MINUTES OF THE COMMISSION MEETING
TOWN OF LADY LAKE, FLORIDA

May 2, 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

Pastor James Keough – The Congregational Church in Summerfield

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; Pam Winegardner, Finance Director; C.T. Eagle, Public Works Director; John Pearl, IT Director; Wendy Then, Senior Planner; Officer Chausse, Lieutenant Vargas and two other officers, Lady Lake Police Department; Nancy Wilson, Town Clerk

E. CONSENT[ii]

1. Minutes – April 18, 2022 — Commission Meeting

Commissioner Kussard made a motion to approve the Consent Agenda as presented; Commissioner Holden seconded. Motion carried 5-0.

F. NEW BUSINESS

2. Consideration of Approval for the Van Patten House Apartments

Thad Carroll, Growth Management Director, summarized the proposal to convert the existing Van Patten House Building into seven residential dwelling units on the second floor, providing for 16 parking spaces, including one Florida ADA accessible parking space on a .39-acre project area owned by the Villages Operating Company, located at 992 Del Mar Drive. The applicant is Martin Dzuro.

Staff's recommendation, based on the application provided, is for approval. Staff has determined that the Van Patten House Apartments major modification to the site plan as presented satisfies the requirements of the Land Development Regulations, Chapter 7, Section 7-11). b). and complies with the Comprehensive Plan.

Mr. Carroll said that although 16 parking spaces are being provided, they do not have to be located within 100 feet of the entrance. Parking in this area is done on an aggregate basis which means first come, first served thus they are not assigned to any establishments. Parking on the Square will not be taken away. The developer has assured the Town that when the tenants sign the lease, they must agree to park in the shaded area that is farther away than the 16 spaces that are in front, to the side and to the west of the Van Patten House; those parking spaces will remain open to all who visit the Square.

In addition to the seven residential apartments on the second floor, there is a proposal for 3,707 square feet of office space. The civil plans show three, one-bedroom apartments and four, two-bedroom apartments.

All the utilities are in place and will be serviced by The Villages Central Water and Central Sewer Facilities.

The traffic study shows that the conversion of 10,752 square feet of commercial space into seven apartment units and the 3,707-square-foot future office area results in an anticipated reduction of 1,505 daily trips, or a decrease of 88.95%. In the PM peak hour, there is an expected decrease of 108 trips, resulting in a reduction of 75.52%.

The applicant, Mr. Dzuro was not present but the engineer of record, Lee Clymer, president of Clymer, Farner, Barley, Inc. was available to answer questions.

Commissioner Hannan said he had a statement prepared to read to Mr. Dzura that said that he had great respect for him and the work he has done over the years. However, he does not have the same respect for the family that brought him here. The Commissioner said his

constituents have no respect for what is being presented. Does the developer hate the residents that much? Katie Belle's was the glue that brought people together and put The Villages on the map. Now, out of total disrespect for the residents, apartments are being built to make even more money. Restore Katie Belle's and save Spanish Springs.

Commissioner Kussard asked for a show of hands to see how many people in the audience live in Lady Lake and pay taxes to Lake County. There was a healthy show of hands. The Commissioner said she understands that residents do not want the apartments, but it is not the Town's decision; the apartments are permitted, and they comply to Lady Lake requirements. Spanish Springs is private property, Lady Lake does not own it. They are not asking for variances or exceptions they have every right to build something that is permitted. Many businesses have come and gone. No promises were made regarding buildings and businesses, only free golf was promised. Opposition to this proposal will result in a lawsuit that the Town cannot win. We have two choices, either waste taxpayer dollars to fight lawsuits we will not win or abide by the Town's Land Development Regulations (LDR). As long as the developer is following our LDR's, what right do residents have to tell the developer what they can or cannot do on their private property. As Commissioners, we have an obligation to vote "yes" to allow the developer to build apartments in the Van Patten building.

She read a statement that a representative from The Villages made at a meeting held in 2020:

"The one thing I hope everyone will understand is that The Villages is not trying to take away the Town Square, tear down buildings or close businesses just so we can build apartments. We have a substantial investment in our Town Square, and we are committed to supporting its success. We simply want the opportunity to offer an apartment lifestyle giving another option to those who want to remain in the community. The second-floor location is not desired by retailers or restaurants."

Commissioner Kussard had two questions, one question regarding parking was answered earlier in the meeting. The second question was directed to Engineer Clymer who is representing the builder. She asked if nightly entertainment would remain at Town Square. Mr. Clymer was unable to answer that question.

Commissioner Holden said that he loved Katie Belle's, but it is gone, and it is not coming back. The developer has the right to build the apartments and if we try to stop them, a lawsuit will ensue, and the Town will lose.

