



PLANNING & ZONING BOARD MEETING AGENDA TOWN OF LADY LAKE, FLORIDA

All interested persons are cordially invited to attend this public meeting.

DATE AND TIME

Monday, July 8, 2024, 5:30 PM

PLACE

Town Hall Commission Chambers, 409 Fennell Blvd., Lady Lake

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

NEW BUSINESS

- A. Approval of Minutes — May 13, 2024 — Planning & Zoning Meeting
- B. Ordinance 2024-18 – Rezoning - Amending Entitlements of the Planned Commercial (CP) Memorandum of Agreement For Certain Property Being Approximately 0.51 Acres Owned by Properties of the Yarn Lady, LLC, Located on the South Side of Oak Street, Approximately 375 Feet West of the Intersection of Oaks Street and Teague Trail, Addressed as 304 Oak Street Within the Town Limits of Lady Lake, Florida. (Becky Higgins)
- C. Resolution 2024-106 – Variance – Hammock Oaks Commercial Site - Historic Tree Removal – Pursuant to Chapter 10, Section 10-5). c).3). A., of the Land Development Regulations (LDRs) to allow for the removal of two viable historic trees located on 20.43 acres at the southeast corner of the intersection of Cherry Lake Road and Highway 466, owned by SK Hammock Oaks, LLC, within the Town Limits of the Town of Lady Lake, Florida. (Becky Higgins)

CHAIRPERSON AND MEMBERS' REPORTS

PUBLIC COMMENT

ADJOURN

Notes: (1) This board is advisory. All recommendations are forwarded to the Town Commission. (2) If a person decides to appeal a decision made with respect to any matter considered at the above meeting or hearing, he or she may need a verbatim record of the proceedings including the testimony and evidence, a record of which is not provided by the Town of Lady Lake. (F.S. 286-0105). (3) Please be advised that one or more members of any other Town Board or Committee may attend this meeting. (4) This public hearing is being conducted in a handicapped-accessible location. Any person requiring special accommodation at this meeting should contact the Clerk's office at least five calendar days prior to the meeting. To access a Telecommunication Device for Deaf Persons (TDD), please call 352-751-1565.

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

May 13, 2024

The Planning and Zoning Board meeting was held in the Town Hall Commission Chambers at 409 Fennell Blvd., Lady Lake, Florida. The meeting convened at 5:30 p.m.

CALL TO ORDER: Chairwoman Dorilyn Furch

PLEDGE OF ALLEGIANCE

ROLL CALL:

Member	Present
Brinson	YES
Saunders	YES
Galloway	YES
Auger	YES
Furch	YES

STAFF PRESENT:

Thad Carroll, Growth Management Director; Rebecca Higgins, Senior Planner; Police Chief Steve Hunt, Lady Lake Police Department; Canine Officer Josh Higgins, Lady Lake Police Department; Carol Osborne, Deputy Town Clerk.

Attorney Taylor Tremel, Mayor/Commissioner Ed Freeman, and Commissioner Roberts were also present.

NEW BUSINESS

A. Approval of Minutes

Planning and Zoning meeting minutes – March 11, 2024

Member Auger made a motion to approve the March 11, 2024, Planning and Zoning Board meeting minutes as presented; Member Saunders seconded the motion. Motion carried 5-0.

B. Reserve at Hammock Oaks Subdivision Phases 1-6 — Revised Preliminary Plan — approximately 1.2ng a total of 1032 units spread amongst nine phases, including 769 Market Rate single Family Residences, and 158 Market Rate Townhomes, on multiple parcels consisting of approximately 296.26 acres, zoned Planned Unit Development (PUD), owned by David Caudill, David Caudill Life Estate, and SK Hammock Oaks, LLC, located approximately 1.2 miles south of Hwy 466, west of Cherry Lake Road and East of Rolling Acres Road, within

the Town Limits of the Town of Lady Lake, Florida. (Becky Higgins)

Senior Planner Becky Higgins stated that the future land use for this revised preliminary plat plan is single family medium density. She advised that there is a policy specific amendment that was approved by the town commission to allow four dwelling units per acre versus the standard six dwelling units per acre.

Ms. Higgins stated that the Phases 1-6 Preliminary Plat was approved by the Town Commission on August 7, 2023. At the time, the proposal included the construction of 687 Market Rate Single Family Residences, 105 Market Rate Age-restricted Single-Family Residences, and 158 Market Rate Townhomes located on approximately 271.87 acres located approximately 1.2 miles south of Hwy 466, west of Cherry Lake Road and east of Rolling Acres Road. Phases 1 through 6 contains 950 units. There are eight phases in total: Phase 1, Phase 1A, Phase 2, Phase 2A, Phase 3, Phase 4, Phase 5, and Phase 6. On May 6, 2024, the Town Commission approved the annexation, small scale future land use amendment, and rezoning of 24.02 acres of land on Lake Ella Road. The rezoning incorporated the additional land into the Reserve at Hammock Oaks project. The applicant has revised the previously approved preliminary plat plan to include the additional 82 lots and connecting this project to Lake Ella Road. A Water, Sewer, and Reuse Agreement will be created between the Town of Lady Lake and the Property Owner/Developer requesting additional utility capacity allocated to service the Reserve at Hammock Oaks Subdivision Phases 1 through 6.

The Preliminary Plan meets the design requirements of the Town of Lady Lake Land Development Regulations, Chapter 8 – Subdivision and Plats, and adheres to the requirements of the Comprehensive Plan of the Town of Lady Lake.

Ms. Higgins advised that a letter from the Lake County School Board was received regarding school capacity. The letter indicates that the school board has approved the additional units in this revised plat plan.

Hearing no comments from the Board or the public, Chairperson Furch asked for a motion.

Member Galloway made a motion to forward the Reserve at Hammock Oaks Subdivision Phases 1-6 Revised Preliminary Plat Plan to the Town Commission with the recommendation of approval; Member Saunders seconded the motion.

Member	Vote
Brinson	YES
Saunders	YES
Galloway	YES

Member	Vote
Auger	YES
Furch	YES

Motion carried 5-0 for approval.

C. Resolution 2024-103 - A Resolution of the Town Commission of the Town of Lady Lake, Florida, Granting a Variance to Allow a Freestanding Sign to be within 100 Feet of Another Freestanding Sign in Accordance with the Provisions of Chapter 17, section 17-3. E). 1). A)., of the Town of Lady Lake Land Development Regulations, on Property Owned by Benchmark Lady Lake 25 Associates, LLC, a Property being approximately 1.69 Acres of Land, Located North of the Intersection of County Road 25/Teague and North Highway 27/441, within the Town Limits of the Town of Lady Lake, Florida. (Becky Higgins)

Senior Planner Becky Higgins advised that the town code requires signs that are taller than eight feet to be set back ten feet from the property line. This variance request is to allow a 20-foot-tall monument sign to be constructed at the property line or zero-foot setback.

On January 23, 2019, the Town Commission approved the site plan for Lady Lake Commons and a Development Order was subsequently issued on January 28, 2019. The site plan is for a multi-tenant development proposing 85,600 square-foot retail building with four outparcels. The Development Order for the final outparcel (D) was issued on May 19, 2021. This 1.69 acre outparcel is currently occupied by TD Bank and Eyeglass World. The applicant opted to delay installing the monument sign until the road work was completed on County Road 25/Teague Trail.

She advised that even though the proposed sign will be located on the property line is because it is still over 75-feet from the sidewalk. She added that due to the elevations in that area the of the sign location would not affect the line of sight. She stated that the applicant's justification statement expresses that location of the proposed monument sign will need to be modified based on the location of the utility easements and existing sanitary line. The applicant believes that the proposed sign located at the corner of the new intersection at County Road 25/Teague Trail and North Highway 27/441 will help to direct traffic to the south entrance of the development, helping to alleviate some congestion on Fennell Boulevard.

Hearing no comments from the Board or the public, Chairperson Furch asked for a motion.

Member Saunders made a motion to forward Resolution 2024-103 to the Town Commission with the recommendation of approval; Member Brinson seconded the motion.

Member	Vote
Brinson	YES

Member	Vote
Saunders	YES
Galloway	YES
Auger	YES
Furch	YES

Motion carried 5-0 for approval.

D. Resolution 2024-104 – a Resolution of the Town Commission of the Town of Lady Lake, Florida, Granting a Variance to Allow a Freestanding Sign Taller than Eight Feet to be Erected Less than Ten Feet from the Property Line in Accordance with the Provisions of Chapter 17, Section 17-4. B). 2). A)., of the Town of Lady Lake Land Development Regulations, on Property Owned by Benchmark Lady Lake 25 Associates, LLC, A Property Being Approximately 1.69 Acres of Land, Located North of the Intersection of County Road 25/Teague Trail and North Highway 27/441, Within the Town Limits of the Town of Lady Lake. (Becky Higgins)

Senior Planner Higgins stated that this variance is to allow the sign to be placed within 100 feet of the existing sign. She stated that the applicant's justification statement expresses that location of the proposed monument sign will need to be modified based on the location utility easements and existing sanitary line. The applicant believes that the proposed sign located at the corner of the new intersection at County Road 25/Teague Trail and North Highway 27/441 will help to direct traffic to the south entrance of the development, helping to alleviate some congestion on Fennell Boulevard.

