

1 **DRAFT MINUTES OF THE COMMISSION MEETING**
2 **TOWN OF LADY LAKE, FLORIDA**

3 **November 06, 2023**

4 The regular meeting of the Lady Lake Town Commission was held in the Commission Chambers at
5 Lady Lake Town Hall, 409 Fennell Blvd., Lady Lake, Florida, with Mayor Rietz presiding.

6 **CALL TO ORDER**

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

8 **INVOCATION**

9 Moment of Silence

10 **PLEDGE OF ALLEGIANCE**

11 Led by Mayor Rietz

12 **ROLL CALL**

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

13 **STAFF PRESENT**

14 Bill Lawrence; Town Manager; Thad Carroll, Growth Management Director; Pam Winegardner,
15 Finance Director; C.T. Eagle, Public Works Director; Mike Burske, Parks & Recreation Director; Steve
16 Hunt, Police Chief; Nancy Wilson, Town Clerk

17 Town Attorney Derek Schroth was also in attendance.

18 **A. PRESENTATION**

19 **Yolanta Buchanan, Personal Representative for Paul Hannan's estate, would like to present a**
20 **check to the commission for \$2,500, the amount Mr. Hannan bequeathed to the town.**

21 In Ms. Buchanan's absence, Mayor Rietz gave a short background on Paul's love of trees and how he
22 was dedicated to preserving them. In his will, he left the town \$2,500 to be added to the tree bank
23 for future purchases.

24 **B. CONSENT**

1. October 2, 2023 — Town Commission Meeting Minutes

2. Consideration of Approval of the Proportionate Share Mitigation Agreement between The School Board of Lake County, Florida, The Town of Lady Lake, and SK Hammock Oaks, LLC for the Reserve at Hammock Oaks Development.

3. Consideration of Approval of the Proportionate Share Mitigation Agreement between The School Board of Lake County, Florida, The Town of Lady Lake, and Linden Street Development, LLC for the Lady Lake Luxury Apartments.

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

C. NEW BUSINESS

4. Consideration of Approval for New Song Church and The First Baptist Church of Lady Lake to Host Their Christmas Concerts Under the Christmas Lights at the Log Cabin.

Parks and Recreation Director Mike Burske stated that both New Song Church and The First Baptist Church of Lady Lake have in the past hosted their Christmas Concerts under the lights at the Log Cabin. At this time, they have not given specific dates when they would like to host the events but have reached out to ask for permission. Mr. Burske asked for approval to work with them on setting up the dates. The concerts have always given a great holiday vibe to the cabin during the holidays.

Commissioner Kussard made a motion to approve permitting the two churches to host their Christmas Concerts at the Log Cabin; Commissioner Gourlie seconded. Motion carried 4-0.

5. Consideration of Approval for Leesburg to Host the Annual All Stars Soccer Tournament at our Fields at the Rolling Acre Sports Complex on December 9th and 10th and to Waive the Rental Fee in Order to Credit That Amount to Our Teams Participating in the Tournament.

Parks and Recreation Director Mike Burske stated that a few years ago, Lady Lake, Eustis, Fruitland Park and Leesburg began an All-Star Soccer Tournament. It was decided that each municipality would take turns holding the tournament at their respective fields. Our Soccer Association will be working with the other organizations in the tournament and will assist in lining the fields. The soccer association will run the concession stand and collect all the proceeds. Leesburg will be paying the refs and coordinating the tournament. I predict that the field rental fees will be around \$700.00. The total cost of the entries from our league will be \$1,100.00. We are asking to deduct the \$700.00 in exchange for cheaper entry fees and town sponsorship on the propaganda which the Soccer Association and Leesburg have agreed to. Town staff is not needed for this event.

Commissioner Kussard made a motion to approve Leesburg's use of Rolling Acres Sports Complex to host the annual All Stars Soccer Tournament and to waive the rental fee; Commissioner Freeman seconded. Motion carried 4-0.

6. 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.

Growth Management Director Thad Carroll stated that the Lady Lake Reserve Subdivision is a preliminary plat plan that proposes 111 lots (69 Single Family and 42 Town Homes), on 24.75 acres. The applicant is Chuck Hiott from Halff Associates and the owner is Carl Smith Trustee. The request is for a PUD designation that permits up to six dwelling units per acre. Present use of the property is vacant and staff's recommendation is for approval.

