

REGULAR PLANNING AND ZONING BOARD MEETING

Date: Monday, February 9, 2015
Time: 5:30 p.m.
Place: Town Hall Commission Chambers
409 Fennell Blvd., Lady Lake

ALL INTERESTED PERSONS ARE CORDIALLY INVITED TO ATTEND THIS PUBLIC MEETING

AGENDA

CALL TO ORDER: John Gauder, Chairperson

PLEDGE OF ALLEGIANCE

ROLL CALL

OPEN FORUM

NEW BUSINESS:

1. **Approval of Minutes** – December 8, 2014 Meeting
2. **Ordinance 2015-01** – Rolling Acres Self Storage Facility (Tree Tops Golf, Inc.) – Located at the Corner of West Lady Lake Blvd. and Rolling Acres Road at 175 S. Rolling Acres Road – Providing for a Modification of the Town of Lady Lake Planned Commercial (CP) Zoning Memorandum of Agreement (MOA) – (Alternate Key Number 3250290) (Wendy Then)

CHAIRPERSON/MEMBERS' REPORT

ADJOURN

NOTE: THIS BOARD IS ADVISORY. ALL RECOMMENDATIONS ARE FORWARDED TO THE TOWN COMMISSION.

This public hearing is being conducted in a handicapped accessible location. Any handicapped person requiring an interpreter for the hearing impaired or the visually impaired should contact the Clerk's Office at least five (5) calendar days prior to the meeting and an interpreter will be provided. To access a Telecommunication Device for Deaf Persons (TDD), please call (352) 751-1565. Any handicapped person requiring special accommodation at this meeting should contact the Clerk's Office at least five (5) calendar days prior to the meeting.

Advice to the Public: If a person decides to appeal a decision made with respect to any matter considered at the above meeting or hearing, he 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) Please be advised that one or more members of any other Town Board or Committee may be in attendance of this meeting.

NS/Word/Town Clerk/Agendas/P&Z Meeting – 02-09-15

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

**December 8, 2014
5:30 p.m.**

The Planning and Zoning Board Meeting was held in the Town Hall Commission Chambers, 409 Fennell Blvd., Lady Lake, Florida.

CALL TO ORDER: John Gauder, Chairperson

PLEDGE OF ALLEGIANCE: John Gauder, Chairperson

ROLL CALL

Gil Pierson, Member
Mike McKenzie, Member
Alfred Monteleone, Member
William Sigurdson, Vice Chairperson/Member (arrived at 5:39 p.m.)
John Gauder, Chairperson

STAFF MEMBERS PRESENT: Attorney Todd Mazenko, BRS Legal; Thad Carroll, Growth Management Director; Wendy Then, Town Planner; Kris Kollgaard, Town Manager; and Julia Wolfe, Staff Assistant to Town Clerk

Also Present: Commissioner Paul Hannan

OPEN FORUM:

Chairperson Gauder asked if anyone in the audience had any comments or questions. There were no comments or questions.

NEW BUSINESS:

1. **Approval of Minutes** – November 10, 2014 Regular Meeting

Upon a motion by Member Monteleone and a second by Member McKenzie, the Planning and Zoning Board approved the minutes of the Planning and Zoning Board Meeting of November 10, 2014 as presented by a vote of 4-0.

2. **Ordinance No. 2014-11 – A Request for Voluntary Contraction (De-Annexation) of the Town Boundary by De-Annexing +/- 3.18 Acres of Real Property – Located South of Lake Griffin Road and East of Dulgar Road at 224 Moore Place (Wendy Then)**

Thad Carroll, Growth Management Director, presented the background summary for this agenda item (on file in the Clerk's Office). He stated the applicants, Richard and Christine Stine, owners of property addressed as 224 Moore Place, have filed a request to voluntarily deannex their property from the Town of Lady Lake, which includes 3.18 ± acres of property. He stated the nearest Town residence on the south side via Lake Griffin Road is .66 miles away; the nearest residence Lake Griffin Road on the north side is .44 miles, and from Lake Griffin Road

1 via Dulgar Road/Moore Place is .25 miles. The applicants have provided a letter of justification,
2 dated November 20, 2014, outlining their reasons for the request to deannex (see attached).

3
4 Aerial views of the property and photos of the property and postings were shown.

5
6 The Town annexed a portion of the subject property by Ordinance No. 84-18-(120) on December
7 3, 1984, and the remainder by Ordinance No. 90-28 on November 5, 1990. In 1990, the previous
8 owners of this property requested to be annexed in because one of the owners was in poor health
9 and was concerned about ambulance response. The property was sold to the Stine's in 2003, and
10 they requested that the property be deannexed in 2004 because they were paying Town taxes but
11 receiving no Town services. The Town denied the request in 2004 fearing that they would be
12 setting precedent for subsequent deannexation requests; additionally, there were plans to extend
13 water and sewer service as this was expected to be an area of large growth for the Town of Lady
14 Lake. Another concern at the time they had made their prior request to deannex was that there
15 would have to be a referendum vote to deannex the property. It has since been determined by
16 Town Attorney Derek Schroth that no referendum vote is required as there is only one person in
17 the area instead of the 15% of qualified voters required to request that it go on a referendum.

18
19 This property fails to meet the following criteria of Florida Statute 171.043 and is therefore
20 eligible for municipal contraction (reasons as to how the property fails to meet the standard are
21 noted in bold text):

22
23 2) Part or all of the area to be annexed must be developed for urban purposes. An area
24 developed for urban purposes is defined as any area which meets any one of the following
25 standards:

26
27 (a) It has a total resident population equal to at least two persons for each acre of land included
28 within its boundaries. **The subject parcel has two residents and the property is 3.18 acres,**
29 **this density does not achieve two persons per acre.**

30
31 (b) It has a total resident population equal to at least one person for each acre of land included
32 within its boundaries and is subdivided into lots and tracts so that at least 60 percent of the total
33 number of lots and tracts are one acre or less in size. **The subject property and the adjacent**
34 **properties are equal, and in a majority of instances greater than, one acre in size.**

35
36 (c) It is so developed that at least 60 percent of the total number of lots and tracts in the area at
37 the time of annexation are used for urban purposes, and it is subdivided into lots and tracts so
38 that at least 60 percent of the total acreage, not counting the acreage used at the time of
39 annexation for nonresidential urban purposes, consists of lots and tracts five acres or less in size.
40 **In accordance with the definition below, the subject property and adjacent properties are**
41 **not used intensively to qualify under this definition.**

42
43 *F.S. 131.031 (10) "Urban purposes" means that land is used intensively for residential,*
44 *commercial, industrial, institutional, and governmental purposes, including any parcels of land*
45 *retained in their natural state or kept free of development as dedicated greenbelt areas.*

46
47 (3) In addition to the area developed for urban purposes, a municipal governing body may
48 include in the area to be annexed any area which does not meet the requirements of subsection
49 (2) if such area either:

1 (a) Lies between the municipal boundary and an area developed for urban purposes, so that the
2 area developed for urban purposes is either not adjacent to the municipal boundary or cannot be
3 served by the municipality without extending services or water or sewer lines through such
4 sparsely developed area. **There are no municipal services of water and sewer lines to the**
5 **east, unincorporated lands, of the property, nor are there areas developed for urban**
6 **purposes anticipated to be developed.**

7
8 (b) Is adjacent, on at least 60 percent of its external boundary, to any combination of the
9 municipal boundary and the boundary of an area or areas developed for urban purposes as
10 defined in subsection (2). **Urban purposes are not in existence along 60% of the external**
11 **boundary. There are no abutting adjacent properties to the subject property; currently,**
12 **adjacency is only being met via a water body.**

13
14 Mr. Carroll stated that there are currently no water and sewer services being provided to the
15 Stine's property; should these utilities ever be extended along Lake Griffin Road, the lines would
16 not be within the 200 feet required by the Land Development Regulations to connect. Also, the
17 Stine's are getting no police services from the Town as the Lady Lake officers do not patrol near
18 their property. Additionally, code enforcement officers have been confused in the past, under the
19 belief that the subject property was unincorporated. Upon evaluation of the aforementioned facts
20 and circumstances, staff is in agreement with the applicants that the property exhibits
21 characteristics that are consistent with unincorporated areas.

22
23 The Future Land Use and Zoning of the property and adjacent properties are as follows:

24
25 **Future Land Use**

Subject Property	Lady Lake – Rural High Density, 1 dwelling unit per acre
Future Land Use of Adjacent Properties	
West	Lady Lake – Single Family Low Density, up to 3 du/acre
East	Lake County – Urban Low
North	Lake County – Urban Low
South	Lake County – Urban Low

26
27 **Zoning**

Subject Property	Agriculture Residential AG-1
Zoning of Adjacent Properties	
West	Lady Lake – Residential 3 du/ac (RS-3)
East	Lake County – Rural Residential (R-1)
North	Lake County – Rural Residential (R-1)
South	Lake County – Rural Residential (R-1)

28
29 Mr. Carroll reported that notices to inform the surrounding property owners (12) within 150' of
30 the subject property of the proposed variance were mailed by certified mail return receipt on
31 Monday, December 1, 2014 and the property was also posted this same date. He stated that of
32 the 12 notices sent out, eight return receipts were received back, and there have been no phone
33 calls or written communication in favor or opposition, and only one inquiry by phone. He stated
34 that staff recommends approval.

1 Mr. Carroll stated that at the November 17, 2014 Town Commission meeting, after discussion, it
2 was the consensus of the Commissioners that they would be in favor of this deannexation. The
3 Technical Review Committee (TRC) reviewed the application independently for deannexation
4 and Ordinance No. 2014-11, and no comments were received. It was determined that the
5 application was complete and ready for transmittal to the Planning and Zoning Board. The Town
6 Commission is scheduled to consider Ordinance No. 2014-11 at first reading on Monday,
7 December 15, 2014, and the second/final reading of the ordinance is scheduled for Monday,
8 January 5, 2014.

9
10 Member McKenzie asked what effect the deannexation would have on the properties adjacent to
11 the Stine's.

12
13 Mr. Carroll replied non-contiguous annexation is provided for under the Interlocal Service
14 Boundary Agreement. He stated water and sewer has to be provided and certain parameters need
15 to be met, and if they are to be annexed non-contiguously in the future, there are means for
16 people beyond them to annex if they want to. Mr. Carroll stated there is nothing in the area
17 between where their property is up to Lake Griffin that shows any indication of annexation
18 toward the east.

19
20 Chairperson Gauder asked the property owner if he wished to speak on this matter.

21
22 Richard Stine stated he had no other comments, but would be glad to answer any questions the
23 Board may have.

24
25 Chairperson Gauder asked if there was anyone in the audience who wished to speak on this
26 matter. There was no one.

27
28 *Upon a motion by Member Monteleone, and a second by Member Pierson, the Planning and*
29 *Zoning Board recommended transmittal and approval of Ordinance No. 2014-11 to the Town*
30 *Commission for consideration by the following roll call vote:*

31		
32	<i>MCKENZIE</i>	<i>YES</i>
33	<i>MONTELEONE</i>	<i>YES</i>
34	<i>PIERSON</i>	<i>YES</i>
35	<i>SIGURDSON</i>	<i>YES</i>
36	<i>GAUDER</i>	<i>YES</i>
37		

38 **3. Resolution No. 2014-102 – A Resolution Granting a Variance to Authorize the**
39 **Removal of Two Historic Trees in Accordance with Chapter 10, Section 10-4).F)., of the**
40 **Town of Lady Lake Land Development Regulations, on Property Owned by Brian W.**
41 **Warwick, Janet R. Varnell, and Ellen R. Robards – Located at 316 La Grande Blvd.,**
42 **within the Plaza Professional Center (Wendy Then)**

43
44 Thad Carroll, Growth Management Director, presented the background summary for this agenda
45 item (on file in the Clerk's Office). He stated that applicant Fran Dann-Akin, on behalf of
46 property owners Brian W. Warwick, Janet R. Varnell, and Ellen Robards, submitted an
47 application on February 3, 2014 for a variance in accordance with Chapter 10, Section 10-4).f).
48 of the Land Development Regulations (LDRs) which states that on all properties, the removal of

1 historic trees shall require a variance from the Planning and Zoning Board and then the Town
2 Commission.

3
4 Mr. Carroll stated the variance proposal was originally for the removal of one historic tree on the
5 property, but at the March 17, 2014 Commission meeting, the Town Commission requested that
6 an alternative plan be presented to determine whether that tree could be saved if the building or
7 parking configuration were changed. At the April 7th meeting, Resolution No. 2014-102 was
8 again continued to the April 21st meeting, and at the May 5, 2014 meeting, the item was tabled
9 indefinitely to a date uncertain.

10
11 Aerial views of the property and photos of the property and postings were shown.