Ms. Higgins advised that at the time of permitting, a Covenant of Removal must be signed by the owner which states that it is the owner's responsibility to make necessary repairs or if the sign needs to be removed, it will be the owner's responsibility to replace the sign.

Hearing no comments from the Board or the public, Chairperson Furch asked for a motion.

Member Saunders made a motion to forward Resolution 2024-104 to the Town Commission with the recommendation of approval; Member Galloway seconded the motion.

Member	Vote
Brinson	YES
Saunders	YES
Galloway	YES
Auger	YES
Furch	YES

1 **Motion carried 5-0 for approval.**

2 **E. Resolution 2024-105 – Variance – Paradise Recreation Center – Historic Tree Removal –**
3 **Pursuant to Chapter 10, Section 10-5). C). 3). A., of the Land Development Regulations (LDRs)**
4 **which requires a variance for the removal of historic trees. (Historic trees are classified as a**
5 **tree with a diameter at breast height (DBH) of 36” or greater). The variance request is to allow**
6 **for the removal of two viable historic located at 1403 Paradise Drive, owned by Village Center**
7 **Community Development District, within the Town Limits of the Town of Lady Lake (Becky**
8 **Higgins)**

9 Senior Planner Higgins stated that the variance request is to allow the removal of one historic
10 Laurel Oak tree and one historic Live Oak tree located at the Paradise Recreation Center, owned
11 by Villages Center Community Development District. A certified arborist evaluated all trees
12 trees on the site. The 5.25-acre property contains a total of nine historic trees, nine of which are
13 trees with a diameter at breast height (4.5-feet from grade) of 36-inches or higher. Of the nine
14 historic trees, seven are proposed to be preserved and two are proposed to be removed.

15 Ms. Higgins reported that on Tuesday, November 14, 2023, a major modification application was
16 submitted for the Paradise Recreation Center site plan. As part of this modification, some of the
17 existing landscaping and trees will need to be removed to accommodate the new building and
18 amenities. The applicant states that the removal of the historic trees is necessary because the
19 trees are located within areas that will cause building foundation and structural column issues
20 during the construction process, potentially hindering the longevity of the structural integrity of
21 the new building. Ms. Higgins advised that the 36-inch Live Oak tree is located in the area of the
22 proposed pool and the 52-inch Laurel Oak tree is very close to the proposed building foundation.
23 Per the submitted tree removal plan, the historic trees count for 379 tree caliper inches. Of the
24 379 tree caliper inches, the applicant proposes to remove 88 tree caliper inches, or 23.22%. of
25 the total historic tree inches. The landscaping plan also proposes 148.8% of the required tree
26 caliper inches between the preserved and provided trees. She stated that the Town code
27 requires 160 caliper inches per acre.

28 Ms. Higgins stated should the Town Commission approve the applicant’s request for tree
29 removal, the applicant shall pay \$8,800.00 to the Town Tree Bank.

30 Ms. Higgins advised that staff is in favor of this variance request because the applicant is
31 retaining seven of the nine historic trees and the larger of the two trees proposed to be removed
32 is a Laurel Oak. She advised that Laurel Oak trees tend to decline as they get larger, thus
33 increasing the probability of future removal due to the health of the tree and/or safety concerns.
34 Without the removal of these trees, the applicant would be limited on the development of this
35 site based on the location and critical protection zone of the trees.

1 Member Galloway asked what is the probability that the Laurel Oak tree will hinder the
2 foundation of the new building.

3 Ms. Higgins advised that based on the submitted site plan the tree is too close to the proposed
4 building and future root growth will affect the structure.

5 Member Saunders asked if the developer indicated that the trees will be replaced.

6 Ms. Higgins replied affirmatively adding that the developer is providing approximately 150% of
7 the required trees once the site is developed.

8 Margo Brewer, 1401 W. Schwartz Blvd.

9 Ms. Brewer stated that at times these changes are a convenience to the developer. She asked
10 how much it will compromise the building, or how much will it be in the way of the bulldozers
11 that they are concerned about in the building process. She stated that she appreciates the
12 insight regarding Laurel Oak trees, and that she has strong feelings regarding the Live Oak trees.
13 She stated that the rationale to remove a tree is because it will impact the structure and that we
14 need to accommodate the tree that is already there, instead of the tree accommodating us. She
15 stated that she appreciates the developer saving the many historical trees.

16 Suzanne Stancil, Project Landscape Architect with Michael Pape and Associates

17 Ms. Stancil stated that the Laurel Oak tree is located within 5-8 ft of the structure, and not only
18 would it compromise the integrity of the proposed structure, by constructing a building this
19 close to the tree, the roots would need to be cut thus compromising the health, safety, and
20 welfare of those enjoying the site because it makes the tree a liability for falling down. She
21 advised that this is a very old Laurel Oak tree.

22 Ms. Stancil indicated on the photograph that there are at least three cavities in the tree,
23 mistletoe in the tree, and limb loss. She stated that even though it looks like a beautiful tree
24 from afar, the signs of decay are obvious and constructing a structure close to this tree will
25 accelerate the tree's decline.

26 In response to an inaudible question from the audience, Ms. Stancil stated that the Live Oak tree
27 is a healthy, viable tree located in the middle of the proposed pool area and are proposing to
28 remove it. She reiterated that the majority of the historic trees on this site are being preserved,
29 and the developer is proposing to plant 150% more caliper inches in new trees.

30 Ed Freeman, 120 Evergreen Lane

31 Mr. Freeman stated that he reviewed an overhead view of the existing property and does not
32 understand the reason to relocate the building rather than renovate the existing building. He
33 stated that if the proposed building had been designed differently, the trees would not be an
34 issue.

1 James Wronka, 1034 Aloha Way and 1313 Paradise Dr.

2 Mr. Wronka acknowledged that Florida is growing and housing is needed. He stated that green
3 space needs to be preserved, especially existing properties. He stated that there have been
4 several requests to remove historic trees and asked if the existing footprint could be renovated.
5 He stated that there are many trees slated to be removed for this project.

6 Growth Management Director Thad Carroll stated that the town's standard for a historic tree at
7 36-inches is not a large tree in comparison to other jurisdictions. He stated there have been a lot
8 of variance requests which is a testament to the large number of historic trees in Lady Lake. He
9 stated that he respects trees and nature, yet these trees are not unique because there are many
10 variance requests. He stated that he sees how developers have to work with these sites and
11 explained that in this instance, the staff's recommendation is based on their review of this site
12 and that the developer is preserving seven historic trees. He stated that it is staff's job to view
13 the plan from the perspective of preservation as well as development rights. In this scenario, the
14 developer is doing a good job balancing this requirement. He stated that The Villages has
15 upgraded a lot of the amenity centers throughout, and this is an upgrade of one of the oldest
16 amenity centers in the community.

17 James Wronka - 1034 Aloha Way

18 Mr. Wronka stated that on the Florida Department of Agriculture website it states that nearly all
19 mature oak trees in the state is diseased in some form, and the best thing to do with the historic
20 trees is to trim the bad branches and allow the remaining tree to grow. He stated these trees
21 were planted many years ago and is in favor of renovating the existing building.

22 Margo Brewer - 1401 W Schwartz Blvd

23 Ms. Brewer stated that she is watching the current trend in architecture to fill a parcel with a
24 large house. She stated this is the first time she has seen this proposal. As a concerned
25 homeowner she is in support of denying this variance until it is reviewed in more detail and to
26 give the residents more time to be informed about this project.

27 Suzanne Stancil – Project Landscape Architect

28 Ms. Stancil clarified that 35 existing trees on this site equate to over 700 inches. These include
29 76-inch trees, 72-inch trees, 41-in trees, etc. She stressed that the design made a concerted
30 effort for tree preservation. She advised prior the project commencement, the first thing they
31 did was conduct a site visit and evaluated every tree by grade, classification, viability, health,
32 and those factors drove the design for this site. She stated that an organized effort was made to
33 preserve the historic trees, especially those at the back of the site that create the park around
34 the lake.

1 James Wronko – 1034 Aloha Way

2 Mr. Wronko stated that according to the drawing he received, the trees within the golf cart path
3 to the building is being removed.

4 Member Galloway asked the health rating of the trees slated to be removed.

5 Suzanne Stancil – Project Landscape Architect

6 Ms. Stancil advised that the 36-inch Live Oak tree is a healthy, viable tree; the 52-inch Laurel Oak
7 tree is showing signs of decline with cavities, limb loss and an infestation of mistletoe. She
8 reiterated that constructing a building close to this tree would accelerate its decline resulting in
9 a liability concern.

10 Member Galloway asked if trimming the limbs is an option,

11 Ms. Stancil stressed that there are cavities in the main trunk which get moisture and insects
12 making the truck of the tree rot and compromising the integrity of the structure of the tree
13 leading to further limb loss and dangerous conditions.

14 Ms. Stancil clarified that all of the trees between the multi-model path and the building are not
15 being removed, and there are historic trees being preserved in that area.

