MINUTES OF THE LOCAL PLANNING AGENCY MEETING
TOWN OF LADY LAKE, FLORIDA

September 16, 2024

The meeting of the Lady Lake Local Planning Agency was held in the Commission Chambers at Lady Lake Town Hall, 409 Fennell Blvd., Lady Lake, Florida, with Chairperson Ed Freeman presiding. The meeting convened at 5:30 p.m.

CALL TO ORDER

Chairperson Ed Freeman

ROLL CALL

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

STAFF PRESENT

Bill Lawrence, Town Manager; Thad Carroll, Growth Management Director; Rebecca Higgins, Senior Planner; C.T. Eagle, Public Works Director; Malina Wright, Development Coordinator; Police Chief Steve Hunt, Lady Lake Police Department; Lt. Rob Tempesta, Lady Lake Police Department; Deputy Chief Jason Brough, Lady Lake Police Department; Nancy Wilson, Town Clerk; and Carol Osborne, Deputy Town Clerk

A. NEW BUSINESS

1. Ordinance 2024-15 — 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)

Growth Management Director Thad Carroll presented the background summary for this agenda item. He stated applications were filed by Michael Rankin, LPG Urban & Regional Planners on behalf of property owner Grand Oaks Holding, LLC. He stated that the present use of the property is equestrian museum and arena, which includes RV parking area, special events with vendors, resort facilities and amenities, and onsite restaurant.

Staff recommends approval of Ordinance 2024-15 for advancement to the town commission.

Mr. Carroll explained that the property must be annexed as a prerequisite for this comprehensive plan amendment to be approved. Upon future development, the properties will be required to be served by the Town's Water and Sewer facilities.

The Future Land Use Designations of Adjacent Properties are as follows: North — Lake County Rural (1 DU/5 acres); East — Lake County Rural (1 DU/5 acres) and Rural Transition (1 DU/5, 3, 1 acre); South — Lake County Rural (1 DU/5 acres) and Rural Transition (1DU/5, 3, or 1 acre); West — Lake County Rural (1DU/5 acres) and Rural Transition (5, 3, or 1 acre)

The proposed policy-specific amendment limits the residential density to 2.5 units per acre and a maximum of 85,000 commercial square feet. The maximum development scenario would be 85,000 square feet of non-residential use and 895 residential units. The result is an increase of 874 residential units and a decrease of 13,072,356 square footage of non-residential uses.

The projected demand on the water system for the proposed maximum density of the additional 358 acres, or 895 dwelling units and 85,000 square feet of non-residential uses, is approximately 183,814 GPD. Based upon the proposed uses, there is adequate capacity at the present time. Consumptive Use Permit 50049 issued by St. Johns to the Town provides allocation of 1.188 million GPD. The average consumption per day in2023 was 854,890 gallons per day. There is approximately 333,110 gallons of available capacity under current CUP. He cautioned that the capacity may not be available if the other developments in the town currently with zoning entitlements are completed. In 2026 the town is opening the consumptive use permit with the St. Johns Water Management District so that figure can be adjusted.

Mr. Carroll advised that the applicant has amended their figures regarding the impact on sewer services. The projected demand of this development as well as prior developments is forecasted to exceed the treatment capacity of our plant. Since the Planning & Zoning meeting on August 12 the applicant has agreed to enter into a wastewater expansion agreement and mitigate for their impacts. That includes a study of the wastewater system and that has been included as part of the application. Specifically, as a result of discussions regarding the extension of water and sewer to the property and a requirement to enter into a water and

sewer utility agreement, concurrent with an approved noncontiguous annexation, as per section 3.a.iii. 2. of the Interlocal Service Boundary Agreement, the applicant has submitted a draft utility agreement should the annexation be approved upon second reading. The property owners will be required to execute the utility agreement at that time.

Mr. Carroll stated in accordance with the Lake County School Board student generation calculation, the maximum development potential and projected student generation would result in an increase of 149 students, 76 at the elementary level, 36 at the middle school level, and 37 at the high school level. He advised that the applicant likely would have to mitigate for high school seats as that capacity is projected to be deficient after the new assessment of students is calculated in October. They will be required to pay impact fees because of their impact to the school system.

