TOWN COMMISSION MEETING AGENDA
TOWN OF LADY LAKE, FLORIDA

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

DATE AND TIME

Monday, October 7, 2024, 6:00 PM

PLACE

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

PROCEDURE

Citizens are encouraged to participate in the Town of Lady Lake meetings. Citizen groups are asked to name a spokesperson. Speakers will be limited to three minutes. Additional time may be granted at the Mayor's discretion. Upon being recognized by the Mayor, please approach the dais, state your name and address, and speak into the microphone. The order of agenda items may be changed if deemed appropriate by the Town Commission. Please be respectful of others and put your cell phone on silent mode.

CALL TO ORDER

INVOCATION

Pastor Pat Bromberek – Hope Lutheran

PLEDGE OF ALLEGIANCE

ROLL CALL

AGENDA

A. CONSENT

1. September 12, 2024 – Special Town Commission Minutes
2. September 16, 2024 - Town Commission Minutes

B. NEW BUSINESS

1. Consideration of Extending Towing and Recovery Services with Kling Towing. (Chief Hunt)

2. Discussion to Decide if the Disciplinary Arbitration Panel Should Remain an Active Town Board. (Nancy Wilson)

3. Consideration for the Lady Lake Area Chamber of Commerce to Host their Annual Mac and Cheese Cook Off at the Log Cabin on March 8, 2025. (Mike Burske)

4. Consideration of Approval for the First Baptist Church of Lady Lake to Perform Christmas Carols Under the Christmas Lights at the Log Cabin on December 14th and New Song Community Church to Perform Carols Under the Lights on December 15th and to Advertise the Caroling on Town Media Outlets. (Mike Burske)

5. Hammock Oaks Subdivision Phase 2A — Final Plat Plan — Proposing 45 Single Family Lots on 14.17 Acres Zoned PUD within the Hammock Oaks Subdivision, located on the South Side of Highway 466, East of Cherry Lake Road, owned by SK Hammock Oaks, LLC, within the town limits of the Town of Lady Lake, Florida. (Thad Carroll)

6. Hammock Oaks Subdivision Phase 2D — Final Plat Plan — Proposing 130 Single Family Lots on 41.10 Acres Zoned PUD within the Hammock Oaks Subdivision, Located on the South Side of Highway 466, East of Cherry Lake Road, owned by SK Hammock Oaks, LLC, within the town limits of the Town of Lady Lake, Florida. (Thad Carroll)

C. **TOWN ATTORNEY'S REPORT**

1. Ordinance 2024-17— Second and Final Reading — An Ordinance Changing the Zoning Designation for Certain Property Being Approximately 0.538 Acres Owned by Bharat Khirbat Located at the Intersection of West Hermosa Street and West Guava Street from Light Commercial (LC) to Heavy Commercial (HC) with in the Town Limits of the Town of Lady Lake, Florida. (Thad Carroll)

2. Resolution No. 2024-108 – Variance - a Resolution of the Town Commission of the Town of Lady Lake, Florida, Granting A Variance to Allow a Monument Sign to Be Placed Less Than Five Feet from The Property Line in Accordance with the Provisions of Chapter 17, Section 17-3. E). 1). D)., of the Town of Lady Lake Land Development Regulations, on Property Owned by Lady Lake 121 MP RK6, LLC, a Property Being Approximately 0.50 Acres of Land, located 465 Feet North of the Intersection of La Plaza Parkway and North Highway 27/441, Lying West and Adjacent to La Grande Boulevard, within the Town Limits of The Town of Lady Lake, Florida. (Thad Carroll)

TOWN MANAGER'S REPORT

MAYOR AND COMMISSIONER'S REPORT

PUBLIC COMMENTS

This section is reserved for members of the public to bring up matters of concern or comments. It is not limited to items on the agenda, and it is open to any concern or comments that the public may have.

ADJOURN

Please contact the Town Clerk’s Office with any questions at 352-751-1501. This public hearing is being conducted in a handicapped accessible location. Any handicapped person requiring special accommodation or an interpreter for the hearing or visually impaired should contact the Clerk's Office at least two days prior to the meeting. To access a Telecommunication Device for Deaf Persons (TDD), please call 352-751-1565.

If a person decides to appeal a decision made with respect to any matter considered at the above meeting or hearing, he/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) One or more members of any other Town Board or Committee may be in attendance at this meeting, but will not be conducting business.

DRAFT MINUTES OF THE SPECIAL COMMISSION MEETING
TOWN OF LADY LAKE, FLORIDA
September 12, 2024

The special meeting of the Lady Lake Town Commission was held in the Commission Chambers at Lady Lake Town Hall, 409 Fennell Blvd., Lady Lake, Florida, with Mayor Ed Freeman presiding. The meeting convened at 5:00 p.m.

Mayor Freeman called to order the continuation of the September 4th meeting. Time was 5:00 p.m.

Mayor Freeman led the pledge of allegiance.

ROLL CALL

Commissioner (Ward)	Present
Regan (Four)	YES
Gourlie (Two)	YES
Roberts (One)	YES
Freeman (Three)	YES
Sage (Five)	YES

STAFF PRESENT:

Bill Lawrence, Town Manager; Pam Winegardner, Finance Director; John Pearl, IT Director; C.T. Eagle, Public Works Director; Mike Burske, Parks & Recreation Director; Elisha Pappacoda, Communications Director; Dawn Woods, Accountant I; Joella LeDonne, Assistant Finance Director; Steve Hunt, Police Chief; Nancy Wilson, Town Clerk.

PUBLIC HEARING

Finance Director Winegardner stated that she would like to begin by discussing the budget and the process of putting the budget together. She also wanted to explain TRIM (Truth in Millage) and how it is determined. The budget process begins every year in April when the department heads all begin their individual budgets that are based on historical and future needs. Before the budgets are reviewed, revenue is estimated by collecting data from the State of Florida and Lake County. Next, values from the property appraiser on estimated taxable value are determined. The values received from the property appraiser are calculated based on new construction, home valuation, renovation work and the sale of a home. The market value is about 90% of the real estate value. Those are the variables that go into a TRIM notice. Exemptions and Save Our Homes further impact TRIM.

When the individual budgets are submitted, they are sent to the Town Manager so he and Ms. Winegardner can review them. They compare those budgets to the estimated revenue. This year, over $1 million was cut from the budgets. The budget reflects changes made by the commission and the millage rate is 3.6510 to fund that budget.

Commissioner Sage stated that Ms. Winegardner said that this time last year we had $23 million in the bank. Ms. Winegardner clarified that we had $23 million at the time of their last bank reconciliation at the end of July. Last year at this time, we had $27 million; three years ago, we had $34 million. Our reserves are dropping though we continue to hold six months in reserve for emergencies.

Commissioner Sage asked why we cannot lower the millage since the PTO figure was removed from the budget. Ms. Winegardner explained that our budget increased 33.9% over last year and this is with the PTO item and others being removed from the budget. The library project is included in that increase.

Commissioner Sage asked if we took the same amount out of reserves in both the original and revised budgets. Ms. Winegardner answered that when the PTO funding was turned down by the commission, less money needed to come out of the reserve fund to fund the budget. If that money had been subtracted from the budget (rather than reserves), the millage could have been lowered.

Town Manager Lawerence said that we were told by our previous auditor that we had too much money in our reserve account and some of it needed to be spent. We had a couple big projects that needed to be completed so they were funded out of the reserve account. This is why the town has no debt. The Town Manager wants to keep the reserves intact but if prices keep going up and we have emergencies for which we do not get reimbursed we may have to have a big increase in the millage rate. That is why he is a proponent of smaller incremental increases.

Mayor Freeman asked Ms. Winegardner if we are using the actual millage rate for taxes. She confirmed that we are using the actual millage rate as noticed not the rollback rate which would make the increase look a lot higher. The millage rate increase is 7.5%, which is the first increase in eight years.

Commissioner Roberts said in terms of funding our budget from homeowner payments of property taxes, is it true that one-fifth of our budget is funded by property taxes? Ms. Winegardner answered in the affirmative. More of our budget is funded elsewhere and that speaks well of how the town manages funds. We have a multifaceted budget.

Commissioner Sage asked what the North Lake Hospital tax is and why it is on our tax bill. Commissioner Roberts answered that the North Lake Hospital District is a fund the hospital utilizes to pay for indigent care. There is a board that manages that millage rate.

Mayor Freeman called for a 30-minute recess at 5:34 p.m.

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

ROLL CALL

Commissioner (Ward)	Present
Regan (Four)	YES
Gourlie (Two)	YES
Roberts (One)	YES
Freeman (Three)	YES
Sage (Five)	YES

Resolution 2024-109 (First and Final Reading) — Adoption of the Tentative Millage Rate for Fiscal Year 2024—2025 (continued from the September 4th commission meeting).

Finance Director Winegardner stated that staff recommends approval of first and final reading of Resolution 2024-109 adopting the tentative millage rate of 3.6510 mills for Fiscal Year 2024—2025.

The resolution sets the Fiscal Year 2024-2025 tentative property tax millage rate of 3.6510 mills per $1,000 taxable valuation, which is 17.99% greater than the current years rolled back rate of 3.0944.

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

As a reminder, the Town Commission can increase the millage rate at this meeting, but at the second public hearing on September 16th, you will not be able to increase it from what was approved at this meeting. This tentative rate, plus any other rate below this rate, requires an affirmative vote of three members of the Town Commission.

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

Commissioner Gourie made a motion to approve Resolution 2024-109, adoption of the tentative millage rate for fiscal year 2024-2025; Commissioner Roberts seconded.

Commissioner (Ward)	Vote
Regan (Four)	YES
Gourlie (Two)	YES
Roberts (One)	YES
Freeman (Three)	YES
Sage (Five)	YES

Motion carried 5-0.

Ordinance 2024-21 (First Reading) - Adoption of Operating Budget for Fiscal Year 2024-2025 (continued from September 4th commission meeting).