16 James Wronka – 1034 Aloha Way

17 Mr. Wronka stated that according to the plan he has there is one historic tree that is adjacent to
18 the swimming pool that is being preserved.

19 Randy Wilkerson – Construction Manager for the District

20 Mr. Wilkerson advised that the current building is 40 years old and is beyond renovation. He
21 stated that if the building was renovated at the same or more cost, the building would have a 20-
22 year lifespan. He stated that there are issues with the slopes in the parking lot area. He stated
23 that there are actually two buildings currently, one of which is five feet high than the other
24 building and is difficult for the residents to navigate.

25 Mr. Wilkerson stated that the District is very respectful of the landscaping of The Villages. He
26 stated that in his eleven years with the District, he has removed one historic tree. He stressed
27 that they are not in the business of murdering trees and did everything possible to site this
28 building a give the residents a modern facility with some historic value.

29 James Wronka – 1034 Aloha Way

30 Mr. Wronka expressed his opinion regarding renovating the current building.

31 Member Brinson advised that he would recuse himself from voting due to his employment with
32 the applicant.

Member Saunders made a motion to forward Resolution 2023-105 to the Town Commission with the recommendation of approval; Member Auger seconded the motion.

Member	Vote
Brinson	RECUSE
Saunders	YES
Galloway	NO
Auger	YES
Furch	YES

Motion carried 3-1 for approval.

F. Ordinance 2024-06 – Annexation – Anderson/Long - An ordinance voluntarily annexing property being 10.08 acres, owned by Jesse Anderson and William Anderson and Devin ad Angela Long, on the North Side of Anderson Lane, addressed as 1147 Anderson Lane and 1245 Anderson Lane, within in Lake County, Florida. (Becky Higgins)

Senior Planner Higgins advised that Ordinance 2024-06, Ordinance 2024-07, and Ordinance 2024-08 are all for the Highlands at Hammock Oaks project. She advised that the applicant has requested to make their presentation prior to staff's presentation.

Craig Brashier with CHW, LLC, on behalf of the property owners and Kolter Development, explained that this project combines two existing, approved PUDs, which will enhance transportation connectivity as well as functionality of the sites. He explained that that the Rolling Acres PUD, also known as Lady Lake Reserve, was approved for 130 units at a density of 5.5 units per acre. The Reserve at Hammock Oaks that was approved was also part of another PUD in 2007. He stated that this area has always been indented for residential development.

Mr. Brashier stated that if the annexation is approved and, in combination with the proposed projects to the west of Rolling Acres Road, the project maintains a density of four units per acre, which has always been the goal. He explained another benefit of this project is the expansion of the roadway network connectivity.

Ms. Higgins presented maps and aerial photographs of the subject properties. She stated that upon future development, the properties will be served by the Town's water, sewer, and reuse facilities. The subject properties are contiguous with the existing municipal boundaries. She advised that this property has been vacant for many years and, with our agreement with Lake County regarding enclaves, the Town must provide services to the enclave area. She verified with the Lady Lake Police Department that they will provide services, and Lake County provides fire, rescue, and EMS services.

1 Member Saunders asked if the property owners between these properties want to annex into the
2 town.

3 Ms. Higgins replied that they do not want to annex their property into the town at this time.

4 Growth Management Director Thad Carroll stated that as part of our service boundary
5 agreement, it is discouraged to create enclaves. In this scenario, the County was notified that in
6 the event an enclave is created our police confirmed that they will respond to this one property.
7 He stated that the developer offered to purchase the property, and the property owners
8 declined to sell it.

9 Richard Masso, 373 Carriage Lane

10 Mr. Masso expressed his concerns regarding the number of annexations the Town has approved.

11 Marybeth Smith, 1031 Urico Golf Road

12 Ms. Smith expressed her concerns regarding the annexation, the density of the proposed homes,
13 the impact on the roads, traffic, and school capacity.

14 Mr. Carroll advised that apartment complexes are not a component of this project. He stated
15 that the majority of the property in this development already has zoning entitlements of four
16 dwelling units per acre. He stated that in regard to a petition or stopping this development, what
17 could be stopped is this additional ten acres of property. As far as the density, the number of
18 units has decreased with this proposal. He advised that this board is an advisory board and will
19 forward their recommendation to the town commission. If the town commission denies this
20 annexation, the units that have already been granted under the previous entitlement can still be
21 built. Ultimately, the development is still coming to these properties.

22 Dennis Wiley, 1630 Anderson Lane

23 Mr. Wiley asked for clarification regarding a road that may go by his property.

24 Mr. Carroll stated that the school board may grant permission for the proposed road to be
25 constructed on their property. He stressed that this is a conceptual plan and that there are no
26 plans for this road currently.

27 Mr. Wiley asked if the Town would use eminent domain to take portions of his property.

28 Mr. Carroll stated that is not the intent. He stressed that there is no acquisition plan at this time
29 as the property is from Mr. Tyler so the road can be constructed toward the north, and the two
30 proposed roads with this plan that will make a connection to Arlington will be internal to the
31 school board property.

32 Corey Gold, 1030 Urico Golf Road

Mr. Gold stated that they moved here because they wanted a quiet place to live. He stated that it is growing quickly and expressed his concerns with the amount of traffic on Rolling Acres Rd. He cautioned the board against fast growth. He stated that he appreciates that the developer reduced the number of homes to four units per acre.

Dennis Wiley, 1630 Anderson Lane

Mr. Wiley requested that a street sign be installed at Clay Ave. going to the water treatment plant and Sunshower Lane.

Andre Nana, 2202 Marion County Road

Mr. Nana expressed his concerns regarding the growth of Lady Lake.

Chairperson Furch reminded everyone that the Planning and Zoning Board members are volunteers, and it is their role to listen to the information presented and make recommendations to the town commission who will make the final decision.

Hearing no further comments from the Board or the public, Chairperson Furch asked for a motion.

Member Brinson made a motion to forward Ordinance 2024-06 to the Town Commission with the recommendation of approval; Member Saunders seconded the motion.

Member	Vote
Brinson	YES
Saunders	YES
Galloway	YES
Auger	YES
Furch	YES

Motion carried 5-0 for approval.

G. Ordinance 2024-07 – Small Scale Future Land Use Comprehensive Plan Amendment – Anderson/Long – Change the future land use designation from Lake County Urban Low Density to Lady Lake Single Family Medium Density for property being 10.08 acres, Jesse Anderson and William Anderson and Devin and Angela Long, on the North Side of Anderson Lane, addressed as 1147 Anderson Lane and 1245 Anderson Lane, within Lake County Florida. (Becky Higgins)

Senior Planner Higgins stated that the application was with the applications for Ord. 2024-06 and Ord. 2024-08, by Greg Brashier with CHW, LLC. The proposal is to change the land use for these two properties from Lake County Urban Low Density, which allows a maximum density of four dwelling units per acre, to Lady Lake Single Family Medium Density, which allows for six

1 dwelling units per acre. Multi-Family, Industrial, Commercial uses are permitted, except for
2 excused PUDs. She advised that the applicant has no intention of commercial or non-residential
3 development as part of this project.

4 Ms. Higgins advised that the Future Land Use designation of the adjacent property are:

5 Lady Lake Reserve Subdivision Single Family Medium Density – North

6 Lake County Urban Low Density – East

7 Lady Lake Single Family Medium Density – South

8 Lake County Urban Low Density – West

9 Ms. Higgins stated that the existing future land use designation is Lake County Urban Low
10 Density, which allows a maximum density of four dwelling units per acre. She stated that the
11 proposed future land use designation is Lady Lake Single Family Medium Density. Development
12 in the Single Family - Medium Density Residential category shall be limited to detached single
13 family dwelling units.

14 An Environmental Ecological Site Assessment was prepared for the entire 92.12-acre project,
15 which includes the subject properties, after a preliminary field and wildlife survey was
16 conducted on January 11, 2024, for the occurrence of protected flora and fauna. Pedestrian
17 transects were established throughout the site to assess the occurrence, or potential for species
18 of special concern, threatened or endangered species by state and federal agency guidelines.
19 Thirty-six occupied gopher tortoise burrows were observed and documented with a GPS device.
20 Any potentially occupied burrows within 25' of areas to be impacted by development will
21 require review for adequacy of protective measures or relocation permitting with FWC. No other
22 endangered species were found within the site. The closest bald eagle nest is located
23 approximately two miles northwest of the surveyed property.

24 The mapped soil types are consistent with upland pastureland communities.

25 All Live Oak trees located within the Property with a diameter at breast height (DBH) of 36" or
26 greater and a Grade of 3 or higher consistent with the Tree and Native Vegetation Report dated
27 February 22, 2024, shall be preserved.

28 Project will be required to adhere to St. Johns River Water Management District (SJRWMD)
29 guidelines, drainage, and engineering best management practices. The subject property does
30 not contain any Special Flood Hazard Areas nor wetlands as per FEMA FIRM Map 12060C0170E
31 effective 12/18/12.

32 The property will be serviced by Town utilities. The applicant will need to work with the Lake
33 County School Board regarding the student generation, concurrency issues, and mitigation. The

proposed entire development at project buildout is projected to generate 3,630 new daily trips; of which 261 trips occur during the AM peak hour, and 349 trips occur during the PM peak hour.

