

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

June 12, 2023

The Planning and Zoning Board meeting was held in the Town Hall Commission Chambers at 409 Fennell Blvd., Lady Lake, Florida. The meeting convened at 5:32 p.m.

CALL TO ORDER: Chairman Regan

PLEDGE OF ALLEGIANCE

ROLL CALL:

Member	Present
Furch	Yes
Saunders	Late
Galloway	No
Vincent	Yes
Regan	Yes

STAFF PRESENT:

Thad Carroll, Growth Management Director; Wendy Then, Senior Planning Coordinator; Nancy Wilson, Town Clerk.

Attorney Sasha Garcia was also present.

A. NEW BUSINESS

1. Approval of Minutes

Planning & Zoning meeting minutes – May 8, 2023

Member Vincent made a motion to approve the May 8, 2023, Planning and Zoning Board meeting minutes as presented; Member Furch seconded the motion. Motion carried 3-0.

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

Senior Planner Then stated that the subject parcel consists of two contiguous, vacant lots located east of Clay Avenue, south of West Lemon Street and north of Highway 466, just northeast of the intersection of Highway 466 and Clay Avenue and approximately 0.3 miles west of the intersection of US Hwy 441 and West Lemon Street.

On Wednesday, May 10, 2023, applications were filed by Michael Rankin with LPG Urban & Regional Planners, LLC, on behalf of property owners Hien Nguyen and Barbara Kleinschrodt to amend the Future Land Use designation of 0.68 acres into the Town's Comprehensive Plan Map. The request is to change the property from Lady Lake Mixed Residential Low Density to Lady Lake Commercial General- Retail Sales and Services.

Member Saunders arrived at 5:40 p.m.

The existing Future Land Use designation is Lady Lake Mixed Residential Medium Density. The Mixed Residential Low Density Residential category is limited to manufactured homes and detached single family dwelling units with densities not to exceed 5 units/acre.

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

The site is within the Lady Lake Utility Service Area, so property owners will be required to connect to potable water, sanitary sewer, and reuse facilities to support the needs of the overall project. The projected demand on the Water System for this project is 750 gpd or 3 ERUs for the commercial project with similar impact to the wastewater system. There is adequate capacity at this time for the proposed use. The project will be required to adhere to St. Johns River Water Management District guidelines, drainage, and engineering best management practices. The subject properties do not contain any Special Flood Hazard Areas nor wetlands.

Regarding transportation, the applicant is required to submit traffic generation for the area to determine road impacts. The project is expected to generate 70 peak hour trips (35 entering, 35 exiting). A total of 901 daily trips will be generated.

Both parcels are wooded. The flora includes a combination of large and small hardwood tree species none of which can be identified as dominating the canopy. Examination of existing

site conditions revealed that the subject parcels historically have remained the site of mobile home residential units.

At the May 15, 2023, Special Conceptual Workshop Meeting, the applicant stated that with the absence of food establishments nearby the residents of the adjacent neighborhood, as well as visitors of the Town's recreation facilities and library, could take advantage of getting a quick bite to eat with a short walk. The proposed number of tenants would provide a variety of fares for patrons to choose from. The dining area would be outside, with the ordering to be done within each tenant space. The concept is similar to that of a food truck operation; however, the ordering counters are not mobile. The proposed use is a 2,000-square-foot fast-food restaurant without a drive-through but with outside seating.

A letter was provided to the Planning & Zoning Board by Richard Kluesener, owner of Gold in Art Jewelers operating at 103 Clay Avenue. Mr. Kluesener is concerned about the likely requirement for a traffic light at the intersection of 466 and Clay Avenue and stated that it would be detrimental to his business. He fears a traffic light will create a line of traffic making ingress/egress to his business difficult. He is asking that a traffic signal not be placed at that intersection.

Growth Management Director Carroll said that Mr. Kluesener submitted a letter voicing his concerns along with a video. After looking at the video, Mr. Carroll said he sympathizes with Mr. Kluesener's concerns; however, in travelling that road there is some traffic stacking. In 2015, the queuing times at his intersection were already failing. It was recommended at that time to monitor the north and south sides of that intersection. Once a certain threshold is tripped, a light will be put in. There are other projects in the works such as another restaurant, apartments and Clay Avenue connecting to Fennell Blvd. A traffic signal is going to be put in whether or not the project is approved. At least a traffic signal will allow cars to pass thus allowing access to Mr. Kluesener's business.