Finance Director Winegardner stated that staff recommends approval of the first reading of Ordinance 2024-21 regarding adoption of the Fiscal Year 2024-2025 budget. This ordinance sets the Fiscal Year 2024-2025 Budget estimated revenues, expenditures, and expenses for the General Fund, the Special Revenue Fund, and the Utilities Fund.

Per State Statute Chapter 200.065, the Town of Lady Lake must hold a public hearing on the tentative millage rate and proposed budget. At this hearing, the Town Commission will amend and approve the first reading of the budget ordinance after adoption of the tentative millage rate. This hearing was advertised via the TRIM notice mailed out by the Property Appraiser and was also advertised in the Daily Sun. The fiscal impact is $41,018,631

Commissioner Gourlie made a motion to approve Ordinance 2024-21, the adoption of the operating budget for fiscal year 2024-2025; Commissioner Regan seconded.

Commissioner (Ward)	Vote
Regan (Four)	YES
Gourlie (Two)	YES
Roberts (One)	YES
Freeman (Three)	YES
Sage (Five)	YES

Motion carried 5-0.

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:06 p.m.

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Nancy Wilson, Town Clerk

____

Ed Freeman, Mayor

DRAFT MINUTES OF THE COMMISSION MEETING
TOWN OF LADY LAKE, FLORIDA

September 16, 2024

The regular meeting of the Lady Lake Town Commission was held in the Commission Chambers at Lady Lake Town Hall, 409 Fennell Blvd., Lady Lake, Florida, with Mayor Freeman presiding. The meeting convened at 6:28 p.m.

CALL TO ORDER

INVOCATION

Rev. Debbie Casanzio – Lady Lake United Methodist Church

PLEDGE OF ALLEGIANCE

Led by Mayor Freeman

ROLL CALL

Commissioner (Ward)	Present
Regan (Four)	YES
Gourlie (Two)	YES
Roberts (One)	YES
Sage (Five)	YES
Freeman (Three)	YES

STAFF PRESENT

Bill Lawrence, Town Manager; C.T. Eagle, Public Works Director; Pam Winegardner, Finance Director; Joella LeDonne, Assistant Finance Director; Thad Carroll, Growth Management Director; Becky Higgins, Senior Planner; Malina Wright, Development Coordinator; Police Chief Steve Hunt, Lady Lake Police Department; Deputy Chief Jason Brough; Lt. Rob Tempesta, Lady Lake Police Department; Elisha Pappacoda, Communications Director; Nancy Wilson, Town Clerk; and Carol Osborne, Deputy Town Clerk.

Town Attorney Derek Schroth was also in attendance.

A. PUBLIC HEARING

1. Resolution 2024-111 (First and Final Reading) — Adoption of the Final Millage Rate for Fiscal Year 2024 – 2025 (Pam Winegardner)

Ms. Winegardner stated this resolution finalizes the fiscal year 2024-2025 tentative property tax millage rate of 3.6510 mills per $1,000 taxable valuation, which is 17.99% greater than the current year's rolled back rate of 3.0944.

Ms. Winegardner stated this hearing was advertised via the TRIM notice mailed by the Property Appraiser.

Commissioner Gourlie made a motion to approve Resolution 2024-111 on first and final reading; Commissioner Sage seconded.

Commissioner (Ward)	Vote
Regan (Four)	YES
Gourlie (Two)	YES
Roberts (One)	YES
Sage (Five)	YES
Freeman (Three)	YES

Motion passed by a 5-0 vote.

2. Ordinance 2024-21 (Second and Final Reading) — Adoption of Operating Budget for Fiscal Year 2024-2025 (Pam Winegardner)

Ms. Winegardner stated this ordinance sets the fiscal year 2024-2025 budget estimated revenues, expenditures, and expenses for the General Fund, the Special Revenue Fund, and the Utilities Fund.

Ms. Winegardner stated this hearing was advertised via the TRIM notice mailed by the Property Appraiser.

Commissioner Regan made a motion to approve Ordinance 2024-21 on second and final reading; Commissioner Gourlie seconded.

Commissioner (Ward)	Vote
Regan (Four)	YES
Gourlie (Two)	YES
Roberts (One)	YES
Sage (Five)	YES
Freeman (Three)	YES

Motion passed by a 5-0 vote.

B. CONSENT

1. August 27, 2024 – Special Town Commission Meeting Minutes

2. September 4, 2024 – Town Commission Meeting Minutes

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

C. NEW BUSINESS

1. Consideration of Approval of the Fourth Amendment of Agreement Between the Town of Lady Lake and Waste Management Inc. of Florida (Pam Winegardner)

Finance Director Pam Winegardner presented this agenda item clarifying that Waste Management is now known as, WM.

Ms. Winegardner stated that Section E4 of the agreement, “Change in cost of doing business” is deleted in its entirety and replaced. The collection charges may be increased or decreased in a percentage amount equal to the net percentage change in the Consumer Price Index as published by the U.S. Department of Labor for Garbage and Trash, for the preceding twelve-month period ending March 31st. Adjustments due to CPI changes shall be limited to six percent per year. The new rate will become effective October 1, 2024. Disposal charges will be increased or decreased based on actual cost change at the disposal facility. The increase or decrease shall be determined by March 31st each year and become effective on October 1. Changes in disposal charges shall be a pass through to the customer.

Ms. Winegardner advised that there is no change in the solid waste the next year.

Commissioner Sage asked if this in addition to other increases that are given under contract.

Ms. Winegardner replied affirmatively clarifying that in the past they would go by the increase or decrease in low sulfur diesel fuel. The CPI figures for trash and waste are more in line with their costs.

Mayor Freeman stated Waste Management does a great job.

Ms. Winegardner concurred. She stated that she has received excellent feedback from residents. She publicly thanked Regional Manager Doug McCoy, and Jose, the Marketing Manager for their service.

Commissioner Gourlie made a motion to approve the fourth amendment of the Agreement Between the Town of Lady Lake and Waste Management Inc. of Florida; Commissioner Roberts seconded. Motion passed 5-0.

2. Consideration of Approval of the Interlocal Agreement Between Lake County, Florida, Lake County Sheriff and Town of Lady Lake, Florida for Animal Services (Chief Hunt)

Town Attorney Schroth presented this agenda item stating that the Town of Lady Lake is the only municipality in Lake County who does not have a formal agreement with Lake County and Lake County Sheriff for animal control and animal enforcement services.

Commissioner Roberts made a motion to approve the Interlocal Agreement between Lake County, Florida, Lake County Sheriff and Town of Lady Lake, Florida for Animal Services; Commissioner Sage seconded. Motion passed 5-0.

D. TOWN ATTORNEY'S REPORT

1. Ordinance 2024-17 (First Reading) — **An Ordinance Changing the Zoning Designation for Certain Property Being Approximately 0.538 acres Owned by Bharat Khirbat Located at the Intersection of West Hermosa Street and West Guava Street from Light Commercial (LC) to Heavy Commercial (HC) within the Town Limits of the Town of Lady Lake, Florida (Thad Carroll)**

Growth Management Director Thad Carroll presented this agenda item stating this property is currently developed. He stated that the application for rezoning was filed on behalf of the property owner on June 13, 2024. He explained that the existing zoning is to implement comprehensive plan policies for managing transitional areas between residential land uses and more intense and industrial uses. The proposed zoning is to implement comprehensive plan policies for managing commercial development. This district is designed to accommodate general retail sales and services and wholesale services.

Property surrounding the subject property: North – Heavy Commercial; East – Right of Way/Planned Commercial/Single Family Medium Density (RS-6); South – Planned Commercial; West – Heavy Commercial. He noted that the other properties on the block are already zoned Heavy Commercial, and there currently is a buffer between the residential area on the south side. On the north side of Hermosa Street there is a transition of heavy commercial to planned commercial, which is The Village Airport Van campus.

Mr. Carroll advised that currently there no specific use for this property. The intent of the rezoning is due to the irregular shape of the properties. The property owner currently owns the property in front and behind of the property. It is beneficial for all properties to have the same zoning designation for redevelopment opportunities.

Mayor Freeman asked if anyone is currently living the area.

Mr. Carroll stated that to his knowledge the buildings are being used for storage.

Commissioner Gourlie made a motion to approve Ordinance 2024-17 on first reading; Commissioner Roberts seconded.

Commissioner (Ward)	Vote
Regan (Four)	YES
Gourlie (Two)	YES
Roberts (One)	YES
Sage (Five)	YES
Freeman (Three)	YES

Motion passed by a 5-0 vote.

2. Ordinance 2024-14 (First Reading) — Annexation — An Ordinance of the Town Commission of the Town of Lady Lake, Florida; Voluntarily Annexing Twenty Properties Being Approximately 358 Acres Owned by Grand Oaks Holding, LLC; Located East of County Road 25, South of Marion County Road, West of Grays Airport Road, and North of Griffin Avenue; Within Lake County, Florida (Thad Carroll)

Growth Management Director Thad Carroll presented this agenda item stating the application was filed on May 2, 2024, by Michael Rankin with LPG Urban & Regional Planners on behalf of property owners Grand Oaks Holding, LLC. The future land use designation is Lake County Rural and Public Service Facilities and Infrastructure; the current zoning designation is Lake County Community Facility District; the present use of the property is an Equestrian Museum and arena, lodging to include RV (special event) parking, special events with vendors, resort facilities and amenities, and an on-site restaurant. Staff's recommendation is for approval.

Mr. Carroll explained that the subject properties are non-contiguous with the municipal boundary. The closest boundary to the subject parcels is approximately 1,320 feet to the west along Griffin Avenue, also being property of the Water Oak Country Club Estates community.