Member Saunders asked why the Local Planning Agency must review this ordinance.

Mr. Carroll advised that it is a state statute to have an LPA established for each jurisdiction for comprehensive plan amendments. He stated that our commissioners serve as LPA members, and comprehensive plan amendments are all they review.

Hearing no further comments from the Board or the public, Chairperson Furch asked for a motion.

Member Saunders made a motion to forward Ordinance 2024-07 to the Town Commission with the recommendation of approval; Member Galloway seconded the motion.

Member	Vote
Brinson	YES
Saunders	YES
Galloway	YES
Auger	YES
Furch	YES

Motion carried 5-0 for approval.

H. Ordinance 2024-08 – Rezoning – Highland at Hammock Oaks — Change the zoning designation for certain properties being approximately 92.12 acres owned by Jesse Anderson and William Anderson, Devin and Angela Long, Carl A Smith Trust, Burgland Investments, LLC, and Lugano Development, LLC, located south Sunshower Lane, north of Abele Road, and east of Rolling Acres Road in Lake County, Florida from Lake County Agricultural (A) and Lady Lake Planned Unit Development (PUD) to Lady Lake Planned Unit Development (PUD). (Becky Higgins)

Senior Planner Higgins stated that this is the final application for this project and the rezoning is for the entire project. She stated that This project encompasses two projects previously granted PUD entitlements. The rezoning Ordinance 2022-06 was approved by the Town Commission on July 18, 2022, for 129 homes (49 single family lots and 80 townhomes) on 24.75 acres. The future land use of Single-Family Medium Density (six dwelling units per acre) was approved via Ordinance 2022-05. This project, formerly known as Lady Lake Reserve, received preliminary plat approval from the Town Commission on November 6, 2023. Ordinance 2022-13 was approved by the Town Commission on November 21, 2022, to rezone 330.40 acres to Planned Unit Development. At the time of the rezoning, the portion of the Reserve at Hammock Oaks on the east side of Rolling Acres Road was included in the ordinance. As part of this rezoning

ordinance, a maximum of 1,320 units was permitted. Though this property has a future land use of Single-Family Medium Density, a policy specific amendment was approved allowing a maximum of four dwelling units per acre.

Ms. Higgins stated that the permitted uses for this property include Single-family detached units (platted and non-platted), age-restricted single-family detached units, townhomes, and single-family attached / villas. The maximum number of residential units within the development will not exceed 450 units consisting of 215 single-family detached units and 235 townhomes / villas. Residential types can be exchanged as long as the maximum number of vehicle trips do not exceed 3,630 AADT. Open Space uses permitted throughout the Property may consist of buffers, stormwater management facilities, amenity area and center (including buildings, hardscape, and landscape) recreational amenities, and trails. No commercial or non-residential uses are proposed for the Highlands PUD.

This rezoning application proposes incorporating the above-mentioned projects, as well as an additional 10.08 acres connecting them. The revised Reserve PUD permits 3.7 dwelling units per acre on approximately 296.26 acres, yielding 1,105 dwelling units, and with the addition of 450 dwelling units for the Highlands PUD, a total of 1,555 dwelling units will be permitted on approximately 388.38 acres, equivalent to an overall density of approximately four dwelling units per acre. This results in a proposed net decrease in gross density from what is allowed by the underlying Single Family Medium Density Future Land Use at six dwelling units per acre. Additionally, the previously approved version of the Reserve PUD anticipated 350 townhomes on the 57.92 acres east of Rolling Acres Road. This application will result in less units located on this portion of the site. The proposed Highlands PUD requests an overall gross density of approximately 4.89 dwelling units per acre, yielding 450 dwelling units and results in a proposed net increase of 29 dwelling units from what is currently permitted and allowed by right on the subject property. However, when calculated with the revised Reserve PUD the overall density is maintained at four dwelling units per acre.

Member Auger asked for clarification regarding widening Rolling Acres Road.

Mr. Carroll stated that currently there is a Project Development & Environment study (PD&E) for the north side of Rolling Acre Road, from CR 466 to Hwy 27/441. He advised that the developers are providing their own improvements by constructing roundabouts. However, at this time there are no plans to widen Rolling Acres Road to four lanes.

John Curtis – Kolter Land Development

Mr. Curtis stated that they have been working with Lake County and the Town and the PD&E study that will be conducted will include Sunshower, where a roundabout will be constructed at

1 the entrance of the Reserve and at Highlands and continue north to Griffin Road. He stated that
2 study is anticipated to begin within the next months.

3 Member Auger asked if Cherry Lake Road will be improved.

4 Mr. Curtis advised that two roundabouts will be constructed on Cherry Lake Road. He stated that
5 when the roundabouts are constructed, they will also be installing lighting systems in those
6 areas.

7 Member Auger commented that the roundabouts do not have a dedicated lane for emergency
8 vehicles.

9 Mr. Curtis stated that a temporary bypass road will be constructed for the roundabout at
10 Sunshower and will be removed and landscaped once the roundabout becomes active. He
11 advised that the road design are at the direction of Lake County.

12 Member Galloway asked what effect the roundabout has regarding slowing traffic and lessening
13 traffic congestion.

14 Mr. Curtis stated that roundabouts are not only traffic calming, but they are also traffic moving.
15 The alternative would be to install a traffic signal, a three-way stop, or a four-way stop system at
16 that area. The roundabout at Sunshower, which will be constructed within the existing right-of-
17 way area, will allow traffic to continue to flow similarly to the roundabouts within The Villages.

18 Mr. Curtis stated that the entrance and exit for Reserve at Hammock Oaks from Lake Ella Road, it
19 is still being designed with Lake County. He stressed that these are seven-to-ten-year projects
20 and because they are so large in scope, they must be designed and approved in advance to
21 understand the total focus of what the work will entail, bonds, etc. He stated that a 33% growth
22 in a community this size over ten years is not that grand.

23 Marybeth Smith, 1031 Urico Golf Road

24 Ms. Smith asked if this project will have single-family homes.

25 John Curtis, Kolter Land Development

26 Mr. Curtis advised that the northern portion of this property will include townhomes and villas.
27 The southern portion will include a golf course and single-family homes, with a landscape
28 buffer.

29 Hearing no further comments from the Board or the public, Chairperson Furch asked for a
30 motion.

31 **Member Saunders made a motion to forward Ordinance 2024-08 to the Town Commission**
32 **with the recommendation of approval; Member Brinson seconded the motion.**

Member	Vote
Brinson	YES
Saunders	YES
Galloway	YES
Auger	YES
Furch	YES

1 **Motion carried 5-0 for approval.**

2 **At 7:30 p.m., Chairperson Furch called for a brief recess.**

3 **The meeting reconvened at 7:37 p.m.**

4 **I. Ordinance 2024-09 — Annexation — WGB Leasing, LLC — An ordinance voluntarily annexing**
 5 **property being 1.8 acres, owned by WGB Leasing, LLC, on the West Side of Teague Trail, North**
 6 **of Smitty Road, addressed as 41015 County Road 25, within Lake County Florida. (Becky**
 7 **Higgins)**

8 Senior Planner Higgins stated that the applicant is Michael Rankin of LPG Urban & Regional
 9 Planners, LLC, on behalf of the property owner, WGB Leasing, LLC. She stated that the current
 10 future land use designation is Lake County Urban Medium Density, and the zoning is Lake
 11 County Agricultural. Staff's recommendation is for approval of this ordinance.

12 Ms. Higgins advised that the property is currently vacant, although there is a dilapidated mobile
 13 home on the property.

14 Ms. Higgins stated that the property is located south of the Lighthouse Storage project.

15 Upon future development, the properties will be served by the Town's water, sewer, and reuse
 16 facilities. The subject properties are contiguous with the existing municipal boundary.

17 Hearing no comments from the Board or the public, Chairperson Furch asked for a motion.

18 **Member Galloway made a motion to forward Ordinance 2024-09 to the Town Commission**
 19 **with the recommendation of approval; Member Saunders seconded the motion.**

Member	Vote
Brinson	YES
Saunders	YES
Galloway	YES
Auger	YES

Member	Vote
Furch	YES

Motion carried 5-0 for approval.

J.Ordinance 2024-10 — Small Scale Future Land Use Comprehensive Plan Amendment — WGB Leasing, LLC, — Change the future land use designation from Lake County Urban Medium Density and Lady Lake Commercial Wholesale (CW) to Lady Lake Commercial – General Retail Sales and Services (RET) for property being 2.8 acres, owned by WGB Leasing, LLC, addressed as 41015 County Road 25, within Lake County and the Town Limits of the Town of Lady Lake, Florida (Becky Higgins)

Senior Planner Higgins stated that the applicant is Michael Rankin of LPG Urban and Regional Planners, LLC, on behalf of property owner WGB Leasing, LLC to amend the Future Land Use designation of 2.8 acres, of which 1.8 acres presently has a designation in accordance with the Lake County Comprehensive Plan. The other approximately one acre has a future land use of Lady Lake Commercial Wholesale (CW). This portion was previously included in the land use applications in 2018 as part of the Lighthouse Storage project. The request is to change the property from Lake County Urban Medium Density and Lady Lake Commercial Wholesale to Lady Lake Commercial General - Retail Sales and Services. The subject parcel consists of two lots located on the west side of Teague Trail, north of Smitty Road.