In response to a question asked by Member Saunders, Mr. Carroll responded that 466 is a county road and it is up to them to determine whether or not a traffic signal is necessary.

Member Vincent asked how much the population has increased since 2015. Mr. Carroll responded that the population was between 12,000 and 13,000 in 2015 and it is around 16,000 now. Most of the growth has come from Lake Ella Estates, Green Key Village and Hammock Oaks. Though what has increased in the proposed project area is commercial development. Member Vincent asked about the likelihood of Clay Avenue cutting through to Fennell Boulevard. Mr. Carroll responded that the cut through is very likely going to happen. Member Vincent commented that the traffic situation needs to be addressed by the county since there is nothing the town can do. He also asked about trees on the property.

Ryan Solstice – Senior Planner, LPG Urban-Regional Planners

Mr. Solstice responded to Member Vincent's question regarding trees by saying an environmental assessment was performed and during site plan, a tree survey will be conducted to identify any historic trees. He believes the current plan shows the proposed building to be away from any trees. However, if there are any historic trees, the applicant will try to mitigate as much as possible.

Richard Kluesener – Owner, Gold in Art Jewelers

Mr. Kluesener asked if a roundabout would be considered and asked if he would receive notification of future meetings at which the proposed development is discussed or when the traffic signal is discussed. Mr. Carroll said postings for site plans are not required but he will make sure Mr. Kluesener knows about any meetings that affect his business. Mr. Carroll said a roundabout would be difficult in that location and he explained why. He anticipates a traffic signal being installed.

Crystal Brown – 312 W. Lemon Street

Ms. Brown said her house sits between both properties under discussion and she is in the middle of this "mess". When she and her husband purchased the house, they had it surveyed but the surveying markers have since been moved; she does not know what happened. North Clay Avenue has become very busy since the RV park and apartments were built so a traffic signal is necessary. The owner does not take care of the property now but he wants to develop the property; he may not take care of it then either. In conclusion, Ms. Brown said they do not need more restaurants.

Michael Kuchera - 304 West Lemon Street

Mr. Kuchera said he is at the end of the road that butts up against the proposed development. He asked why the meeting was called; is the development a done deal or is there a vehicle by which it does not happen? He is very opposed to commercial businesses in residential areas. There is not enough room for two cars to pass on Lemon Street. The area consists mostly of the elderly and people who have lived there a long time. The proposed business will impact drainage and traffic. Further, the outside dining will be noisy. The area should stay residential.

Steven Brown - 312 West Lemon Street

Mr. Brown agreed with all that Mr. Kuchera said. They live in a quiet, residential community. Fennell Boulevard connecting to Clay Avenue will cause traffic problems and he does not want to live among restaurants. The property owner has shown poor character by who he allows to live in his trailers.

Rose Marie Kuchera – 304 West Lemon Street

Ms. Kuchera said her house would be about the three eateries that are planned. The noise and traffic would make living there difficult. She does not feel that the location is the best for eateries and asked the Board members to consider the neighbors who would be affected by the development.

Bernadette Lindsay - 102 4th Street

Ms. Lindsay said the proposed building is across the street from her house. She is concerned about all the extra traffic that would be generated with this project. The owner does not take care of the property now, what would change with the restaurants?

Michael Kuchera – 304 West Lemon Street

Mr. Kuchera said that out of the clear blue sky they get a letter about the three properties that are being considered for the development of a restaurant. He is not concerned about noise now but that will change with truck deliveries, etc. Restaurants are not needed in the area. There are so many other places to build so why is a residential area being turned into a commercial area.

Barbara Kleinschrodt – property owner for proposed building

Ms. Kleinschrodt said there was a drug bust in the area but not since she has owned the property. She is willing to work with Crystal Brown to relocate her and added that the restaurant concept is not cast in stone. She considered light residential, but no mobile homes are allowed; the mobile homes currently in place cannot be repaired.