Mr. Carroll stated that staff feels that this request complies with the Interlocal Service Boundary Agreement. The proposed density is 2.5 dwelling units per acre. This density is less than that of nearby Water Oak which has a density of 3.36 dwelling units per acre. There are also properties in the communities of Carlton Village and Harbor Hills which are further to the east, away from the urban center, with densities of three to four units per acre. By utilizing clustering, the proposed development will retain 50% open space which exceeds our requirement of 25% for a Planned Unit Development designation. Although 895 homes are being proposed, the developer is retaining areas for equestrian use, as well as trails to retain elements of a rural community. The annexation application has been reviewed by the Technical Review Committee and determined to be complete. The application meets the requirements for consideration of annexation of non-contiguous property as per Ordinance 2013-40, the Interlocal Service Boundary Agreement. Should the annexation be approved, the applicants shall enter into a concurrent Water and Sewer Utility Agreement to extend utility infrastructure to the subject properties. The Town shall not approve any development or issue a final development order of the annexed area unless central water and wastewater serve the development. The applicant has proposed a connection of municipal potable water and wastewater to the property, with a proposed 7,600 +/- linear foot extension to be paid for by the developer.

Section 163.3177, Florida Statutes (FS), requires that any amendment to the Future Land Use Element discourage the proliferation of urban sprawl. The applicant has addressed thirteen indicators as to why the application does not promote urban sprawl in the executive summary of the concurrent Large-Scale Comprehensive Plan Amendment application. The applicant has also addressed four criteria as required by Florida Statute 163.3177(6)(a)9. b., as to why the proposed development discourages the proliferation of urban sprawl. He noted that are developed properties with this proposed density in the general vicinity.

Brent Spain, Attorney - Theriaque & Spain Law Firm, 1809 Edgewater Dr., Orlando

Mr. Spain stated the annexation complies with the Interlocal Service Boundary Agreement (ISBA) requirements, with Chapter FL statue 171 - to the extent that it complies to annexations - and the annexation is consistent with the town's comprehensive plan and land development code. He stated at the P&Z hearing, the opponent's attorney claimed that the annexation violated the Town's ISBA with Lake County, and that the annexation was not "reasonably compact" because it allegedly creates multiple "pockets" of unincorporated property. He stated that these suggestions are without merit. Mr. Spain stated that the ISBA allows, and authorizes, the town to annex noncontiguous property; typically, under FL statute 171 the town would not be permitted. Also, the property must enter concurrently a water and sewer utility agreement at the time of annexation. This agreement states that wells are not permitted, and wells are not being proposed.

Mr. Spain stated that they will pay for the extension of the town's existing water line to and from the property. He stated that the water and sewer utility agreement will be approved concurrently with the second and final reading of the proposed annexation. He explained that if the town asks the property owners to oversize the line, the property owners would be reimbursed the difference in cost between the size of the line via impact fee credits. He stated that this is standard practice throughout Florida as it is a cost-efficient method of increasing the size of the public utility lines. He stated that it was suggested that the town is paying to extend the line and that is not accurate.

Mr. Spain contends that the proposed annexation of the 300+ acres is compact, and no pockets are created.

Mr. Spain thanked Mr. Carroll and staff for being thorough in reviewing this annexation proposal and the staff report is very thorough.

Alison Yurko, Attorney

Ms. Yurko verified that the annexation ordinance will be a separate vote.

Ms. Yurko stated that in the ISBA it states that the property has to be "presently served by Town water and sewer; or where the subject property owner/developer has entered into a concurrent water and sewer utility agreement at the time of annexation to extend utility infrastructure to the subject property…"

Ms. Yurko stated that the utility agreement included in the Memorandum of Agreement (MOA) will be done when the developer presents its site plan. That will be the time at which the commission will be deciding how the next treatment plant will be funded. She stated that the developer is agreeing to pay $25,000 for a systems analysis. Based upon the results and conclusions of the systems analysis "the developer will pay its proportionate share of any needed expansion to the town sanitary sewer/reuse facilities to serve the Grand Oaks development in accordance with the proposed phasing plan". She stated that the phasing plan has not been presented and those terms will be set forth in a separate utility improvements agreement that will be entered into by and between the town and the developer prior to or simultaneously with any site plan approval for this development. She stated that the Florida Statute defines development, in part, as the carrying out of any building activity, the making of any material change in the use or appearance of any structure or land or the dividing of land into parcels; a change in the intensity of use of land such as increase in the number of dwelling units. She stated that the developer is increasing their development units over what is currently allowed. She continued to say per the statute that the "development order means any order granting, denying, or granting with conditions an application for a development permit." A development permit includes a" … building permit, …rezoning…variance or any other official action of local government having the effect of permitting the development of land." She stated that, if approved, the commission is permitting the development of land by virtue of approving the documents unless central water and sewer shall serve the development.

Ms. Yurko presented pictures of the property, stating that it is a heavily treed resort. The Grand Oaks Resort currently has a chapel, a restaurant, and equestrian facilities.

Ms. Yurko stated that the first factor to consider when approving a comprehensive plan amendment is to verify if it is consistent with the comprehensive plan. The plan mandates to protect neighborhood character and limit incompatible land uses. She stated that the adjacent homes are 1 per 5 acres. This project leaves the potential for the developer to come back later for a higher density should they invoke the entitlements of the maximum of twelve dwelling units per acre or the Live Local Act. She stated that the option is also available for the developer to request the additional remaining floor area ratio, allowing for the potential for more commercial establishments.

Ms. Yurko stated that in the report submitted to the commission from Kendall Keith of Oak Hill Planning, his professional opinion is that this development would not be compatible. She stated that the false equivalency, the 1.0 FAR in the Lake County code is the amount of building that can be put on land and 1.0 FAR is not workable. She stated the square footage was calculated; they are assuming that every inch of the 305 acres of institutional property under the Lake County entitlements is developable. It also does not make the point that the Lake County Public Instructional Use is strictly limited to equestrian, museum, and related equestrian uses. They are asking for open-ended commercial entitlements therefore this is a false equivalency.

Ms. Yurko noted that the Town's Public Works Director C.T. Eagle has stated that the town cannot serve this area with central wastewater.

Tom Nash, 3546 Griffin Avenue

Mr. Nash expressed his concerns regarding the number of trees that will be removed for this development.

Kathleen Farner, 41240 Gibraltar Rd., Weirsdale

Ms. Farner expressed her concerns regarding Emeralda Marsh Rural Protected Area (RPA), the number of proposed homes, a proposed three-story building/apartments, third- party verbiage of the ISBA, state statue regarding enclave property.

Romayn Jones, 3520 Griffin Ave.

Ms. Jones expressed her concerns regarding the aesthetic of her property and the increased student population in the schools. She asked the commission to wait until the current developments are completed before considering this project.

Steve Rager, 17548 SE 159th Terrace, Weirsdale

Mr. Rager expressed his concerns with the annexation, unanticipated increased costs to taxpayers, potential sale of the property once developed, negative impact on property values, potential increase of crime.

Bruce Cynamon, 17844 SE 159th Ave., Love's Landing Aviation Community

Mr. Cynamon expressed his concerns regarding the nearby aviation neighborhood. He stated that he is a commercial pilot, flight instructor and his comments are inspired by the Federal Aviation Administration Land Use Compatibility and Airports guide. He stated that Love's Landing is an FAA designated airport known as, Love's Field. He stated that there are currently 70 homes occupied, many homes under construction, and lots sold. Once developed there will be approximately 120 homes. He stated that aircraft will be approximately 200 feet above the proposed homes when passing over and descending near treetop level while crossing Marion County Road. He noted that the noise level is an issue and aircraft take off and land at all hours of day and night. It is believed that high density housing this close to the airport poses a safety issue to the residential community and for the aircraft.

George Pasentino, Community Relations Consultant for Grand Oaks

Mr. Pasentino acknowledged the number of engaged residents in attendance. He stated that attainable housing is a national issue. He stated that the Grand Oaks proposal retains the majority of the equestrian facilities. He relayed a story regarding a similar project, with similar residence and the developer sold the property and the proposal that came in had significantly higher density. He stated that the developer wants to retain the character of Grand Oaks.

Diana Sparklin – 39824 Magnolia St., Carlton Village

Ms. Sparklin expressed her support of the Grand Oaks development.

Richard Masso, 373 Carriage Lane

Mr. Masso expressed his concerns against annexations. He stated that he discussed this project with the Town Manager who told him that the town does not have the sewer or water capacity to service this area at this time. He fears that millions of dollars will be needed to make this annexation work.

Katherine Wright, 40216 Gator Lake Rd.

Ms. Wright expressed her concerns against the proposed Grand Oaks development stating that with the price of the homes starting at $175,000.00, along with the related costs of home ownership, does not make these homes affordable. She stated that HOAs can change their guidelines and rules to fit their needs, as is currently happening in Harbor Hills. She stated that the number of mobile homes in this development will diminish their property values and beautiful area.

Howard Tang, 2037 Stefano Ct., Mount Dora

Mr. Tang stated that growth in this area has arrived. He stated that his coworkers have stated that their rent is $1500.00 for a two bedroom home. He stated this area has an older demographic and it is the younger employees who are working here. He stated that he represents a company with over 130 healthcare employees, something everyone needs. More than 60 of these employees have incomes of $60K or less and have a long commute because there is no affordable housing in this area. He stated that because of the impending growth, the commission is looking at the interest of everyone.

James Ricketson, 5605 Strong Point, Weirsdale

Mr. Ricketson responded to Mr. Tang's comments regarding this project being a young community to provide services. He stated that a young community brings kids, and the proposed number of children anticipated for this project is skewed. Mr. Ricketson stated that he is the Battalion Chief for the City of Leesburg Fire Department and will be the one to respond to this area. He stated that mobile home parks, manufactured homes, and/or trailer parks equal drugs, crime, stealing, and fires. He acknowledged that an age-restricted community brings a different quality of people. He stated that the water tankers must bring water to the site if there are no fire hydrants in the area. He questioned if the police force would be able to respond to this annexed property because it is not near the town.

Mayor Freeman stated the commission has been discussed the issue of providing services.

Debra Christian, 29246 Beauclaire Dr., Tavares

Ms. Christian stated her concerns regarding negative impact on property values.

At 7:49 p.m., Mayor Freeman called a five-minute recess.

Mayor Freeman reconvened the meeting at 7:55 p.m.

Town Attorney Schroth advised the audience that the commission is considering Ordinance 2024-14, which is an annexation request, and asked that all public comment be limited annexations.