Commissioner Freeman said Mr. Dzuro should have attended the meeting but he did not have the courage. Everything always being about money is troubling, when does somebody have enough money? When will America's Friendliest Hometown be friendly again? The Town is in a bad situation because the Code permits the proposed apartments. If we deny the request, we will be sued to the tune of about $500,000 and we will probably lose. He finds the whole situation with development in Florida to be troubling.

Town Manager Bill Lawrence announced that he does not vote but he is allowed to add to the discussion. He said that Lady Lake is the wrong venue for discussing what should happen in The Villages with Mr. Dzuro. He understands that the residents are passionate about Katie Belle's and the Town Square, but tonight's meeting is solely about granting approval for what has been submitted to us by the developer. The Commission's job is simply to determine if the developer has met the requirements of our LDR's and Code to move forward. The Town Manager supports staff recommendation to approve.

Mayor Rietz said that there was a problem because there was not a representative in attendance who could answer questions and speak on behalf of the developer. He is concerned about future development and would like to see a seven-year comprehensive plan for Spanish Springs to see where development is headed so they have enough information to make a decision regarding the proposed apartments.

Commissioner Hannan asked if the meeting could be postponed until the developer or a representative from The Villages is available to answer questions.

Mayor Rietz said he would like the matter to be tabled.

Town Attorney Derek Schroth speculated that what The Villages has done strategically is to have the only evidence on the record for the appeal to be staff's recommendation for approval. Mr. Carroll did not know that Mr. Dzuro would not be in attendance; Town Attorney Schroth clarified that the engineer, Mr. Clymer, and the court reporter were the only Villages representatives present.

Town Attorney Schroth said that if the Commission votes to continue the meeting, the applicant can either work with staff on a future hearing or file suit on the grounds that they did not consent to or request a continuance, they paid their application fee and they want their vote.

In response to a question, the Town Attorney Schroth said that the last time The Villages sued the Town they ultimately dismissed the suit. It was not a suit for damages so there was no

money involved. Because it was not a suit for damages, it was not covered by insurance. The Town paid out of pocket for the Town Attorney to defend the case.

Mayor Rietz asked if the Town is sued and they go to court, would insurance pay for costs associated with the suit. Town Attorney Schroth said that if they are suing on the limited issue of the hearing and compelling a vote, there is not a damages component to that so insurance would not be involved. If the Town denies the application for the apartments, and The Villages brought a suit for damages, then the Town's insurance would be triggered. Insurance only covers claims for damages.

Commissioner Hannan and Mayor Rietz said that Mr. Dzuro is the decision maker and should be present.

Mayor Rietz then passed out to the other Commissioners the number of "no" votes (votes against allowing the apartments) from each zone that he had tallied from residents in response to a petition.

After more research, Town Attorney Schroth said the Town code does not address continuances, but the Town did adopt a policy that if the applicant requested a variance, the Commission could consider it. The Commission has discretion to request a continuance if a reason is stated and there are legitimate reasons that warrant a continuance, a judge would likely uphold them or not deny them. Those reasons need to be articulated on the record and if a lawsuit is filed, we will go from there.

Mayor Rietz said this is an important matter for the community and he said again that a representative should be present other than the engineer. The Town Attorney responded that a representative is present who has asked for a vote. He added that if there is a motion to continue, the Commission can discuss it. If not, the meeting should proceed. Mr. Clymer said the site plan has met all Town requirements and it will not change; he cannot discuss anything but the site plan.

The Town Attorney asked if anybody on the Commission would like to make a motion to continue.

Commissioner Kussard made a motion to approve the major modification to site plan MJM 03/22-003 which satisfies the requirements of the Land Development Regulations, Chapter 7, Section 7-11). b) as presented for the seven apartments on the second floor of the Van Patten Building; Commissioner Holden seconded.

Town Attorney said his question was if there is anybody on the Commission who would like to continue the meeting. If so, public comments are limited to the continuance request.

Commissioner Hannan commented that even if the meeting is continued, Mr. Dzuro still might not attend. The Town Attorney said that the developer is under no obligation to attend. Commissioner Hannan did not want to continue the meeting.

Commissioner Kussard did not want the meeting to be continued.

Commissioner Holden also did not want the meeting to be continued.

Commissioner Freeman wants Mr. Dzuro to attend though he does not think it will happen. He wanted the meeting to move forward and not to continue.

Mayor Rietz did not want to vote on the issue at this meeting.

Town Attorney Schroth stated that there were four Commissioners in favor of proceeding with the vote at this meeting so based on that, public comments will be allowed on the merits, there will not be a continuance.