12
13 Mr. Carroll stated at this time, the property owners, Brian W. Warwick, Janet R. Varnell, and
14 Ellen Robards, have submitted an alternative proposal for the development of a new building in
15 the Plaza Professional Center which proposes the removal of two smaller historic trees in lieu of
16 the prior proposal to remove one large historic tree. The property owners have elected to
17 propose a change of the location of the building which requires the removal of a 45" live oak and
18 a 42" live oak. The owners also reassessed the size of the prior tree and found that it is a tree
19 with a 60" diameter.

20
21 Brian Warwick, property owner, has submitted a revised Justification Statement as to why the
22 removal of the trees is necessary. When reviewing an application for a variance, the Planning
23 and Zoning Board and the Town Commission shall consider the following requirements and
24 criteria according to Chapter 3, Section 14 f) – Review criteria for variances in the Land
25 Development Regulations:

- 26
27
- 28 1. No diminution in value of surrounding properties would be suffered.
 - 29 2. Granting the permit would be of benefit to the public interest.
 - 30 3. Denial of the permit would result in unnecessary hardship to the owner seeking it.
 - 31 4. The use must not be contrary to the spirit of this Code.
 - 32 5. Financial disadvantages and/or inconveniences to the applicant shall not of themselves
33 constitute conclusive evidence of unnecessary and undue hardship and be grounds to
34 justify granting of a variance.
 - 35 6. Physical hardships such as disabilities of any applicant may be considered grounds to
36 justify granting of a variance at the discretion of the Town Commission.

37 The subject property lies in Section 07, Township 18, South Range 24 East, in Lady Lake,
38 Florida. The Future Land Use Map designation for the site is Commercial General-Retail Sales
39 & Services (RET) and is zoned Planned Commercial (CP). The subject property is located at
40 316 La Grande Blvd., within the Plaza Professional Center (Alternate Key 3808678); within the
41 town limits of the Town of Lady Lake, Florida. The application is complete and ready for review
42 by the Planning and Zoning Board for their recommendation.

43
44 Mr. Carroll stated that notices to inform the surrounding property owners (19) within 150' of the
45 subject property of the proposed variance were mailed by certified mail return receipt on
46 Wednesday, November 26, 2014. In addition, the property was posted on Monday, December 1,
47 2014. He reported that of the 19 notices sent out, 13 return receipts were received back, and
48 there have been no phone calls, e-mails or written statements thus far on the matter, and only one
49 inquiry by phone.

1 Upon approval of this variance resolution, the applicant will have to continue with the Site Plan
2 application process for approval of the improvements proposed at the remaining vacant lot. All
3 landscaping buffer requirements and planting would have to be satisfied during this process.

4
5 Mr. Carroll stated that at the November 18, 2014 special meeting of the Town Commission, it
6 was the consensus of the Commission that they were in favor of advancement of the conceptual
7 presentation of alternative historic tree removals for the Plaza Professional Center as presented.
8 The Technical Review Committee reviewed the application for Resolution No. 2014-102 and
9 returned no comments regarding this application on Monday, December 1, 2014. The Town
10 Commission will review the application for Resolution No. 2014-102 for final consideration at
11 its regular meeting on Monday, December 15, 2014 at 6:00 p.m.

12
13 Vice Chairperson/Member Sigurdson suggested that if you align the new building with the face
14 of the other two buildings and reduce the size of the building, the big tree might be saved.

15
16 Ed Abshier, the engineer for the site, stated that with this proposal, they found a new buyer who
17 was willing to build two buildings with the smaller one in the back so the big tree could be
18 saved. He stated the area is the most heavily treed commercial subdivision in Lady Lake and
19 that there was no tree ordinance when the area was developed.

20
21 Chairperson Gauder asked if there was anyone in the audience who wished to speak on this
22 matter.

23
24 Shirley Lennox introduced herself as the owner of Ocala Shores Realty and stated she brought
25 the property at 936 Tarrson Blvd. a few years ago, and it was advertised as a historic site. She
26 stated if any of the trees are allowed to be cut down, a slippery slope is being created for that
27 area. She stated she paid more for a mobile home on the historic side than any mobile home that
28 has ever been sold for in this county. Ms. Lennox stated she is prepared to buy the property as a
29 cash sale for what it was purchased for. She stated the trees create noise abatement, shade, and
30 the utility bills are less expensive. She also stated it is very dangerous getting out of the parking
31 lot and it is impossible to turn around in that area.

32
33 Mr. Carroll clarified that the phone call staff received earlier was from Ms. Lennox.

34
35 Ms. Lennox stated the phone call had to do with something else and shade was never discussed.

36
37 Chairperson Gauder asked Ms. Lennox if the offer was made to the applicant.

38
39 Ms. Lennox stated she left a phone message for Fran Dann-Akin.

40
41 Fran Dann-Akin with Foxfire Realty stated she had been trying to market and sell this property
42 for about four years, and it has been very difficult. She stated the owners of this property pay a
43 maintenance fee to The Villages Property Owners Association, in addition to what they paid for
44 it, and a great deal of money is tied up in the property.

45
46 Member McKenzie stated the Board needs to maintain their direction on whether to recommend
47 the trees be allowed to be removed or not, not whether the property is sold or not.

48
49 Chairperson Gauder stated there are still those trees to be dispensed with if they sell the property.

1 Chairperson Gauder asked if there was anyone else in the audience who wished to speak on this
2 matter. There was no one.

3
4 *Member Pierson, with a second by Member Sigurdson, made a motion for the Planning and*
5 *Zoning Board to recommend transmittal and approval of Resolution No. 2014-102 to the*
6 *Town Commission, which failed by the following roll call vote:*

7
8 *MCKENZIE NO*
9 *MONTELEONE NO*
10 *PIERSON YES*
11 *SIGURDSON YES*
12 *GAUDER NO*
13

14 Attorney Todd Mazenko interjected that the Board may need to entertain another motion because
15 nothing is being forwarded to the Commission.

16
17 *Upon a motion by Member Monteleone, and a second by Member McKenzie, the Planning*
18 *and Zoning Board recommended transmittal and denial of Resolution No. 2014-102 to the*
19 *Town Commission, by the following roll call vote:*

20
21 *MCKENZIE YES*
22 *MONTELEONE YES*
23 *PIERSON NO*
24 *SIGURDSON NO*
25 *GAUDER YES*
26

27 **CHAIRPERSON/MEMBERS' REPORT:**

28
29 There were no comments or reports.

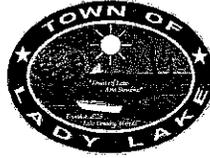
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31 **ADJOURN:**

32
33 *With nothing further to discuss, the meeting was adjourned at 6:05 p.m.*
34
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36
37

38 _____
39 Julia Wolfe, Staff Assistant to Town Clerk

38 _____
39 John Gauder, Chairperson

40 Minutes transcribed by Julia Wolfe, Staff Assistant to Town Clerk



PLANNING & ZONING BOARD AGENDA ITEM

REQUESTED BOARD MEETING DATE: February 9, 2015

SUBJECT: Ordinance 2015-01 – Rolling Acres Self Storage Facility (Tree Tops Golf, Inc.) Located at the Corner of West Lady Lake Blvd. and Rolling Acres Road at 175 S. Rolling Acres Road - Providing for a Modification of the Town of Lady Lake Planned Commercial (CP) Zoning Memorandum of Agreement (MOA). (Alternate Key #3250290)

DEPARTMENT: GROWTH MANAGEMENT

RECOMMENDED MOTIONS:

1. Motion to forward Ordinance 2015-01 to the Town Commission with the Recommendation of Approval.
2. Motion to forward Ordinance 2015-01 to the Town Commission with the Recommendation of Denial.

Staff supports the motion to forward Ordinance 2015-01 with the Recommendation of Approval.

Applicant, Michael or Joy Girard, has submitted an application on behalf of Rolling Acres Self Storage (a.k.a. Tree Tops Golf, Inc.) for property located at the corner of West Lady Lake Boulevard and Rolling Acres Road – addressed at 175 S. Rolling Acres. The property includes approximately 12.65 ± acres (referenced by Alternate Key Number 3250290) currently in the Town of Lady Lake.

The subject property is currently operating as a Self-Storage Facility consisting of eight (8) buildings providing 109,700 square feet of storage space. There is also now a 1,200 square foot office in addition to the original office building of 3,389 square feet. There is also a miniature golf course and batting cages in operation on the property, as well as an existing building of 763 square feet to be converted to a manager's residence. Pursuant to the provisions of the Town of Lady Lake Land Development Regulations, the applicant is requesting to modify the Memorandum of Agreement, formerly adopted under Ordinance 2013-10, to include the Motor Vehicle/RV/Boat Storage as a permitted use, as well as the following changes:

- A manager's residence was not constructed in Phase 1. This is now proposed in Phase 2 in an existing building near the secondary egress drive on West Lady Lake Boulevard. Building being approximately 763 square feet.

- Phase 2 changes the originally planned twelve (12) mini storage buildings totaling 41,000 square feet to two (2) proposed Indoor Motor Vehicle/RV/Boat Storage Buildings totaling 41,400 square feet.
- Phase 2 now includes a proposed RV sewage dump station approximately 40' inside the gate at the secondary egress drive.
- Phase 3 is no longer proposed. Six (6) mini storage buildings will not be planned in Phase 3.
- A new total of 152,452 square feet of buildings are planned for the site with a net reduction of 9,548 square feet from the originally approved development. The originally approved building coverage on-site was 162,000 square feet.

As part of the application, the applicant has provided the new terms of the Memorandum of Agreement (Exhibit "B") and a bubble plan (Exhibit "C") showing the modified buildings, dump station location, new phasing boundaries, retention pond areas, parking area, drive aisles, landscaping buffers, dumpsters location, and gate.

The application has been reviewed and determined to be complete. The applicant has submitted all appropriate material in compliance with the Land Development Regulations (LDRs) and they are ready for transmittal to the Planning & Zoning Board.

The Zoning and Future Land Use designations of the adjacent properties are as follows:

Zoning

Subject Property	Lady Lake – Planned Commercial (CP)
Zoning of Adjacent Properties	
West	Lake County-Agricultural Residential
East	Lady Lake –MF-12 (Up to 12 dwelling units per acre)
North	PFD (Public Facilities District)/ Lake County-Agricultural
South	Lady Lake- Planned Unit Development (PUD)

Future Land Use

Subject Property	Lady Lake – General Commercial Retail Sales & Services (RET)
Future Land Use of Adjacent Properties	
West	Lake County – Urban Low
East	Lady Lake –Multi-Family Low Rise- (MF-LR)
North	Lady Lake- Other Institutional Facilities (OIF)/Lake County-Urban Low
South	Lady Lake – General Commercial Retail Sales & Services (RET)

The current Future Land Use Designation of the subject property (12.65 ± acres) Lady Lake Commercial General – Retail Sales & Services (RET) is compatible with the requested commercial uses. Therefore, the applicant is not requesting any changes regarding the future land use designation with this application.

Comments:

- 1.) Permitted Uses and restrictions of the property will be governed by the attached Memorandum of Agreement, superseding all uses and prohibitions as stated in the Memorandum of Agreement executed on September 18, 2013, as recorded in ORB. 4384 PGS. 886-893.
- 2.) Should the amendment to the Memorandum of Agreement be approved, the applicant will have to supply a modified site plan, via the major modification to site plan process (applicant is undergoing this process concurrently).

Notices to inform the surrounding property owners (9) within 150' of the property of the proposed Rezoning-CP MOA Amendment were mailed by certified mail return receipt on Thursday, January 22, 2015. To date, seven (7) certified mail receipts have been returned; no comments regarding objection or support of the amendment have been received to date.

Past Actions

At the December 15, 2014, **Special Commission Meeting** (Conceptual Workshop) it was the consensus of the Commission that they were in favor of advancement of the proposed changes for Rolling Acres Self Storage (Tree Tops) as presented.

1 **Section 1. Amendment for Changes Within the Site.** Said property is more particularly
2 described in Exhibit "A", attached hereto and incorporated herein. The existing "CP" zoning and
3 the existing Memorandum of Agreement entered into by the parties is hereby modified and
4 amended to include and establish new permitted uses, as well as: reducing the overall square
5 footage of the development by 9,548 feet, amending the number and size of buildings to be
6 constructed, removing Phase III from the project, and constructing a manager's residence in
7 Phase II. Other terms regarding setbacks, ~~new buildings~~, landscaping buffers, parking spaces,
8 loading space requirement and water retention areas, remain unchanged.

9
10 **Section 2. Conflict.** The prior agreement as adopted under Ordinance No. ~~98-08~~2013-10 is
11 hereby deleted in its entirety and is replaced in its entirety by Exhibit "B".