Chuck Themm, 797 Teague Trail, Apt. 6105

Mr. Themm stated that when he moved to Lady Lake years ago, they lived in a manufactured home in Orange Blossom Gardens. He commented on the sales of homes in The Villages.

Patti Oberti, 797 Teague Trail

Ms. Oberti expressed her support of the Grand Oaks development stating that the property will be taken care of and wished the project well. She stated that anyone can live in a manufactured home no matter of their finances.

Mike Nagy, 5101 NW 80th Ave Rd., Ocala

Mr. Nagy stated that he is the general manager for Skyline Corporation, who will be constructing the homes for the proposed Grand Oaks development. He explained the homes are Energy Star certified, independently vetted and is 75% better performance than non-Energy Star rated homes. On average they are 35% more efficient. He stated that many of the employees discuss the high cost of living, and this development would help families to reach their family needs. He stated this development means a great deal to local business.

Michael Nappi, 32 Locust Rd., Ocala

Mr. Nappi stated that he is a local business owner and expressed his support of the annexation for proposed Grand Oaks development. He stated that he has met the officials of New Vision noting that they are honorable and what they present is what will be constructed.

Louise Chen, 8010 Treasure Island Rd., Leesburg

Ms. Chen stated that she lives near Emeralda Marsh and expressed her opposition to the annexation. She stated that the annexation will remove most trees which could result in flooding. She stated that Emeralda Marsh is a great place for bird watching.

Jorlyn Johnson, 3930 Griffin Ave.

Ms. Johnson expressed her concerns regarding the lack of obstetricians in our area. She stated that this proposed development could have many families with childbearing women and no medical professionals in the area.

James Covington, 41338 Grays Airport Rd.

Mr. Covington expressed his concerns against the annexation.

Lisa Berg, 2902 Marion County Rd.

Ms. Berg stated that she bought her house from Mr. Golisano and Grand Oaks Holdings. She stated that she repeatedly asked if this area would be developed and was told that no one can predict the future, yet there are no plans. She stated that she called Lake County several times regarding zoning and was assured that it is very unlikely that this property could be urbanized with high-density housing because it is supposed to be compatible with the neighboring houses. She stressed that she feels that they misrepresented the home, basically lied by not saying the truth, and will be the only house that is truly surrounded on three sides by this development. She added that no one will board a horse for $1500.00 a month in a subdivision such as this.

Maria Arnold, 904 Jacaranda Dr.

Ms. Arnold expressed her concerns regarding the impact on the schools.

Dory Dyess, 409 S. Old Dixie Hwy

Ms. Dyess expressed her concerns regarding the potential of revenue loss due to the houses in this development being tagged at the DMV, there is no real estate to increase the value of the home.

Allen Chen, 8010 Treasure Island Rd.

Mr. Chen expressed his concerns regarding the drainage impact of the Emeralda Marsh Rural Protection Area and potential flooding. He stated that two developments, Silver Lake Point and Treasure Trove, annexed into the City of Leesburg. He stated that due to poor engineering and execution Silver Lake Point slopes and floods occur routinely when there is rainfall greater than half an inch. The City of Leesburg and St. Johns Water Management are currently discussing whether to revoke the permits. Regarding Treasure Trove there is a slope on this property as well. He stated that he met with St. John's Water Management District representatives and posed several concerns with the proposed drainage and hydrology report. Their response is to request 13 additional pieces of information and re-simulation of the runoff and retention area calculations. He stated that 61% of the total area of the Grand Oaks development is within the Emeralda Marsh RPA, and approximately 217 acres within the RPA that will have 445 homes. Another concern is because Grand Oaks has several hills and up to 8% grading throughout the property, there is major flooding possibility. Most trees and vegetation that currently absorb most of this runoff will be removed.

Andre Nana, 2202 Marion County Rd.

Mr. Nana stated that he is minister and a "dumb" attorney, and it is important that this is in the public record. He stated that he lives in a manufactured home, and what is being told by Grand Oaks is that they will be doing a lot of things. There is a video of the owner of Grand Oaks complaining that a cell tower is being installed near his property and devaluing his property. He stated that over the years, this man has been asking every town where he has a house to reduce his taxes for his vacation houses. He stated that Grand Oaks brought the model homes into the property without permits, their presentations include fake equivalencies, and the numbers are not accurate. He stated that it is very clear to him as a "dumb" attorney that a chance of litigation versus denying the annexation and avoiding litigation, he would argue that it is the commission's fiduciary duty to deny this project, "make it go away".

Dimitri Magradze, 5538 W. Woodside Dr., Crystal River

Mr. Magradze expressed his support for the Grand Oaks Development adding that as a business owner as it addresses the critical needs of the community. He stated that this is a great project and smart growth. He stated that he fears those in opposition do not remember the difficulty starting out with a family. He urged the commission to work with the property owner who has shown commitment to the community and environment. He also noted that town staff evaluated the project and recommends approval.

Giulio Veglio, 4135 Christmas Lane

Expressed his concerns regarding the affect the traffic from the Grand Oaks development will have on the failing condition of the county roads.

Craig Fuller, 2825 Drone Field Rd., Ste 7, Lakeland, FL

Mr. Fuller stated that he conducted a review of the town's water and wastewater systems and presented a report summarizing many of the existing issues. He stated that not all the town's wastewater processes work the same as they do not all work on average daily flow which is how everything gets distilled down. He explained that peak flow is based on projected population. The utility agreement does not address disposal that could leave the town short on securing the consumptive use permit with the St. Johns River Management District. He stated that could lead to the town's water rights being challenged and having to go with a water supply authority and acquiring alternative water supplies. He stated the current new plants will need to be upgraded. He stated that fire flow will be the most intense demand; the proposed 200,000 square feet of commercial buildings and the minimum permitted per NFPA 1 for design is 1,000 gallons per minute. He stated that the sprinkler system also has a large demand. He stated that the town's current systems are not capable to handle the additional flows. The town does not have a loop system currently, and if there is one water line, it must be an oversized water line to accommodate peak demand.

Mr. Fuller stated that he works for approximately 60 municipalities throughout the state and was contacted by the (Grand Oaks) community group to review the town's system if this development is approved.

Commissioner Gourlie asked Mr. Fuller if he was contracted by the Town of Lady Lake to conduct this study.

Mr. Fuller replied negatively.

Dawn Mangino, 16330, SE 161st Ct., Weirsdale

Ms. Mangino expressed her concerns regarding the increase traffic, growth and development.

Jen Magradze, 5536 W. Woodside Dr., Crystal River

Ms. Magradze expressed her support for the proposed Grand Oaks development. She stated that she commutes weekly for work and brings her children to Lady Lake for their homeschool community. She stated that the Grand Oaks team saw the need for affordable housing while thoughtfully preserving the equine character of the land. She stated that many developers prioritize profit over community by overcrowding property with maximum housing. She stated that Grand Oaks has committed to keeping 50% as open space, a balance between development and preservation. She stated that this project will benefit today's local workforce; they deserve to live close to where they work.

Lisa Joseph, 40432 Morning Mist Dr.

Ms. Joseph expressed her concerns against the annexation.

Billy Derbin, 15949 SE 176th Place, Weirsdale

Ms. Derbin expressed her concerns against the annexation and the development.

Stephanie Stores Wrinkle, 39601 French Rd., and 4438 Lake Griffin Rd.

Ms. Wrinkle expressed her concerns against the annexation and the development.

Commissioner Sage expressed his concerns regarding the cost of financing a home in the proposed development along with the cost of the lot rent. He also expressed his concern with the cost of constructing another water and wastewater treatment plant. He stated that this annexation is not just about future residents of Lady Lake, it is also about how it will impact the current residents.

Commissioner Gourlie stated that a representative from the school board is present and there have been discussions in the past with school representatives and how the school operates. Essentially, the school board will not consider constructing new school buildings until the schools are overflowing and the portable classrooms are full.

Tyler Brandeburg, Lake County School Board, District 2

From an impact fee perspective, a study is conducted every four years. Based on a mobile home on the 2022 tax roles for Lake County there are approximately 23,000 mobile home units and approximately 4,000 students who live in those parameters. These are the numbers the school board utilize. The next study will be conducted in 2026. He stressed that based on the current concurrency, there is capacity for this project. The Villages Elementary School is constructing an addition to accommodate 240 students. He stated that The Village Elementary School is currently over capacity. However, once the addition is completed in 2025, there will be availability. A number of seats have been reserved for the Hammock Oaks project.

Commissioner Sage asked if the figures are based on the average number of persons and children in Lady Lake households or Lake County households.

Mr. Brandeburg reiterated that the student generation numbers are based on the Lake County figures from 2022. Based on the non-age restricted mobile home density throughout the county. He stated they are calculated as .17 students per household.

Commissioner Gourlie stated that he discussed this project with Public Works Director C.T. Eagle who stated that the town has capacity to accommodate the current projects. The proposed buildout for this project is eight years. He stated that the town must always prepare for the future. He stated that he is pro-growth.

John Arbuthnot, 5119 Marion County Rd.

Mr. Arbuthnot expressed his concerns against the annexation.

Mr. Carroll clarified that the Interlocal Service Boundary Agreement is an ordinance that was approved by the commission in 2013, between Lake County, The Villages, and the Town of Lady Lake.

Mr. Schroth clarified further that the legislature allows this process for non-contiguous annexation.

Mr. Schroth advised both attorneys that proper procedure is Mr. Spain, the applicant attorney, will close the presentations.

Ms. Yurko complied stating that she will reserve the right to respond to Mr. Spain.

Ms. Yurko stated that annexation is about maps and that the state statute states that pockets of property cannot be formed. She stated that there is no basis to approve this annexation. She noted that her clients are not against affordable housing. Their concerns are about how the services to this housing project will get done, who will pay for that and would the town have to foot the bill.