Ryan Solstice – Senior Planner, LPG Urban-Regional Planners

Mr. Solstice said that what is before the Board is to amend the future land use from mixed residential low density to commercial and whether the amendment complies with the Comprehensive Plan which it does. This project has a miniscule impact on traffic and qualifies for an exemption from needing to perform a traffic impact assessment. The concept was designed to be cognizant of neighbors. They provided 20-foot buffers on either side of the property owners. The water retention ponds are placed to provide bigger buffers. They are in touch with the neighbors' needs and have worked to make the development compatible with the area.

Member Saunders asked Ms. Kleinschrodt if they are considering this for restaurants. Ms. Kleinschrodt said they are like fixed food trucks as there is no indoor dining. She got the idea during Covid closures when people did not want to go inside establishments. Operating hours would be determined by Lady Lake code. Mr. Carroll said the hours of operation could be

codified. Member Saunders also asked where the dumpsters would be placed. Mr. Solstice responded that they would be placed far from residences.

Member Saunders made a motion to forward Ordinance 2023-05 to the Town Commission with the recommendation of approval; Motion failed for lack of a second.

Member Furch made a motion to forward Ordinance 2023-05 to the Town Commission with the recommendation of denial; Member Vincent seconded.

Member	Vote
Furch	Yes
Saunders	No
Vincent	Yes
Regan	Yes

Motion carried 3-1 (Saunders)

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

Senior Planner Then stated that on Wednesday, May 10, 2023, applications were filed by Michael Rankin with LPG Urban & Regional Planners, LLC, on behalf of property owner Hien Nguyen to rezone approximately 0.682 acres. The request is to rezone the property from Lady Lake Mixed Residential Low Density to Lady Lake Planned Commercial. The subject parcels consist of two contiguous lots developed with manufactured homes located south of West Lemon Street and north of Highway 466, approximately 0.3 miles west of the intersection of US Hwy 441 and West Lemon Street. The applicant proposes a 2,000-square-foot fast food restaurant without a drive-through but with outside seating.

The proposed memorandum of agreement Ordinance 2023-08 states that the following uses are permitted: restaurant, retail sales/services, medical offices and offices.

Design Standards require that the maximum impervious surface ratio be limited to 80 percent; the maximum area ratio is limited to .5; and the maximum building height is forty-five feet with a limitation of 3 stories.

Setback requirements are 25 foot minimum in the front yard; 15 foot minimum in the rear yard and 15 foot minimum on the side yards. The minimum setback from the roadway is 20 feet.

In terms of landscaping buffers, the landscaping requirements are Landscape Buffers Class A and B around the perimeter of the subject property. A Landscape Class A buffer will be provided on the North and South property lines. A Landscape Class B buffer will be provided on the East and West property lines. The owner will install a cable railing fence along the South perimeter of the property adjacent to the outdoor dining, on the West buffer adjacent to the outdoor dining and around the eastern edge of the outdoor dining.

The project will be served by the Town's central water and sewer systems, and the property owner will be responsible for the cost of all off-site and on-site installation of water and sewer. The developer will be responsible for the cost and installation of any required on-site and off-site infrastructure improvements necessitated by the impact of the project.

The developer will comply with all Lady Lake access management requirements along West Lemon and Clay Avenues.

The tree survey has not been performed at this stage. The applicant must have zoning entitlements that gives them the go-ahead to proceed with having consultants examine the trees for viability based on location and condition.

Rose Marie Kuchera – 304 West Lemon Street

Ms. Kuchera said this sounded like a nightmare to her. No matter what barriers are used, where will people park, what will the noise be like. It is an invasion of their privacy.

Bernadette Lindsay - 102 4th Street

Ms. Lindsay said the proposed building is directly across the street from her house. The traffic will increase, and it is going to be dangerous for children.

Michael Kuchera – 304 West Lemon Street

Mr. Kuchera asked why residential areas are so attractive for commercial purposes. Restaurants are not needed in their area, there are many nearby.

Crystal Brown – 312 West Lemon Street

Ms. Brown said the area used to be commercial before it was residential. Why does it need to be changed? Just because somebody wants to do something different why should we change the zoning?

Member Furch made a motion to forward Ordinance 2023-06 to the Town Commission with the recommendation of denial; Member Vincent seconded the motion.

