

MINUTES OF THE COMMISSION MEETING TOWN OF LADY LAKE, FLORIDA

September 6, 2023

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 Rietz presiding.

CALL TO ORDER

The meeting was called to order at 6:00 p.m.

INVOCATION

Father Jim Taylor, St. George Episcopal Church

PLEDGE OF ALLEGIANCE

Led by Mayor Rietz

ROLL CALL

Commissioner (Ward)	Present
Kussard (One)	YES
Gourlie (Two)	YES
Freeman (Three)	YES
Rietz (Five)	YES

STAFF PRESENT

Bill Lawrence; Town Manager; Wendy Then, Senior Planner; Becky Higgins, Development Coordinator; Pam Winegardner, Director of Finance; John Pearl, IT Director; Steve Hunt, Police Chief; Jason Brough, Deputy Police Chief; Town Clerk Nancy Wilson

Town Attorney Derek Schroth was also in attendance.

PROCLAMATION

Recognition of Constitution Week – September 17th – September 23rd (Mayor Rietz/DAR Chapter Representative, Sylvia Walden)

Mayor Rietz read the Proclamation recognizing Constitution Week and presented it to DAR Chapter Representative Walden.

Ms. Walden announced that on September 17th at 4pm, everybody should step outside and ring a bell in support of the Constitution of the United States.

A. PUBLIC HEARING

1. Resolution 2023-108 (First and Final Reading) — Adoption of Tentative Millage Rate for Fiscal Year 2023—2024

Finance Director Winegardner read Resolution 2023-108 in its entirety. This resolution sets the Fiscal Year 2023-2024 tentative property tax millage rate of 3.3962 mills per \$1,000 taxable valuation, which is 8.67% greater than the current years rolled back rate of 3.1017.

Per State Statute Chapter 200.065, the Town of Lady Lake must hold a public hearing on the tentative millage rate and proposed budget. At this hearing, the Town Commission will discuss the tentative millage rate, and if changed, re-compute its tentative millage rate and publicly announce the percent, if any, by which the re-computed tentative millage is greater than or less than the rolled-back rate and approve the resolution.

As a reminder, the Town Commission can increase the millage rate at this meeting, but at the second public hearing on September 18th, they will not be able to increase it from what was approved at this meeting. This tentative rate, plus any other rate below this rate, requires an affirmative vote of three members of the Town Commission.

The hearing was advertised via the TRIM notice mailed out by the Property Appraiser.

Commissioner Kussard made a motion to approve Resolution 2023-108 to set the Fiscal Year 2023-2024 tentative property tax millage rate of 3.3962 mills per \$1,000 taxable valuation; Commissioner Gourlie seconded.

Cheryl Kessler, a resident of Lake County who does not live within the Lady Lake town limits, said she pays for Lady Lake services but has never received any services. Her address is 807 Maple Lane. The Finance Director and Senior Planner said they would discuss this with her after the meeting.

Motion carried 4-0.

2. Ordinance 2023-13 (First Reading) — Adoption of Operating Budget for Fiscal Year 2023—2024

Finance Director Winegardner read the ordinance in its entirety. This ordinance sets the Fiscal Year 2023-2024 Budget estimated revenues, expenditures, and expenses for the General Fund, the Special Revenue Fund, and the Utilities Fund.

Per State Statute Chapter 200.065, the Town of Lady Lake must hold a public hearing on the tentative millage rate and proposed budget. At this hearing, the Town Commission will amend

and approve the first reading of the budget ordinance after adoption of the tentative millage rate. This hearing was advertised via the TRIM notice mailed out by the Property Appraiser.

Commissioner Freeman made a motion to set the Fiscal Year 2023-2024 budget estimated revenues, expenditures and expenses for the General Fund, the Special Revenue Fund, and the Utilities Fund; Commissioner Kussard seconded.

Commissioner (Ward)	Present
Kussard (One)	YES
Gourlie (Two)	YES
Freeman (Three)	YES
Rietz (Five)	YES

Motion carried 4-0.