Ms. Yurko touched on the Live, Local Act statute. A provision was added to the MOA stating that it could be waved, which may not be easy enforcing over the next eight-ten years. The proposed development includes a three story building to maximize the density. The application stated that the proposed manufactured housing will qualify as affordable housing per the state legislation. It also states that the monthly rents will not exceed 30% median annual gross income, which is extremely low income and not moderate income. The Live, Local Act applies for properties zoned commercial, industrial, or mixed use. She stated that the full impacts of the project are unknown, and it is not possible to fully address the central water and wastewater impacts. She stated that the public works director has stated that the approval of the proposed development would exceed the available capacity of the wastewater system even when the plant expansion comes online. She noted that full costs and risks to the town cannot be fully analyzed, and the impacts on the roads and failing intersections.

Brent Spain, Theriaque & Spain Law Firm, 1809 Edgewater Dr., Orlando

Mr. Spain stated that his client is following exactly what the town's comprehensive plan requires, exactly what the town's land development code requires, and exactly what the Florida statute requires. Regarding the Live, Local Act, the Florida Attorney General has ruled that it does not apply to a Planned Development (PUD), even if the planned development allows a mixture of uses. He stated that the applicant has included in the Memorandum of Agreement an expressed condition that the Live, Local Act shall not be applicable to this PUD or any portion of the property subject to this agreement. He stated that no one should speculate that this is not enforceable. His client is signing the MOA, which is part and parcel of the PUD and travels with it.

Mr. Spain stated that the comprehensive plan requires that the impact be addressed concurrent with the development. He stated nothing is being approved tonight that allows the project to "turn dirt". He stressed that the Florida statutes and is in countless provisions in the town's comprehensive plan, in the town's concurrency management system. He reiterated that they are complying to the letter of the town's code.

Mr. Spain responded to the utilities issue. He stated what Mr. Schroth added to the utility agreement expressly states that the town is not required to and has no obligation to provide utility services to the property, unless the developer properly reserves that capacity. He stated that most of the 4,000 units referenced earlier do not have a reservation capacity. It has first come, first served in the town. He stated that the town currently has enough capacity for the initial phases of the project. In eight to ten years when the development is complete, the developer would have paid its proportionate share. The utility improvements presumably would have been done and if they hadn't per the comprehensive plan and the land development code the permit will not be approved for phases seven and eight. If the developer attempts to obtain a building permit, it will be denied.

Mr. Spain responded to the allegation that his client cannot be trusted because model homes were placed on the property without proper permits. He stated that is incorrect as they had a special events permit with Lake County to have the three model homes constructed.

Mr. Spain stated that some of Mr. Fuller's analysis is not accurate such as 200,000 square feet of commercial buildings. Mr. Carroll stated in his presentation that this is a site specific comprehensive plan amendment and has a limitation to 85,000 of square feet of commercial development.

Mr. Spain stated clarified that a partial tree survey submitted due to cost. He stated that nowhere is his client seeking a waiver or an exemption from complying with the town's tree requirements. A full tree survey will be required as part of the site development plan.

Mr. Spain stated that Mr. Carroll addressed Emeralda Marsh in his staff report. The county's requirements for a PUD in the Emeralda Marsh requires clustering dwelling units and 35% open space. He stated that the Grand Oaks development is a PUD, it is clustered, and there will be 50% open space. He stated that this project is less dense than several approved projects in the surrounding area, along with higher open space percentage than those projects. The suggestion that this project is a detriment to the area and incompatible is not supported by the record evidence.

Mr. Spain stated that there was a suggestion that his client was using the incorrect numbers for the student generation rates. He stressed that developers are obligated under the town's comprehensive plan to use the Lake County school board's figures. The school board submitted a letter indicating there is capacity currently. In addition, his client is paying approximately $4.5 million in impact fees plus $42,000 per seat that needs to be added to an impacted school.

Mr. Spain stated that if the development is sold, the PUD runs with the land; it is binding on a successor and assign, the MOA is binding on a successor and assign, and the water and wastewater agreement are binding on a successor and assign.

Regarding concern about airplanes flying over the property, he respectfully stated that airplanes fly over other properties including Water Oak. He stated that he is not aware of any FAA regulations that precludes his client's property from being annexed or developed as proposed.

Mr. Spain stated that they had several meetings with Mr. Eagle regarding the utilities. He stated the capacity is 1 million gallons per day; current usage per Lady Lake Public Works is .52 million gallons per day; committed capacity of .515 million gallons per day; the total usage plus the committed or reserved capacity is 1.035 million gallons per day. The 2025 planned expansion adds 200,000 gallons per day, which has been discussed, once it has been added there are 165,000 gallons per day that is available. That capacity is available on a first come, first served basis until it is reserved, and this process defined through the LDRs. He stated that at the P&Z meeting, they were accused of understating their proposed population. He noted that Mr. Fuller's document has a lower population.

Mr. Spain stated that Ms. Yurko's consultant's documents shows a lower population, 1600 residents, where our analysis shows a higher population. The water consumption at full build out is 174,500 per day, which barely eclipses the available capacity if no one reserves the existing capacity. He stated that his client is not building all 895 units tomorrow; it is over several years. In the first year, they are using 22,847 gallons per day, which proves capacity for Phase 1 of this development.

Mr. Spain stated that there have been several comments that this project is a mobile home park, and some very derogatory comments at the P&Z meeting. He stated that the pictures of the homes refute any suggestions that this is a low-end housing development.

Mr. Spain addressed the concerns regarding flooding possibilities stating that the town's public works and engineering attested, the post development runoff cannot exceed the predevelopment runoff, which is a state law requirement.

Mr. Spain stated that the State of Florida's data for Lake County shows there are 93,000 people employed in Lake County and of those, 53.2% live outside Lake County. Therefore, more than half of the people working in Lake County must commute. He submits that part of the reason is that there is not a viable housing option for them. He stated that one comment tonight was that the school needs more teachers. He stated that there needs to be more places for teachers to live, along with police, firefighters, etc. Sufficient and top-quality workforce housing.

The application included that in 2023 the property taxes were $194,000. The analysis projects indicates that in 2034, the project will be generating approximately $1.4 million annual tax revenue, and $250,000.00 will be coming to the Town of Lady Lake, $1.6 million in transportation impact fees, $4.5 million in school impact fees, $1.2 million in water impact fees, and approximately $3 million in wastewater impact fees. An additional $2.5 million in parks impact fees, fire impact fees and library impact fees that are paid directly to the Town of Lady Lake.

Mr. Spain respectfully asks that the commission support this project as it complies with the town's comprehensive plan, land development code, and state statute. He stated that a decision on annexations needs to be supported by competent substantial evidence. Mr. Spain stated that his information on the annexation is competent substantial evidence, along with Mr. Carroll's staff report.

Commissioner Gourlie stated that it is his understanding that Grand Oaks was once an equestrian center initially, and the equestrian portions and the events held with the horses will remain.

Mr. Spain concurred and stated that the plan is proposing to centralize one cohesive environment for the equestrian. There are 150 acres dedicated towards the equestrian facility with better fencing, lighting, paddocks, stables, everything is open to the public. All aspects that are happening now will continue and believe that the redevelopment and revitalization of this makes a more dynamic area for events and a more functional area. In addition, as staff alluded to in the staff report, multi-use trails are included in the project. It allows the Grand Oaks resort to continue and be a viable business and part of this community.

Mr. Spain stated that the issue before the commission is whether the project complies with the public criteria. Whether it is the annexation, the plan amendment, or the rezoning. He stated that his client fully complies with the criteria for the annexation, the staff report demonstrates that, and their presentation demonstrates that. He clarified that this is first reading, it is not the final reading of the annexation.

Attorney Schroth advised the commission that the proceedings could be concluded at this time as each attorney has had ample opportunity to raise their arguments. The commission has total discretion to approve this ordinance or deny it.

Commissioner Roberts stated that the Grand Oaks opposition has been attending the town meetings since November 2023. She stated that the commission understands and appreciates the attorneys' information by presenting other feedback and input. She stated that the commission also appreciates the fact that there is an affordable housing need not just in Lady Lake, not just Florida, but throughout the entire U.S. She stated that she believes that each of the commissioners will vote their heart for what they believe is best for Lady Lake whether it is to your liking. She asked that those in attendance respect the fact that the commission has been dealing with this for several months, not just for 4.5 hours tonight. She asked that they be allowed to finish and do their job.

Commissioner Gourlie made a motion to approve Ordinance 2024-14 on first reading; the motion died for lack of a second.

Commissioner Sage made a motion to deny Ordinance 2024-14 on first reading; Commissioner Regan seconded.

Commissioner (Ward)	Vote
Regan (Four)	YES
Gourlie (Two)	NO
Roberts (One)	YES
Sage (Five)	YES
Freeman (Three)	YES

Motion passed by a 4-1 vote. (Gourlie)

3. Ordinance 2024-15 (First Reading) — Large Scale Future Land Use Comprehensive Plan Amendment — An Ordinance amending the Future Land Use Designation from Lake county Public Service Facility and Infrastructure and Lake County Rural to Town of Lady Lake Mixed Development District/Traditional Neighborhood District; Limiting the Maximum Residential Density to 2.5 Dwelling Units per Acre and a Maximum of 85,000 square feet of Commercial Development; for Property being Approximately 358 Acres, Owned by Grand Oaks Holding, LLC, located East of County Road 25, South of Marion County Road, West of Grays Airport Road, and North of Griffin Avenue; within Lake County, Florida (Thad Carroll)

4. Ordinance 2024-16 (First Reading) — Rezoning — An Ordinance of the Town Commission of the Town of Lady Lake amending the zoning designation for certain properties being

approximately 358 acres owned by Grand Oaks Holding, LLC , located East of County Road 25, South of Marion County Road, West of Grays Airport Road, and North of Griffin Avenue; within Lake County, Florida, from Lake County Community Facilities District (CFD) to Town of Lady Lake Mixed-Use Planned Unit Development (PUD).

Because Ordinance 2024-14 is denied on first reading, Ordinance 2024-15 and Ordinance 2024-16 are mute and were not presented.

At 9:55 p.m., Mayor Freeman called for a five minute recess. The meeting reconvened at 10:00 p.m.

