary of Griffin Avenue approximately 1,602 linear feet to connect with existing Pump Station #7 located just west of the Old Vineyard Road public right of way.

The project is expected to correct the “bottleneck” situation with Pump Stations #6 and #7 by redirecting sewer flow to the east, thus upgrading the town’s sewer system.

The developer has agreed to fund all the “soft” costs including the engineering, design, regulatory permitting, and any due utility impact fees for the proposed Lady Lake Apartments project. Benchmark is also granting the easement area on their property for the new collection line.

The Town’s portion of the costs is expected to be offset by the sewer impact fees collected for the Lady Lake Square Apartments development, which is projected to generate approximately \$395,318.00 from just sewer impact fees.

Commissioner Holden made a motion to approve the sewer line for Lady Lake Square Apts. to run from Fennell Blvd. to Griffin Ave; Commissioner Hannan seconded the motion. The motion passed by a vote of 5-0.

8. Consideration for the Water Oak Country Club Estates New Maintenance Building Major Modification to Site Plan MJM 09/21-001 – Proposing the Demolition and Removal of an Existing 4,163-square-foot Maintenance Building, Construction of a New 2,480-square-foot Maintenance Building with eight Parking Spaces, Construct a 1364-square-foot of Covered Area, three proposed material storage bays, and Dumpster, within the Water Oak Estates

Country Club, located east of the Pro-Shop, between Orange Blvd. and Bishop Drive, identified by Alternate Key Number 3793724. (Wendy Then)

Senior Planner Then received a new major site plan application and plans in August 2021. The main project scope of work consists of the construction of a 2,480-square-foot maintenance building featuring eight parking spaces, construction of a 1364-square-foot covered area adjacent to the maintenance building, building of three proposed material storage bays, and a dumpster.

The property is zoned “Manufactured Housing up to 9 dwelling units per acres” (MH-9) and the Future Land Use is Manufactured Home High Density (MH-HD) which allows for the proposed land uses and improvements and is compatible and consistent with the Town’s Comprehensive Plan.

Commissioner Freeman made a motion to approve the demolition, removal, and subsequent new construction of a maintenance building for Water Oak County Club Estates; Commissioner Holden seconded the motion. The motion passed by a vote of 5-0.

G. TOWN ATTORNEY’S REPORT

9.Ordinance 2021-13 (Second and Final Reading) — Amending the Town’s Future Land Use Comprehensive Plan; Incorporating a Property Rights Element. (Thad Carroll)

Growth Management Director Thad Carroll presented the background summary for this agenda item. A new law requiring that each local government must adopt a property rights element into its Comprehensive Plan became effective on July 1, 2021. The draft ordinance being considered was prepared by the “1000 Friends of Florida” organization and was modified to fit the Town’s needs. If the Town does not adopt a private property rights element, the Department of Economic Opportunity will not conduct reviews of subsequent Comprehensive Plan amendments which could result in not having the ability to amend the future land use classification of property that, in turn, could have a negative economic impact in Lady Lake.

Commissioner Kussard made a motion to adopt Ordinance 2021-13 on second and final reading; Commissioner Holden seconded the motion. The motion passed by a vote of 5-0.

Commissioner (Ward)	Present
Hannan (Four)	YES
Kussard (One)	YES
Holden (Two)	YES
Freeman (Three)	YES

Commissioner (Ward)	Present
Rietz (Five)	YES

10. Ordinance 2021-23 (Second and Final Reading) — Annexation — of Property being Approximately 150.72 Acres Owned by Mark and Susan Daigneau, Douglas A. Hill, Sr. Life Estate, and Levon and Sarah Mears; Referenced by Alternate Key Numbers 1279763, 1770670, 1770661, 1771498, and 1770653; Located South of County Road 466 And East of Cherry Lake Road in Lake County, Florida (Thad Carroll)

Growth Management Director Carroll said that applicant Greg Beliveau, LPG Urban & Regional Planners, Inc., on behalf of Mark and Susan Daigneau, Douglas A. Hill, Sr. Life Estate, and Levon and Sarah Mears, has filed applications to annex property consisting of 150.72 acres located south of County Road 466 and east of Cherry Lake Road in Lake County, Florida, from unincorporated Lake County into the Town of Lady Lake.