In addition to the 111 lots, the property will also include 3,050 linear feet of pavement. The plan is in compliance with the town's open space requirement, and there will be 4.48 dwelling units per acre.

The property sits to the south of the Lake County landfill and is on the east side of Rolling Acres Road and just above Anderson Lane. The single family lots are oriented toward Rolling Acres Road with townhomes in the back along with the retention area. There are trees on the property but with this application, there is not a request to remove any historic trees.

This project could begin prior to the project across the street which is the Reserve at Hammock Oaks. The applicant has worked with the Reserve at Hammock Oaks to design the roundabout. If this project gets underway, with the way the lots are laid out, there is ample room for a bypass road to be constructed at the same time as the roundabout is being constructed. This was illustrated on the projected map.

This project is consistent with the property entitlements for its zoning designation. All reviews were satisfied and the Lake County concurrency capacity reservation letter was dated September 26th so this is one of the projects that did have vested capacity in the school system. Recent projects have had to enter into Proportionate Share Agreements.

At the October 9th Planning and Zoning Board meeting, the board members voted 4-0 to transmit the application to the Town Commission with the recommendation of approval.

Commissioner Freeman asked if Anderson Lane was no longer going to be a dirt road on the north side. Mr. Carroll said Anderson Lane is on the south side of the development and Sunshower Lane is on the north side. Commissioner Freeman then asked if the easement is going to remain. Mr. Carroll responded that the easement is not going to be touched. He referred to a design in the agenda packet showing that once the roundabout is designed, it will go through the subdivision and meet up on the backside so it will be a parallel connector. There will not be any improvements to Sunshower Lane as a result of this project.

Commissioner Gourlie asked if the bypass will be possible if this property is developed before the development on the westside of Rolling Acres Road.

Jason Lee – D&L Land Management, representing the applicant

Mr. Lee responded to the Commissioner saying the bypass road was designed so that it would not interfere with the lots so even if they started building first, they could still use the bypass road.

Commissioner Gourlie said it looks like two lots would be affected but Mr. Lee said it looks like that on the map but it is not the case.

John Curtis – Kolter Land

Mr. Curtis said that they have submitted their Phase 1a plans, which include the roundabout, to Lake County and they hope to have those plans approved in December with construction on the bypass road and the roundabout beginning in January.

Commissioner Kussard made a motion to approve the preliminary plat plan for Lady Lake Reserve; Commissioner Gourlie seconded. Motion carried 4-0.

7. Consideration of Approval for The Villages Center Service Area Water Treatment Plant Number 1 – New Major Site Plan Modification MJSP 09/23-001 – Proposing access driveway improvements, yard piping improvements, and a modification to the Sodium Hypochlorite Systems.

Growth Management Director Carroll said the reason this came before the Commission is because there are DEP permits associated with the project which require them to go through the major modification process, otherwise, this could have been handled administratively.

The applicant is Brian Foulkes from Vikus Water, and the owner of the property is The Village Center Community Development District. The land use designation is Mixed Residential Medium Density and that is also the zoning assignment. The property is not totally vacant.

There is a driveway that will come off St. Andrews Boulevard and it will consist of a stabilized surface in lieu of the unimproved surface of grass and vegetation that is currently there. They will be adding quite a bit of concrete to the .68-acre property. There will be some removal of curbs and repaving. There are eleven trees being removed but none of them is historic. They still meet the 168 caliper inches per acre. No tree replacement is required.

All reviews of the plans were satisfactory. Public Works will not assume any responsibility for the project, this is all Villages utilities so nothing will be conveyed to the town as part of this process.

Commissioner Kussard made a motion to approve The Villages Center Service Area Water Treatment Plant major site plan modification; Commissioner Gourlie seconded. Motion carried 4-0.

1 **8. Consideration of approval of the Hammock Oaks Multi-Family Apartments development,**
2 **referenced by MJSP 05 23-002, owned by SK Hammock Oaks, LLC, on property being 23.05**
3 **acres, located south of Highway 466 and east of Cherry Lake Road, within the town limits of**
4 **the Town of Lady Lake, Florida.**

5 Growth Management Director Carroll stated Edward Rose Properties, Inc., submitted a new major
6 site plan application on behalf of SK Hammock Oaks, LLC, for a 312-unit multi-family development.
7 The Future Land Use Designation is Mixed Development District and PUD is the zoning entitlement
8 for the property.