TOWN MANAGER'S REPORT

No report

MAYOR AND COMMISSIONER'S REPORT

No report

PUBLIC COMMENTS

None

ADJOURN

There being no further business to discuss, the meeting was adjourned at 10:03 p.m.

____
Carol Osborne, Deputy Town Clerk

____
Ed Freeman, Mayor

TOWN COMMISSION MEETING AGENDA ITEM
TOWN OF LADY LAKE, FLORIDA

AGENDA ITEM TITLE

Consideration of Extending Towing and Recovery Services with Kling Towing. (Chief Hunt)

AGENDA ITEM ID

20241007

DEPARTMENT

Police Department

SUMMARY

In September 2017, the Town Commission approved entering into a contract with Kling Towing and Recovery, Inc. to provide towing and recovery services for the Town. That initial term expired on September 30, 2018. The agreement allowed for two additional two-year extensions upon approval by the Town Commission. Those extensions expired on October 1, 2022, and staff asked for a one-year extension but was granted by the commission an additional two years. The request is to again allow another two-year extension, after which, the service will go out for bid. Kling Towing has provided effective service and has met all expectations. They will still make a payment of $5,000 for the annual franchise fee.

Town Attorney Schroth reviewed and approved the original agreement. In the case of this one-time extension, Mr. Schroth said “it is not necessary to issue a new RFP if the Chief is happy with Kling’s services. He just needs to propose to the Commission that the contract be extended".

Attachments include the original contract that was executed in 2017 and the addendum for the two-year extension.

FISCAL IMPACT
$5,000.00

SOURCE OF FUNDING
Kling Towing

FUNDING ACCOUNT
001-0000-342-90-00   Revenue

TOWN COMMISSION MEETING AGENDA ITEM
TOWN OF LADY LAKE, FLORIDA

AGENDA ITEM TITLE

Discussion to Decide if the Disciplinary Arbitration Panel Should Remain an Active Town Board. (Nancy Wilson)

AGENDA ITEM ID

2021007

DEPARTMENT

Town Clerk

SUMMARY

In 2018, the Town of Lady Lake established, by Ordinance 2018-46, the Disciplinary Arbitration Panel (DAP) to review disciplinary matters for what I believed to be only for police matters. The ordinance was agreed to by the Police Benevolent Association (PBA) and the Town of Lady Lake. Town Attorney Schroth stated at the initial meeting of the Panel: “The DAP is the final step for the administrative remedy for a grievance. Once the Town Manager has made a final decision, the grievant or his representative can ask the DAP to review the matter. The panel’s review is an independent review and they have the ability to do what they believe is fair by sustaining, overruling or modifying the Town Manager’s decision. The review is to potentially avoid litigation, provide an opportunity for a grievant to be heard and provide a forum for the panel to objectively consider the policy, the facts and what exactly happened. It is a quasi-judicial proceeding.”

During an engagement of the DAP in 2024, the PBA was not supportive of them while hearing the case or throughout the proceedings. At subsequent contract negotiations, the PBA decided that they did not want a DAP but rather wanted to establish a new grievance procedure altogether as outlined in the most recent agreement negotiated with the Town of Lady Lake effective October 1, 2024.

The question is if the Commission would like to keep the DAP, for which we currently have no members, or dissolve it as an active Board.

Sec. 2-105.12. Establishment of disciplinary arbitration panel (DAP), criteria for board membership, and hearing procedures.

The Town of Lady Lake hereby establishes a disciplinary arbitration panel (DAP) to decide an aggrieved party's request to hear disciplinary matters and to review all other disciplinary matters as agreed to by the PBA and the Town of Lady Lake under the terms and procedures set forth in this division.

(Ord. No. 2018-46, § 1, 11-19-18)

Sec. 2-105.13. Membership.

(a) The disciplinary arbitration panel will consist of five (5) residents; three (3) of which will be voting members and two (2) will be alternates. Whenever possible, the applicants shall have had experience in labor relations, or human resources, or personnel management or similar related experience. A hearing shall not be held without three (3) voting members present.

(b) Criteria for membership on the volunteer DAP shall be as follows:

   (1) Applications will be advertised by the town clerk's office.

   (2) A DAP member must be and have been residents of the Town of Lady Lake for at least one (1) full calendar year prior to their application for panel membership and must maintain their town residency during their term as a panel member.

   (3) A DAP member must be at least twenty-one (21) years of age.

   (4) A DAP member must maintain residency within the town limits throughout the duration of a three-year appointment term. In the event that a DAP member no longer resides within the town limits of Lady Lake, an alternate member will replace them. The town clerk's office will post a vacancy announcement for an alternate DAP position. The PBA will review applicants and select a new alternate DAP member with concurrence by the town commission.

   (5) A DAP member must have no criminal record (an arrest will not automatically exclude membership, but appointment will be dependent upon the circumstances of the arrest).

   (6) A DAP member must be able to pass the FDLE background check to include, but not limited to, criminal and in-house histories. Member must sign a personal inquiry waiver for background check.

   (7) A DAP member cannot be a current or former paid employee of the Town of Lady Lake, or a current or past commissioner of Lady Lake.

   (8) A DAP member cannot be related to a Town of Lady Lake employee as this term is defined in Article 27 of the existing contract between the PBA and the Town of Lady Lake.

   (9) A DAP member must be willing to attend training.

   (10) A DAP member must notify the town clerk's office of any changes that may affect their membership qualifications or status. In the event, a DAP member has a conflict of interest in the grievance being heard, they must bring this to the attention of the town clerk's office or at the beginning of the hearing proceedings in order for an alternate member to be assigned. Not complying with the stated rule will immediately disqualify member permanently from board.

   (11) The initial empanelment shall consist of a staggered appointment time of one, two, and three-year terms. Thereafter, panel members shall be appointed for a three-year term with the possibility of additional term renewals.

(12) The PBA recommends candidates to the town manager for appointment and to the town commission for approval.

(13) The disciplinary arbitration panel elects a chairperson and vice-chairperson from among the citizen members to preside over its proceedings.

(Ord. No. 2018-46, § 1(Exh. A), 11-19-18)

Sec. 2-105.14. Hearing procedures.

(a) If the matter has not been satisfactorily resolved at Step 3 of the grievance procedure, the PBA (or grievant if not represented by the PBA) will notify in writing to the town manager within twenty (20) days after receipt of the town's manager's response to the grievant at Step 3, to have the disciplinary matter heard by the disciplinary arbitration panel (DAP). Upon receipt of the notice the town manager or designee shall within seven (7) days notify the chair of the DAP to schedule a hearing within twenty (20) days of the town manager's notification. The town clerk's office will coordinate with the PBA or grievant and DAP to determine a date for the hearing.

(b) The notification shall include the grievance as well as any relevant documents the parties may want to submit in advance to the panel.

(c) The hearing shall be conducted and decision rendered within forty-seven (47) days of the written request by the PBA or grievant for a hearing. Reasonable extensions of this period may be granted by the chair upon written request by either the town or the PBA or grievant for good cause shown. Natural disasters are extenuating circumstances that are an automatic reason for extension beyond the 47-day timeline, and remains extended until normal operations are resumed.

(d) No later than seven (7) days prior to the hearing, the town and the PBA or grievant must file with the town clerk's office, and copy the other party, with a list of witnesses each party intends on calling to testify at the hearing, and a copy of any and all exhibits that are to be introduced at the hearing. The board will entertain requests by the parties to have the chair send out certified letters to the witnesses urging their attendance upon application of either party to the chair. The failure to list a witness or an exhibit will result in the exclusion of the witness's testimony or the exhibit, absent good cause shown as determined by the chair.

(e) All documentation provided by the town and the PBA must be marked with a "T" for the town or an "P" for the PBA, or "G" for grievant. Each is responsible for marking all of their documentation prior to submitting to the town clerk office.

(f) Upon the hearing being convened, the chair shall explain its purpose; identify him or herself, the other board members, the parties, and the representatives of the parties. The chair shall ensure that the hearing is audiotaped in its entirety. The chair or his designee shall swear in witnesses providing live testimony.

(g) Each party shall be afforded the opportunity to give the board an opening statement. After opening statements, the town shall be afforded the opportunity to present its case through testimony or documentary evidence. The grievant shall then be afforded the opportunity to present his or her case through testimony and/or documentary evidence.

(h) All witnesses shall be subject to cross-examination by the opposing party. At the conclusion of each witness' testimony, the chair shall afford each member of the board the ability to question the witness. Witnesses may appear by telephone only with express advanced permission from the chair.

(i) At the conclusion of the parties' presentations, both the Town and the grievant shall be afforded an opportunity to give closing statements to the board.

(j) The length of the hearing will not normally be more than one (1) day in duration unless the parties petition the Chairperson for additional time. The Chair has the authority to grant time extensions.

(k) The rules of evidence applicable to administrative proceedings pursuant to Section 120.57, Florida Statutes shall be observed in this proceeding. The chair shall make any rulings on evidentiary questions. The chair shall have wide latitude to exclude from consideration evidence that is irrelevant. The chair shall also exclude from consideration any evidence that was not used as a basis for the discipline by the town, or any evidence that was not presented by the grievant in response to the discipline during the grievance procedure leading up to this proceeding.

(l) The chair shall have the latitude to run the proceedings in a manner that he or she deems appropriate to support the board's efficiency and effectiveness. The chair may eject any person who disrupts the proceedings.

(m) Once the case is set for review by the three (3) members, each must be present during all portions of the proceedings.

(n) At the conclusion of the closing statements, the panel shall deliberate in public and determine whether to agree to sustain or agree not to sustain or modify the disciplinary action taken. The majority decision of the DAP shall be final and binding on all of the parties and shall be the last step in an administrative remedy.

(o) Both the hearing and the deliberations shall be open to the public pursuant to Florida's Sunshine Law. A panel member is prohibited from speaking with another panel member about the case in private.