The subject properties lie in Section 19, Township 18 South, Range 24 East, in Lake County, Florida. Appropriate legal descriptions, a location map, and a sketch of the properties have been included with the submitted application. The lot will be served by the Town of Lady Lake's Central Water and Sewer System, and the Lake County Fire Department.

Commissioner Holden made a motion to adopt Ordinance 2021-23 on second and final reading; Commissioner Hannan seconded the motion. The motion passed by a vote of 5-0.

Commissioner (Ward)	Present
Hannan (Four)	YES
Kussard (One)	YES
Holden (Two)	YES
Freeman (Three)	YES
Rietz (Five)	YES

11. Ordinance 2021-24 (Second and Final Reading) — Large Scale Comprehensive Plan Amendment — Providing for a Change to the Future Land Use Designation of Property being Approximately 150.72 Acres Owned by Mark and Susan Daigneau, Douglas A. Hill, Sr. Life Estate, and Levon and Sarah Mears; Referenced by Alternate Key Numbers 1279763, 1770670, 1770661, 1771498, and 1770653; Located South of County Road 466 and East of Cherry Lake Road in Lake County, Florida; Change from Urban Low Density (Lake County) to Mixed Development District/Traditional Neighborhood District (MDD-ND) (Thad Carroll)

Growth Management Director Carroll said that applicant Greg Beliveau, LPG Urban & Regional Planners, Inc., on behalf of Mark and Susan Daigneau, Douglas A. Hill, Sr. Life Estate, and Levon and Sarah Mears, is proposing to amend the Future Land Use designation of properties south of County Road 466, and east of Cherry Lake Road, which includes approximately 150.72 acres within Town of Lady Lake limits, from Lake County Urban Low Density to Lady Lake Mixed Development District/Traditional Neighborhood District.

Commissioner Kussard said she has been involved with the project for a number of years and has had many meetings with residents. She wanted to bring up some of the issues that were brought up before, so they will be on the record:

- Only one-story, single-family homes will be built along the easternmost area of the property to ensure the privacy of residents.
- Lighting from the commercial area facing CR466 will not be intrusive to the residents of Spring Arbor.
- Entrance/exit of the commercial section will not match up with the entrance to Spring Arbor.
- At the March 1, 2021, commission meeting it was mentioned that a percentage of the funds would be put into a proportionate shared agreement with Lake County and the Lady Lake portion of funds would be used toward the widening of Rolling Acres from the Hammock Oaks subdivision. What is the amount of that share?

Greg Beliveau - LPG Urban & Regional Planners, Inc.

Mr. Beliveau said all those issues have been addressed in the PUD. The conditions listed above were added to the master plan. The proportionate share has been analyzed and they now have a cost of those. When the site plan is issued for the first phase, that is when the check is written, and the final amount is determined for Rolling Acres since it is the impacted road system.

Mohammed Abdallah – Traffic & Mobility Consultants, LLC

Mr. Abdallah said that the approximate amount of the proportionate share is \$667,000.

Mayor Rietz confirmed that the density is four dwelling units per acre and the daily trips would remain the same.

In response to comments made by Phil Mathias, Growth Management Director Carroll said he understands the concerns about traffic and that in order to get more impact fees to improve the roads, the Town will have to approve more projects.

Commissioner Hannan made a motion to adopt Ordinance 2021-24 on second and final reading; Commissioner Holden seconded the motion. The motion passed by a vote of 5-0.