The developer will be responsible for proportionate share mitigation in the amount of $42,000 per student. The proposed unit count is expected to generate 37 high school students totaling $1,554,000, which is expected to be credited toward the expected $4,523,824 (874 x $5,176.00) in school impact fees.

The proposed entire development at project buildout will result in an increase of an additional 7,660 external daily trips, 560 during the AM peak hour and 778 during the PM peak hour. All study segments are projected to operate at adequate level of service at the project buildout. The intersection of CR 25 and Marion County Road is projected to operate below the adopted level of service at the project buildout, as well as the intersection of CR 25 and Griffin Avenue and the intersection of US 27 and Griffin Avenue. The traffic engineer for the applicant has made recommendations in the included traffic study regarding how each of the three intersections may be mitigated to operate at adequate overall level of service. He stated that the road segments will not fail, and the applicant recognizes that the intersections will require improvements.

Mr. Carrol stated as part of the residential development, additional activity-based recreational areas will be provided internally by the development. The Parks and Recreation level of service will not be affected by the approval of this land use change. The development plan proposes a trail system to connect the amenities of the community. The trail system provides pedestrians with an alternative to walking or biking alongside automobile traffic. Mr. Carroll stated that the Grand Oaks project site underwent a thorough survey to identify any flora and fauna protected by local, state, and federal agencies, along with safeguarded wetland habitats. The survey specifically targeted species such as the gopher tortoise, commensal species, and protected avian species. Six potentially occupied gopher tortoise burrows were located during the surveys. To accurately ascertain the total population, the applicant will be required to conduct

a comprehensive 100% survey before commencing any construction activities. No protected avian species were spotted during the on-site investigations. Additionally, wetland or surface water areas were observed either within the subject property or immediately adjacent to it. The presence of sand skinks is primarily determined by location, elevation, and soil suitability. Due to the conditions observed on-site, a coverboard survey must be conducted by the US Fish and Wildlife Service (USFWS) before any future development in areas meeting the skink protocol.

Mr. Carroll stated that comments were made at the P&Z meeting concerning the Live, Local Act, and that the applicant could possibly be subject to this statute. The developer acknowledges and agrees that this statute, including Section 166.04151(7) or as it may be amended shall not be applicable to the PUD.

Mr. Carroll stated that all surrounding property owners were notified of this comprehensive plan amendment and the property was posted as well. He advised he has received 77 emails or letters in opposition to the proposed amendment, and 16 letters submitted in support of the proposed amendment to date.

At the September 18, 2023, Conceptual Workshop Meeting, there was consensus among the Commission to allow the Grand Oaks Manufactured Homes to move forward with their proposed plan. The Technical Review Committee found that Ordinance 2024-15 was ready for consideration of a recommendation by the Planning and Zoning Board.

On Tuesday, June 4, 2024, the applicant requested to table Ordinance 2024-15 from the June 10, 2024, Planning and Zoning Board meeting to the August 12, 2024, Planning and Zoning Board meeting. On Monday, August 12, the Planning and Zoning Board voted 2-2 to forward Ordinance 2024-15 to the Town Commission with the recommendation of denial.

Mr. Carroll advised that this ordinance will be presented to the commission on first reading tonight. If the commission passes this ordinance on first reading, it will be transmitted to the State for review.

Commissioner Regan verified with Mr. Carroll that another wastewater plant would be needed for this development.

Mr. Carroll replied affirmatively adding that the town is nearing capacity and when factoring in this project with the buildout of Hammock Oaks, the town will likely have to build a wastewater plant.

Commissioner Regan asked how the new plant would be funded.

Mr. Carroll stated that the applicant has stated they will fund their portion of the new plant, or how much their project would need. He added that impact fees are also used to fund wastewater plant construction or improvement projects.

Commissioner Regan asked if the town's water capacity is sufficient for this project.