Ms. Higgins stated that the current future land use is Lake County Urban Medium Density which allows a maximum density of seven dwelling units per acre and the conversion of existing residential units into residential professional office uses. Lady Lake Commercial Wholesale is limited to establishments engaged in the storage, wholesale and distribution of manufactured products, supplies, and equipment, and incidental retail sales, exclusive of bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

Ms. Higgins stated that the proposed future land use is Lady Lake Commercial General – Retail Sales and Services, which 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, newsstand/bookstore, clothing stores, drug stores, home electronic equipment, food/grocery stores, hotel/motel, religious uses, professional services, and sporting goods.

Future Land Use Designations of Adjacent Properties:

North — Lady Lake Commercial Wholesale (CW); East — Lake County Rural Transition; South — Lady Lake Commercial General – Retail Sales and Services and Lake County Urban Medium Density; West — Lady Lake Commercial Wholesale.

Ms. Higgins stated that the properties are currently vacant, except for a dilapidated mobile home. An Environmental Ecological Site Assessment was prepared on January 30, 2024, for 2.0 acres of the site. A preliminary field and wildlife survey was conducted on January 20, 2024, for the occurrence of protected flora and fauna and wetland habitats. No occupied gopher tortoise burrows were located. It is recommended that a 100% survey be conducted prior to the initiation of any construction activities to determine the total population. Any potentially occupied burrows within 25' of areas to be impacted by development will require review for adequacy of protective measures or relocation permitting with FWC. No suitable habitat for other endangered species were found within the site. The closest bald eagle nest is located approximately 3.2 miles southeast of the surveyed property. According to the Soil Survey, the site is entirely comprised of Candler Sand. Candler sand consists of very deep, excessively drained, very rapid to rapidly permeable soils found on uplands of the south-central Florida ridge. Project will be required to adhere to St. Johns River Water Management District (SJRWMD) guidelines, drainage, and engineering best management practices. Flood: A portion of this property is located in Flood Zone A as per FEMA FIRM Map 12060C0160E effective 12/18/12.

Ms. Higgins stated that the projected demand on the Town's water system and sewer system for the proposed project will be determined at the time of site plan review. The proposed project is projected to generate 2,134 new daily trips; of which 258 trips occur during the PM peak hour.

Member Saunders asked if the site plan review will address access to CR 25, and how much right-of-way is remaining.

Ms. Higgins replied affirmatively adding that it will be reviewed by Lake County Public Works as it is a county road.

Mr. Carroll stated that all the developers who have developed along that corridor have worked with Lake County and have been able to construct turn lanes and deceleration lanes as necessary.

Hearing no further comments from the Board or the public, Chairperson Furch asked for a motion.

Member Saunders made a motion to forward Ordinance 2024-10 to the Town Commission with the recommendation of approval; Member Auger seconded the motion.

Member	Vote
Brinson	YES
Saunders	YES
Galloway	YES

Member	Vote
Auger	YES
Furch	YES

Motion carried 5-0 for approval.

K.Ordinance 2024-11 — Rezoning — WGB Leasing, LLC — An Ordinance Changing the Zoning Designation for Certain Properties Being Approximately 2.8 Acres Owned by WGB Leasing, LLC, Located West of Teague Trail and North of Smitty Road from Lake County Agricultural (A) and Lady Lake Planned Unit Development (PUD) to Lady Lake Planned Commercial (CP) within Lake County and the Town Limits of the Town of Lady Lake, Florida (Becky Higgins)

Senior Planner Higgins stated that On Thursday, April 4, 2024, applications were filed with the Town of Lady Lake by Michael Rankin of LPG Urban and Regional Planners, LLC, on behalf of property owners WGB Leasing, LLC to amend the zoning classification for 2.8 acres. The application was filed requesting to rezone the subject properties from Lake County Agricultural (A) and Lady Lake Planned Unit Development (PUD) to Lady Lake Planned Commercial (CP). The CP designation is consistent with adjacent properties presently in the Town of Lady Lake's jurisdiction.

Ms. Higgins stated that the proposed the following uses: restaurant, bar, retail sales & services, and water retention. The maximum impervious surface ratio (which includes building coverage) shall be limited to eighty percent, maximum floor area ratio shall be limited to .5, and the maximum building height is forty-five feet in their proposed MOA.

Ms. Higgins stated that the front yard setback to the roadway is twenty feet minimum; rear yard setback is fifteen feet minimum; side yard setback when adjoining another lot is fifteen feet minimum and adjoining a local roadway is twenty feet minimum. The landscaping buffers will be landscape Class A to the north, west and south, and Class B buffers to the east.

Hearing no comments from the Board or the public, Chairperson Furch asked for a motion.

Member Brinson made a motion to forward Ordinance 2024-11 to the Town Commission with the recommendation of approval; Member Saunders seconded the motion.

Member	Vote
Brinson	YES
Saunders	YES
Galloway	YES
Auger	YES

Member	Vote
Furch	YES

1 **Motion carried 5-0 for approval.**

2 **CHAIRPERSON AND MEMBERS REPORT**

3 There were no comments.

4 **PUBLIC COMMENT**

5 There were no comments.

6 **ADJOURN**

7 The meeting was adjourned at 7:55 p.m.

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Carol Osborne, Deputy Town Clerk

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Dorilyn Furch, Chairperson

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PLANNING & ZONING BOARD MEETING AGENDA ITEM TOWN OF LADY LAKE, FLORIDA

AGENDA ITEM TITLE

Ordinance 2024-18 – Rezoning - Amending Entitlements of the Planned Commercial (CP) Memorandum of Agreement For Certain Property Being Approximately 0.51 Acres Owned by Properties of the Yarn Lady, LLC, Located on the South Side of Oak Street, Approximately 375 Feet West of the Intersection of Oaks Street and Teague Trail, Addressed as 304 Oak Street Within the Town Limits of Lady Lake, Florida. (Becky Higgins)

AGENDA ITEM ID

07082024

DEPARTMENT

Growth Management

SUMMARY

STAFF RECOMMENDED MOTIONS

1. Motion to forward Ordinance 2024-18 to the Town Commission with the Recommendation of Approval.
2. Motion to forward Ordinance 2024-18 to the Town Commission with the Recommendation of Denial.

Growth Management staff are in support of Motion Number 1.

On Wednesday, June 19, 2024, applicant JB Golf Carts LLC, applied on behalf of property owner Properties of the Yarn Lady, LLC, to amend the zoning entitlements for approximately 0.51 acre located on the South Side of Oak Street, approximately 375 Feet West of the Intersection of Oaks Street and Teague Trail. The request is to modify the uses under the Lady Lake Planned Commercial – (CP) zoning classification to allow Retail Sales of Golf Carts. The use would be limited to the 0.51-acre site.

The ordinance proposes the following uses:

1. Permitted Uses. Permitted uses shall be limited to Offices, Retail Sales and Services, Office/Warehouse, Mini-Storage Warehouse Facilities, Medical and Dental Offices and Laboratories, Golf Cart Sales, and those manufacturing uses permitted under “Fabrication Manufacturing” as defined by the Town of Lady Lake Land Development Regulations through Ordinance 94-08, less and except the use of the fabrication of septic tanks.
2. Uses Expressly Prohibited. All uses other than those aforementioned as “permitted uses” shall be expressly prohibited.
3. Hours of Operation. The hours of operation shall be as follows:

8 a.m. – 5 p.m. Monday through Friday
9 a.m. – 3 p.m. on Saturday

The ordinance is modified to allow Retail Sales of Golf Carts. The display of golf carts is permitted inside of the building, and outside display of golf carts is limited to five vehicles under the Memorandum of Agreement.

The subject property is located Section 17 Township 18 South, Range 24 East, in Lake County, Florida. The appropriate legal description, a location map, and a sketch of the property were included with the submitted application.

Zoning Designation of Adjacent Properties

North Heavy Commercial (HC)
East Planned Commercial (CP)
South Planned Commercial (CP)
West Planned Commercial (CP)

The proposed zoning designation is Lady Lake Planned Commercial (CP). The CP designation is consistent with adjacent property to the south, east, and west that is presently in the Town of Lady Lake's jurisdiction. The property is currently zoned Planned Commercial with entitlements under Ordinance 2009-17. However, the other three parties in the business park with entitlements under that ordinance do not wish to have the use of Golf Cart Sales added as a permitted use on their properties. Therefore, the applicant has elected to file the application to only add the use of Golf Cart Sales on their property.

The rezoning application has been reviewed and determined to be complete, satisfying the necessary criteria as required for rezoning. The application was found to meet the requirements of the Land Development Regulations (LDRs) as well as the adopted Comprehensive Plan and is ready for transmittal to the Town Commission. Staff mailed notices to inform the surrounding 11 property owners within 150 feet of the property proposed by the rezoning request on Tuesday, June 25, 2024. The property was also posted Tuesday, June 25, 2024.