B. CONSENT

- 3. August 21, 2023 – Town Commission Meeting Minutes**
- 4. Approval of Lake County Sheriff's Office Dispatch Agreement for 2023**
- 5. Consideration of Approval of the Proportionate Share Mitigation Agreement between The School Board of Lake County, Florida, The Town of Lady Lake, and Palm Property Partners – Haymaker, LLC for the Boulevard Oaks Subdivision**

Commissioner Freeman made a motion to approve the Consent Agenda as presented; Commissioner Kussard seconded. Motion carried 4-0.

C. NEW BUSINESS

- 6. Consideration of the Appointment of a Commissioner and an Alternate to the Town of Lady Lake Canvassing Board Required this Year for the November 7, 2023 General Election.**

The Lake County Supervisor of Elections Office has asked that the Town provide them with the names, titles and email addresses of the Town's Canvassing Board members as required for this year's general election on November 7, 2023. They are also asking for alternates to be assigned.

Per Ordinance 2018-21, the Town's Canvassing Board will consist of the Town Clerk or other designee of the Town Manager, the Library Director, and a member of the Town Commission who is not a candidate for election during this election cycle. Due to unforeseen circumstances, a replacement will be found for the Library Director.

Commissioner Gourlie made a motion to appoint Commissioner Freeman to the 2023 canvassing board and to appoint Commissioner Kussard as an alternate; Commissioner Freeman seconded. Motion carried 4-0

7. Consideration of Approval for a Social Media Policy

Social media policies are essential tools for local governments to manage their online presence, maintain a positive image, adhere to legal requirements, and effectively engage with their communities while minimizing risks associated with social media use.

These sites allow people and organizations to connect with one another so they can develop relationships and share information. However, with all its many benefits, organizations must protect themselves from legal issues and set guidelines for use. From a government perspective, social media provides a vital way to reach vast audiences and incentivize them to engage in local government and community activities.

This policy is tailored to both external users of Town-managed accounts and Lady Lake staff. This policy provides consistency to help maintain a professional image and addresses legal requirements and limitations related to social media usage to help the town avoid legal pitfalls.

Commissioner Gourlie made a motion to approve the social media policy as presented; Commissioner Freeman seconded. Motion carried 4-0

8. Consideration of Interlocal Agreement Between the Town of Lady Lake and Lake County for the AlertLake Emergency Notification System

Lake County is seeking approval of an Interlocal Agreement between the Town of Lady Lake and Lake County to utilize an emergency alert system to transmit alerts, notifications and other Public Safety messaging to residents, businesses and visitors located in or transiting through Lady Lake

Commissioner Freeman made a motion to approve the Interlocal Agreement between the Town and Lake County for use of an emergency alert system; Commissioner Gourlie seconded. Motion carried 4-0.

9. Consideration of Approval for the Gettings RV Storage – New Major Site Plan MJSP 12/22-001 – Proposing 486 square feet of Office Space, 1,830 square feet for a Manager’s Residence, RV Building Covered Parking Areas A, B, C, and D consisting of 56,460 square feet of area and 91 RV slots, featuring an RV Dump Station, Landscaping Buffers, Storm water Retention Areas and Sheds, on four parcels being approximately 6.62 acres of land zoned Planned Commercial (CP–Ord. 2021-22), owned by Glendall W. and Calliope A. Gettings and identified by alternate key numbers 1121612, 1584876, 2700416, and 3793334

Senior Planner Wendy Then said that on Thursday, December 15, 2022, the Town of Lady Lake received a New Major Site Plan application from David W. Springstead with Springstead Engineering, Inc., on behalf of property owners Glendall W. and Calliope A. Gettings. The parcel received zoning entitlements by the Town Commission on December 20, 2021. The property was rezoned from Lady Lake Residential Professional to Planned Commercial under the Memorandum of Agreement Ordinance 2021-22. The future land use is General Commercial – Retail Sales and Services.

The four parcels make up the oddly shaped property for the proposed use of an RV storage facility. The property is currently vacant. A waiver from the commercial design standards was previously requested because one of the four design standards was not closely followed. The elevations feature certain exterior building materials and elements that can be linked to the Craftsman-Bungalow architectural design.