(Ord. No. 2018-46, § 1(Exh. A), 11-19-18)

TOWN COMMISSION MEETING AGENDA ITEM
TOWN OF LADY LAKE, FLORIDA

AGENDA ITEM TITLE

Consideration for the Lady Lake Area Chamber of Commerce to Host their Annual Mac and Cheese Cook Off at the Log Cabin on March 8, 2025. (Mike Burske)

AGENDA ITEM ID

20241007

DEPARTMENT

Parks & Recreation

SUMMARY

STAFF RECOMMENDED MOTIONS
Approval for the Lady Lake Area Chamber of Commerce to Host their Annual Mac and Cheese Cook Off at the Log Cabin on March 8th, 2025.

The Lady Lake area Chamber of Commerce is looking to host the annual Mac and Cheese Cook Off at the Log Cabin/Veterans Park. This event will be fully run and staffed by the Chamber. The Chamber has always been great stewards of our property and all clean-up and break-down will be orchestrated by them. The Town will not seek fees for use of the park as it is customary for the Museum, Chamber and Kiwanis to host their community activities at the park. The Chamber will provide insurance for the event.

FISCAL IMPACT
Not town supported/ $0.00

TOWN COMMISSION MEETING AGENDA ITEM
TOWN OF LADY LAKE, FLORIDA

AGENDA ITEM TITLE

Consideration of Approval for the First Baptist Church of Lady Lake to Perform Christmas Carols Under the Christmas Lights at the Log Cabin on December 14th and New Song Community Church to Perform Carols Under the Lights on December 15th and to Advertise the Caroling on Town Media Outlets. (Mike Burske)

AGENDA ITEM ID

20241007

DEPARTMENT

Parks & Recreation

SUMMARY

STAFF RECOMMENDED MOTIONS
Approval for the First Baptist Church of Lady Lake to Perform Christmas Carols Under the Christmas Lights at the Log Cabin on December 14th and New Song community Church to Perform Carols Under the Lights on December 15th and to Advertise the Caroling on Town Media Outlets.

The Parks and Recreation Department is asking to work with the First Baptist Church of Lady Lake on December 14th and New Song Community Church on the 15th for an early evening of Christmas Carols. The proposed time for the event is still being coordinated. As this is an absolute benefit for our holiday schedule, I am asking that we advertise this on the Town website. Neither church has asked for town assistance the night of the event as we have worked with them for years.

FISCAL IMPACT
Van and I are salaried and will work the event if needed.

SOURCE OF FUNDING
Parks and Recreation Salaries

TOWN COMMISSION MEETING AGENDA ITEM
TOWN OF LADY LAKE, FLORIDA

AGENDA ITEM TITLE

Hammock Oaks Subdivision Phase 2A — Final Plat Plan — Proposing 45 Single Family Lots on 14.17 Acres Zoned PUD within the Hammock Oaks Subdivision, located on the South Side of Highway 466, East of Cherry Lake Road, owned by SK Hammock Oaks, LLC, within the town limits of the Town of Lady Lake, Florida. (Thad Carroll)

AGENDA ITEM ID

20240909

DEPARTMENT

Growth Management

SUMMARY

STAFF RECOMMENDED MOTIONS
Staff recommends approval of Hammock Oaks Subdivision Phase 2A Final Plat Plan.

SUMMARY
On Monday, July 8, 2024, Aaron Hickman, PSM, of CWH, Inc on behalf of SK Hammock Oaks, LLC, applied for the final plat of Hammock Oaks —Phase 2A Subdivision. The Town Commission approved the preliminary plat of Hammock Oaks on Wednesday, January 4, 2023. The Development Order for Phase 2A was subsequently issued on Thursday, October 5, 2023.

Hammock Oaks Subdivision consists of eleven phases. Phase 2A consists of 45 market rate single family lots on 14.17 acres.
The Final Plat Plan was reviewed to determine compliance with the Land Development Regulations (LDRs) and Florida Statutes Chapter 177. The following items are included in the packet:

- Review of the final plat completed by Town Attorney on August 20, 2024.
- Final Plat Review completed by Town Surveyor dated September 8, 2023.
- Joinder and Consent to Dedication dated July 29, 2024.
- Subdivision Bond dated July 31, 2024.
- Title Examination dated April 22, 2024.
- Revised Final Subdivision Plat Plans submitted on August 15, 2024.

BACKGROUND
The Town Commission approved Ordinance 2021-25 on February 23, 2022, establishing the zoning for the 421-acre parcel as Planned Unit Development (PUD). The Town Commission subsequently approved Ordinance 2022-15 on October 17, 2022, amending the previous

entitlements of the Memorandum of Agreement.
The Town Commission approved the preliminary plat of Hammock Oaks on Wednesday, January 4, 2023. The Development Order for Phase 2A was subsequently issued on Thursday, October 5, 2023.

The Sewer & Water Agreement has been executed between Town of Lady Lake and the Property Owner/Developer to allocate adequate capacity for the lots within the Hammock Oaks Subdivision.

COMMENTS
Satisfied/Revised Items:
- Applicant has addressed all outstanding Town Attorney comments.
- Applicant has addressed all outstanding surveyor comments.

PAST ACTIONS
The Technical Review Committee (TRC) members individually reviewed the application, finding the application complete and ready to move forward to the Planning & Zoning Board.

At the September 9, 2024 meeting, the Planning & Zoning Board voted 5-0 to forward Hammock Oaks Subdivision Phase 2A Final Plat Plan to the Town Commission with the recommendation of approval.

TOWN COMMISSION MEETING AGENDA ITEM
TOWN OF LADY LAKE, FLORIDA

AGENDA ITEM TITLE

Hammock Oaks Subdivision Phase 2D — Final Plat Plan — Proposing 130 Single Family Lots on 41.10 Acres Zoned PUD within the Hammock Oaks Subdivision, Located on the South Side of Highway 466, East of Cherry Lake Road, owned by SK Hammock Oaks, LLC, within the town limits of the Town of Lady Lake, Florida. (Thad Carroll)

AGENDA ITEM ID

20240909

DEPARTMENT

Growth Management

SUMMARY

STAFF RECOMMENDED MOTIONS
Staff recommends approval of Hammock Oaks Subdivision Phase 2D Final Plat Plan.

SUMMARY
On Monday, July 8, 2024, Aaron Hickman, PSM, of CWH, Inc on behalf of SK Hammock Oaks, LLC, applied for the final plat of Hammock Oaks —Phase 2D Subdivision. The Town Commission approved the preliminary plat for Hammock Oaks on Wednesday, January 4, 2023. The Development Order for Phase 2D was subsequently issued on Thursday, October 5, 2023.

Hammock Oaks Subdivision consists of eleven phases. Phase 2D consists of 130 single family detached lots on 41.10 acres.
The Final Plat Plan was reviewed to determine compliance with the Land Development Regulations (LDRs) and Florida Statutes Chapter 177. The following items are included in the packet:

- Review of the final plat completed by Town Attorney on August 20, 2024.
- Final Plat Review completed by Town Surveyor dated September 8, 2023.
- Joinder and Consent to Dedication dated July 29, 2024.
- Subdivision Bond dated July 31, 2024.
- Title Examination dated April 22, 2024.
- Revised Final Subdivision Plat Plans submitted on August 15, 2024.

BACKGROUND
The Town Commission approved Ordinance 2021-25 on February 23, 2022, establishing the zoning for the 421-acre parcel as Planned Unit Development (PUD). The Town Commission

subsequently approved Ordinance 2022-15 on October 17, 2022, amending the previous entitlements of the Memorandum of Agreement.
The Town Commission approved the preliminary plat for Hammock Oaks on Wednesday, January 4, 2023. The Development Order for Phase 2D was subsequently issued on Thursday, October 5, 2023.

The Sewer & Water Agreement has been executed between the Town of Lady Lake and the Property Owner/Developer to allocate adequate capacity for the lots within the Hammock Oaks Subdivision.

COMMENTS
Satisfied/Revised Items:

- Applicant has addressed all outstanding Town Attorney comments.
- Applicant has addressed all outstanding surveyor comments.

PAST ACTIONS
The Technical Review Committee (TRC) members individually reviewed the application, finding the application complete and ready to move forward to the Planning & Zoning Board.

At the September 9, 2024 meeting, the Planning & Zoning Board voted 5-0 to forward Hammock Oaks Subdivision Phase 2D Final Plat Plan to the Town Commission with the recommendation of approval.
At the September 9, 2024, meeting, the Planning & Zoning Board voted 5-0 to forwardammock Oaks Subdivision Phase 2D Final Plat Plan to the Town Commission with

TOWN COMMISSION MEETING AGENDA ITEM
TOWN OF LADY LAKE, FLORIDA

AGENDA ITEM TITLE

Ordinance 2024-17— Second and Final Reading — An Ordinance Changing the Zoning Designation for Certain Property Being Approximately 0.538 Acres Owned by Bharat Khirbat Located at the Intersection of West Hermosa Street and West Guava Street from Light Commercial (LC) to Heavy Commercial (HC) with in the Town Limits of the Town of Lady Lake, Florida. (Thad Carroll)

AGENDA ITEM ID

20241007

DEPARTMENT

Growth Management

SUMMARY

STAFF RECOMMENDED MOTION
Growth Management staff recommends approval of Ordinance 2024-17.

On Thursday, June 13, 2024, an application was filed with the Town of Lady Lake, on behalf of the property owner, Bharat Khirbat, to change the zoning of property addressed as 130 West Hermosa Street. The application involves approximately 0.538 acres of property. The applicant is seeking to change the zoning of the property from Lady Lake Light Commercial (LC) to Lady Lake Heavy Commercial (HC). Staff has determined the application is complete and satisfies the requirements of the Land Development Regulations (LDR).

The existing zoning designation is Light Commercial (LC). The proposed zoning designation is Heavy Commercial (HC). The HC designation is consistent with the surrounding properties and Comprehensive Plan. The property owner also owns the property to the west which abuts Highway 27/441. By assigning a zoning designation of Heavy Commercial to the subject parcel, the properties, if combined, have greater redevelopment opportunities having the same zoning designation.

ZONING
Existing Zoning - Light Commercial (LC)

The purpose of this district is to implement comprehensive plan policies for managing transitional areas between residential land uses and more intense commercial and industrial uses.