Member	Vote
Furch	Yes

Member	Vote
Saunders	No
Vincent	Yes
Regan	Yes

Motion carried 3-1 – (Saunders)

3. Ordinance 2023-07 — Small Scale Future Land Use Comprehensive Plan Amendment — Hien D. Nguyen — Changing the future land use designation from Lady Lake Mixed Residential – Low Density (MR-LD) to Town of Lady Lake Commercial General - Retail Sales and Service (RET); for property being approximately 0.78 acres; Referenced by Alternate Key Numbers 1698600, 1279593, and 1739845 within Lake County, Florida.

Senior Planner Then stated that this ordinance is for the three contiguous parcels (310 W. Lemon, 312 W. Lemon, 314 W. Lemon) that are part of the same project outlined in ordinance 2023-05. In May 2023, applications were filed to amend by the property owner to amend the Future Land Use designation of 0.78 acres into the Town’s Comprehensive Plan Map.

The existing Future Land Use designation is Lady Lake Mixed Residential Medium Density. The Mixed Residential Low Density Residential category is limited to manufactured homes and detached single family dwelling units with densities not to exceed 5 units/acre. Multi-family, commercial and industrial uses are prohibited, however, a mixed-use PUD is allowed. The request is to change the property from Lady Lake Mixed Residential Low Density to Lady Lake Commercial General- Retail Sales and Services. The subject parcels are developed with manufactured homes.

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

Ms. Then explained why the Town recommends approval for commercial development in a residential area. Impact on town services are reviewed. Locations facing commercial corridors and future land use are also considered. Some parts of an area may remain residential, but where conducive, there is a possibility of commercial development.

The site is within the Lady Lake Utility Service Area and will be required to connect to potable water, sanitary sewer, and reuse facilities to support the needs of the overall project. The projected demand on water for this project is 750 gpd for each or 3 ERUs; the values are the same for sewer. There is currently adequate capacity. The project will be required to adhere to St. Johns River Water Management District guidelines, drainage, and engineering best management practices. The subject properties do not contain any Special Flood Hazard Areas nor wetlands.

Regarding transportation, whenever an application is submitted requesting a future land use change, a traffic analysis is usually required. The analysis is based on Lake-Sumter Metropolitan Planning Organization guidelines. The guidelines specify that whenever a proposed new business generates less than 100 pm peak hour trips it is considered a minimal development which means that the number of trips is not significant compared to the volume and capacity of the road. For any project that falls in this category, less than 100 pm peak hour trips, an exemption can be requested so a full traffic analysis is not required. A total of 1,351 daily trips will be generated by the project as proposed. Elements of the Comprehensive Plan must be considered when determining the appropriateness of development.

At the May 15, 2023, Special Conceptual Workshop Meeting, the applicant stated that with the absence of food establishments nearby the residents of the adjacent neighborhood, as well as visitors from the Town's recreation facilities and library, could take advantage of getting a quick bite to eat within a short walk.

Member Saunders asked the width of the proposed frontage. Ms. Then responded that frontage would total about 300 feet. Member Saunders then made the recommendation to the applicant that they limit their driveways into the property.

Ryan Solstice - Senior Planner, LPG Urban-Regional Planners

Mr. Solstice responded to Member Saunders' request by stating that only one cut into the property is being proposed and it is off West Lemon Street.

Steven Brown – 312 West Lemon Street

Mr. Brown asked about the number of cars that are projected during peak hours. Ms. Then said that whenever an applicant submits a traffic impact analysis, it is based on engineering traffic guidelines which provide information on how many trips a particular use would generate. For the two consecutive parcels, it is projected that there would be 70 pm peak hour trips where half that number was entering and the other 35 were exiting. For the three consecutive parcels, it is projected that there would be 94 pm peak hour trips with the same

division for entering and exiting. Peak hours are between 4 pm and 6 pm. This is roughly 150 cars in and out of the proposed business.

Mr. Brown commented that 150 cars over a two-hour period is significant. He also questioned water runoff from all the pavement that will be required on the parcels. Currently, the properties sit on dirt. Any runoff will impact the properties on West Lemon Street. He also questioned why trees are removed then new trees are planted.

Michael Kuchera – 304 West Lemon Street

Mr. Kuchera said there is not one good thing about any of this proposed project. There will be increased traffic, increased runoff and a retention pond that will be next to his property. He cannot understand how this project can be approved with all the opposition and all the problems.