Public Comments

Steve Jerome – 1006 Jeffrey Drive

Mr. Jerome also wanted the developer present. He wants a vibrant downtown which is why he moved to the area. The apartments will not be big money makers so lower the rent for businesses and build more homes. He does not want to see commercial property turned into residential property.

Phil Mathias – 1404 Meadow View Way

Mr. Mathias was led to believe from an article he read that Mr. Dzuro would be present at the meeting. He said that the parking requirements have increased, and he does not trust what he is hearing. This proposal is not fair to the residents.

Jim Cippollone - 2162 Madeira Drive

Mr. Cippollone said that Katie Belle's was the anchor in the area, and it attracted people to the other local businesses. There was a lack of hospitality once Katie Belle's left. He talked about Mr. Schwartz and his vision adding that the family became wealthy because of the residents. He is concerned about who would live in the apartments and how the area may change to more residential so the Square would not exist.

Steve Gerwin -1210 San Juan Drive

Mr. Gerwin is concerned about the noise in the commercial area that would be too loud for the new tenants of the apartments and all other entertainment could be affected in order to appease the new tenants. He read from the Town Code about noise protection standards.

Brian Dickson – 815 Aloha Way

Mr. Dickson wanted to send a message that it was disrespectful for the developer not to show up; he is treating the residents like morons. He came to Villages because of the lifestyle, and he thinks it will change with the new apartments. He said Lady Lake can persuade the development to comply and can leverage their amenities. In conclusion he said that Mr. Dzuro sent a weak, powerless agent to speak on his behalf.

Joe Carnevale – 813 Aloha Way

Mr. Carnevale asked why the project is important to The Villages when it is not going to bring in much money and will cause a rift. This is about decency. If they are not decent to the citizens, the citizens should not be peaceful with them. This will not end well.

Jim Whalen – 623 Rainbow Blvd.

Mr. Whalen commented on the traffic asking why those figures are pertinent. He said they may not be able to prevent the apartments from being built but codes can be changed for future projects.

Chuck Bondar – 1308 Pedro Court

Mr. Bondar would like to see a 3–5-year plan. He thinks a plan would show the demise of Spanish Springs. He is asking for the proposal to be denied and those who deny it will be thought of as courageous while those voting for it should be eternally ashamed.

Don Defurio – 1648 West Schwartz

Mr. Defurio was similarly dismayed that nobody was present who could represent The Villages.

Dave Menchen – 1104 Chaparral Drive

Mr. Mechnen said just because it is legal to build the apartments does not mean it is the right thing to do. He does not like where things are going and added that the new tenants can park wherever they want.

David Sheiman - 1321 Arredondo Drive

Mr. Sheiman also talked about parking spaces saying the people will park wherever they want, and the prime places will be used by the tenants.

Victoria Desilets - 726 Heathrow

Ms. Desilets understands the issue and understands they would be involved in a lawsuit. The Villages is being unfair by not informing the people of the full plans. Once the seven apartments are built, they will just continue to build more residential dwellings in Spanish Springs Square. She said it is difficult to find a parking space now. The Villages should be more forthcoming, and she wished the residents would have the opportunity to speak to them about the project. She suggested tabling the discussion until the developer can attend the meeting and address their concerns.

Rita Ferringer -964 Tarrson Boulevard

Ms. Ferringer said she can hear the music from Spanish Springs at her house so it will be very loud to residents living in the Square. She added that most people are homeowners and they have made big investments; tenants will not have the same pride in their residences as homeowners have. In conclusion, Ms. Ferringer said that when she moved here, she was promised so much but it was a bait and switch.

Susan Deaver - 1451 West Schwartz

Ms. Deaver said there is a lot of noise at times from events in Spanish Springs that she thinks tenants would find annoying. Their complaints could put an end to these events. Also, she thinks it would leave the door open for more residential development. Mayor Rietz said that The Villages will allow a six month early out option for the tenants.

Deborah May - 1818 East Schwartz

Ms. May asked why the apartments cannot be built somewhere else? There is plenty of open land. She also did not think it was right for Mr. Dzuro to not attend the meeting and to send someone who does not know what he is talking about.

Dwain Jordan - 1815 EastSchwartz

Mr. Jordan asked about the portion of the building that will remain commercial, is that not a violation of the Code. There is no guarantee that any buildings in Spanish Springs will remain commercial.

Hedy Gerace - 1716 Madero Drive

Ms. Gerace said they were sold a lifestyle and that lifestyle is being taken away. She said Harold (Schwartz) would not be happy.

Robert Marion – 924 Oleander Street

Mr. Marion said there are plenty of parking spaces on the site plan. He mentioned the property at Hacienda Country Club that was torn down two years ago, and nothing has been done with it. He thinks that there will be a lawsuit no matter what decision is made. He thanked Mayor for having the meeting.