Four buildings are proposed for the facility: 486 square feet of Office Space, 1,830 square feet for a Manager's Residence, RV Building Covered Parking Areas A, B, C, and D consisting of 56,460 square feet and 91 RV slots. Also included in the plan is an RV dump station, landscaping buffers, stormwater retention areas and sheds.

Commissioner Freeman said because the Commission will be receiving an application for tree removal, the site plan request should be tabled until after the variance is presented. If the site plan is approved first, it is fait accompli.

Commissioner Freeman made a motion to table this request until after the variance is heard. Motion died for lack of a second.

Commissioner Kussard made a motion to approve the new major site plan for Gettings RV Storage as presented with the following waiver: Chapter 20, Section 20-3c)3a) building architecture not adhering to one of the four architectural design standards; Commissioner Gourlie seconded.

Commissioner (Ward)	Present
Kussard (One)	YES
Gourlie (Two)	YES
Freeman (Three)	NO
Rietz (Five)	YES

Motion carried 3-1 (Freeman)

D. TOWN ATTORNEY REPORT

10. Ordinance 2023-05 — First Reading - Small Scale Future Land Use Comprehensive Plan Amendment — Hien D. Nguyen and Barbara D. Kleinschrodt — Changing the future land use designation from Lady Lake Mixed Residential – Low Density (MR-LD) to Town of Lady Lake Commercial General - Retail Sales and Service (RET); for property being approximately 0.682 acres; Referenced by Alternate Key Numbers 2801573 and 2515678 within Lake County, Florida.

Senior Planner Wendy Then said that there are two contiguous vacant parcels to be considered for this ordinance. These two lots are located east of Clay Avenue, south of West Lemon Street and north of Highway 466, just northeast of the intersection of Highway 466 and Clay Avenue and approximately 0.3 miles west of the intersection of US Hwy 441 and West Lemon Street. The present use is vacant residential. The second application that was previously submitted has been formally withdrawn.

An application was filed with the Town of Lady Lake by Michael Rankin with LPG Urban & Regional Planners, LLC, to amend the Future Land Use designation of 0.68 acres into the Town's Comprehensive Plan Map. The request is to change the property from Lady Lake Mixed Residential Low Density to Lady Lake Commercial General-Retail Sales and Services. This use is consistent with the Future Land Use across the street on 466.

The proposed Future Land Use designation is Lady Lake Commercial General – Retail Sales and Services. This land use category is limited to retail sales and services which is an establishment engaged in the selling of products and services to the public for personal or household consumption, including but not limited to beauty/barber shop, laundry and dry-cleaning store, newsstand/bookstore, clothing stores, drug stores, home electronic equipment, food/grocery stores, hotel/motel, religious uses, professional services, and sporting goods. Within their Memorandum of Agreement, they are limited to certain uses.

Adjacent to the subject property are the following future land use designations: North – Mixed Residential Low Density; East – Mixed Residential Low Density; South – Commercial General-Retail Sales and Services and West – Professional Services.

The projected demand on the water and sewer for this project is 750 gallons per day or 3 ERUs. There will not be any impact on schools. Regarding transportation impact, the project is expected to generate a maximum of 70 peak hour trips: 35 entering and 35 exiting. There will be a total of 901 daily trips generated for the project as proposed based on the worst-case scenario.

The Parks & Recreation level of service is not expected to be affected by approval of the project.

For stormwater, the project must adhere to the St. John's River Water Management District guidelines, drainage, and engineering best practices. There are no flood hazard areas or wetlands on the properties.

The Statement of Need was addressed at the May 15, 2023, Special Conceptual Workshop Meeting. The applicant stated that with the absence of food establishments nearby, the residents of the adjacent neighborhood, as well as visitors of the Town's recreation facilities and library, could take advantage of getting a quick bite to eat within a short walk. The proposed number of tenants would provide a variety of fares for patrons to choose from as well. The dining area would be outside, with the ordering to be done within each tenant space. The concept is similar to that of a food truck operation; however, the ordering counters are not mobile.

The applicant proposes a 2,000-square-foot Fast-Food Restaurant with outdoor seating but without a drive-through.