12
13 **Section 3. Severability.** If any section, sentence, clause, phrase or word of this Ordinance is
14 for any reason held, or declared to be unconstitutional, inoperative or void, such holding or
15 invalidity shall not effect the remaining portions of this Ordinance; and it shall be construed to
16 have been the Town Commission's intent to pass this Ordinance without such unconstitutional,
17 invalid or inoperative part therein; and the remainder of this Ordinance, after the exclusion of
18 such part or parts, shall be deemed and held to be valid, as if such parts had not been included
19 herein; or if this Ordinance or any provisions thereof shall be held inapplicable to any person,
20 groups of persons, property, kind of property, circumstances or set of circumstances, such
21 holding shall not effect the applicability thereof to any other person, property or circumstances.

22
23 **Section 4. Effective Date.** This Ordinance shall become effective immediately upon final
24 reading and adoption by the Town Commission of Town of Lady Lake, Florida in
25 accordance with Florida law.

26
27 **PASSED AND ORDAINED** this 16th day of March, 20154, in the regular
28 session of the Town Commission of the Town of Lady Lake, Lake County, Florida, upon the
29 Second/Final Reading.

30
31 **TOWN OF LADY LAKE, FLORIDA**

32
33
34
35 James RichardsRuth Kussard, Mayor

36
37 ATTEST:

38
39
40
41 Kristen Kollgaard, Town Clerk

42
43
44 APPROVED AS TO FORM:

45
46
47
48 Derek Schroth, Town Attorney

EXHIBIT "A"
Legal Description

SECTION 20, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA

LADY LAKE, LEE & STEVENS ADD LOT 9, 10, 11--LESS E 46 FT—PB 8 PG 11 ORB
1671 PG 823

Property Appraisers Parcel Identification (Folio) Number: 2018241105-000-00900

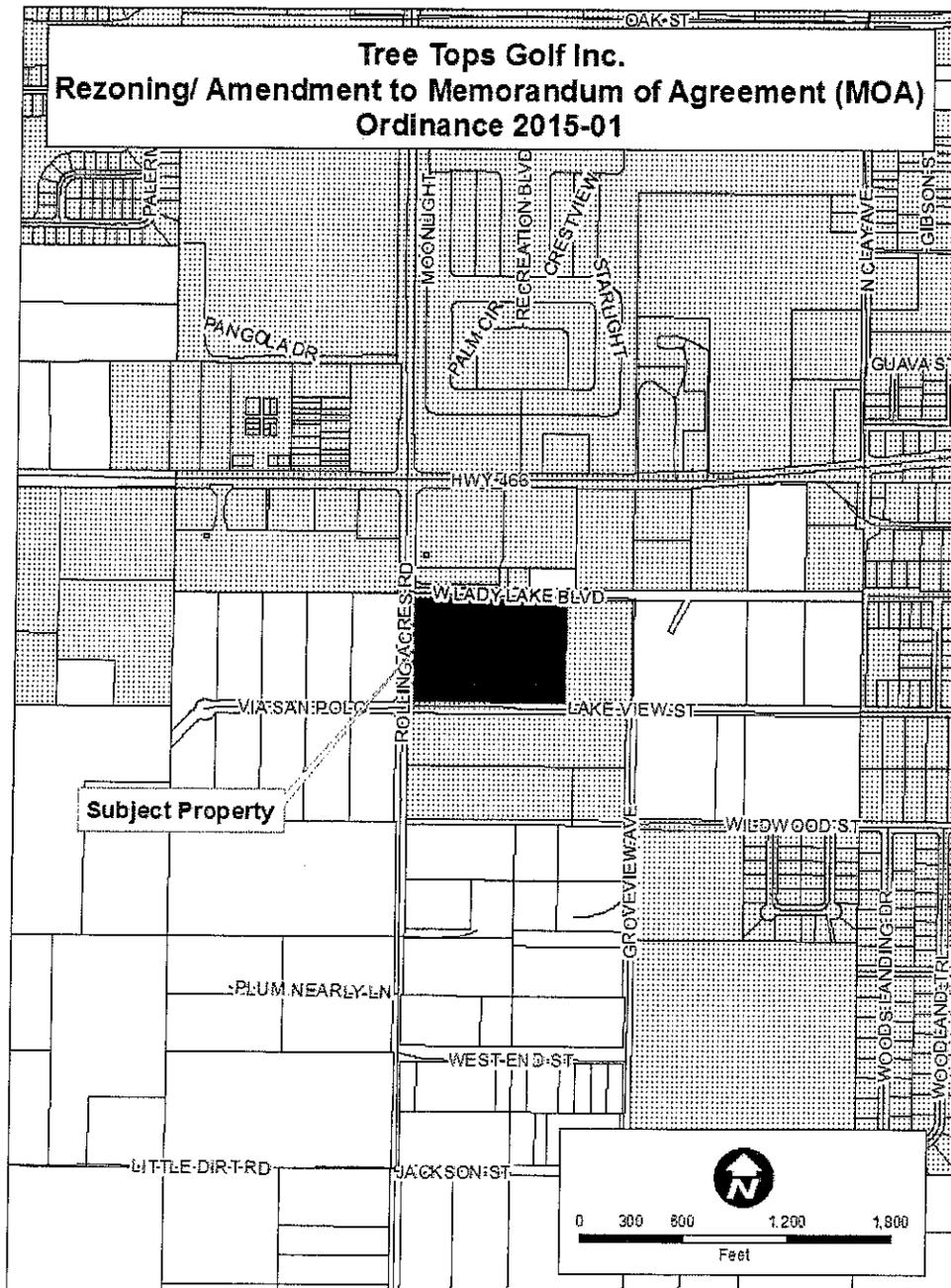


EXHIBIT "B"
MEMORANDUM OF AGREEMENT

This Memorandum of Agreement is dated this ~~18th~~ ~~16th~~ day of ~~September~~ March, ~~2013-2015~~ between the Town of Lady Lake, Florida (the "Town") and Rolling Acres Self Storage, aka Tree Tops Golf, Inc. ("Property Owner").

RECITALS

1. The Property Owner is the fee simple owner of certain real property in Lady Lake, Florida as described in the legal description attached as Exhibit "A".
2. On September 18, 2013, the Town of Lady Lake and Tree Tops Golf Inc. amended the Memorandum of Agreement to include additional uses as recorded in ORB 4384, Pgs. 886-893.
- ~~3.~~ On September 10, 2003, the Town and the owner entered into a Memorandum of Agreement ("MOA") pursuant to the provisions of Chapter 5, Section 4) o) 5) a) 1) of the Town's Land Development regulations.
- ~~2.~~ The real property described in the legal description is zoned CP "Planned Commercial" pursuant to the Ordinance No. 98-08, November 2, 1998.
- ~~3.~~ The applicant wishes to amend the existing MOA to include additional uses.
- ~~4.~~ At this time, the parties wish to enter into an amended Memorandum of Agreement pursuant to the provisions of the Town's Land Development Regulations.

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

1. Permitted Uses. Retail Sales & Services, Miniature Golf and associated retail sales and services, Softball Batting Cages, Golf Driving Range, and associated accessory uses, Mini Storage ~~with Manager's residence~~ and office, Manager's Residence, RV Sewage Dump Station, and Indoor Motor Vehicle RV/Boat Storage.
2. Uses Expressly Prohibited. Any and all uses other than those aforementioned as "permitted uses" shall be expressly prohibited.
3. Hours of Operation. The hours of operation shall be as follows:
 - A. Open at 7:00 a.m.
 - B. Close at 9:00 p.m.

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4. Design Standards.
 - A. The maximum impervious surface ratio (which includes building coverage) shall be limited to eighty percent (80%).
 - B. Maximum building height is thirty-five feet (35') unless adequate fire protection measures are provided.
 - C. Setback requirements shall be:
 1. Front Yard Setback – Front Yard to Rolling Acres Road & West Lady Lake Boulevard – Twenty-Five (25) feet minimum
 2. Side Yard Setback: - Five (5) feet minimum
 3. Rear Yard Setback: - Fifteen (15) feet minimum

5. Parking and Accessibility. Parking requirements shall be as required pursuant to Chapter 7 of the Town's Land Development Regulations for the specific use. All parking spaces shall be ten by twenty (10 x 20) feet in size. The required parking on the site shall be comprised of a minimum of 59 61 paved parking spaces in conformance with adopted code and as indicated on the site plan. Cross Access Easement to other sites will not be provided based on the nature of the business as a gated mini storage facility operation. The mandatory paving extension of Lady Lake Boulevard shall occur prior to, or concurrent with, the opening of the secondary egress location in Phase II as depicted on the Bubble Plan, and attached hereto as Exhibit "C". The paved access shall comply with all Town road construction standards.

6. Landscaping. The applicant shall utilize the existing natural vegetative (Oak Tree) buffer within the property as shown on the site plan for buffer landscape requirements. At which time the property is redeveloped, a Class "A" Landscape Buffer, ten (10) feet in width, shall be installed pursuant to Chapter 10, Landscaping section of the Land Development Regulations. In addition, the west buffer abutting Rolling Acres Road shall contain a decorative fence; all other buffers shall contain decorative (coated) chain link fencing in addition to the landscaping material.

7. Water Retention Areas. The drainage and stormwater retention requirements of the Town and the appropriate regulatory agencies shall be met and approved by the Town Consulting Engineer. These areas shall be properly maintained by the developer.

8. Lighting. All lighting for the proposed facilities shall be designed and located such that light and/or glare shall be directed upon the subject property only.

9. Potable water & Sanitary Sewer. The property described in Exhibit "A" shall connect to the Town of Lady Lake's potable water, central sewer, and reclaim/reuse systems at time of commencement of Phase I. All costs associated with design, permitting, engineering, materials, construction and inspections shall be the sole cost of the developer.

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10. Development Phases:

- A. Phase I: ~~(14 8)~~ Mini storage buildings, parking spaces, front parking lot area, ~~manager's residence~~, existing retail building,, dumpster area, and retention ponds.
- B. Phase II: ~~(12 2)~~ ~~Additional mini storage buildings~~ Additional Indoor Motor Vehicle RV Boat Storage Buildings, & parking spaces, retention pond, ~~and~~ secondary egress drive, managers residence and RV sewage dump station.
- C. ~~Phase III: (6) Additional mini storage buildings & parking spaces~~ Manager's Residence.

Note: The mini golf course, batting cages, and associated accessory uses may continue in operation ~~until that time which Phase III improvements commence~~. through the entire development build-out.

11. Compliance with All Requirements. Nothing herein shall relieve the Developer or their successors or assigns from obtaining any local, regional, state or federal permits or compliance with any applicable ordinance, laws, rules or regulations necessary for the development of the property.

12. Heirs and Successors. The terms and conditions as set forth in this Memorandum of Agreement shall insure to the benefit of, and shall constitute a covenant running with the land and under the terms, conditions and provisions hereof, and shall be legally binding upon any heirs, assigns and successors in title or interest, and shall be subject to each and every condition herein set out.

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

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

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

3
4 **OWNER**

5
6
7 _____
8 By: _____
9 Michael Girard

10
11 State of Florida
12 County of Lake

13
14 The foregoing instrument was acknowledged before me this ____ day of _____,
15 ~~2013-2015~~ by _____, Owner of the Property, who is personally known to
16 me or has produced _____ as identification.