9 Various reports were submitted including a traffic study as part of the entire Hammock Oaks
10 development. At this meeting, only the multi-family portion of the project is being discussed which
11 is just one of several phases of the project. They are working in conjunction with Kolter on impacts
12 to the surrounding roads that will be mitigated by the prop share agreement.

13 Regarding School Concurrency, there is not sufficient capacity in the public school system to
14 accommodate the proposed development, therefore a mitigation payment will be required for
15 students and the elementary and high school levels totaling \$1,417,325.

16 A variance was approved earlier this year allowing the removal of four historic trees located within
17 the Hammock Oaks Multi-Family development. The applicant will retain eight historic trees or
18 about 75% of the total viable, historic trees on the property.

19 Aside from the apartments, there are two retention ponds, a clubhouse, and a swimming pool. An
20 administrative variance was granted for the parking that could be built out at a later date.

21 The plans were reviewed by staff and consultants and were found to be in compliance with the
22 Land Development Regulations.

23 **Commissioner Kussard made a motion to approve the Hammock Oaks Multi-Family Apartments**
24 **development; Commissioner Gourlie seconded. Motion carried 4-0.**

25 **An invocation was led by Rabbi Zev Sonnenstein at 6:18 p.m. He was not present at the**
26 **beginning of the meeting.**

27 **D. TOWN ATTORNEY'S REPORT**

28 **9. Ordinance No. 2023-16 – First Reading - An Ordinance of the Town of Lady Lake Amending**
29 **Chapter 2, Article VI, Division 2 of the Code of Ordinances for the Town of Lady Lake, Florida,**
30 **Setting Forth Procedures for the Use of Town Parks and Facilities and Terms and Conditions**
31 **of the Use of Town Parks and Facilities, Including Providing for Enforcement and Penalties;**
32 **Providing for Severability; Providing for Repeal of Conflicting Ordinances; and Providing for**
33 **an Effective Date.**

Parks and Recreation Director Burske stated that at the October 2, 2023 Town Commission meeting, there was a discussion about rental fees for town parks and facilities with a focus on Snooky Park since it is new to the lineup. After a lengthy discussion, it was decided that an ordinance would be drafted that would require large groups and organizations to pay a deposit of \$500 in addition to providing insurance naming the Town of Lady Lake as certificate holder. This verbiage would be referenced in the ordinance and included in the new rental application (attached). A deposit would not be required for family events and gatherings.

Also suggested for inclusion in the ordinance are hours of operation from between sunrise and sunset, that no motorized vehicles are allowed and that pets must be leashed and cleaned up after.

Commissioner Gourlie made a motion to approve the first reading Ordinance 2023-16; Commissioner Kussard seconded. Motion carried 4-0.

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

Motion carried 4-0.

10. Resolution No. 2023-110 – First and Final Reading – 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 Cierra Oaks Circle, within the Town Limits of Lady Lake, Florida.

Growth Management Director Carroll stated that the applicants own Lots 43 and 44 in the Cierra Oaks Subdivision; the primary residence was constructed on Lot 43, and recently, a swimming pool was constructed on Lot 44. When the permit was submitted for the construction of the pool and 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.

Their options are to remove the screen enclosure to be in compliance with our setback requirement or for a variance to be granted by the commission.

Though they did bring this hardship upon themselves, the size of the property is comparable to many lot sizes in the Villages. 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.

Commissioner Gourlie said the Land Development Regulations should be changed soon to avoid this happening again.

Commissioner Freeman said that in this neighborhood, purchasing a second lot is the only way a pool would work.

Commissioner Kussard made a motion to approve Resolution 2023-110 granting the setback of 11.8 feet from the rear property line; Commissioner Gourlie seconded.

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

Motion carried 4-0.

11. Resolution 2023-111 – First and Final Reading - 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 stated that the variance request is to allow the removal of two Laurel Oak historic trees located within the proposed Boulevard Oaks Subdivision once referred to as the Applebee property. The applicant is Jordan Theis from Palm Property Partners – Haymaker LLC. The property lies to the east of County Road 25 and north of Marion County Road.

Zoning entitlements for the property were approved in February 2022 and the proposal is for a 160-unit subdivision.