FISCAL IMPACT

Not applicable.

SOURCE OF FUNDING

Not applicable.

FUNDING ACCOUNT

Not applicable.

PAST ACTIONS

The Technical Review Committee found that Ordinance 2024-18 was ready for transmittal to the Planning and Zoning Board.

PUBLIC HEARINGS

The first hearing of Ordinance 2024-18 is scheduled for Monday, July 15, 2024, at 6 p.m. The second and final reading of Ordinance 2024-18 before the Town Commission is

scheduled for Monday, August 5, 2024, at 6 p.m.

1 **DRAFT ORDINANCE 2024-18**
2 **TOWN OF LADY LAKE, FLORIDA**

3 AN ORDINANCE AMENDING THE ZONING CLASSIFICATION FOR CERTAIN PROPERTY BEING
4 APPROXIMATELY 0.51 ACRES OWNED BY PROPERTIES OF THE YARN LADY, LLC, LOCATED ON
5 THE SOUTH SIDE OF OAK STREET, APPROXIMATELY 375 FEET WEST OF THE INTERSECTION
6 OF OAK STREET AND TEAGUE TRAIL, ADDRESSED AS 304 OAK STREET WITHIN THE TOWN
7 LIMITS OF LADY LAKE, FLORIDA; AMENDING THE CURRENT ENTITLEMENTS OF THE PLANNED
8 COMEMRCIAL (CP) MEMORANDUM OF AGREEMENT; PROVIDING FOR SEVERABILITY;
9 ESTABLISHING AN EFFECTIVE DATE.

10 **WHEREAS**, on December 2, 1991, the Town of Lady Lake adopted a Comprehensive Plan
11 (Ordinance No. 91-21) pursuant to the requirements of Chapter 163, Part II, Florida Statutes
12 and Chapter 9J-5, Florida Administrative Code; and

13 **WHEREAS**, on January 23, 1992, the Florida Department of Community Affairs determined
14 that the Town of Lady Lake Comprehensive Plan was in compliance with the requirements of
15 Chapter 163, Part II, Florida Statutes and Chapter 9J-5, Florida Administrative Code; and

16 **WHEREAS**, on August 15, 1994, the Town of Lady Lake adopted the Land Development
17 Regulations of the Town of Lady Lake, Florida, and Official Zoning Map in accordance with the
18 Town of Lady Lake Comprehensive Plan and the requirements of Chapter 163, Part II, Florida
19 Statutes; and

20 **WHEREAS**, On August 4, 2003, the Town of Lady Lake and Marvin Smallwood entered into a
21 Memorandum of Agreement, through Ordinance No. 2003-22, at a duly noticed meeting,
22 establishing the "CP" zoning and permitted uses for said property; and

23 **WHEREAS**, the Town Commission of the Town of Lady Lake, through Ordinance No. 2007-25,
24 approved, at a duly noticed meeting, redesignation of said property then owned by John and
25 Patricia Steverding, Gary Tutor, Robert Sackrider and Quinten Downing and approved and
26 entered into a Memorandum of Agreement setting forth certain permitted uses under the
27 "CP" zoning; and

28 **WHEREAS**, the Town Commission of the Town of Lady Lake, through Ordinance No. 2009-17,
29 approved, at a duly noticed meeting, an amendment to the Memorandum of Agreement and
30 the "CP" zoning to include additional permitted uses for said property; and

31 **WHEREAS**, on July 8, 2024 pursuant to the provisions of the Town of Lady Lake Land
32 Development Code, the Planning and Zoning Board of the Town of Lady Lake reviewed the
33 proposed amendment to the Memorandum of Agreement, which is attached as Exhibit "A,"

1 for property more particularly described in Exhibit “B” and recommended to the Town
2 Commission of the Town of Lady Lake that said amendment be adopted; and

3 **WHEREAS**, the property owner desires to amend the Memorandum of Agreement and the
4 "CP" zoning to include additional permitted uses for said property.

5 **NOW THEREFORE**, be it ordained and enacted by the Town Commission of the Town of Lady
6 Lake, in Lake County, Florida.

7 **Section 1.** Based upon the petition of certain landowners of property, which is in Lake
8 County, Florida, and described in Exhibit “A” hereto, a request has been made to amend the
9 “Planned Commercial” entitlements, as described in the Memorandum of Agreement “Exhibit
10 B” and shown on the Conceptual Plan “Exhibit C”. Said petition has been approved by the
11 Town Commission of the Town of Lady Lake in accordance with the Town of Lady Lake
12 Comprehensive Plan, the Land Development Regulations of the Town of Lady Lake, the
13 Charter of the Town of Lady Lake and the Florida Statutes, the property described in Exhibit
14 “A” hereto is hereby amended.

15 **Section 2. Severability.** The provisions of this Ordinance are declared to be separable and if
16 any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be
17 invalid or unconstitutional, such decision shall not affect the validity of the remaining
18 sections, sentences, clauses or phrases of this Ordinance, but they shall remain in effect, it
19 being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of
20 any part.

21 **Section 3.** This Ordinance shall become effective immediately upon its passage by the Town
22 Commission, except as limited by the provisions of Section 171.06, Florida Statutes, as said
23 provisions pertain to newly annexed property and the final adoption of a Comprehensive Plan
24 Amendment by the Town Commission.

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PASSED AND ORDAINED this ____ day of _____, **2024** in the regular session of the Town Commission of the Town of Lady Lake, Lake County, Florida, upon Second and Final Reading.

Town of Lady Lake, Florida

Ed Freeman, Mayor

Attest:

Nancy Wilson, Town Clerk

Approved as to form:

Derek Schroth, Town Attorney

EXHIBIT “A” — Legal Description

Alternate Key 3840730— OAK STREET COMMERCE CENTER PB 56 PG 9-10 LOT 4 ORB 4646 PG 1949

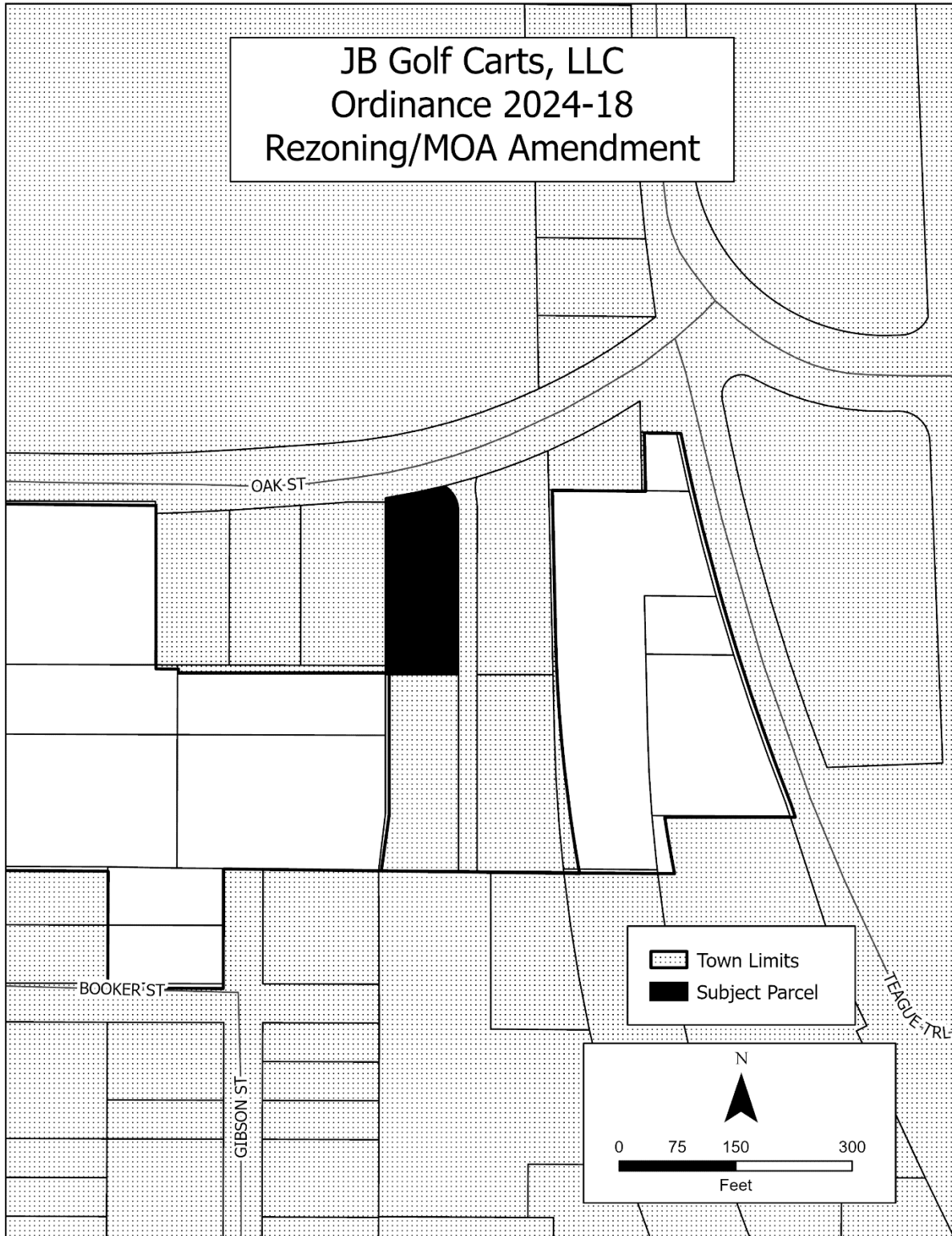


EXHIBIT “B” — MEMORANDUM OF AGREEMENT

This Memorandum of Agreement is dated this 5th day of August 2024 between the Town of Lady Lake, Florida (the "Town") and Properties of the Yarn Lady, LLC ("Property Owner").