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20 _____ My Commission Expires:
21 Notary Public, State of Florida

22
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25 **TOWN OF LADY LAKE, FLORIDA**
26 LAKE COUNTY, FLORIDA

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30 By: _____
31 ~~James Richards~~Ruth Kussard, Mayor

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34 ATTEST:

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37 _____
38 Kris Kollgaard, Town Clerk

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41 APPROVED AS TO FORM:

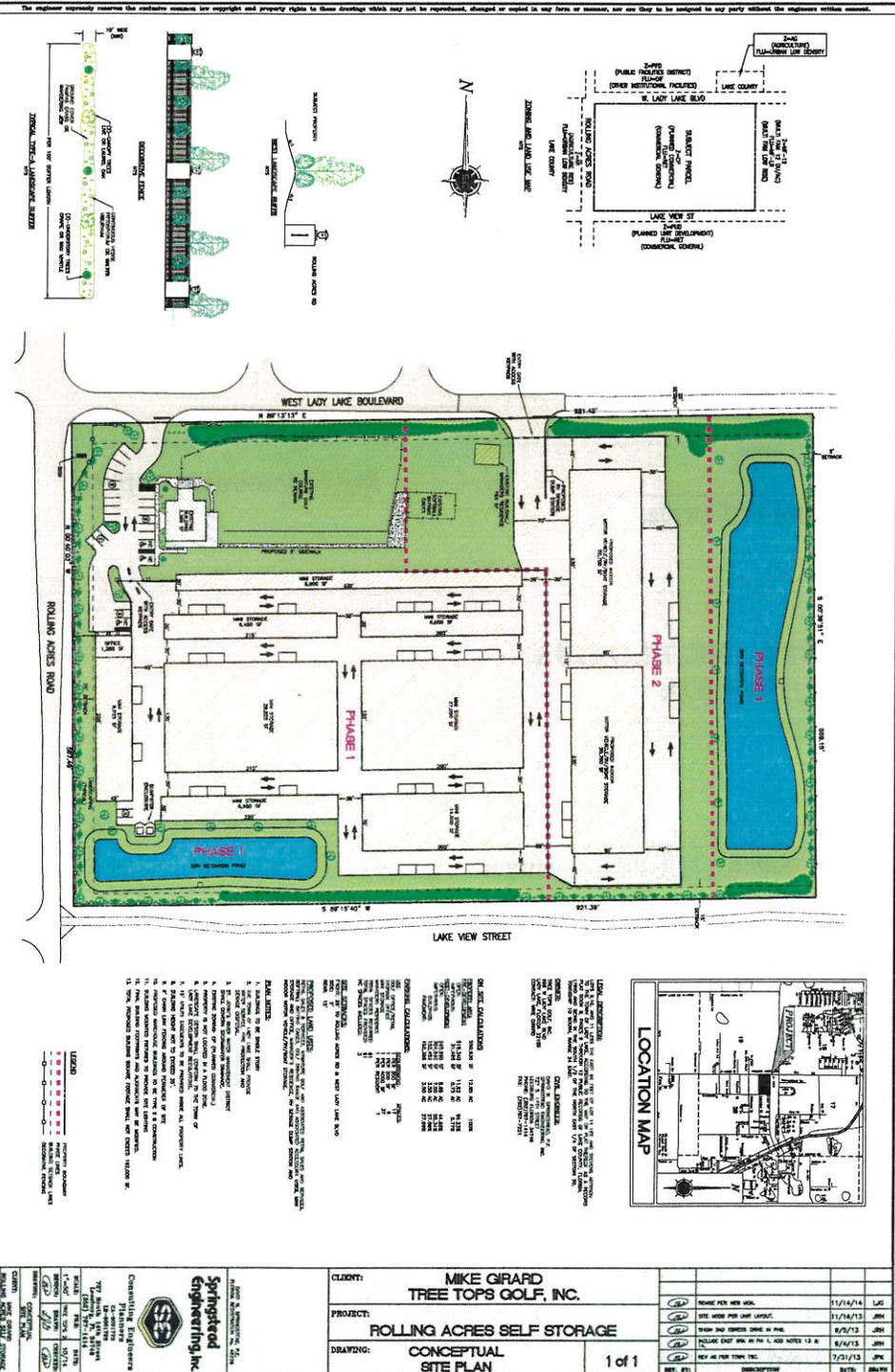
42
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44 _____
45 Derek Schroth, Town Attorney
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EXHIBIT "C" BUBBLE PLAN

Tree Tops Golf, Inc.

L:\Land Projects\2008131019\000\Tree Tops 2.dwg, CONCEPT, 11/16/2014 11:18:33 AM, ***.LIG ***



6

REZONING PETITION CHECKLIST

PROPERTY OWNER: Rolling Acres Self Storage, aka Tree Tops Golf, inc. (Property Owner)
 LEGAL DESCRIPTION: See attached Exhibit "A"
 ALTERNATE KEY #: 3250290

APPLICATION/ACCOMPANYING DOCUMENTS

DATE

<input checked="" type="checkbox"/> Received by Growth Management Development Dept. <input checked="" type="checkbox"/> Application <input checked="" type="checkbox"/> Sketch/Survey <input checked="" type="checkbox"/> Proof of Ownership <input checked="" type="checkbox"/> Owner/Agent Affidavits <input checked="" type="checkbox"/> Property Owner's within (150) foot	<u>1/14/15</u>
<input checked="" type="checkbox"/> Submitted to the Town Clerk's Office <input checked="" type="checkbox"/> Fees Paid in the Amount of \$ <u>1650</u>	<u>1/14/15</u> <u>1/14/15</u>

SCHEDULE MEETING DATES

<input checked="" type="checkbox"/> Technical Review Committee <input checked="" type="checkbox"/> Planning & Zoning Board <input checked="" type="checkbox"/> Town Commission	<u>N/A</u> <u>2/9/15</u> 1 st Reading <u>3/2/15</u> 2 nd Reading <u>3/16/15</u>
--	--

NOTIFICATIONS

<input checked="" type="checkbox"/> Notice to Abutting Property Owners <input checked="" type="checkbox"/> Posting Notices <input type="checkbox"/> Advertising	<u>1/22/15</u> <u>1/26/15</u>
---	----------------------------------

ACTIONS TAKEN

Technical Review Committee:

<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Approved with conditions <input type="checkbox"/> Disapproved	<hr/> <hr/> <hr/>
---	-------------------

Planning & Zoning Board:

<input type="checkbox"/> Approved <input type="checkbox"/> Approved with conditions <input type="checkbox"/> Disapproved	<hr/> <hr/> <hr/>
--	-------------------

Commission:

<input type="checkbox"/> Approved <input type="checkbox"/> Approved with conditions <input type="checkbox"/> Disapproved	<hr/> <hr/> <hr/>
--	-------------------

**TOWN OF LADY LAKE
REZONING APPLICATION**

Tax identification/AK # 3250290

1. Owner's Name: Rolling Acres Self Storage, aka Tree Tops Golf, Inc. (Property Owner)
Mailing Address: 698 W. Lady Lake Boulevard, Lady Lake, Florida 32159
Telephone #: (352) 259-2313
2. Applicant's Name: Michael or Joy Girard
Mailing Address: 698 W. Lady Lake Boulevard, Lady Lake, Florida 32159
Telephone #: (352) 259-2313
3. Applicant is: Owner Agent Purchaser Lessee Optionee
4. Property Address/Location: 175 South Rolling Acres Road, Lady Lake, Florida 32159
5. Legal Description of Property to be rezoned: Lady Lake, Lee & Stevens Add Lot 9, 10, 11--Less E 46 Ft-PB 8 PG 11/ORB 1671 Pg 823.
7. The property is located in the vicinity of the following streets:
Rolling Acres Road and West Lady Lake Boulevard
7. Area of Property: 550,835 Square feet 12.65 Acres
8. Utilities: Central Water Central Sewer Well Septic Tank
9. Existing zoning of property: CP
10. Requested zoning of property: CP

Note: If the requested zoning is a Planned Unit Development (PUD), indicate type: Residential, Commercial, Industrial, Mixed Use, and refer to the requirements of the preliminary development plan and see Chapter of the LDR Code. If the rezoning is to Manufactured Homes High Density (MH-9), a Master Park Plan shall be submitted.

11. Number, square footage and present use of the existing structures on the property;
(1) 3,400 sf Retail Shop/Business Office (8) Mini Storage Buildings totalling 105,700 sf.
(1) 763 sf Equipment Storage Building
12. Proposed use the property: Retail Sales & Services, Miniature Golf and associated retail sales and services, Softball Batting Cages, Golf Driving Range, and associated accessory uses, Mini Storage and office, Manager's Residence, RV Sewage Dump Station, and Indoor Motor Vehicle/RV/Boat Storage.
13. Has any land use application been file within last year in connection with this property? Yes No. If yes, briefly describe the nature of the request:
Added mini storage and manager's residence uses in the MOA.

EXHIBIT "A"

LEGAL DESCRIPTION

SECTION 20, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LAKE COUNTY,
FLORIDA DESCRIBED AS FOLLOWS: LADY LAKE, LEE & STEVENS ADD
LOT 9, 10, 11-LESS E 46 FT-ORB 1671 PG 823.

TREE TOPS GOLF INC 175 SOUTH ROLLING ACRES RD LADY LAKE, FL 32159	20-18-24-110500000900	<u>3250290</u>
---	-----------------------	----------------

ADJACENT PROPERTY OWNERS

OWNER/ADDRESS	PARCEL ID	ALTERNATE KEY
T LOVELL ALPHA LP 38700 ROLLING ACRES RD LADY LAKE, FL 32159	20-18-24-110500002100	<u>1454735</u>
MEUCCI LOUIS TRUSTEE 940 VIA SAN POLO LADY LAKE, FL 32159	19-18-24-100000000100	<u>3392264</u>
BONNIE PATTI J & 839 VIA SAN POLO LADY LAKE, FL 32159	19-18-24-100000001000	<u>3392370</u>
SOUTHERN ROLLING ACRES LLC 824 COUNTY ROAD 466 LADY LAKE, FL 32159	19-18-24-000100000101	<u>1800609</u>
VETERANS MEMORIAL POST 347 LADY LAKE, FL 32159	20-18-24-010100000200	<u>3861853</u>
LAKE COUNTY/SOLID WASTE WEST LADY LAKE BLVD LADY LAKE, FL 32159	20-18-24-010100000100	<u>1610940</u>
CHURCH OF ST ALBANS INC LADY LAKE, FL 32159	20-18-24-010100001100	<u>1610958</u>
EDWARDS PAUL H JR 1131 LADY LAKE BLVD LADY LAKE, FL 32159	20-18-24-010000001300	<u>1417414</u>
LADY LAKE MANAGEMENT GROUP INC LADY LAKE, FL 32159	20-18-24-110500001100	<u>3250281</u>
LADY LAKE MANAGEMENT GROUP INC 1210 COUNTY ROAD 466 LADY LAKE, FL 32159	20-18-24-110500000500	<u>3792796</u>

PROPERTY RECORD CARD

General Information

Owner Name:	TREE TOPS STORAGE HOLDING LLC	Alternate Key:	3250290
Mailing Address:	175 S ROLLING ACRES RD LADY LAKE, FL 32159 Update Mailing Address	Parcel Number:	20-18-24-110500000900
		Millage Group and City:	00LL (Lady Lake)
		Total Millage Rate:	19.04670
Property Location:	175 SOUTH ROLLING ACRES RD LADY LAKE FL 32159 Update Property Location	Property Name:	MINI GOLF & MINI SELF STORAGE Submit Property Name
		School Locator:	School and Bus Map
Property Description:	LADY LAKE, LEE & STEVENS ADD LOT 9, 10, 11--LESS E 46 FT--PB 8 PG 11 ORB 4544 PG 885		

Land Data

Line	Land Use	Frontage	Depth	Notes	No. Units	Type	Class Value	Land Value
1	GOLF COURSES (3800)	0	0		13.64	AC	\$0.00	\$545,054.00

Commercial Building(s)

Building 1

Commercial	Building Value: \$138,697.00						
Summary	Section(s)						
Year Built: 1999	Section No.	Section Type	Wall Height	No. Stories	Ground Floor Area	Basement	Basement Map Finished Color
Total Square Footage: 2800	1	FINISHED LIVING AREA (FLA)	11	1	2500	0%	0%
Full Bathrooms: 1	Interior Finish		Percent		Sprinkler		A/C
Half Bathrooms: 2	(11C)		100.00 %		No		Yes
Elevators: 0	2	FINISHED LIVING AREA (FLA)	11	1	300	0%	0%
Elevator Landings: 0							
Escalators: 0							

Residential Units: 0	Interior Finish (11C)	Percent 100.00 %	Sprinkler No	A/C Yes
Kitchens: 0				
Fireplaces: 0				
Structure Type: Wood or Steel Open Stud Frame				
Exterior Walls: 06 : 100.00 %				

Miscellaneous Improvements

No.	Type	No. Units	Unit Type	Year	Depreciated Value
0001	PARKING LOT LIGHT FIXTURE (PFL)	8	UT	2000	\$5,191.00
0002	PARKING LOT LIGHT FIXTURE (PFL)	3	UT	2000	\$1,168.00
0003	PAVING (PAV)	8616	SF	2000	\$6,979.00
0004	PAVING (PAV)	746	SF	2000	\$1,045.00
0005	GARAGE DETACHED (DGF)	720	SF	2003	\$6,426.00
0006	PAVING (PAV)	2500	SF	2005	\$5,040.00

Sales History

O.R. Book / Page	Sale Date	Instrument	Q/U	Vac./Imp.	Sale Price
1671 / 823	12/18/1998	WD	Q	V	\$102,900.00
4544 / 885	10/2/2014	WD	U	I	\$1,900,000.00

Values and Estimated Taxes

Tax Authority	Just Value	Assessed Value	Taxable Value	Millage	Estimated Taxes
LAKE COUNTY BCC	\$709,600	\$709,600	\$709,600	5.38560	\$3,821.62
LAKE COUNTY MSTU AMBULANCE	\$709,600	\$709,600	\$709,600	0.46290	\$328.47
LAKE COUNTY MSTU FIRE	\$709,600	\$709,600	\$709,600	0.47040	\$333.80

SCHOOL BOARD STATE	\$709,600	\$709,600	\$709,600	5.74600	\$4,077.36
SCHOOL BOARD LOCAL	\$709,600	\$709,600	\$709,600	1.50000	\$1,064.40
TOWN OF LADY LAKE	\$709,600	\$709,600	\$709,600	3.75000	\$2,661.00
ST JOHNS RIVER FL WATER MGMT DIST	\$709,600	\$709,600	\$709,600	0.31640	\$224.52
LAKE COUNTY VOTED DEBT SERVICE	\$709,600	\$709,600	\$709,600	0.16000	\$113.54
LAKE COUNTY WATER AUTHORITY	\$709,600	\$709,600	\$709,600	0.25540	\$181.23
NORTH LAKE HOSPITAL DIST	\$709,600	\$709,600	\$709,600	1.00000	\$709.60
				Total:	Total:
				19.0467	\$13,515.54