Ryan Solstice – Senior Planner, LPG Urban-Regional Planners

Mr. Solstice said that the site would be graded to prevent runoff and would be directed toward the stormwater ponds on site. The site was designed to limit stormwater impacts using buffers. Asking that the following be included in the record of the meeting, Mr. Ryan read from the Future Land Use Policy, 1-4.1: Criteria for Identifying Marketable Commercial Sites - The location and distribution of commercial land use categories delineated on the Future Land Use Map shall be determined according to the following criteria:

1. Access and vicinity to U.S. 27/441; ease of access and egress to and from major thoroughfares to commercial sites; ability to achieve a functional internal circulation and off-street parking system;
2. Access to County Roads 466 and 25; ease of access to collector thoroughfares to commercial sites; ability to achieve a functional internal circulation and off-street parking system;
3. Access and vicinity to Rolling Acres Road; ease of access to collector thoroughfares to commercial sites; ability to achieve a functional internal circulation and off-street parking system; and, ability to meet corridor protection guidelines that may be predicated in the Town's Land Development Regulations.
4. Development/land uses which are likely to generate toxic, hazardous or industrial waste will be prohibited from utilizing septic tanks and must be

- served by a centralized sanitary sewer system;
- 5. Impact to the conservation and preservation of natural resources; and
- 6. Demand on existing and planned public services, utilities, water resources and energy resources;

Mr. Solstice said that the Comprehensive Plan Amendment being discussed tonight hits on all the topics he just read for the marketability of commercial and the designation of commercial property within the Town.

Bernadette Lindsay - 102 4th Street

Ms. Lindsay asked about the number of retention ponds because she is worried about mosquitos. The answer was there will be one retention pond on each site. She then asked why the entrance/exit is not on CR 466. Mr. Solstice responded that because of access management, there cannot be that many cuts on major arterial roads or collector roads. This was dictated by Lake County.

Rose Marie Kuchera – 304 West Lemon Street

Ms. Kuchera said there are other restaurants on the other side of CR 466; they are not needed in the proposed area. She is also concerned about noise, traffic, and runoff.

Steven Brown – 312 West Lemon Street

Mr. Brown said he does not know about access and collector roads. There is a grading difference between the properties on West Lemon Street and the road. Since the proposed development fronts CR 466, make them accessible from CR 466.

Member Vincent said he looked at the traffic study and he believes the volume of traffic will be too high for the area. He has concerns and feels something else should be proposed.

Member Furch made a motion to forward Ordinance 2023-07 to the Town Commission with the recommendation of denial; Member Vincent seconded the motion.

Member	Vote
Furch	Yes
Saunders	No
Vincent	Yes
Regan	Yes

Motion carried 3-1 (Saunders).

5. Ordinance 2023-08 — Rezoning — Hien D. Nguyen — Changing the zoning designation from Lady Lake Mixed Low Density Residential (MX-5) to Lady Lake Planned Commercial (CP) for property; being approximately 0.78 acres; Referenced by Alternate Key Numbers 1698600, 1279593, and 1739845 within Lake County, Florida.

Senior Planner Then stated that the parcel consists of three contiguous vacant lots located south of West Lemon Street and north of Highway 466, approximately 0.3 miles west of the intersection of US Hwy 441 and West Lemon Street.

A conceptual plan gives an idea of what is planned; they can change based on the permitted uses which is what guides the outcome.

The request is to rezone the property from Lady Lake Mixed Residential Low Density to Lady Lake Planned Commercial (CP). The CP designation is consistent with adjacent properties across the street that are presently in the Town of Lady Lake's jurisdiction. The proposed memorandum of agreement states that the following uses are permitted: restaurant, retail sales/services, medical offices, and offices. Anything other than those uses will be prohibited.

Design Standards require that the maximum impervious surface ratio be limited to 80 percent; the maximum area ratio is limited to .5; and the maximum building height is forty-five feet with a limitation of 3 stories.

Setback requirements are 25 foot minimum in the front yard; 15 foot minimum in the rear yard and 15 foot minimum on the side yards. The minimum setback from the roadway is 20 feet.

In terms of landscaping buffers, the landscaping requirements are Landscape Buffers Class A and B around the perimeter of the subject property. A Landscape Class A buffer will be provided on the North and South property lines. A Landscape Class B buffer will be provided on the East and West property lines.