Ryan Solstice – LPG Urban and Regional Planners

Mr. Solstice said that what is being proposed is a Small-Scale Comprehensive Plan Amendment to change the use from residential low density to commercial general - retail sales and services. The subject property is .682 acres and has access from CR 466 and Clay Avenue and abuts West Lemon Street. The proposal is for four 500 square foot buildings with take-out restaurant operations. There are a number of policies that this project embodies in Lady Lake's Comp Plan. One is the location on a major arterial corridor, and another is the mitigation of impact to adjacent neighbors through planned commercial buffer requirements.

At a previous conceptual workshop, a favorable recommendation was given by the Town Commission. Subsequently, the Planning and Zoning Board recommended to the Commission that the project be denied. On August 5, 2023, a community meeting was held to gather input prior to resubmittal of the application. Mr. Solstice said he never attempted to hide comments made by the homeowners from the Commission. The three-piece parcel was pulled from the project, the main access will now be on CR 466 and Clay Avenue access will only be allowed by Emergency Vehicles. The buffers have been improved and increased along with setbacks. Access from West Lemon Street has been eliminated.

A traffic analysis was performed and the adopted level of service of the road would not be degraded. This did meet the qualifications of the Metropolitan Planning Organization for minimal impact due to the number of PM peak hour trips, so they received a Tier 1 exemption letter.

The number of outdoor seats allowed is limited by the parking code. At any given time, there will only be 16 people who can sit outside the four takeout restaurants.

Commissioner Kussard addressed the residents in the audience. She stated that she understands their concerns, but the property has been sold and something is going to be built there; the property will not stay vacant.

Commissioner Gourlie recounted a story where building and growth were discouraged in a small town where he owned property. That town now sits boarded up with fewer than 100 inhabitants. He understands that the residents like peace and quiet but if there is no growth, Lady Lake may lose its attractiveness to any growth. Now, Lady Lake is growing, and it is a place where people want to come. He sympathizes with the residents, but change will come, and it is better to have someone who will work to accommodate your wishes than to get a larger organization developing the property.

Commissioner Freeman said he is not in favor of the project for a number of reasons. He wonders why there is so much emphasis placed on commercial growth. Two mobile homes, a single-family home or a duplex could go on the property. Commercial development is not in the best interest of Lady Lake. On an adjacent piece of property, a pharmacy is being proposed; that makes more sense to him. When North Clay gets developed, he envisions traffic coming up North Clay, taking a left on Guava or West Lemon, going down to Second Street to CR 466 to gain access to the proposed project. That is what the people are concerned about, the volume of traffic. People could move but they like where they are. Commissioner Freeman also commented that the orange tape that has been tied around trees on the property and one of the trees is located on the easement. Ms. Then said that until there is a development order, the property owner cannot do anything; zoning entitlements must be granted first. Mr. Solstice said he recommended to the owners that they have a tree survey conducted. Commissioner Freeman said if the project is approved, trees will have to be removed.

Mayor Rietz said that at a previous meeting it was suggested that the owners wanted to build a three-story building on the property. Mr. Solstice replied that he is not sure where that information is coming from, but they never planned to build anything over 26 feet high nor does the Land Development Code allow for that in any zoning designation.

PUBLIC COMMENTS

Michael Kuchera - 304 W. Lemon Street

Mr. Kuchera said that during the first meeting it was stated that there were future plans for the property in case the restaurants failed. One of the options was a 1.5 story building as he remembers it. Mayor Rietz wanted to find out who mentioned that a 3-story building could be built on that property, but the source of that information was not determined. Mr. Kuchera commented that the retention ponds would attract mosquitoes, but Mr. Solstice said that the ponds will most likely be dry.

Richard Kluesener – Owner, Gold in Art Jewelers

Mr. Kluesener thinks that more development will hasten the installation of a traffic signal and that will hinder business at his location and block his entry/exit. Patrons enter his parking lot from Clay Avenue and when the light on the signal is red, traffic will become backed up making access difficult.

Ms. Then added that the threshold at which a traffic signal is required is determined by Lake County, not Lady Lake.

Rose Marie Kuchera – 304 W. Lemon Street

Ms. Kuchera said that commercializing their neighborhood will negatively affect them so the Commission should consider the residents when making a decision. She added that they want to continue living in a nice, safe neighborhood. Change is inevitable but all change is not an improvement. Those restaurants will not help their neighborhood. She is against all of this.