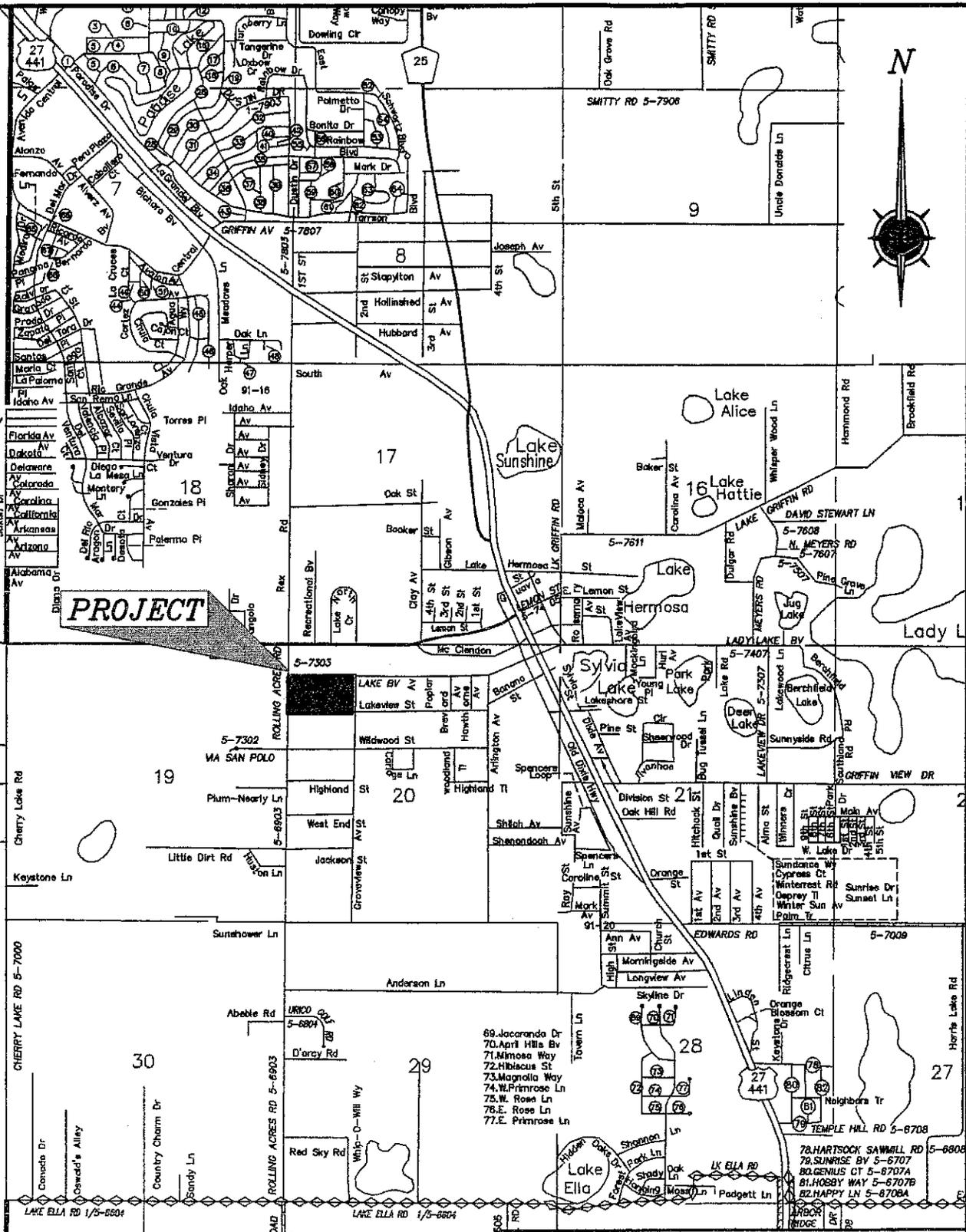
The values displayed above may NOT reflect certified values and therefore are subject to change before being finalized for ad valorem assessment purposes. The estimated tax totals are based on prior year adopted millage rates until each taxing authority certifies proposed rates (annually in mid-August) and adopts final millage rates (late September) of each year. Estimated tax totals do not reflect non-ad valorem assessments. (Fire Fees, Solid Waste, etc.) Please consult the Tax Collector for actual taxation amounts.

Copyright © 2014 Lake County Property Appraiser. All rights reserved.
Property data last updated on 25 January 2015.



SUMTER CO.

SUMTER CO.



PROJECT



**Springstead
Engineering, Inc.**
Consulting Engineers
Planners

CA-0001728
LB-0001728
727 South 14th Street
Leesburg, FL 34748
(852) 787-1414

**ROLLING ACRES SELF STORAGE
TREE TOPS GOLF, INC.
LOCATION MAP**

1310018.002 DESIGN: DWS DRAWN: JRH DATE: 1/13/15

\\00wy\j\land Project\2015\1310018.002-mp\file\loc\zoning.dwg, LDC, 1/13/2015 2:11:08 PM, ***3R***



LAFY
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A General
& Special Order

REZONING

The Property Will Be Re-zoned For
Apply to: [illegible]
Project Date: [illegible]
Action Requested: [illegible]

Meeting & Hearing Date: [illegible]
Continuation Hearing Date: [illegible]
Cancellation Hearing Date: [illegible]



ROLLING ACRES SELF STORAGE





PANGO LA DR

PLANTATION CIR

LAKE NORTH CIR

PALM CIR

PALM CIR

LAKE NORTH CIR

MOONLIGHT

STARLIGHT

RECREATION BLVD

N CLAY AVE

HWY 466

MCCLENDON ST

ROLLING ACRES RD

W LADY LAKE BLVD

SUBJECT PROPERTY

VIA SAN POLO

LAKE VIEW ST

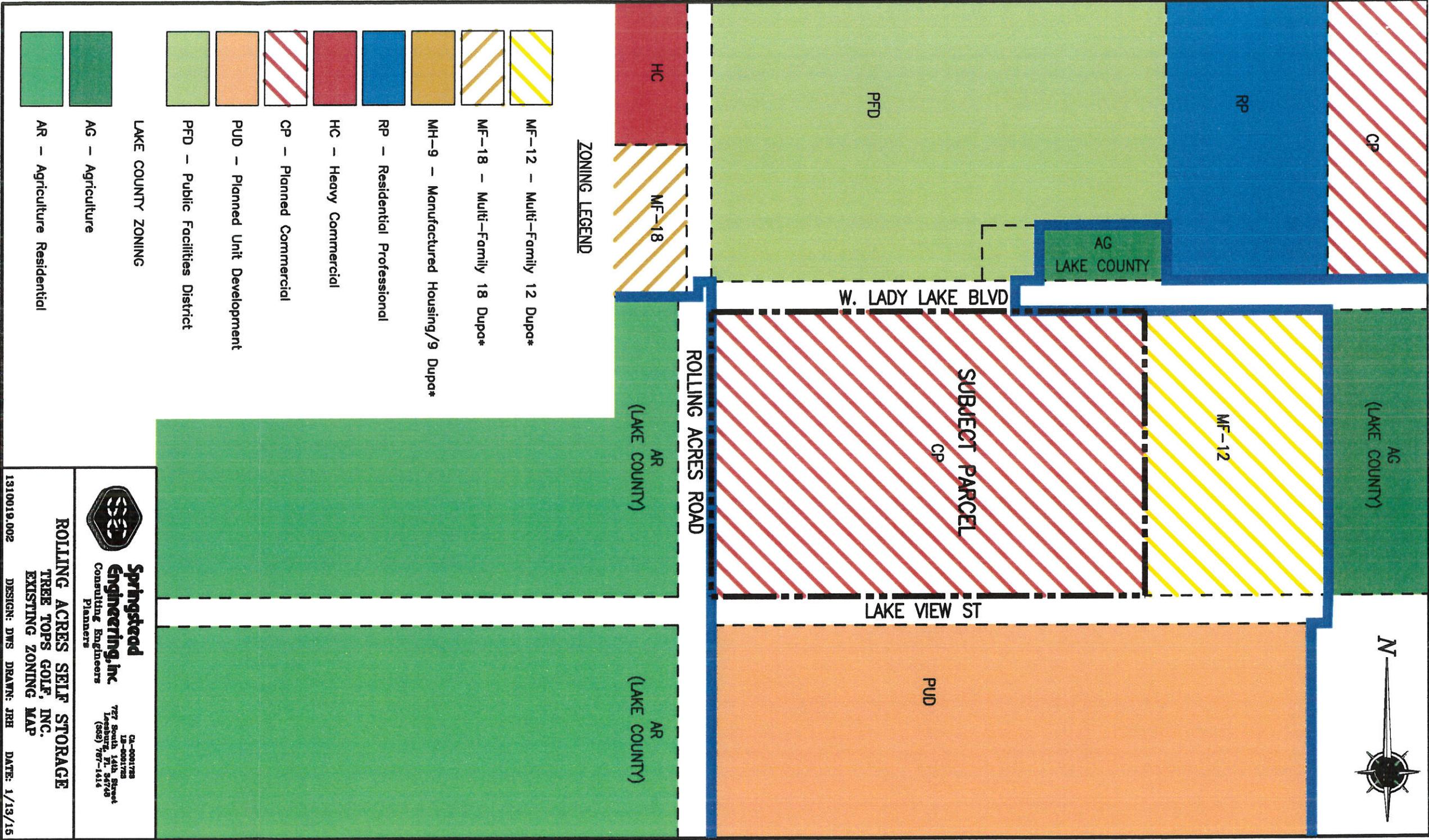
GROVEVIEW AVE

WILDWOOD ST

CARRIAGE LN

CARRIAGE LN





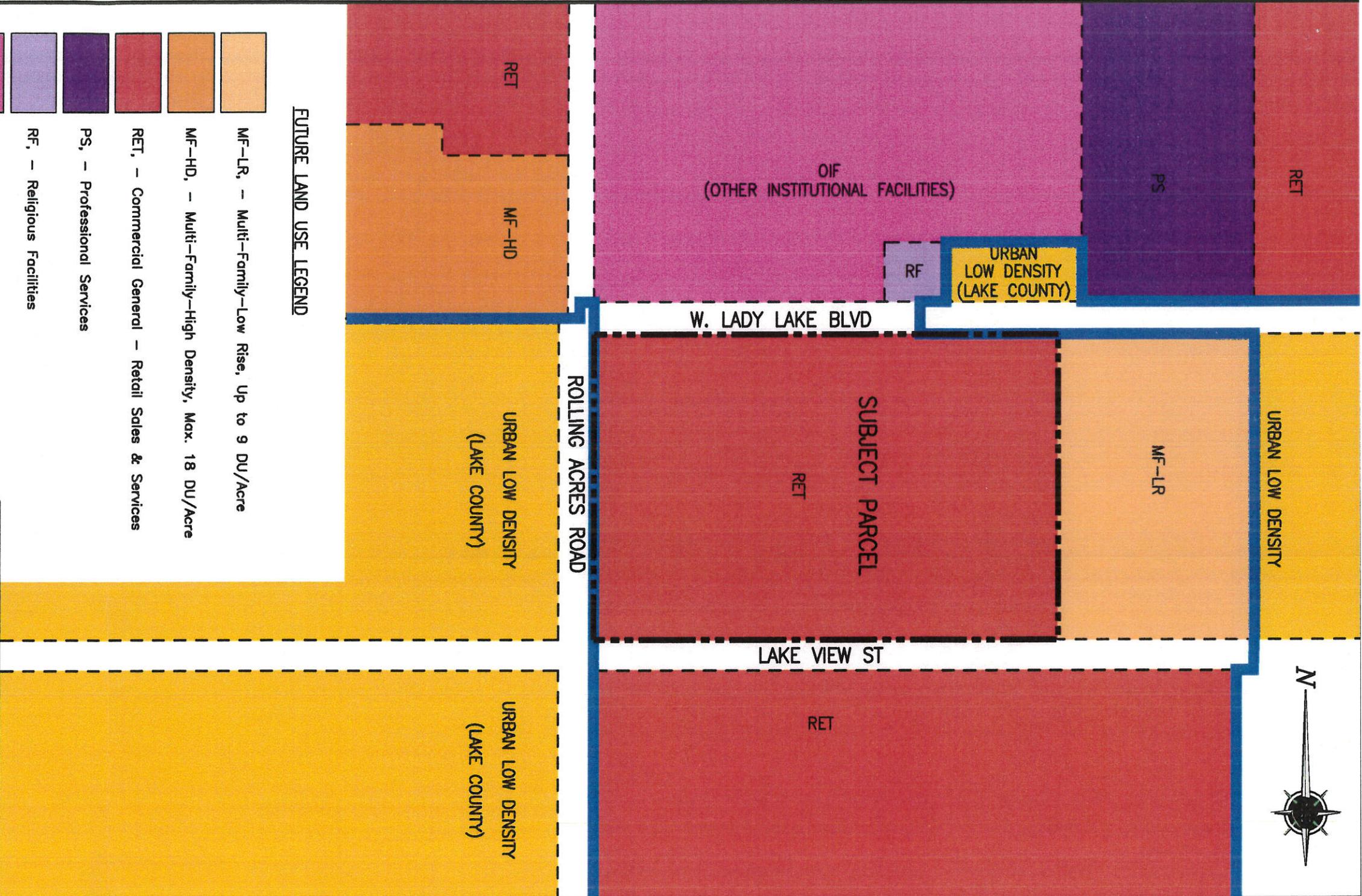
ZONING LEGEND

-  MF-12 – Multi-Family 12 Dupax
 -  MF-18 – Multi-Family 18 Dupax
 -  MH-9 – Manufactured Housing/9 Dupax
 -  RP – Residential Professional
 -  HC – Heavy Commercial
 -  CP – Planned Commercial
 -  PUD – Planned Unit Development
 -  PFD – Public Facilities District
- LAKE COUNTY ZONING**
-  AG – Agriculture
 -  AR – Agriculture Residential