The project will be served by the Town's central water and sewer systems, and the property owner will be responsible for the cost of all off-site and on-site installations of water and sewer. The developer will be responsible for the cost and installation of any infrastructure improvements necessitated by the impact of the project. They must also comply with the Lady Lake access management requirements for West Lemon Street and Clay Avenue.

Member Vincent made a motion to forward Ordinance 2023-08 to the Town Commission with the recommendation of denial; Member Furch seconded the motion.

Member	Vote
Furch	Yes

Member	Vote
Saunders	No
Vincent	Yes
Regan	Yes

Motion carried 3-1 – (Saunders)

6. Ordinance 2023-09 - An Ordinance of The Town of Lady Lake, Lake County, Florida; Providing for a text amendment to the Town of Lady Lake Land Development Regulations (Ordinance No. 94-08) Chapter 5, Section 5-4 A), “Zoning District Uses”; Providing for Amendment to the Allowable Square Footage for Accessory Structures; Providing for Amendment to Allow Accessory Structures in the Absence of a Primary Dwelling Unit for Properties Greater than Five Acres.

Senior Planner Then said that a text amendment is not submitted by an applicant, rather, the Town Commission directs staff to draft language that changes verbiage within the Land Development Regulations. This amendment relates to Chapter 5, Section 5-4a, Zoning District Uses providing an amendment to the allowable square footage for accessory structures in the absence of a primary structure on properties greater than five acres.

In December 2019, the Town Commission amended the Land Development Regulations regarding agricultural uses in residential zoning districts. Ordinance 2019-19 eliminated agricultural uses in all residential districts except Agricultural Residential (AG-1); prior to the adoption of Ordinance 2019-19, agricultural uses were allowed in residential districts provided that the property was a minimum of five acres, now such uses are only allowed in AG-1.

Given that some of the properties zoned AG-1 exceed five acres, some property owners have inquired about using their property for agricultural pursuits. Others have requested putting structures on their property other than a primary residence but are presently limited to 35 percent of the primary structure. While the Town does not have authority to regulate buildings or the permitting of buildings associated with bona fide agricultural uses, it does have the authority to regulate the permitting of buildings which do not meet the exemption criteria.

At the April 17, 2023, Special Conceptual Workshop Meeting, staff presented to the Town Commission a proposal to consider changing the Land Development Regulations to allow accessory structures in AG-1 to not be limited to 35 percent of the primary structure. Since that time, staff have prepared Ordinance 2023-09 to allow guest or servant quarters to be 60

percent of the living area of the principal dwelling unit. The allowance for other accessory structures, which are presently limited to 35 percent of the primary dwelling unit, has also been amended to provide larger structures to be constructed relative to the size of the subject property.

Growth Management Director Carroll was approached by David Carson, who owns seven acres of vacant property in Lady Lake. He asked if he could keep equipment on the property for maintenance and for tending to his beehives. If not, he would have to trailer his equipment from his home in Leesburg every time maintenance was required on his property. For security and protection, he needs some sort of accessory structure. There would not be a primary structure on the property which brought about this text amendment request. The amendments to Ordinance 2023-09 as proposed would allow accessory structures to be constructed in the absence of a primary dwelling unit, provided the property contains a minimum of five acres. The properties over five acres are large enough to accommodate the uses being requested.

Member Vincent asked how we could determine if the property owner is using the accessory structure for a commercial endeavor. Mr. Carroll said they could add language to the ordinance preventing commercial use. It may be difficult to determine use but we could at least have a mechanism in place for enforcement.

Dave Carson – Leesburg

Mr. Carson said he purchased the property to raise bees. He needed to find enough land for his endeavor which necessitated the need for a lot of equipment that must be protected from the elements and from theft. Mr. Carson is retired and said he has no intention of conducting commercial business on the site.

Member Furch made a motion to forward Ordinance 2023-09 to the Town Commission with the recommendation of approval; Member Saunders seconded the motion.

Member	Vote
Furch	Yes
Saunders	Yes
Vincent	Yes
Regan	Yes

Motion carried 4-0.