Susan Latham - 1729 Madero drive

Ms. Latham also talked about Hacienda Hills and how wonderful it was and the wonderful lifestyle they were promised. The Villages needs to get their priorities straight and think about the people.

Ed Regan -1072 Avenida Sonoma

Mr. Regan said that since the proposal has been brought forward, the residents of Lady Lake have been involved in a lawsuit that has since been dropped. Just recently, Town officials have been notified that money that goes to the Lady Lake Police Force in annual payments of $100,000 will cease after 2023 so they are going to defund the police department and yet they want to pack people in the Square without police protection. We all came down to The Villages to retire and enjoy ourselves, but we are involved with adversarial issues that keep popping up. It is the monthly amenity fees that keep The Villages running. We pay the fees, volunteer to work events and this is our thanks.

Debora Postrk - 1705 Pebble Beach Lane

Ms. Postrk said the residents and their guests will utilize parking spaces. She described apartment living and said noise is often a problem. There will be complaints and music will cease at the Square.

Sheryl Wallace - 1017 Ann Avenue

Ms. Wallace said her parents moved to The Villages in 1987 and she also purchased a home in The Villages 10 years ago. Her parents loved Katie Belle's. If it was not for the historic side, the rest of The Villages wouldn't exist; Lady Lake also would not be what it is today.

Mary Megert - 1838 Oxford Lane

Ms. Megert commended Mayor Rietz for trying to do the right thing. He is showing some backbone. She said Lady Lake also uses the Square, so the Commission needs to do what is right for The Villages and Lady Lake. The Town is supposed to represent their constituents not a lawyer or a builder.

Martha Smith - 816 Weeping Willow Avenue

Ms. Smith said the Commission needs to do what their constituents want. Don't be selfish

Julie Branson - 604 Rainbow Blvd.

Ms. Branson said her monthly amenity fees have gone up since she moved to The Villages. The amenity fee should allow the residents to have a say in what goes on in The Villages.

Commissioner Holden commented that everybody is beating the wrong drum. The Commission has a job to do and one of those jobs is to prevent the taxpayers from having to pay for a lawsuit.

Bernice Bordenave - 805 Las Cruces Court

Ms. Bordenave and her husband thoroughly enjoyed Katie Belle's. She said there have been restaurants through the years and they are now gone.

Richard Bryce - 308 Del Mar Drive

Mr. Bryce said he has 30 years of planning experience. He does not know how Commissioner Kussard can say that we cannot tell somebody what they can build on their private property. He said it is up to the Commission whether an issue is tabled. He has read our Code and has questions about what the builder is doing. There is nothing wrong with asking for future plans for development in the area.

Mayor Rietz said he has questions about the site plan such as where the entrances will be, golf cart plugins, unloading zones, fire suppression, etc. He thinks the Town should get a 5 or 7-year plan and that the matter should be tabled.

Town Attorney Schroth asked if anybody on the Commission wanted to change his or her vote on the continuance adding that there was a 4—1 vote earlier to not continue the matter to another meeting.

There was a motion made by Commissioner Kussard earlier in the meeting to approve the Major Modification to Site Plan MJM 03/22-003 to convert the existing Van Patten House

Building into seven residential dwelling units on the second floor as presented; Commissioner Holden seconded.

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

Motion failed by a 3-2 vote.

G. TOWN ATTORNEY'S REPORT

Town Attorney Schroth had nothing to report.

H. TOWN MANAGER'S REPORT

Town Manager Lawrence reminded the Commission that on May 12th at 10 am, an Executive Session will be held to discuss the PBA. Also, on May 13th at 11 am, the local Colonial Dames Chapter will be at the Lady Lake Cemetery to unveil an historical marker. He thanked Julia Harris and Dawn Woods for their help at the volunteer dinner. The budget process is continuing.

I. MAYOR AND COMMISSIONER'S REPORT

A break for five minutes was called at 7:38 pm. to allow those who want to leave the meeting to do so.

Commissioner Hannan initiated a discussion about posting all events on the Town Calendar. After a discussion among the Commissioners, it was decided to only post Town sponsored events on the website.

Commissioner Freeman asked Mr. Carroll for an update regarding the ordinance about construction being restricted to certain times of the day. Mr. Carroll is working on that ordinance and another ordinance related to setbacks.

Mayor Rietz thanked all whose who attended the meeting.

J. PUBLIC COMMENTS[i]

There were two comments from audience members, who did not give their names, regarding what should be posted on the website.

K. ADJOURN

There being no further business, the meeting was adjourned at 7:46 p.m.

Nancy Wilson, Town Clerk

Jim Rietz, Mayor