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 moderate risk level and two are considered to be at low risk level. The applicant is requesting the removal of the two low risk level/viable historic trees.

The applicant proposes to retain one 44-inch and one 46-inch historic oak trees 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.

The historic trees significantly impact the full right of the applicant to maximize best use of the land possible pursuant to the Land Development Regulations. The applicant proposes to retain 36 percent of protected viable trees (42 trees).

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 result in changes to the town's landscaping code to back off on some of the protections of the Water and Laurel Oak trees in the future.

Commissioner Gourlie made a motion to approve the variance for the removal of two viable historic trees in the Boulevard Oaks Subdivision; Commissioner Kussard seconded.

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

Motion carried 4-0.

12. Resolution 2023-112 – First and Final Reading - 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.

Growth Management Director Carroll stated that the applicant is requesting a variance from the parking space requirements listed in Chapter 7, Section 7-4). b).4)., of the Town of Lady Lake Land Development Regulations which requires one parking space per ten motor vehicle/boat storage stalls. The property owner is Elite RV & Boat Storage, and the applicant is Morgan Hampton from Common Oak Engineering, LLC. 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 zoning of the property is Planned Commercial, and the zoning entitlements have been secured for the property.

On Monday, September 18, 2023, a variance application was filed requesting a reduction of 19 required parking spaces in the motor vehicle/boat storage area. All other parking space requirements will be met.

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. Per the Land Development Regulations, the boat/RV storage stalls will require 23 parking spaces. The applicant is proposing to provide 4 spaces.

The applicant's justification letter states that "the current provision for parking requirements does not into 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 put 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 applicant also states, "The mini warehouse also includes a striped area to the east and north of the building, which should be considered additional parking, although this addition parking is not included in the aforementioned 55 parking stall for the facility."

Commissioner Gourlie asked if the parking is reduced will the result be more green space. Mr. Carroll said that would not be the case; this is simply a business decision because those parking spaces are not needed. However, the space will not be used for another purpose.

Commissioner Freeman asked if there is an easement that runs along the property. Mr. Carroll responded that there is an easement that runs along the south side of the property. The Commissioner then commented that with the number of storage facilities coming to Lady Lake, he wants the builder to present elevations that are aesthetically pleasing.

Commissioner Gourlie made a motion to approve the variance request by Elite RV and Boat Storage to reduce the number of parking spaces by 19; Commissioner Freeman seconded.

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

1 **Motion carried 4-0.**

2 **TOWN MANAGER’S REPORT**

3 Town Manager Lawrence announced upcoming events and asked the Commission for permission
4 to hold the staff Christmas party on December 13th and to close Town Hall from noon until 3:00pm.
5 There was commission consensus to close Town Hall for a Christmas party. 4-0.

6 Mr. Lawrence also requested that a Special Meeting be held on November 15th at 3:00pm to ratify a
7 change to the police Collective Bargaining Agreement. There was commission consensus to hold a
8 Special Meeting on November 15th. 4-0.

9 **MAYOR AND COMMISSIONER’S REPORT**

10 Commissioner Freeman said he had been attending canvassing board meetings at the Supervisor
11 of Elections office and will report on this more when the election is over.

12 Mayor Rietz announced that the Community Building has a positive income flow as of 1.5 months
13 ago. He then began discussing how events are not as heavily attended as they could be because of
14 our inability to place signs in the rights-of-way. He is in favor of snipe signs. Both the Town Manager
15 and the Growth Management Director weighed in on the matter, specifically the extra burden this
16 places on staff in Growth Management and Code Enforcement. The mayor said he would like to
17 hold a workshop to discuss the matter further.

18 Mayor Rietz also mentioned the events he had attended over the last couple of weeks.

19 **PUBLIC COMMENTS**

20 Janet Fraley – Chamber of Commerce

21 Ms. Fraley said the Chamber held their 17th Annual Art in the Park event on November 4th. She said
22 that everybody loved Snooky Park and that they will do it bigger and better next year.

23 Commissioner Gourlie asked if the vendors liked the event. Ms. Fraley responded that they were
24 upset about the lack of signage; it was a challenge.

25 **ADJOURN**

26 There being no further business, the meeting was adjourned at 6:58 p.m.

- 1 _____
- 2 Nancy Wilson, Town Clerk
- 3 _____
- 4 Jim Rietz, Mayor