Mayor Rietz asked Finance Director Winegardner to explain why the town's millage rate is so low. Ms. Winegardner explained that the town is very responsible about spending. Also, adding both residential and commercial development to the tax rolls in Lady Lake has allowed the millage rate to stay low. Ms. Winegardner added that our auditors have commented that the town is fiscally responsible.

Commissioner Freeman asked if commercial development is better, to which Ms. Winegardner said all development adds to the tax base.

Tom Lindsay - 102 Fourth Street

Mr. Lindsay asked what the current project encompasses and was told by Ms. Then that the proposal only includes two parcels on the corner of 466 and Clay Avenue. He then commented that the cut-out on 466 is too close to Clay Avenue and asked how emergency access will be blocked. Mr. Lindsay is also concerned about the impending traffic signal installation adding that it will be a cluster in that area with too many cars.

Ms. Then said that during the site plan process there will be a more detailed review of the traffic and the layout of the property; the site plan will be brought back before the Commission for approval.

Commissioner Freeman asked about the emergency exit and how it will be restricted to emergency vehicles only. Mr. Solstice said there will be knock down bollards that only emergency vehicles can knock down.

Commissioner Kussard made a motion to approve Ordinance 2023-05; Commissioner Gourlie seconded.

Commissioner (Ward)	Vote
Kussard (One)	YES
Gourlie (Two)	YES
Freeman (Three)	NO
Rietz (Five)	YES

Motion carried 3-1 (Freeman).

- 11. Ordinance 2023-06 — First Reading – Rezoning — Hien D, Nguyen and Barbara D. Kleinschrodt — Changing the zoning designation from Lady Lake Mixed Low Density Residential (MX-5) to Lady Lake Planned Commercial (CP) for property; being approximately 0.682 acres; Referenced by Alternate Key Numbers 2801573 and 2515678 within Lake County, Florida.**

Senior Planner Then said that on Wednesday, May 10, 2023, applications were filed with the Town of Lady Lake by Michael Rankin with LPG Urban & Regional Planners, LLC, on behalf of property owners Hien Nguyen and Barbara Kleinschrodt to rezone approximately 0.682 acres. The request is to rezone the property from Lady Lake Mixed Residential Low Density to Lady Lake Planned Commercial. The subject parcels consist of two contiguous, vacant lots located east of Clay Avenue, south of West Lemon Street and north of Highway 466, just northeast of the intersection of Highway 466 and Clay Avenue and approximately 0.3 miles west of the intersection of US Hwy 441 and West Lemon Street.

The subject property proposes only the following uses: restaurants, retail sales and services, medical offices and offices. All other uses are expressly prohibited.

The maximum impervious surface ratio (which includes building coverage) is limited to 80% which is consistent with other commercial property in Lady Lake. The maximum floor area ratio shall be limited to .5 and the maximum building height is forty-five feet with a limitation of 3 stories. Setback requirements are front setback/roadway - 25 feet minimum; rear setback - 15 feet minimum and the side setbacks are 15 feet to another lot or 20 feet from the local roadway.

The landscaping requirements are Landscape Buffers Class A and B around the perimeter of the subject property line. A landscape Class A buffer will be provided on the North, West, and South property lines and a landscape Class B buffer will be provided on the East property line.

The project will be served by the town's central water and sewer systems, and the property owner will be responsible for the cost of all off-site and on-site installation of the water and

sewer. The developer will be responsible for the cost and installation of any required infrastructure improvements necessitated by the impact of the project.

Mr. Solstice requested the following be added to the MOA: lower the maximum height to 26 feet, set the hours of operation to between 9am and 9pm and increase the buffers and setbacks as outlined in the revised submittal.

Commissioner Gourlie made a motion to adopt Ordinance 2023-06, changing the zoning designation from Lady Lake Mixed Low Density Residential to Lady Lake Planned Commercial and adding the recommended changes to the MOA; Commissioner Kussard seconded.