Public Works Director C.T. Eagle stated that currently the town's two new wells are going online, along with a new tank, and the town's consumptive use permit is scheduled for renewal in 2026. He stated currently the town has enough allocation to accommodate usage until 2026. After 2026 all projects, current and expected, will be reviewed and the numbers adjusted accordingly. He stated that regarding this proposed project, the town does not serve that area, and a full hydraulic analysis must be conducted to ensure that what the developer proposed does not impact our system. He reiterated that the applicant shall pay a proportionate share of any improvements they need in the area. If it requires a tank or another well, or another holding tank, the burden is on the developer to fund that well.

Commissioner Regan asked if the residents of Lady Lake would bear some of the financial burden if these utilities were constructed.

Mr. Eagle stated that there is a potential that some funding may come from the Lady Lake residents. He stated it depends on the results of the full analysis in that area, and he cannot speculate on any of the factors at this time. He reiterated that the applicant stated that they will pay their share and pay for the full construction of the lines and any infrastructure improvements. The existing customers will not be responsible for paying any portion of the extension for this project.

Commissioner Regan stated that his constituents are concerned that the Lady Lake residents will be paying for this.

Commissioner Roberts asked Mr. Eagle what the estimated cost would be if the town must go to the next level of wastewater improvement to accommodate this development.

Mr. Eagle replied that the town's newest plant cost $16.5 million for approximately 650,000 gallons of treatment capacity. The next phase is reaching a 900-1 million gallons per day treatment capacity, requiring Oxidation Ditch technology. He stated that it is expensive yet very effective and efficient, at an approximate cost of $50 million.

Commissioner Sage noted that he read an article in the Villages-News.com that due to rapid growth, the City of Wildwood will construct a $150 million wastewater treatment plant. The city financed the expansion through bonds, raised taxes, and increased wastewater fees. He stated

the former Lady Lake commission approved the Hammock Oaks development, which was 4,200 units and potentially 10,000 people.

Mr. Eagle stated the plant being built in the City of Wildwood is a larger plant treating at least 3-million gallons per day. He stated it requires a different type of treatment and a different capacity.

Commissioner Sage asked Mr. Carroll what his approval process was regarding this project.

Mr. Carroll explained that while reviewing the documents he recognized some deficiencies that could arise if this ordinance is approved. However, the applicant agreed to mitigate each area that he identified as deficient and provided evidence as to how they can be mitigated, i.e. the contribution to the school system for the students, extension of their own utility at their expense, mitigation for the construction of the wastewater plant relevant of the impact from their development.

Commissioner Sage asked if the applicant would pay $50 million to help fund a new wastewater plant.

Mr. Carroll responded that the town cannot mandate that they incur the entire cost. He stated that sewer improvements are paid through impact fees; Hammock Oaks and Boulevard Oaks developments are currently paying their impact fees. He advised that each development has a developer's agreement, and the water impact fees for the expansion and treatment of our water systems and sewer impact fees to provide expansion and capital infrastructure for the sewer system are collected almost immediately.

Commissioner Roberts verified with Commissioner Sage when he stated that Hammock Oaks was 4,200 units, that total included all the approved developments, not simply Hammock Oaks.

Attorney Alison Yurko, P.A. – representing the unincorporated residents.

Ms. Yurko stated that this is a noncontiguous annexation and under Florida law the proposed property must be contiguous and reasonably compact. She stated that because there is no Joint Planning Area (JPA), the statute requires as a prerequisite to the annexation that the municipality shall transmit a comprehensive plan proposing the amendments. The county has conditionally consented to noncontiguous annexations per the Interlocal Service Boundary Agreement (ISBA), which allows noncontiguous annexations only if the town is serving central water and wastewater. She stated that there are no assurances that the town can or will serve the central utilities as is required by the ISBA. She stated that the developer agreed to install the water lines to the site and will receive credit for them. She stated that the town's Public

Works Director has stated that the town does not have the capacity to accommodate this project. She stated that the developer has addressed installing lines and did not specify how the wastewater treatment plant would be expanded. She stated that the enforcement mechanism is that the town does not issue development orders, which is rezoning and a Memorandum of Agreement. Ms. Yurko acknowledged that she has not seen this MOA document before and speculated that it is a type of developer's agreement.