Commissioner (Ward)	Present
Hannan (Four)	YES
Kussard (One)	YES
Holden (Two)	YES
Freeman (Three)	YES
Rietz (Five)	YES

12. Ordinance 2021-25 (Second and Final Reading) — Rezoning — for Property being Approximately 421 Acres Owned by Triston Gustavo Meucci Life Estate, Louis Meucci Trustee, Mark and Susan Daigneau, Douglas A. Hill, Sr. Life Estate, and Levon and Sarah Mears; Referenced by Alternate Key Numbers 1279810, 3325451, 1279801, 1770700, 1279828, 1279780, 1279763, 1770670, 1770661, 1771498, and 1770653; Located South of County Road 466 and East of Cherry Lake Road in Lake County, Florida; Rezoning Subject Property from Lake County Agriculture and Planned Unit Development to Town of Lady Lake Planned Unit Development–Mixed Use (PUD) (Thad Carroll)

Growth Management Director Carroll said that this is the last in a series of three applications and this one pertains to the zoning of the property. The property is currently vacant. It is the belief of staff that while they agree with most of the uses for the property, they would like to see the list reduced which the applicant is prepared to do. The developer is proposing a mixed-use project made up of:

- 120,000 square feet of commercial uses
- 15,000 square feet of medical office space
- 3,000 square feet of general office or medical office space
- 940 single family residential units
- 330 multi-family apartments,
- 216 independent living townhomes
- 56.3 acres of parks and amenities
- 138.93 acres of open space

The major change that occurred between the first and final reading was to clarify the allowed uses of the property. With a PUD, staff wants specific uses to be identified to give a clear idea of what can and cannot be built on the property. Added to the Memorandum of Agreement was a list of permitted commercial uses that Mr. Beliveau is open to reducing the uses or permitting them as Special Exception use.

Mr. Beliveau said that commercial use on the property is self-contained, there are only two access points, one abuts the Phillips property, and one abuts Cherry Lake Road. Access to what is on the commercial uses list will be internalized and can only be accessed from CR466 or Cherry Lake Road. These are not normal outparcels seen with most commercial endeavors where visibility is paramount. Further, because the development is in the Town of Lady Lake, staff and the Commission control design and site plan approvals. There will be 4,000 people who will need commercial support and the proposed internal capture will keep them off the roads. Some choices on the commercial permitted uses list can be shifted to special exception review but what they want to keep permitted are restaurants and a convenience store with fuel.

Commissioner Kussard asked her constituents to give her feedback and she got 66 responses. The bottom line was that restaurants are fine, but they are not in favor of fast-food restaurants, and they preferred that the restaurants close by 10pm. She was also totally against a convenience store with or without fuel and does not think an assisted living facility is necessary. Commissioner Kussard was also opposed to a hotel and thought that medical facilities should be a Special Exception use. Her main goal is to minimize traffic.

Mr. Beliveau said there is a need for medical facilities and that only 15,000 square feet of development has been designated for such use. He said a hotel would be a Special Exception use. Mr. Beliveau emphasized that businesses within the development cannot be directly accessed from CR 466 or Cherry Lake Road.

Mayor Rietz stated that they are trying to make it convenient for those who live in the development and inconvenient for those who do not.

Phil Mathias – 1404 Meadow View Way

Mr. Mathias clarified that golf carts can only be used within the new development.

Eric Morrisette – Kolter Homes

Mr. Morrisette commented that the property next door to his proposed development already has fast food restaurants, so they are staying within the character of the neighborhood. They are not asking for anything that is not already allowed on CR466, and they are compatible with

surrounding uses. He also wanted to clarify what is considered a fast-food restaurant. Panera Bread? Starbucks? Those are popular restaurants that people want and they have drive-thru windows. They want to be able to market for those uses. He added that it is a convenience for residents to get fuel and certain groceries without going out onto 466. They have restricted a lot of uses compared to the commercial development on the Phillips property. He would, therefore, very much like to hold onto the uses of a convenience store with fuel and fast-food restaurants.

Commissioner Kussard said she was not talking about Panera or Starbucks; she was thinking about places like Arby's and McDonalds. Mr. Beliveau said that is not ideal because since the pandemic, most restaurants have pick-up windows to minimize contact and in fact, they are mandated in some cases; it is not easy to define a fast-food restaurant now. He suggested a middle ground where hours of operation are restricted.

Commissioner Kussard said she just wants the residents to feel comfortable.

Commissioner Holden commented that the development's population of 4,000 will not be enough to support all the businesses. Mr. Beliveau said the residents will not be the only ones using the businesses, there will also be drive-by business. There will be an access street off Cherry Lake Road into the project to allow easy access to the businesses.