Commissioner (Ward)	Vote
Kussard (One)	YES
Gourlie (Two)	YES
Freeman (Three)	NO
Rietz (Five)	YES

Motion carried 3-1 (Freeman)

12. Ordinance 2023-12 - First Reading - Rezoning - An Ordinance Redesignating the Zoning Classification for Certain Property Being Approximately 3.216 Acres, Owned by CGCR Holding, LLC; Referenced by Alternate Key Numbers 1121116, 1121124, and 1111277, Rezoning Subject Property From Lady Lake Light Commercial (LC) and Lady Lake Planned Commercial (CP), to Lady Lake Planned Commercial (CP); located west of Old Dixie Highway and on the north and south side of Griffin View Drive, within Lake County, Florida.

Senior Planner Wendy Then explained that the applicant is making this rezoning request because there are two properties, split by Griffin View Drive, that have been combined but have different zoning designations. The property consists of three parcels and the owner wants to develop the property as one project. The permitted uses include: commercial and industrial equipment and supplies; equipment rental; RV and boat storage, motor vehicle towing and storage; motor vehicle service department to include auto collision repair; contractors' office and furniture or appliance store. Everything else is expressly prohibited.

Currently, there is a 12,000 square foot metal frame warehouse building located on the parcel south of Griffin View Drive. The parcels that lie north of Griffin View Drive are vacant with an unimproved parking lot. The owner plans to remodel the existing warehouse and build a new

14,000 square foot warehouse building in accordance with the conceptual plan as shown by Exhibit C of Ordinance 2023-12.

Zoning of surrounding properties includes: north - Multi-Family High Density Low Rise; to the east - ROW/Heavy Commercial /Planned Commercial; south – Planned Commercial; west - Multi-Family High Density Low Rise.

Class “A” landscaping buffers will be provided on the north, south and east property lines. Class “B” landscaping buffers will be provided on the west property line. The owner will maintain all landscaping.

The property will connect to the Town’s potable water, central sewer and reclaim systems at the time of commencement.

Commissioner Freeman asked if the metal building on the property is going to be demolished.

Robert Haught - Forward Planning and Design

Mr. Haught responded that the building will likely be renovated and parking will be placed in front of it.

Commissioner Kussard made a motion to approve redesignating the zoning classification for property owned by CGCR Holding on first reading; Commissioner Gourlie seconded.

Commissioner (Ward)	Vote
Kussard (One)	YES
Gourlie (Two)	YES
Freeman (Three)	YES
Rietz (Five)	YES

Motion carried 4-0.

13. Ordinance 2023-14 - First Reading - Fertilizer Ordinance – Adding to Lady Lake’s Land Development Regulations a Section Entitled “Fertilizer Use”; Restricting the Timing of Application and Content of Certain Fertilizers

Public Works Director Eagle said the ordinance was modeled after a Lake County Ordinance. Staff would like to be able to restrict the timing of application and content of certain fertilizers. This ensures ongoing compliance with Lady Lake’s National Pollutant Discharge Elimination System (NPDES) permit requirements for Stormwater.

Commissioner Freeman made a motion on first reading to add a section to the Land Development Regulations regarding Fertilizer Use; Commissioner Gourlie seconded.

Commissioner (Ward)	Vote
Kussard (One)	YES
Gourlie (Two)	YES
Freeman (Three)	YES
Rietz (Five)	YES

Motion carried 4-0.

- 14. Resolution 2023-107 — First and Final Reading - Variance — Gettings RV Storage MJSP 12/22-001 - 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 Gettings RV Storage development, referenced by Alternate Key Numbers 1121612, 1584876, 2700416, and 3793334, owned by Glendall W. and Calliope A. Gettings, within the town limits of the Town of Lady Lake, Florida.**

Senior Planning Then said the variance request is to allow for the removal of two Live Oak historic trees located within the Gettings RV Storage development, owned by Glendall W. and Calliope A. Gettings.

On January 19, 2023, Mary L. Edwards, a Registered Consulting Arborist with Mary L. Edwards Consulting Arborist Services, completed an arborist report on the subject property which evaluated all historic trees proposed to be removed. The 6.62-acre project contains a total of nine historic trees, of which seven trees are considered in poor condition and two are considered in moderate condition. The applicant is requesting the removal of the two moderate/viable historic trees.