RECITALS

1. The Property Owner is the fee simple owner of certain real property in Lady Lake, Florida as described in the legal description attached as Exhibit "A".
2. On August 4, 2003, the Town of Lady Lake and Marvin Smallwood entered into a Memorandum of Agreement (MOA) through Ordinance 2003-22, pursuant to the provisions of Chapter 5, Section 4) o) 5) a) 1) of the Town's Land Development regulations, as recorded in ORB 2384, Pgs. 92-100.
3. On October 4, 2007, the Town of Lady Lake and John and Patricia Steverding amended the Memorandum of Agreement through Ordinance 2007-25, to include additional uses as recorded in ORB 3524, Pgs. 1390-1396.
4. On August 3, 2009, the Town of Lady Lake and John and Patricia Steverding, Gary Tudor, Robert Sackrider, and Quinten Downing amended the Memorandum of Agreement through Ordinance 2009-17, to include additional uses as recorded in ORB 3822, Pgs. 251-259.
5. The applicant wishes to amend the existing MOA to include additional uses on the 0.51-acre site.
6. Approval of this MOA will remove the subject property from the previously approved MOA under Ordinance 2009-17. Ordinance 2009-17 will remain in effect for all other properties included in the agreement.
7. At this time, the parties wish to enter into an amended Memorandum of Agreement pursuant to the provisions of the Town's Land Development Regulations.

NOW, THEREFORE, in recognition of the foregoing, the parties agree to the following terms and conditions as part of the CP zoning for that property described in the attached legal description, Exhibit “A”.

1. Permitted Uses. Permitted uses shall be limited to Offices, Retail Sales and Services, Office/Warehouse, Mini-Storage Warehouse Facilities, Medical and Dental Offices and Laboratories, Golf Cart Sales, and those manufacturing uses permitted under “Fabrication Manufacturing” as defined by the Town of Lady Lake Land Development

1 Regulations through Ordinance 94-08, less and except the use of the fabrication of
2 septic tanks.

3 2. Uses Expressly Prohibited. Any and all uses other than those aforementioned as
4 “permitted uses” shall be expressly prohibited.

5 3. Hours of Operation. The hours of operation shall be as follows:

6 A. 8 a.m. – 5 p.m. Monday through Friday

7 B. 9 a.m. – 3 p.m. on Saturday

8 4. Design Standards.

9 A. The maximum impervious surface ratio (which includes building coverage) shall
10 be limited to eighty percent (80%).

11 B. Maximum building height is thirty-five feet (35’).

12 C. The outside display of Golf Carts shall be limited to five vehicles and limited to
13 paved parking spaces in excess of those required by Chapter 7 of the Land
14 Development Regulations.

15 D. Setback requirements shall be:

16 1. Front Yard Setback – Twenty-Five feet.

17 2. Rear Yard Setback: - Fifteen feet.

18 3. Side Yard Setback: - Fifteen feet; accessory structures as permitted below
19 (item 8) may be placed at a distance no less than six feet from the side yard
20 property boundary.

21 5. Parking and Accessibility. Parking requirements shall be as required pursuant to
22 Chapter 7 of the Town’s Land Development Regulations for the specific use. All
23 parking spaces shall be ten by twenty feet in size, except for ADA parking spaces which
24 shall be twelve by twenty with a five-foot-wide loading area. The required parking on
25 the site shall be comprised of a minimum of 11 paved parking spaces in conformance

with the adopted code, additional parking spaces may be used for outside golf cart display with a maximum of five golf carts on display at one time.

6. Landscaping. Class “B” Landscape Buffers shall be installed around the subject property line as delineated in Chapter 10, Landscaping section of the Land Development Regulations.
7. Dumpster and Refuse. All dumpster and refuse areas shall be large enough to accommodate the intended use. It shall also be screened with a six (6) foot high opaque fence and a Class “B” buffer installed as delineated in Chapter 10, Landscaping section of the Land Development Regulations. The extent and type of the screening shall be determined by the Town Commission at the time of site plan approval. No refuse outside of the dumpster area shall be permitted.
8. Accessory Structures. One shed may be permitted to provide additional storage for business operations. Storage must only support the uses of the business. Sheds may not be leased or used by any person other than the business owner. Sheds shall be limited to a maximum size of 14’ x 40’ and shall be placed behind the building to screen from the public view. The architectural characteristics of the shed shall be consistent in paint color, roof and roof color, and fencing with the primary structure.
9. Fencing. Business-related outdoor inventory storage must be screened from public view by a six foot, opaque fence.
10. Water Retention Areas. The drainage and stormwater retention requirements of the Town and the appropriate regulatory agencies shall be met and approved by the Town Consulting Engineer. These areas shall be properly maintained by the developer.
11. Lighting. All lighting for the proposed facilities shall be designed and located such that light and/or glare shall be directed upon the subject property only.
12. Compliance with All Requirements. Nothing herein shall relieve the Developer or their successors or assigns from obtaining any local, regional, state or federal permits or compliance with any applicable ordinance, laws, rules or regulations necessary for the development of the property.
13. Heirs and Successors. The terms and conditions as set forth in this Memorandum of Agreement shall insure to the benefit of and shall constitute a covenant running with the land and under the terms, conditions and provisions hereof, and shall be legally

binding upon any heirs, assigns and successors in title or interest, and shall be subject to each and every condition herein set out.

14. Recordation. The Memorandum of Agreement shall be recorded in the Public Records of Lake County, Florida.

15. Enforcement. Enforcement of this Memorandum of Agreement shall be through the Town of Lady Lake Town Commission. Upon approval of this agreement, the aforementioned property shall only be used for the purposes described herein. No change in the use, further expansion of the uses, additions to the uses, or additions to the facilities shall be permitted except as approved by formal amendment of this Memorandum of Agreement. Any other proposed use shall be specifically authorized by amendment and approval of the Town of Lady Lake Commission and shall be legally binding upon any heirs, assigns and successors in title or interest.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date first above written.

Town of Lady Lake, Florida

Ed Freeman, Mayor

Attest:

Nancy Wilson, Town Clerk

Approved as to form:

Derek Schroth, Town Attorney

1 **PROPERTY OWNER**

2 _____
3 Diane Hardin, Owner
4 Properties of the Yarn Lady, LLC

5 **STATE OF FLORIDA**
6 **COUNTY OF LAKE**

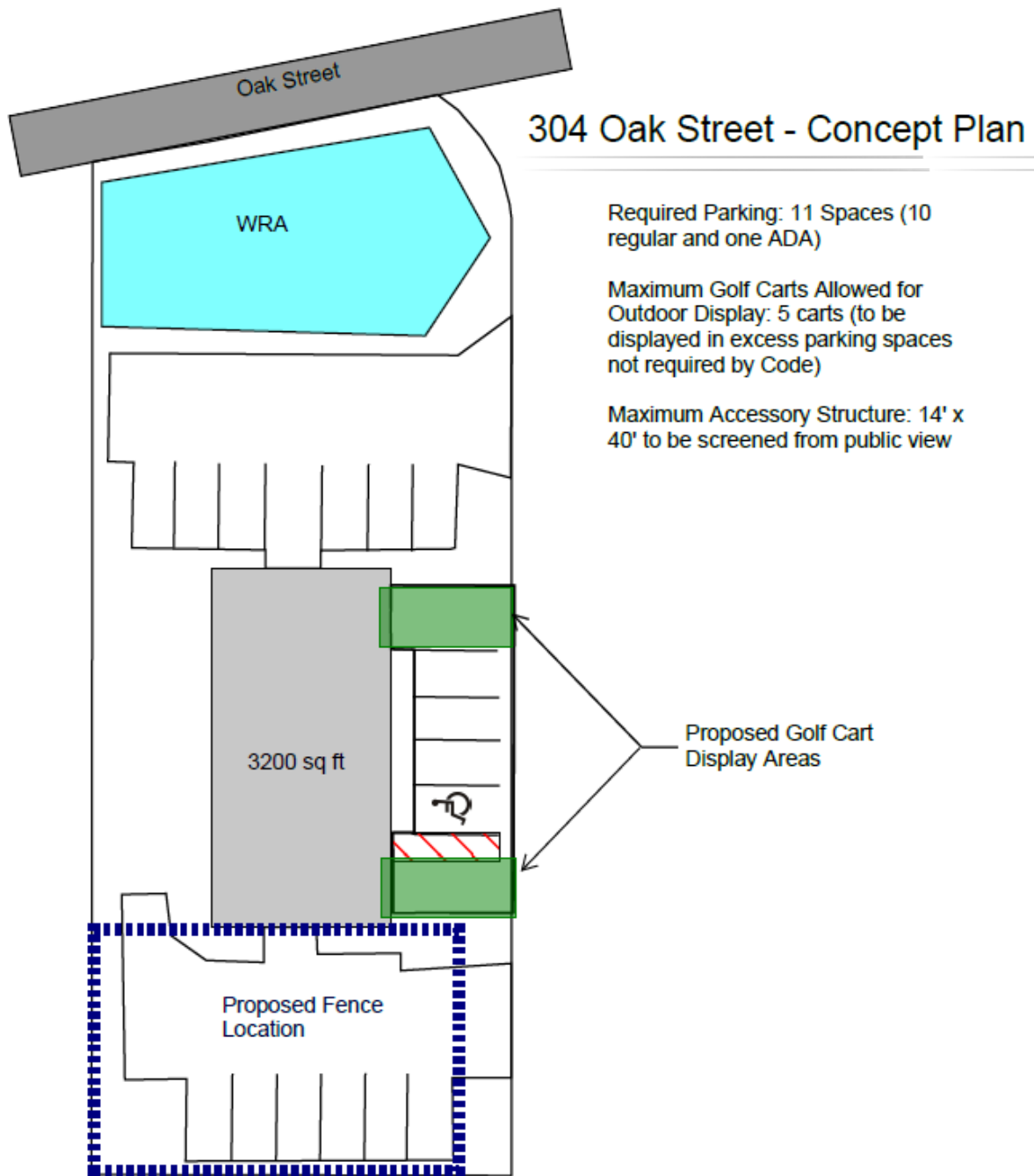
7 The foregoing instrument was acknowledged before me by means of _____ physical
8 presence or _____ online notarization, this ____ day of _____, 2024 by
9 _____, as Owner/Authorized Signer of the Property, who is
10 personally known to me or has produced _____ as identification.