Ms. Yurko stated that this annexation is not reasonably compact, noting that three pockets are created, and the annexation statute requires that an annexation must have reasonable compactness. She quoted Case Center vs McBride, the court adopted the standard that reasonable compactness is not met if there is a pocket, which is defined as being an unincorporated area surrounded on three sides by a municipality.

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

Mr. Spain stated that he, too, practices in city, county and local government law. He advised that Ms. Yurko did not state the actual language of the ISBA, Lake County consents to the annexation of noncontiguous property. He acknowledged that no one is disputing this.

Mr. Spain noted that there are two conditions to approve this annexation: that the property is presently served by town water and/or sewer utilities, or where the subject property owner/developer has entered into a concurrent water and sewer utilities agreement at the time of annexation and, to extend the utility infrastructure to the subject property. As Mr. Carroll indicated a draft of that agreement is part of the application and is not approved and entered into until the final reading of the annexation. Therefore, that portion of the requirement has been satisfied.

Mr. Spain stated, also, that the town shall not approve any development or issue a final development order in such annexed area unless central water and wastewater shall serve the development. He reiterated that nothing before this board approves any development. He clarified that the annexation, comprehensive plan amendment, and rezoning do not authorize any development. He stated that the town's LDR defines development and that development is, in essence, the physical alteration of dirt. The MOA is a requirement of the town's LDR for a PUD, that also includes requirements regarding water and sewer.

Mr. Spain stressed that nothing before the board tonight is a final development order as envisioned in the town's LDR. In fact, the concurrency management system in the town's LDR specifically references a final development order, such as a site development plan or a development of regional impact approval. He stated that in the town's LDR regarding rezoning the applicant may request a preliminary concurrency review. The final concurrency review,

determining that services are available at the time of impact to the development, does not occur until a final development order. He verified that his client is not asking for anything different. In the proposed water and sewer agreement it imposes the requirement from the ISBA onto the property. He stressed that water and sewer agreement stay with the land, it is binding on successors and assigns. He reiterated that it indicates that no development or final development order can be issued for any new development on the property related to the Grand Oaks PUD unless central water and wastewater will serve such development and be available on or before the issuance of the first final Certificate of Occupancy. He stated this is the exact standard that the Florida statute imposes. Sanitary sewer and potable water facilities shall be in place and available to serve new development no later than the issuance by the local government of a Certificate of Occupancy.

Mr. Spain stated that everything being proposed is not only compliant with the town's LDR and comprehensive plan, but also consistent with the ISBA, and it is consistent with Florida statutes.

In response to the suggestion that the annexation creates a pocket. He advised that he successfully represented Mr. McBride in the Center Hill vs McBride case that Ms. Yurko referred to in successfully challenging that annexation. Mr. Spain stated that the entire purpose of not creating pockets is to avoid having a sea of city property surrounding unincorporated property. An enclave is when an entire property is surrounded by city property. Maps of the property were presented indicating that no portion of the property is surrounded.

Commissioner Regan asked how come rezoning is being presented when the property has not been annexed.

Mr. Carroll explained that the only item on this agenda is the comprehensive plan amendment, even though factors from the annexation has been discussed.

Attorney Schroth explained that the Local Planning Agency is an advisory board and has discretion to recommend or deny transmittal to the commission. Tonight's commission meeting will address the proposed annexation.

Commissioner Regan verified that this amendment allows 2.5 dwelling units per acre.

Mr. Carroll stated that the current zoning for the northern portion is Lake County Rural which allows one dwelling unit per five acres.

Member Gourlie made a motion to forward Ordinance 2024-15 to the commission with the recommendation of approval. Member Roberts seconded the motion. The motion passed by a vote of 4 to 1 (Regan).

PUBLIC COMMENTS

There were no comments.

ADJOURN

There being no further business, the meeting was adjourned at 6:11 p.m.

Carol Osborne

Carol Osborne, Deputy Town Clerk

Ed Freeman, Chairperson