On Monday, July 10, 2023, a variance application was filed with the Town of Lady Lake by Jason Hurley with Springstead Engineering, on behalf of the property owners 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 applicant proposes to retain one 42-inch Live Oak historic tree as well as another 69 protected trees, thus providing over 800 tree caliper inches from trees to be preserved on-site.

The applicant states that the removal of the historic trees is necessary because the trees interfere with major site improvements affecting the layout of Life Safety Emergency Response

Access, vehicle routes, and the proposed location of the buildings. The lot is very irregular in shape, and it would be virtually impossible to work around the two trees. The applicant stated that the 52-inch Live Oak tree is located at the southeasterly corner of the proposed Canopy C Structure while the 60-inch Live Oak tree would be touching the east elevation and drive aisle of the proposed Canopy B Structure.

The applicant added that unfortunately, the trees are too large to relocate. A reasonable effort has been taken to preserve the trees due to the large building footprints; however, when considering risk and hazard, the trees are not able to be preserved.

The historic trees significantly impact the full right of the applicant to fully maximize best use of the land possible pursuant to the Land Development Regulations. The applicant proposes to retain 33 percent of protected viable trees (69 Trees). The tree requirement for the project meets the Land Development Regulations and still provides 33 percent of the protected trees.

Commissioner Gourlie asked what “moderate” condition means when referring to trees. Ms. Then responded that there are standard terms used to categorize trees. Poor condition means the tree is in serious decay and will not survive construction. Moderate condition means that the tree is healthy with some decay but is not expected to die due to construction. Trees in moderate condition are considered viable and healthy if best management practices are put in place. Decisions regarding the removal of trees are important due to tree mitigation fees. The site presented some challenges.

Commissioner Freeman stated that the property is going to be clear cut. Ms. Then responded that the property owners are required by Code to keep at least 25% of the existing vegetation but the applicant is preserving one historic tree and more than 69 protected trees totaling over 800 caliper inches. They are providing a 20-foot landscaping buffer.

Commissioner Freeman commented that a large RV may have trouble turning into the parking lot. Ms. Then said the Town Engineer and Public Works staff evaluated the plan but as the project evolves, more evaluation will take place.

Jason Hurley – Springstead Engineering

Mr. Hurley said there are a couple of tight s-curves that will require some maneuvering for the largest motor coaches, but there is sufficient room to maneuver.

Commissioner Freeman stated that the reason for a variance cannot be financial. Town Attorney Schroth said that the Commission has wide latitude in granting a variance. The Town Attorney added that developers are justified in wanting to make money so the justification statement in the application is adequate. Commissioner Freeman then said that tree number

93 could be saved if the building was shortened by 30 feet and asked if that would break the project in the long term.

Mr. Hurley said definitively that the project would be rendered unfeasible if the two trees in question were to remain because trees of those sizes need 50-60 feet out from the base to preserve the critical root zones and limb structures. They have a very sizable footprint.

Commissioner Kussard made a motion to approve the variance allowing for the removal of historic trees on the Getting RV Storage property; Commissioner Gourlie seconded.

Commissioner (Ward)	Vote
Kussard (One)	YES
Gourlie (Two)	YES
Freeman (Three)	NO
Rietz (Five)	YES

Motion carried 3-1 (Freeman)

TOWN MANAGER'S REPORT

Town Manager Lawrence announced the upcoming Father-Daughter dance. He also gave kudos to Elisha Pappacoda for her coverage during the hurricane. He also gave a shout out to Wendy who accepted a job in Wildwood; she is moving on to bigger and better things. Wendy said that she spent 17 wonderful years in the Town.

MAYOR AND COMMISSIONER'S REPORT

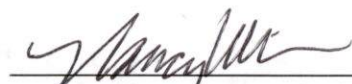
Mayor Rietz announced that soccer season opens on September 9th. Library Director Herman said that September is national library card sign-up month. For those applying for a new card, two \$25 gift cards were donated for a drawing.

PUBLIC COMMENTS

No public comments

ADJOURN

There being no further business, the meeting was adjourned at 7:43 p.m.



Nancy Wilson, Town Clerk



Jim Rietz, Mayor