Commissioner Holden made a motion to adopt Ordinance 2021-25 on second and final reading with the restrictions that special exception use permits would be required for laundry and dry-cleaning retail stores, and clubs, lodges, and fraternal organizations. Also, that restaurant hours would be restricted to between 6 a.m. and 10 p.m. Commissioner Hannan seconded the motion. The motion passed by a vote of 5-0.

Commissioner (Ward)	Present
Hannan (Four)	YES
Kussard (One)	YES
Holden (Two)	YES
Freeman (Three)	YES
Rietz (Five)	YES

13. Ordinance 2021-29 (Second and Final Reading) - Rezoning – Palm Property Partners-Haymaker, LLC – Rezoning Certain Property being Approximately 41.22 Acres from Lady Lake Unclassified Designation to Lady Lake Residential Planned Unit Development (PUD);

Referenced by Alternate Key Numbers 1739438, 1237815, and 1739454, within Lake County, Florida (Thad Carroll)

Growth Management Director Carroll said that on January 3, 2022, Ordinance 2021-29 was considered by the Town Commission and at the conclusion of the presentation and after comments were made by the applicant and the public, the Town Commission voted 3-2 to deny the ordinance. Later, one Commissioner reconsidered his vote and asked that the ordinance be revisited. At the February 7, 2022, meeting, the Commission voted 4-1 to approve Ordinance 2021-29 on first reading. Changes to the Memorandum of Understanding (MOU) were discussed at that meeting and those changes were included in the MOU at the February 23, 2022, meeting. Those changes include completing installation of the six-foot vinyl fence on three sides of the property in its entirety prior to any Certificate of Occupancy being issued for any properties of the development; maintenance of the fence to be performed by the developer and later the Homeowners Association; amenities including a swimming pool, clubhouse, and covered seating at the student bus stop.

Mr. Carroll said the proposed plan is conceptual in nature. Changes may be made at site plan level review. Once the plat is filed, traffic will be reevaluated and there will be comments from Lake County Public Works. In trip generation at peak hour, there is a total of 160 trips – entering the development will be 101 trips and exiting will be 59 trips. Comments from Lake County Public Works said that access to the site will need to meet the access management ordinance as amended. A left and right turn lane on CR25 at the site entrance will be required to maintain a flow of traffic. A sidewalk is recommended along CR25. An additional right-of-way on CR25 may be required to accommodate off-site road improvements. Line Road is a county road, and the fence will go along its entirety. Mr. Carroll said that at the previous meeting, there was concern about difficulty getting onto CR25 from Marion County Road. The crash data from 2017-2021 showed that there were 18 incidents in that area none of which was a fatality.

Yolando Buchanan - 567 Dowling Circle

Ms. Buchanan asked about sidewalks on CR25. Mr. Carroll responded that sidewalks suggested by Lake County would be along the property frontage of the development– property line to property line.

Ms. Buchanan also said to ease traffic, a multi-path for golf carts and bicycles from the Applebee property all the way to Griffin Avenue would take a lot of cars off the road. Mr. Carroll said at this time the town cannot address that because it is county property and currently does not allow golf carts.

Rayna Moore - 1711 Marion County Road

Ms. Moore said they all know the proposed development is a done deal, but she hopes the developer does their part to consider surrounding property. She added that the concerns from the adjoining property owners is the traffic. Ms. Moore contacted Lake County Commissioner Blake about her concerns, and he confirmed that the county will require the improvements to be made when the other internal infrastructure is being constructed, in advance of any traffic impact including the additional turn lane. She said that the crash data shows that there have not been any fatalities but those who live on Marion County Road have witnessed many dangerous situations that did not necessarily result in an accident. Ms. Moore is aware that CR25 is a county road, but Lady Lake allowed development of the apartment complex and now the PUD after annexing those properties. She thanked Commissioner Freeman for voting no and hopes the developer holds up their end of the deal.