7. Ordinance 2023-10 - An Ordinance of the Town of Lady Lake, Lake County, Florida; Amending the Town of Lady Lake Comprehensive Plan; Providing for Updates to the

Public Facilities Element, Chapter 4; Providing for Amendment to Chapter 4, Exhibit 1-12.3. Town Of Lady Lake Water Supply Work Plan.

Senior Planner Then stated that this is another text amendment and is a housekeeping item to keep the Town in compliance with our comprehensive plan and the requirements of the state. The ordinance outlines updates to the Water Supply Facilities Work Plan and related comprehensive plan amendments. A lot of planning is necessary to maintain an adequate supply of water.

In February 2022, the St. Johns River Water Management District governing board approved the Central Springs/East Coast Regional Water Supply Plan (CSEC RWSP). The CSEC RWSP contains an assessment of projected water demands and potential sources of water to meet these demands through 2040. In addition, the CSEC RWSP identifies project options and other solutions to meet the current and future water use needs of the region while ensuring the natural resources of the area are protected resources.

Chapter 163, Florida Statutes, sets forth the requirement for local governments to adopt an updated Water Supply Facilities Work Plan and related comprehensive plan amendments within 18 months of governing board approval of the CSEC RWSP. For local governments within the CSEC RWSP planning area, updated Water Supply Facilities Work Plans and related comprehensive plan amendments need to be adopted by August 2023.

The Town of Lady Lake's Water Supply Facilities Work Plan was last adopted as part of a comprehensive plan amendment in 2011.

Mittauer & Associates, Inc. (utility consultant) has prepared the Water Supply Facilities Work Plan for consideration by the Planning and Zoning Board. The executive summary of the report states that using the current Consumptive Use Permit (CUP) as a reviewing metric with a 5% annualized growth trend, indicates the Town's current permitted allocation of 1.188 million gallons per day will be sufficient until approximately 2027/2028.

Failure to adopt the required updates to the Water Supply Facilities Work Plan and related comprehensive plan amendments by August 2023 may result in the Department of Economic Opportunity (DEO) barring consideration and acceptance of any comprehensive plan amendments and/or future land use map amendments until the Water Supply Facilities Work Plan has been adopted.

Growth Management Director Carroll said Mittauer & Associates looked at our growth and historic trends and determined that the Town has enough water to get us to 2027/2028. Our Consumptive Use Permit (CUP) expires in 2026. The St. John's Water Management District will look at Town needs to determine if our CUP should be increased, kept the same or decreased.

The plan puts forth what the Town's efforts have been over the last decade such as reuse practices, maintenance of wells, etc. The document will then be forwarded to the Department of Economic Opportunity DEO who will determine if the Town has exercised best practices related to water use. As annexations occur, we need to know if there will be enough water.

Member Vincent made a motion to forward Ordinance 2023-10 to the Town Commission with the Recommendation of Approval; Member Saunders seconded the motion.

Member	Vote
Furch	Yes
Saunders	Yes
Vincent	Yes
Regan	Yes

Motion carried 4-0.

- 8. Resolution 2023-104 – Variance – a Resolution Granting a Variance to Authorize the Removal of 17 Viable Historic Trees in Accordance with The Provisions of Chapter 10, Section 10-5. C). 3). A)., of the Town of Lady Lake Land Development Regulations, On Property Owned by Julian and Diana Malkiewicz, Lugano Development, LLC, And Joseph O'Dell, located within The Reserve at Hammock Oaks Subdivision Phases 1 Through 6, Referenced by Alternate Key Numbers 1283523, 1283582, 1283612, 2877685, AND 2879874, Within The Town Limits of the Town Of Lady Lake, Florida.**

Senior Planner Then stated that the variance request is to allow the removal of 17 viable historic trees located within the Hammock Oaks Multi-Family development. Historic trees are classified as trees with a diameter at breast height (DBH) of 36" or greater.

On March 3, 2023, Laurie Hall, a Certified Arborist, completed an arborist report on the subject property which evaluated all historic trees proposed to be removed and scored them from 0-5, with 0 being the worst score and 5 being the best. The 273-acre project contains a total of 172 trees considered historic with a DBH at or above 36".