Springstead Engineering, Inc.
 Consulting Engineers
 Planners
 01-0001723
 12-0001723
 727 South 14th Street
 Leesburg, FL 34748
 (352) 767-1414

ROLLING ACRES SELF STORAGE
 TREE TOPS GOLF, INC.
 EXISTING ZONING MAP
 1310019.002 DESIGN: DWS DRAWN: JRH DATE: 1/13/15



FUTURE LAND USE LEGEND

- MF-LR, – Multi-Family-Low Rise, Up to 9 DU/Acre
- MF-HD, – Multi-Family-High Density, Max. 18 DU/Acre
- RET, – Commercial General – Retail Sales & Services
- PS, – Professional Services
- RF, – Religious Facilities
- OIF, – Other Institutional Facilities
- LAKE COUNTY FLU
- URBAN LOW DENSITY



Springstead
Engineering, Inc.
 Consulting Engineers
 Planners

CA-0001725
 LB-0003725
 727 South 14th Street
 Leesburg, FL 34748
 (352) 767-1414

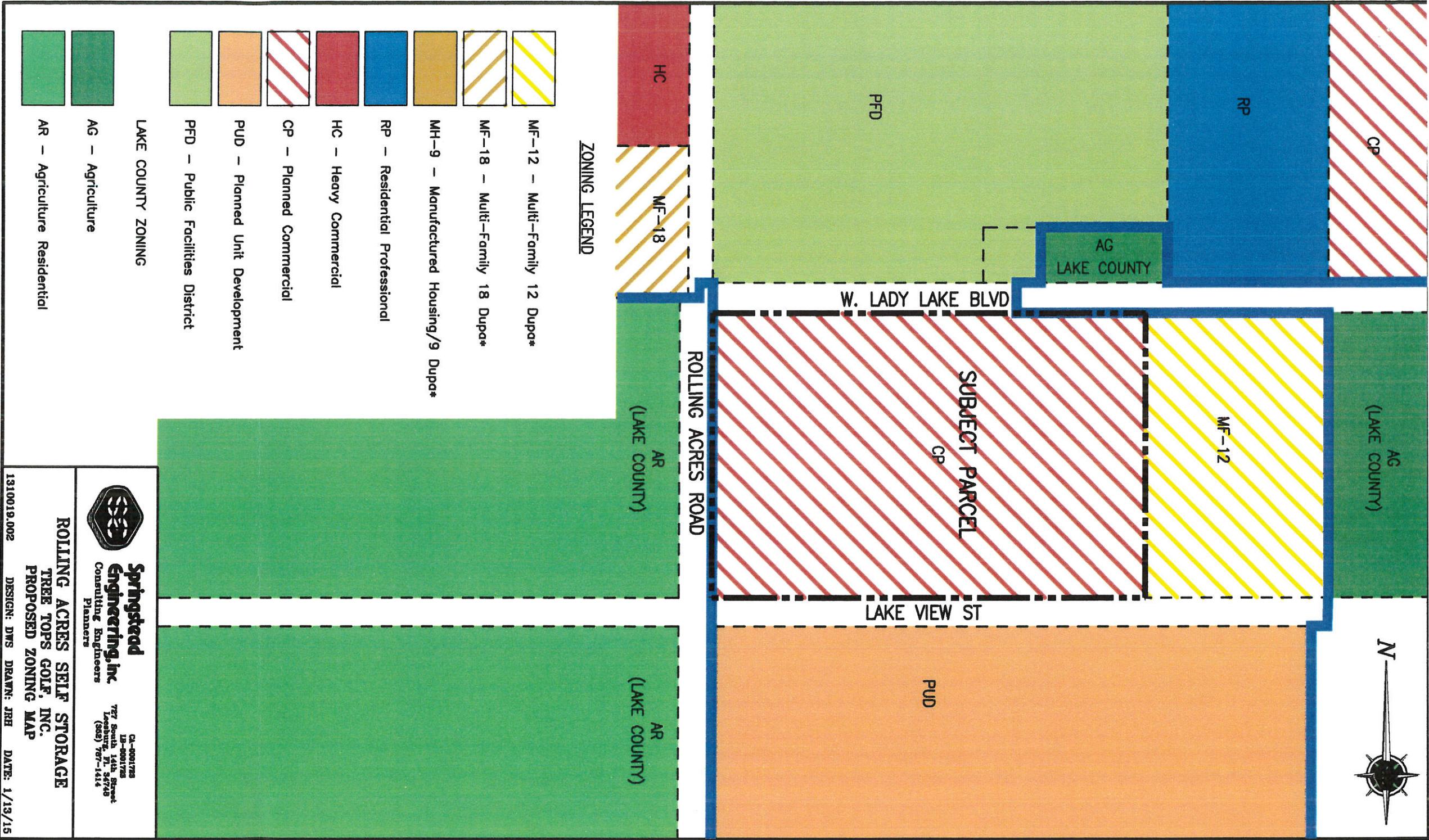
ROLLING ACRES SELF STORAGE
TREE TOPS GOLF, INC.
EXISTING FUTURE LAND USE MAP

1310019.002

DESIGN: DWS

DRAWN: JRH

DATE: 1/13/15



ZONING LEGEND

-  MF-12 - Multi-Family 12 Duplex*
 -  MF-18 - Multi-Family 18 Duplex*
 -  MH-9 - Manufactured Housing/9 Duplex*
 -  RP - Residential Professional
 -  HC - Heavy Commercial
 -  CP - Planned Commercial
 -  PUD - Planned Unit Development
 -  PFD - Public Facilities District
- LAKE COUNTY ZONING**
-  AG - Agriculture
 -  AR - Agriculture Residential



Springstead Engineering, Inc.
 Consulting Engineers
 Planners

CA-0001728
 LA-0001728
 727 South 14th Street
 Leesburg, FL 34748
 (888) 767-1414

**ROLLING ACRES SELF STORAGE
 TREE TOPS GOLF, INC.
 PROPOSED ZONING MAP**

1310019.002 DESIGN: DWS DRAWN: JRH DATE: 1/13/15



OIF
(OTHER INSTITUTIONAL FACILITIES)

URBAN
LOW DENSITY
(LAKE COUNTY)

RF

W. LADY LAKE BLVD

URBAN LOW DENSITY

MF-LR

SUBJECT PARCEL

RET

LAKE VIEW ST

RET

ROLLING ACRES ROAD

URBAN LOW DENSITY
(LAKE COUNTY)

URBAN LOW DENSITY
(LAKE COUNTY)

MF-HD

RET

FUTURE LAND USE LEGEND

-  MF-LR, - Multi-Family-Low Rise, Up to 9 DU/Acre
-  MF-HD, - Multi-Family-High Density, Max. 18 DU/Acre
-  RET, - Commercial General - Retail Sales & Services
-  PS, - Professional Services
-  RF, - Religious Facilities
-  OIF, - Other Institutional Facilities
-  LAKE COUNTY FLU
-  URBAN LOW DENSITY



Springstead
Engineering, Inc.
Consulting Engineers
Planners

CA-0001728
LA-0001728
727 South 14th Street
Lebanon, TN 37048
(603) 767-1414

ROLLING ACRES SELF STORAGE
TREE TOPS GOLF, INC.
PROPOSED FUTURE LAND USE MAP

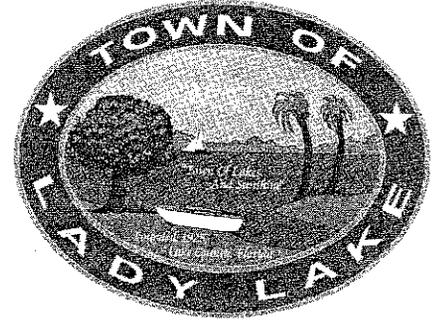
1310019.002 DESIGN: DWS DRAWN: JRH DATE: 1/13/15

Municipal Complex, 409 Fennell Boulevard, Lady Lake, Florida 32159 USA

352-751-1500

FAX 352-751-1510

www.ladylake.org



January 22, 2015

RE: Ordinance #2015-01 – Rezoning/Amendment to the Memorandum of Agreement

Dear Property Owner:

Applicant, Michael or Joy Girard, has submitted an application on behalf of Tree Tops Golf Inc., for property located at the corner of West Lady Lake Blvd. and Rolling Acres Road, 175 South Rolling Acres Road, known as the Rolling Acres Storage Facility. The property includes approximately 12.58± acres (referenced by alternate key number 3250290) in Section 20, Township 18 South, Range 24 East, currently in the Town of Lady Lake, Florida.

Pursuant to the provisions of the Town of Lady Lake Land Development Regulations, the applicant is requesting to amend the Memorandum of Agreement (MOA)/Ordinance terms (Exhibit "B") and Bubble Plan (Exhibit "C") with the following changes: to reduce the overall square footage of the development by 9,548 feet; to amend the number and size of buildings to be constructed; to remove Phase III from the project; to construct a manager's residence in Phase II; and to add the additional uses of RV Sewage Dump Station, and Indoor Motor Vehicle/RV/Boat Storage as permissible operations on the property. The zoning classification will remain Planned Commercial (CP) for the parcel. The petitions are scheduled for the following public hearing dates:

PLANNING AND ZONING BOARD	Monday, February 9, 2015, at 5:30 p.m.
COMMISSION MEETING (1 st Reading)	Monday, March 2, 2015, at 6:00 p.m.
COMMISSION MEETING (2 nd Reading)	Monday, March 16, 2015, at 6:00 p.m.

You are invited to attend these public hearings to be held in the Town Hall Commission Chambers, 409 Fennell Boulevard, Lady Lake, Florida. The petitions may be inspected at Town Hall during regular business hours (7:30 a.m. to 6 p.m., Monday - Thursday) in the Growth Management Department. Any person wishing to appeal a decision of this public body should ensure themselves that a verbatim record of the proceedings is made. If you have any questions regarding this matter, please call me at (352) 751-1521 or via email at tcarroll@ladylake.org.