Proposed Zoning - Heavy Commercial (HC)

This district is established to implement comprehensive plan policies for managing commercial development. This district is designed to accommodate general retail sales and services and wholesale services.

Zoning of Adjacent Properties:

North	Heavy Commercial
East	Right of Way/Planned Commercial/Single Family Medium Density (RS-6)
South	Planned Commercial
West	Heavy Commercial

Staff mailed notices to inform the nine surrounding property owners within 150 feet on Thursday, July 25, 2024. The property was posted on Monday, July 29, 2024.

FISCAL IMPACT
Not applicable.

SOURCE OF FUNDING
Not applicable.

FUNDING ACCOUNT
Not applicable.

PAST ACTIONS
The Technical Review Committee found that Ordinance 2024-17 was ready for transmittal to the Planning and Zoning Board.

At the August 12, 2024 meeting, the Planning and Zoning Board voted 4-0 to forward Ordinance 2024-17 to the Town Commission with the recommendation of approval.

At the September 16, 2024 meeting, the Town Commission voted 5-0 to adopt Ordinance 2024-17 with unanimous approval.

DRAFT ORDINANCE 2024-17
TOWN OF LADY LAKE, FLORIDA

AN ORDINANCE ESTABLISHING THE ZONING DESIGNATION FOR CERTAIN PROPERTY BEING APPROXIMATELY 0.538 ACRES OWNED BY BHARAT KHIRBAT; REFERENCED BY ALTERNATE KEY NUMBER 133167, WITHIN THE TOWN OF LADY LAKE, FLORIDA; REZONING SUBJECT PROPERTY FROM LIGHT COMMERCIAL (LC) TO HEAVY COMMERCIAL (HC); PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on December 2, 1991, the Town of Lady Lake adopted a Comprehensive Plan (Ordinance 91-21) pursuant to the requirements of Chapter 163, Part II, Florida Statutes and Chapter 9J-5, Florida Administrative Code; and

WHEREAS, on January 23, 1992, the Florida Department of Community Affairs determined that the Town of Lady Lake Comprehensive Plan was in compliance with the requirements of Chapter 163, Part 2, Florida Statutes and Chapter 9J-5, Florida Administrative Code; and

WHEREAS, on August 15, 1994, the Town of Lady Lake adopted the Land Development Regulations of the Town of Lady Lake, Florida, and Official Zoning Map in accordance with the Town of Lady Lake Comprehensive Plan and the requirements of Chapter 163, Part 2, Florida Statutes; and

WHEREAS, on August 12, 2024, pursuant to the provisions of the Town of Lady Lake Land Development Regulations, the Planning and Zoning Board of the Town of Lady Lake reviewed the proposed Ordinance 2024-17 and recommended approval to the Town Commission of the Town of Lady Lake; and

WHEREAS, the Town Commission of the Town of Lady Lake held a public hearing to consider a proposed amendment to the Official Zoning Map and determined that said amendment as proposed is consistent with the Town of Lady Lake Comprehensive Plan and meets the requirements of the Town of Lady Lake Land Development Regulations.

THEREFORE, BE IT ORDAINED, and enacted by the Town Commission of the Town of Lady Lake, in Lake County, Florida:

SECTION 1: Petition

Based upon the petition of certain landowners of property, which is located in Lady Lake, Florida, and described in Exhibit “A” hereto, a request has been made that the property be zoned “Lady Lake Heavy Commercial” (HC). Said petition has been approved by the Town Commission of the Town of Lady Lake in accordance with the Town of Lady Lake Comprehensive Plan, the Land Development Regulations of the Town of Lady Lake, the Charter of the Town of

Lady Lake, and the Florida Statutes. The property described in Exhibit "A" hereto is hereby rezoned from "Lady Lake Light Commercial" (LC) to "Lady Lake Heavy Commercial" (HC).

SECTION 2: Severability

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

SECTION 3: Effective Date

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

PASSED AND ORDAINED by the Town Commission of the Town of Lady Lake, Florida, this 7th day of October 2024.

Town of Lady Lake, Florida

____

Ed Freeman, Mayor

Attest:

____

Nancy Wilson, Town Clerk

Approved as to form:

____

Derek Schroth, Town Attorney

TOWN COMMISSION MEETING AGENDA ITEM
TOWN OF LADY LAKE, FLORIDA

AGENDA ITEM TITLE

Resolution No. 2024-108 – Variance - a Resolution of the Town Commission of the Town of Lady Lake, Florida, Granting A Variance to Allow a Monument Sign to Be Placed Less Than Five Feet from The Property Line in Accordance with the Provisions of Chapter 17, Section 17-3. E). 1). D)., of the Town of Lady Lake Land Development Regulations, on Property Owned by Lady Lake 121 MP RK6, LLC, a Property Being Approximately 0.50 Acres of Land, located 465 Feet North of the Intersection of La Plaza Parkway and North Highway 27/441, Lying West and Adjacent to La Grande Boulevard, within the Town Limits of The Town of Lady Lake, Florida. (Thad Carroll)

AGENDA ITEM ID

20240909

DEPARTMENT

Growth Management

SUMMARY

STAFF RECOMMENDED MOTIONS
Staff recommends approval of Resolution 2024-108.

SUMMARY
On Wednesday, August 21, 2024, a variance application was filed with the Town of Lady Lake, by Lady Lake 121 MP RK6 for property being 0.50 acres, located 465 feet north of the Intersection of La Plaza Parkway and North Highway 27/441, and lying west and adjacent to La Grande Boulevard.

The variance application is pursuant to Chapter 17, Section 17-3. E). 1). D). of the Land Development Regulations (LDRs) which requires monument signs to be set back five feet from the property line. The variance request is to allow the existing monument sign to be constructed 0.1 feet from the easterly property line, and 3.8 feet from the northerly property line.

APPLICANT'S JUSTIFICATION
The applicant has stated that the existing monument sign was installed in 2016, and during the recent sale of the property, it was discovered to be on the neighboring property to the north. The sign was relocated intact to the correct property in the only landscaped area available and as far away from the right-of-way as possible.

Further, the applicant states that the subject property is situated between LaGrande

Boulevard, which provides access to the entrance of the property, and U.S. Highway 27/441. The five-foot setback area is the only location on the property abutting LaGrande Boulevard to situate the monument sign, which is very helpful to patients trying to find the medical office building. The site was developed in 1992, before the implementation of the Town’s Land Development Regulations. The sign had to be moved to rectify the non-conformity that it was originally constructed off-premises.

The monument sign has been placed twenty-five inches from the back of the curb, and thirty-one inches from the edge of pavement of La Grande Boulevard. The speed limit on the road is twenty-five miles per hour. Given that there is curbing on the road’s edge, and the road has a slow speed limit, the sign should not pose a hazard to vehicles traveling on La Grande Boulevard. Staff concurs with the applicant’s statement that other properties along the corridor have obstructions within five feet of the right-of-way as well.

REVIEW CRITERIA

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 3, Section 14 f) – Review criteria for variances in the Land Development Regulations:

No diminution in value of surrounding properties would be suffered; granting the permit would be of benefit to the public interest; denial of the permit would result in unnecessary hardship to the owner seeking it; the use must not be contrary to the spirit of this Code.

Financial disadvantages and/or inconveniences to the applicant shall not of themselves constitute conclusive evidence of unnecessary and undue hardship and be grounds to justify granting of a variance. Physical hardships such as disabilities of any applicant may be considered grounds to justify granting of a variance at the discretion of the Town Commission.

Notices to inform the surrounding four property owners within 150’ of the subject property of the proposed variance were mailed on Monday, August 26, 2024. The property was also posted on Monday, August 26, 2024.

FISCAL IMPACT

None.

FUNDING ACCOUNT

None.

PAST ACTIONS

The Technical Review Committee reviewed Resolution 2024-108 and found it was ready for consideration by the Planning and Zoning Board.

At the September 9, 2024, meeting, the Planning and Zoning Board voted 5-0 to forward Resolution 2024-108 to the Town Commission with the recommendation of approval.

DRAFT RESOLUTION 2024-108
TOWN OF LADY LAKE, FLORIDA

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LADY LAKE, FLORIDA, GRANTING A VARIANCE TO ALLOW A MONUMENT SIGN TO BE PLACED LESS THAN FIVE FEET FROM THE PROPERTY LINE IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 17, SECTION 17-3. e). 1). D)., OF THE TOWN OF LADY LAKE LAND DEVELOPMENT REGULATIONS, ON PROPERTY OWNED BY LADY LAKE 121 MP RK6, LLC, A PROPERTY BEING APPROXIMATELY 0.50 ACRES OF LAND, LOCATED 465 FEET NORTH OF THE INTERSECTION OF LA PLAZA PARKWAY AND NORTH HIGHWAY 27/441, LYING WEST AND ADJACENT TO LA GRANDE BOULEVARD, WITHIN THE TOWN LIMITS OF THE TOWN OF LADY LAKE, FLORIDA.

WHEREAS, Lady Lake 121 MP RK6, LLC, the property owner of certain real property located in the Town of Lady Lake, Florida, more particularly described in Exhibit “A,” have petitioned for a variance from the provisions of Chapter 17, Section 17-3. e). 1). D); and

WHEREAS, the applicants have petitioned for a variance from the provisions of Chapter 17-3. e). 1). D). of the Town of Lady Lake Land Development Regulations which requires monument signs to be set back at least five feet from the property line.

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

NOW, THEREFORE, BE IT RESOLVED that the Town Commission of the Town of Lady Lake, Florida, hereby grants a variance from the provisions of Chapter 17, Section Chapter 17-3. e). 1). D). of the Town of Lady Lake Land Development Regulations which requires monument signs to be set back at least five feet from the property line. The variance requested is to allow a monument sign to be erected 0.1 feet from the easterly property line, and 3.8 feet from the northerly property line, on approximately 0.50 acres of property located 465 feet north of the intersection of La Plaza Parkway and North Highway 27/441, lying west and adjacent to La Grande Boulevard, within the Town Limits of the Town of Lady Lake, Florida. 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