Commissioner Holden made a motion to adopt Ordinance 2021-29 on second and final reading; Commissioner Hannan seconded the motion. The motion passed by a vote of 4-1

Commissioner (Ward)	Present
Hannan (Four)	YES
Kussard (One)	YES
Holden (Two)	YES
Freeman (Three)	NO
Rietz (Five)	YES

14.Resolution 2022-101 (First and Final reading)— Variance — Richardson — Variance for Impervious Surface (Wendy Then)

Senior Planner Wendy Then presented the background summary for this agenda item explaining that the owners of the property would like to build a 10'x10' deck onto the back of their residence but the impervious surface ratio of paved areas within their zoning district would be exceeded by 5%. The owners conducted all due diligence in getting approval from The Villages Architectural Review Committee, but it turned out they also needed to get a permit from Lady Lake. Prior to that realization, the Richardson's invested several thousand dollars for a retractable awning, electrical work, and materials in anticipation of having a deck.

Mr. Richardson said when they first decided they wanted a deck, they didn't know they needed two permits. They operated in good faith and have always followed all the rules. They have

applied for permits in the past whenever necessary but this time, they did not know a permit was required.

The applicant's justification statement indicated that they have a lot of money invested in the project and a lot of groundwork was performed. Mr. Richardson stated that for the years he and his wife have left, they would like to spend time enjoying the outside on their deck.

Commissioner Kussard made a motion to adopt Resolution 2022-101 on first and final reading; Commissioner Hannan seconded the motion. The motion passed by a vote of 5-0.

Commissioner (Ward)	Present
Hannan (Four)	YES
Kussard (One)	YES
Holden (Two)	YES
Freeman (Three)	YES
Rietz (Five)	YES

15.Resolution 2022-102 (First and Final reading) — Hill — Variance request for a Cell Tower Setback to 200 Feet (Thad Carroll)

Growth Development Director Carroll explained that Lady Lake Land Development Regulations require a setback of 400% of the height of a monopole cell tower and the nearest single-family residence. In this case, the required setback from the nearest adjacent residence would be 748 feet based with the height of the pole being 187 feet. The applicant is proposing a setback of 200 feet based on information provided by Michael Springstead, P.E., a Structural Engineer. Mr. Springstead stated that in his professional opinion, the existing tower would fall and remain within a 200-foot radius which is reserved for a safety zone. The immediate area around the tower will be used for boat and RV storage and not residential structures.

The property is part of a larger aggregation of property which is concurrently being considered for annexation as part of the Hammock Oaks Development

Growth Management Director Carroll stated that the reason staff can support this request even though it deviates greatly from our Regulations, is that the fall zone is adequate for safety, as stated by the engineer, and the other reason is for aesthetics. Regarding aesthetics, because the tower is existing, any resident who moves into Hammock Oaks will know about the tower's existence and they will know what they are getting into.

Commissioner Holden made a motion to adopt Resolution 2022-102 on second and final reading; Commissioner Hannan seconded the motion. The motion passed by a vote of 5-0.

Commissioner (Ward)	Present
Hannan (Four)	YES
Kussard (One)	YES
Holden (Two)	YES
Freeman (Three)	YES
Rietz (Five)	YES

H. TOWN MANAGER'S REPORT

Town Manager Lawrence reviewed the financial report. Everybody has done a good job with expenses.

Mr. Lawrence and C.T. Eagle contacted Ms. Taylor regarding her property on Caroline Avenue. She has been in contact with her bank and would like the closing agent to contact them. She will also meet in person with Mr. Lawrence and Mr. Eagle soon.

Regarding The Villages contract for police services in Spanish Springs Square, it is in its 28th year of a 30-year contract. It is now costing us more than we are collecting from them and when asked, The Villages Vice President for Community Relations, Gary Lester, said they do not want to continue the contract.

I. MAYOR AND COMMISSIONER'S REPORT

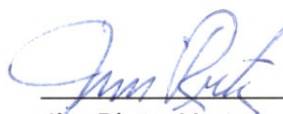
J. PUBLIC COMMENTSⁱ

Mr. Richardson thanked the Town Commission for passing Resolution 2022-101.

K. ADJOURN

There being no further business, the meeting was adjourned at 7:49 p.m.


Nancy Wilson, Town Clerk


Jim Rietz, Mayor