Sincerely,

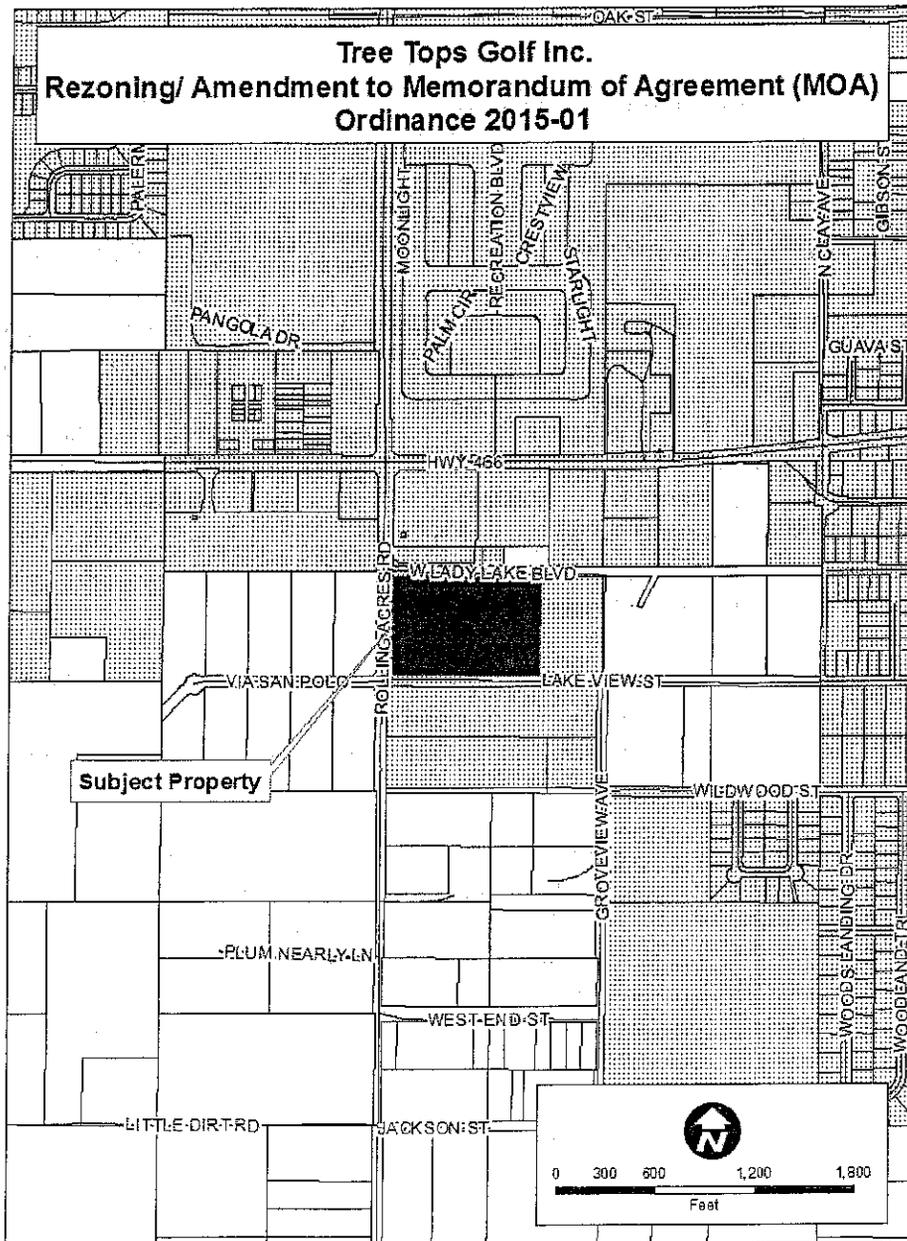
Thad Carroll, AICP
Growth Management Director

Legal Description

SECTION 20, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA

LADY LAKE, LEE & STEVENS ADD LOT 9, 10, 11--LESS E 46 FT—PB 8 PG 11
ORB 1671 PG 823

Property Appraisers Parcel Identification (Folio) Number: 2018241105-000-00900



~~Architectural Design Style in conjunction with the existing exterior elevations of the buildings in Lady Lake Crossings and the Villages Crossroad Plaza. Any landscaping waivers will be brought before the Parks, Recreation, and Tree Advisory Committee, and any commercial landscaping waivers will be brought before the Town Commission for final consideration.~~

~~Mr. Carroll introduced Martin Dellebovi of Benchmark to talk about this proposal.~~

~~Mr. Dellebovi stated that Benchmark feels that Steinmart will be a great addition to this retail space. He stated that Kohl's and Bed, Bath & Beyond have waived the restrictions to allow this. He stated that Steinmart will use 32,000 sq. ft. of the retail space and there will be 20,000 sq. ft. of additional retail space available adjacent to them, although there are no signed leases for this space yet, which may either be one or two store fronts. He stated there will be a minor modification to the St. John's permit and Kimley-Horn will be updating all the engineering for the infrastructure currently in place, as well as the site conditions and traffic impact. Mr. Dellebovi stated the elevations proposed are consistent with the current theme of the elevations for Village Crossroads and Lady Lake Crossing. He stated that Steinmart is interested in putting a sign on the left side elevation of the building because of the traffic coming down from the bridge into Lady Lake, and this will be brought back before the Commission at a later date.~~

~~Mr. Dellebovi stated that they will be building a retail building on the outparcel near McDonald's, although there is no tenant currently in place, and the elevation will match the elevation themes of the outparcel where the Vitamin Shoppe and Aspen Dental are with awnings, etc. He stated the landscaping and lighting will also remain consistent throughout the parcels, which has done very well from the Village Crossroads to Lady Lake Crossing. Mr. Dellebovi stated that the signage for Steinmart and any other tenants will be going on the pylon sign at the corner by McDonald's. He asked if there were any questions.~~

~~Commissioner Hannan asked if there would be additional signs on the Tire Kingdom sign. He also mentioned that the developer agreed in the past to pull that sign down if the overpass is torn down.~~

~~Commissioner Richards commented that the bridge is slated to come down in 2019.~~

~~Mr. Dellebovi stated that there are currently two signs, the one by McDonald's and the one by Tire Kingdom, and he confirmed that they would take it down if the overpass comes down.~~

~~*It was the consensus of the Commission that they were in favor of advancement of the conceptual presentation of Lady Lake Crossings East as presented.*~~

6. Conceptual Presentation of Changes for Rolling Acres Self Storage (Tree Tops) – Proposal for a Manager's Residence in Phase 2 in an Existing Building Near the Secondary Egress Drive on West Lady Lake Blvd.; Proposal to Change the Planned 12 Mini-Storage Buildings Totaling 41,000 Sq. Ft. to Two Proposed Indoor Motor Vehicle/RV/Boat Storage Buildings Totaling Same; Proposal for an RV Sewage Dump Station Approximately 40' Inside the Gate at the Secondary Egress Drive; and Cancellation of Proposed Phase 3 of the Project (Thad Carroll)

Growth Management Director Thad Carroll gave the background summary from the agenda item cover sheet which is on file in the Town Clerk's office. He stated that on December 16, 2013, Tree Tops Golf Inc., received site plan approval for the construction of a development consisting of three phases with 32 buildings on a 12.65-acre parcel located at 175 S. Rolling Acres Road (referenced

by Alternate Key # 3250290). He stated the Development Order for the first phase of MJSP 10/13-003 was issued on December 17, 2014, consisting of eight buildings being 110,289 sq. ft. of mini-storage space.

Mr. Carroll stated the Memorandum of Agreement of Ordinance No. 2013-10 was approved for the property by the Town Commission on September 18, 2013 (Ordinance No. 2013-10 with MOA attached). He stated that at this time, the applicant is seeking to amend the Memorandum of Agreement to propose the following changes:

- A manager's residence was not constructed in Phase 1. This is now proposed in Phase 2 in an existing building near the secondary egress drive on West Lady Lake Boulevard, approximately 763 sq. ft. in size.
- Phase 2 changes the originally planned 12 mini storage buildings totaling 41,000 sq. ft. to two proposed Indoor Motor Vehicle/RV/Boat Storage Buildings totaling same.
- Phase 2 includes a proposed RV sewage dump station approximately 40' inside the gate at the secondary egress drive.
- Phase 3 is no longer proposed. Six mini storage buildings will not be planned in Phase 3.

Mr. Carroll summarized that a total of 152,452 sq. ft. of buildings is now planned for the site with a net reduction of 9,548 sq. ft. from the originally approved development; the originally approved building coverage on-site was 162,000 sq. ft.

Mr. Carroll reviewed the site plans as originally proposed and the revised plans for the changes being proposed today.

The Future Land Use Map designation for the site is Commercial General-Retail Sales & Services (RET) and property is zoned Planned Commercial (CP). The proposed changes are consistent with the directives of the Comprehensive Plan and zoning classification, provided that the amendments are incorporated and adopted under a revised Memorandum of Agreement.

The applicant has submitted a summary of proposed modifications; which is contained within the packet, along with the following items:

- Approved Ordinance No. 2010-13 with Memorandum of Agreement
- Proposed changes to the Memorandum of Agreement
- Proposed Conceptual Plan to accompany MOA (in color)
- Approved and proposed Site Plans 24" x 36" in black & white
- Executed Development Order for Phase I

Mr. Carroll turned the presentation over to Mr. David Springstead of Springstead Engineering, as project engineer, to review the proposed changes.

Mr. Springstead stated he represents Tree Tops/Rolling Acres Mini-Storage. He stated the manager's residence proposed in Phase 1 in the front building was made into mini storage units instead, and they are proposing that the current storage shed by the back entrance be renovated into a manager's residence. He stated the two proposed indoor storage buildings instead of the 12 unit mini storage buildings would be designed to meet the building codes for restrooms, fire protection

and alarm systems, as these were issues that popped up during the first phase. Mr. Springstead commented that the proposed driveways are wide enough for two-way traffic all around and allow for backing into the facilities. He stated the idea for the RV storage and dump station is that it would be a self-contained site to allow for clean-out and storage, and there would be a second connection to the Town's sewer system to allow for a small lift station to insure that the flow for the dump station would not effect the plant's operation.

Mayor Kussard clarified that the site would not have its own stand-alone system, but would hook up to the Town's system, and that samples could be taken to insure that nothing that should not be going into the system would go into it.

Mr. Springstead confirmed this and stated the lift station could provide a sample if need be. He stated that the site drainage has already been designed to meet the same amount of impervious area that was previously proposed, although there will be a slight modification to the St. John's permit for the piping and transmission. Mr. Springstead stated that Lady Lake Boulevard will be paved down past the second entrance in this phase, and that the entrance will be a gated access that will be coded and monitored closely.

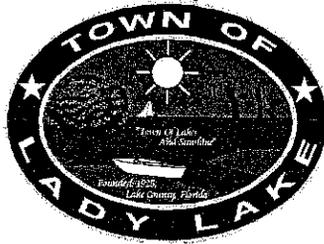
It was the consensus of the Commission that they were in favor of advancement of the proposed changes for Rolling Acres Self Storage (Tree Tops) as presented.

7. **ADJOURN:** There being no further discussion; the meeting was adjourned at 5:16 p.m.

Kristen Kollgaard, Town Clerk

Ruth Kussard, Mayor

Minutes transcribed by Nancy Slaton, Deputy Town Clerk



**TECHNICAL REVIEW COMMITTEE COMMENTS
FIRST/FINAL REVIEW 01/28/15**

Project: Ordinance 2015-01
Proposal: Rezoning/ Amendment to the Memorandum of Agreement for the Rolling Acres Self Storage Facility (Tree Tops Golf, Inc.)

Description:

Applicant, Michael or Joy Girard, has submitted an application on behalf of Rolling Acres Self Storage (a.k.a. Tree Tops Golf, Inc.) for property located at the corner of West Lady Lake Boulevard and Rolling Acres Road – addressed at 175 S. Rolling Acres. The property includes approximately 12.65 ± acres (referenced by Alternate Key Number 3250290) currently in the Town of Lady Lake. The application and proposed ordinance were provided to the TRC members for review.

Following submittal of any required revisions and responses, correspondence will be forwarded indicating the proposal's status, either: (1) requiring additional revision or documentations; or (2) ready for approval. Site plans are subject to public hearing, as well as plats, annexation requests, zoning requests, and comprehensive plan requests. When applicable, you will receive written notification that the item is scheduled for review by the Planning and Zoning Board or Town Commission. For additional information, contact Thad Carroll at (352) 751-1521.

GROWTH MANAGEMENT

Questions may be directed to Wendy Then, at wthen@ladylake.org

1. Ordinance was prepared by Growth Management, no comments concerning the Ordinance as prepared.

POLICE

Questions may be directed to Chief Chris McKinstry at cmckinstry@ladylake.org

1. No comments at this time from the Police Dept.

FIRE

1. Review non-applicable for this ordinance, review will be conducted on the site plan and building plans.
-

BUILDING

Questions may be directed to Dallas Foss, Building Official at dfoss@usanova.com.

1. No comments at this time by the Building Official.

PUBLIC WORKS

Questions may be directed to Butch Goodman, Utilities Supervisor at bgoodman@ladylakepw.org

1. The Original Utility Agreement will need to be Amended to include any additional Water Sewer and Reuse E.R.Us the amendment will also need to address Flow Amount= Gallons Per Day and Waste water strength by allowing for Metering and Sampling by the Town at the proposed dumping station in addition the Original Engineers allocation letter for E.R.Us will need to be revised and resubmitted addressing the additional Water Sewer and Reuse E.R.Us needed? for the proposed modifications?