The trees total 7,085 caliper inches. The proposed preliminary plat and accompanying Historic Tree Removal Variance requests the removal of 62 Historic Trees, however 45 of the trees to be removed scored 2.5 or lower or are Laurel Oaks that are not of a condition to save as evidenced in the Arborist Report. As such, only 17 viable historic trees, totaling 731 caliper inches are proposed for removal or approximately 10% of the overall historic tree count. It's worth noting that 110 historic trees with 4,657 caliper inches are being saved and incorporated into the open space and project amenities.

Some of the 17 viable historic trees requested for removal are being removed to accommodate the proposed roadways, stormwater management facilities, and other required infrastructure to support the overall project. Others must be included in the mitigation calculations because they are located on lots. Whenever possible the trees located on the lots were strategically located on lot lines or at the rear of lots to increase their chances of being preserved. The project layout and design was thoughtfully put together with the goal of saving as many of the historic trees as possible and integrating them into the development.

Should the Town Commission approve the applicant's request for tree removal, the applicant will at the time of application for tree removal pay to the Town Tree Bank, \$3,600.00 for each 36-inch DBH tree, plus \$100.00 for each additional inch over 36 inches. This mitigation fee will offset of each historic tree.

Developers of all new subdivisions are required to submit an application for a clearing and tree permit along with a tree inventory at the time of initial submittal of the preliminary subdivision plan so that consideration is given to the protection of native trees, historic trees and vegetation.

Member Vincent asked how many of the 17 trees that would be removed are over 36 inches in diameter at breast height. Mr. Carroll responded that all of them are over 36 inches so the total amount that will be deposited in our tree fund is \$73,000.

John Curtis – Kolter Land

Mr. Curtis is the developer of the property and he said their goal is to save as many trees as possible.

Member Furch made a motion to forward Resolution 2023-104 to the Town Commission with the Recommendation of Approval; Member Vincent seconded the motion.

Member	Vote
Furch	Yes
Saunders	Yes
Vincent	Yes
Regan	Yes

Motion carried 4-0.

9. Resolution 2023-105 – Variance – a Resolution Granting a Variance to Authorize the Removal of Four Viable Historic Trees in Accordance with The Provisions of Chapter 10,

Section 10-5. C). 3). A)., of the Town of Lady Lake Land Development Regulations, On Property Owned by SK Hammock Oaks, LLC, Referenced by Alternate Key Number 3325451, Within the Town Limits of The Town of Lady Lake, Florida.

Senior Planner Then stated that the variance request is to allow the removal of four viable historic trees located within the Hammock Oaks Multi-Family development pursuant to Chapter 10, Section 10-5).c).3).A., of the Land Development Regulations (LDRs) which requires a variance for the removal of historic trees. Historic trees are classified as trees with a diameter at breast height (DBH) of 36” or greater.

On April 17, 2023, William Needham, a Certified Arborist, completed an arborist report on the subject property which evaluated all historic trees proposed to be removed. The 23.05-acre project contains a total of 220 trees of which 194 are viable. Fifteen trees are considered historic with a diameter at breast height at or above 36”. Of the 15 historic trees, it was determined that 12 of these trees are viable and three are non-viable. The applicant is requesting the removal of four of the viable historic trees.

Of the 3,377 total viable tree inches, the removal of 193 inches is proposed. The application proposes to retain 8 historic trees, or roughly 75% of the total viable, historic trees, with a total of 339 caliper inches saved.

Should the Town Commission approve the applicant’s request for tree removal, the applicant shall at the time of application for tree removal pay to the Town Tree Bank, three thousand six hundred dollars (\$3,600.00) for each thirty-six-inch DBH tree, plus one hundred dollars (\$100.00) for each additional inch over the thirty-six inches. This mitigation fee is to offset the loss of each historic tree.

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

Member Furch made a motion to forward Resolution 2023-105 to the Town Commission with the Recommendation of Approval; Member Saunders seconded the motion.

Member	Vote
Furch	Yes
Saunders	Yes
Vincent	Yes
Regan	Yes

Motion carried 4-0.

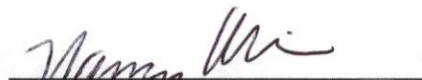
PUBLIC COMMENT

No public comments

ADJOURN

Member Vincent made a motion to adjourn; the motion was seconded by Member Furch. The meeting was adjourned at 7:42 p.m.

Respectfully submitted,


Nancy Wilson, Town Clerk


Edward Regan, Chairman