11 _____
12 Notary Public Signature

13 My Commission Expires:

1

EXHIBIT "C" — Conceptual Plan



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PLANNING & ZONING BOARD MEETING AGENDA ITEM TOWN OF LADY LAKE, FLORIDA

AGENDA ITEM TITLE

Resolution 2024-106 – Variance – Hammock Oaks Commercial Site - Historic Tree Removal – Pursuant to Chapter 10, Section 10-5). c).3). A., of the Land Development Regulations (LDRs) to allow for the removal of two viable historic trees located on 20.43 acres at the southeast corner of the intersection of Cherry Lake Road and Highway 466, owned by SK Hammock Oaks, LLC, within the Town Limits of the Town of Lady Lake, Florida. (Becky Higgins)

AGENDA ITEM ID

07082024

DEPARTMENT

Growth Management

SUMMARY

STAFF RECOMMENDED MOTIONS

1. Motion to forward Resolution 2024-106 to the Town Commission with the Recommendation of Approval.
 2. Motion to forward Resolution 2024-106 to the Town Commission with the Recommendation of Denial.
- Staff recommends approval of Resolution 2024-106.

The variance application is in accordance with the provisions of Chapter 10, Section 10-5). c).3)., of the Town of Lady Lake Land Development Regulations which requires the submittal of a Historic Tree Removal variance application for any property owner who desires to remove a healthy historic tree located on commercial property.

On Thursday, June 20, 2024, a variance application was received. The request is to allow the removal of two historic Live Oak trees on a 20.43 acre site referenced as the Hammock Oaks Commercial site located at the southeast corner of the intersection of Cherry Lake Road and Highway 466, owned by SK Hammock Oaks, LLC and referenced by Alternate Key 3952372, within the Town Limits of the Town of Lady Lake, Florida.

BACKGROUND

The subject property is approximately 20.43 acres of land located in Section 19, Township 18 South, and Range 24 East. The property is zoned Planned Unit Development (PUD) and the future land use is Mixed Development District/Traditional Neighborhood District (MDD-TND). On Monday, November 6, 2023, a site plan application was submitted for a 60,724 square foot retail grocery store and 1,618 square foot fuel kiosk. A variance request for the removal

of eight historic trees was submitted at the same time. This variance application (Resolution 2023-114) was taken before the Town Commission on January 17, 2024. At this meeting, the Town Commission voted to deny the request by a 3-2 vote. The applicant has opted to amend the proposed site plan and a new variance request was submitted to reduce the number of trees to be removed to two trees instead of the original eight trees.

JUSTIFICATION STATEMENT

Per the applicant, the site has been modified to reduce the building size to minimize the impact on the historic trees on the site. The applicant has reduced the size of the proposed grocery store from 60,724 square feet to 45,603 square feet, or 75% of the original size.

Several tree clusters located on the property were evaluated by Laurie Hall, Professional Landscape Architect and ISA Certified Arborist and determined to be several individual trees and not one tree.

When reviewing an application for a variance, the Planning and Zoning Board and the Town Commission shall consider the following requirements and criteria according to Chapter 10-5, Section 3 – Review criteria for variances in the Land Development Requirements.

Should the Town Commission approve the applicant's request for tree removal, the applicant shall, at the time of application for tree removal pay to the Town Tree Bank, three thousand six hundred dollars (\$3,600.00) for each thirty-six-inch DBH tree, plus one hundred dollars (\$100.00) for each additional inch over the thirty-six (36) inches. This mitigation fee is to offset the loss of each historic tree. Based on the two historic trees proposed to be removed, the mitigation fee to the Town's Tree Bank would be \$20,800.00.

Developers of all non-residential or multi-family developments, requiring site plan approval are not required to submit an application for clearing and tree permit, but are required to submit a tree survey and landscape plans at the time of site plan submittal so that consideration may be given to the protection of native trees, historic trees, and vegetation.

Notices to inform the surrounding 15 property owners within 150' of the subject property of the proposed variance were mailed on Monday, June 24, 2024. Notification signs were also posted on the property on Monday, June 24, 2024.

FISCAL IMPACT

None.

FUNDING ACCOUNT

None.

PAST ACTIONS

The Technical Review Committee reviewed Resolution 2024-106 and found that it was ready for consideration by the Planning and Zoning (P&Z) Board.

PUBLIC HEARINGS

The Commission's first and final reading of Resolution 2024-106 is tentatively scheduled for Monday, August 5, 2024, at 6:00 p.m.

1 **DRAFT RESOLUTION 2024-106**
2 **TOWN OF LADY LAKE, FLORIDA**

3 **A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LADY LAKE,**
4 **FLORIDA, GRANTING A VARIANCE TO AUTHORIZE THE REMOVAL OF TWO**
5 **VIALE HISTORIC TREES IN ACCORDANCE WITH THE PROVISIONS OF**
6 **CHAPTER 10, SECTION 10-5. c). 3). A)., OF THE TOWN OF LADY LAKE LAND**
7 **DEVELOPMENT REGULATIONS, OWNED BY SK HAMMOCK OAKS, LLC,**
8 **WITHIN THE TOWN LIMITS OF THE TOWN OF LADY LAKE, FLORIDA.**

9 **WHEREAS,** SK Hammock Oaks, LLC, the property owner of certain real property
10 located in the Town of Lady Lake, Florida, more particularly described in Exhibit “A,”
11 has petitioned for a variance from the provisions of Chapter 10, Section 10-5,
12 c).3).A).; and

13 **WHEREAS,** the applicant is requesting to approval to remove two viable historic
14 trees having a diameter at breast height (DBH) of at least 36 inches; located within
15 the Hammock Oaks Commercial site, referenced by Alternate Key Number 3952372;

16 **WHEREAS,** the Town Commission of the Town of Lady Lake held a public hearing to
17 consider the variance request, and having heard evidence and testimony on said
18 request, found it to be consistent with the Lady Lake Comprehensive Plan and
19 requirements for variances set forth in the Land Development Regulations of the
20 Town of Lady Lake.

21 **NOW, THEREFORE, BE IT RESOLVED** that the Town Commission of the Town of Lady
22 Lake, Florida, hereby grants a variance from the provisions Chapter 10, Section 10-5,
23 c).3).A)., of the Town of Lady Lake Land Development Regulations which requires a
24 variance for the removal of historic trees, and to allow for the removal of two viable
25 historic trees located within the Hammock Oaks Commercial site, referenced by
26 Alternate Key Number 3952372, within the Town limits of the Town of Lady Lake,
27 Florida.
28

This Resolution shall take effect immediately upon its adoption by the Town
Commission of the Town of Lady Lake.

RESOLVED this ____ day of _____, **2024**, in Lady Lake, Florida, by the Lady Lake
Town Commission.

Town of Lady Lake, Florida

Ed Freeman, Mayor

Attest:

Nancy Wilson, Town Clerk

Approved as to form:

Derek Schroth, Town Attorney

EXHIBIT A — LEGAL DESCRIPTION AND MAP

Parcel ID 19-18-24-0010-00C-00000; ALTERNATE KEY 3952372:
HAMMOCK OAKS PHASE 1A PB 83 PG 1-8 TRACT C