LAKE-SUMTER MPO

1. Review non-applicable for this resolution.

TOWN OF LADY LAKE
409 FENNEL BOULEVARD
LADY LAKE FL 32159



ORDINANCE NO. 2013-10

AN ORDINANCE OF THE TOWN OF LADY LAKE; AMENDING ORDINANCE NO. 98-08; REQUESTING AMENDMENT OF THE MEMORANDUM OF AGREEMENT (MOA) FOR THE PLANNED COMMERCIAL DISTRICT (CP) FOR PROPERTY OWNED BY TREE TOPS GOLF INC., SUBJECT PROPERTY LOCATED AT 175 S. ROLLING ACRES RD. (ALTERNATE KEY #3250290), WITHIN THE TOWN LIMITS OF THE TOWN OF LADY LAKE, FLORIDA; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on December 2, 1991, the Town of Lady Lake adopted a Comprehensive Plan (Ordinance No. 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 II, 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 II, Florida Statutes; and

WHEREAS, on August 12, 2013, 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 amendment to the Memorandum of Agreement which is attached hereto as Exhibit "B" and recommended to the Town Commission of the Town of Lady Lake that said amendment be adopted; and

WHEREAS, the Town Commission of the Town of Lady Lake, through Ordinance No. 98-08, approved, at a duly noticed meeting, redesignation of said property owned by Tree Tops Golf Inc., and approved and entered into a Memorandum of Agreement setting forth certain permitted uses under the "CP" zoning; and

WHEREAS, on September 10, 2003, the Town of Lady Lake and Tree Tops Golf Inc. amended the Memorandum of Agreement to include additional uses as recorded in ORB 2418, Pgs. 2070-2074, and at this time, again desire to amend the Memorandum of Agreement and the "CP" zoning to include and establish new permitted uses as well as other terms regarding setbacks, new buildings, landscaping buffers, parking spaces, loading space requirements, and water retention areas.

NOW THEREFORE, be it ordained and enacted by the Town Commission of the Town of Lady Lake, in Lake County, Florida:

Ordinance No. 2013-10

Section 1. Amendment for Changes Within the Site. Said property is more particularly described in Exhibit "A", attached hereto and incorporated herein. The existing "CP" zoning and the existing Memorandum of Agreement entered into by the parties is hereby modified and amended to include and establish new permitted uses as well as other terms regarding setbacks, new buildings, landscaping buffers, parking spaces, loading space requirement and water retention areas.

Section 2. Conflict. The prior agreement as adopted under Ordinance No. 98-08 is hereby deleted in its entirety and is replaced in its entirety by Exhibit "B".

Section 3. Severability. If any section, sentence, clause, phrase or word of this Ordinance is for any reason held, or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not effect the remaining portions of this Ordinance; and it shall be construed to have been the Town Commission's intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein; and the remainder of this Ordinance, after the exclusion of such part or parts, shall be deemed and held to be valid, as if such parts had not been included herein; or if this Ordinance or any provisions thereof shall be held inapplicable to any person, groups of persons, property, kind of property, circumstances or set of circumstances, such holding shall not effect the applicability thereof to any other person, property or circumstances.

Section 4. Effective Date. This Ordinance shall become effective immediately upon final reading and adoption by the Town Commission of Town of Lady Lake, Florida in accordance with Florida law.

PASSED AND ORDAINED this 18th day of September, 2013, in the regular session of the Town Commission of the Town of Lady Lake, Lake County, Florida, upon the Second/Final Reading.

TOWN OF LADY LAKE, FLORIDA

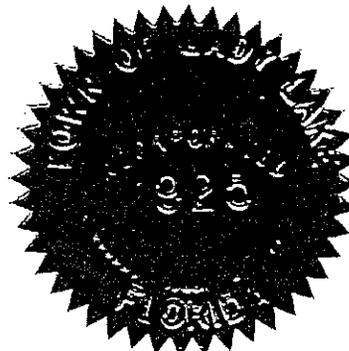
James Richards
James Richards, Mayor

ATTEST:

Kristen Kollgaard
Kristen Kollgaard, Town Clerk

APPROVED AS TO FORM:

Derek Schroth
Derek Schroth, Town Attorney



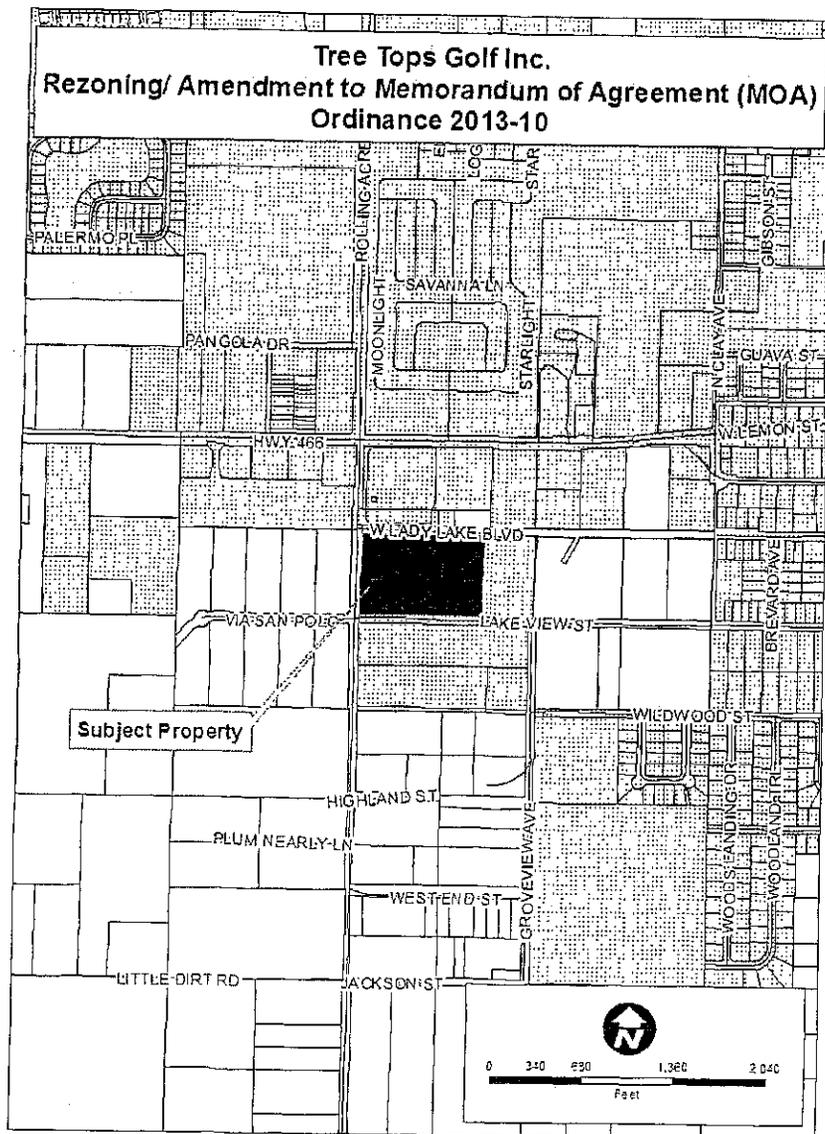
Ordinance No. 2013-10

EXHIBIT "A"
Legal Description

SECTION 20, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA

LADY LAKE, LEE & STEVENS ADD LOT 9, 10, 11--LESS E 46 FT--PB 8 PG 11 ORB 1671 PG 823

Property Appraisers Parcel Identification (Folio) Number: 2018241105-000-00900



Ordinance No. 2013-10

EXHIBIT "B"
MEMORANDUM OF AGREEMENT

This Memorandum of Agreement is dated this 18th day of September, 2013 between the Town of Lady Lake, Florida (the "Town") and Tree Tops Golf, Inc. ("Property Owner").

RECITALS

1. The Property Owner is the fee simple owner of certain real property in Lady Lake, Florida as described in the legal description attached as Exhibit "A".
2. On September 10, 2003, the Town and the owner entered into a Memorandum of Agreement ("MOA") pursuant to the provisions of Chapter 5, Section 4) o) 5) a) 1) of the Town's Land Development regulations.
3. The real property described in the legal description is zoned CP "Planned Commercial" pursuant to the Ordinance No. 98-08, November 2, 1998.
4. The applicant wishes to amend the existing MOA to include additional uses.
5. At this time, the parties wish to enter into an amended Memorandum of Agreement pursuant to the provisions of the Town's Land Development Regulations.

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

1. Permitted Uses. Retail sales & services, miniature golf and associated retail sales and services, softball batting cages, golf driving range and associated accessory uses, mini storage with manager's residence and office.
2. Uses Expressly Prohibited. Any and all uses other than those aforementioned as "permitted uses" shall be expressly prohibited.
3. Hours of Operation. The hours of operation shall be as follows:
 - A. Open at 7:00 a.m.
 - B. Close at 9:00 p.m.
4. Design Standards.
 - A. The maximum impervious surface ratio (which includes building coverage) shall be limited to eighty percent (80%).
 - B. Maximum building height is thirty-five feet (35') unless adequate fire protection measures are provided.
 - C. Setback requirements shall be:

Ordinance No. 2013-10

1. Front Yard Setback – Front Yard to Rolling Acres Road & West Lady Lake Boulevard – Twenty-Five (25) feet minimum
 2. Side Yard Setback: - Five (5) feet minimum
 3. Rear Yard Setback: - Fifteen (15) feet minimum
5. Parking and Accessibility. Parking requirements shall be as required pursuant to Chapter 7 of the Town's Land Development Regulations for the specific use. All parking spaces shall be ten by twenty (10 x 20) feet in size. The required parking on the site shall be comprised of a minimum of 59 paved parking spaces in conformance with adopted code and as indicated on the site plan. Cross Access Easement to other sites will not be provided based on the nature of the business as a gated mini storage facility operation. The mandatory paving extension of Lady Lake Boulevard shall occur prior to, or concurrent with, the opening of the secondary egress location in Phase II as depicted on the Bubble Plan, and attached hereto as Exhibit "C". The paved access shall comply with all Town road construction standards.
6. Landscaping. The applicant shall utilize the existing natural vegetative (Oak Tree) buffer within the property as shown on the site plan for buffer landscape requirements. At which time the property is redeveloped, a Class "A" Landscape Buffer, ten (10) feet in width, shall be installed pursuant to Chapter 10, Landscaping section of the Land Development Regulations. In addition, the west buffer abutting Rolling Acres Road shall contain a decorative fence; all other buffers shall contain decorative (coated) chain link fencing in addition to the landscaping material.
7. Water Retention Areas. The drainage and stormwater retention requirements of the Town and the appropriate regulatory agencies shall be met and approved by the Town Consulting Engineer. These areas shall be properly maintained by the developer.
8. Lighting. All lighting for the proposed facilities shall be designed and located such that light and/or glare shall be directed upon the subject property only.
9. Potable water & Sanitary Sewer. The property described in Exhibit "A" shall connect to the Town of Lady Lake's potable water, central sewer, and reclaim/reuse systems at time of commencement of Phase I. All costs associated with design, permitting, engineering, materials, construction and inspections shall be the sole cost of the developer.
10. Development Phases:
- A. Phase I: (14) Mini storage buildings, parking spaces, front parking lot area, manager's residence, existing retail building,, dumpster area, and retention ponds.
 - B. Phase II: (12) Additional mini storage buildings and parking spaces retention pond, and secondary egress drive.

Ordinance No. 2013-10

C. Phase III: (6) Additional mini storage buildings and parking spaces.

Note: The mini golf course, batting cages, and associated accessory uses may continue in operation until that time which Phase III improvements commence.

11. Compliance with All Requirements. Nothing herein shall relieve the Developer or their successors or assigns from obtaining any local, regional, state or federal permits or compliance with any applicable ordinance, laws, rules or regulations necessary for the development of the property.
12. Heirs and Successors. The terms and conditions as set forth in this Memorandum of Agreement shall insure to the benefit of, and shall constitute a covenant running with the land and under the terms, conditions and provisions hereof, and shall be legally binding upon any heirs, assigns and successors in title or interest, and shall be subject to each and every condition herein set out.
13. Recordation. The Memorandum of Agreement shall be recorded in the Public Records of Lake County, Florida.
14. Enforcement. Enforcement of this Memorandum of Agreement shall be through the Town of Lady Lake Town Commission. Upon approval of this agreement, the aforementioned property shall only be used for the purposes described herein. No change in the use, further expansion of the uses, additions to the uses, or additions to the facilities shall be permitted except as approved by formal amendment of this Memorandum of Agreement. Any other proposed use shall be specifically authorized by amendment and approval of the Town of Lady Lake Commission and shall be legally binding upon any heirs, assigns and successors in title or interest.

Ordinance No. 2013-10

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

OWNER

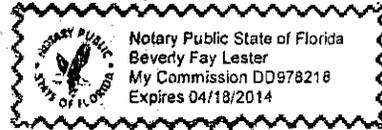
By: Michael Girard
Michael Girard

State of Florida
County of Lake

The foregoing instrument was acknowledged before me this 11 day of SEPT, 2013 by MICHAEL GIRARD, Owner of the Property, who is personally known to me or has produced FLOL 6663-556-68-172-0 as identification.

Beverly Fay Lester
Notary Public, State of Florida

My Commission Expires:



TOWN OF LADY LAKE, FLORIDA
LAKE COUNTY, FLORIDA

By: James Richards
James Richards, Mayor

ATTEST:

Kris Kollgaard
Kris Kollgaard, Town Clerk

APPROVED AS TO FORM:
Derek Schroth
Derek Schroth, Town Attorney

Ordinance No. 2013-10

EXHIBIT "C" BUBBLE PLAN

Tree Tops Golf, Inc.

