

REGULAR PLANNING AND ZONING BOARD MEETING

Date: Monday, March 11, 2013
Time: 6:00 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:

1. **Approval of Minutes:** January 14, 2013 Planning & Zoning Board Meeting
2. **Selection of a Chairperson and a Vice-Chairperson**
3. **Ordinance No. 2013-02** – Hilltop Manors Inc. – Located on Griffin Avenue Approximately 5,650 Ft. East of the Intersection at County Road 25 (Teague Trail) – Requesting Amendment of the Memorandum of Agreement (MOA) for the Planned Unit Development (PUD) (Wendy Then)

CHAIRPERSON/MEMBERS' REPORT:

OPEN FORUM:

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.

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

**January 14, 2013
6:00 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: William Scott, Member
Mike McKenzie, Member
John Gauder, Chairperson
William Sigurdson, Vice Chairperson/Member

STAFF MEMBERS PRESENT: Attorney Laura Lightsey, BRS Legal; Thad Carroll, Growth Management Director; Wendy Then, Town Planner; and Julia Wolfe, Staff Assistant to Town Clerk

Also Present: Commissioner Ruth Kussard, and Commissioner Paul Hannan

NEW BUSINESS:

1. Approval of Minutes: November 13, 2012 Planning and Zoning Board Meeting

Chairperson/Member John Gauder asked if anyone had any corrections or deletions to the November 13, 2012 Planning and Zoning Board meeting minutes. There were none.

Upon a motion by Member Scott and a second by Member McKenzie, the Planning and Zoning Board approved the Minutes of the Planning and Zoning Board Meeting of November 13, 2012 as presented. The motion passed by a vote of 4-0.

2. Resolution 2013-101 – Green Key Village, LLC – Variance to Chapter 5, Section 5-4. d). 4). C). 1.a., to Reduce Front Yard Setback Within RS-6 Zoning District – Located at 1635 Lake Ella Road

Wendy Then, Town Planner, presented the background summary for this agenda item (on file in the Town Clerk's office). She stated the applicant, Gregory O. Thomas of Green Key Village LLC, has submitted an application for a variance from Chapter 5, Section 5-4. d). 4). C). 1.a., of the Town of Lady Lake Land Development Regulations (LDRs), which requires that the minimum front yard setback be a distance of twenty-five (25) feet. At present, the applicant is proposing to construct 42 single-family residences located on approximately 24.22 acres at 1635 Lake Ella Road (referenced by Alternate Key #1771463). The variance request is to allow a minimum twenty (20) foot front yard setback for all residential lots to be located within the Green Key Village Subdivision, and subsequent additions under the parent parcel. The applicant

1 has elected the variance application process in an effort to establish within this proposed
2 subdivision the concept of closer setbacks encouraging communication between neighbors. The
3 proposed community subdivision will consist of “net-zero-energy” homes and the structures will
4 feature “Key West” style elevations to include large front porches and side-entry garages set to
5 the rear of the home. Additionally, a neighborhood pool, pavilions for cookouts, activity trails,
6 and sidewalk to serve families and friends interacting together will be provided.

7
8 Ms. Then stated a *Justification Statement* is required as part of the variance application and has
9 been provided. The applicant states that by placing the homes just five (5) feet closer, the whole
10 atmosphere changes. Also, the property presents topography challenges and changing elevations
11 in different areas. It has been established that many lots slope towards the rear; some even
12 possessing ten (10) to fifteen (15) foot drop-offs. Lastly, the applicant explained that for
13 aesthetic reasons, locating the homes closer to the road (3,500 to 4,000 sq. ft. homes) will allow
14 rear garages to hide a family’s usual clutter, keeping everything screened and secured properly
15 while keeping the property values higher.

16
17 Ms. Then stated when reviewing an application for a variance, the Planning and Zoning Board
18 and the Town Commission shall consider the following requirements and criteria according to
19 Chapter 3, Section 14 f) – Review criteria for variances in the Land Development Regulations:

- 20
- 21 1. No diminution in value of surrounding properties would be suffered.
- 22 2. Granting the permit would be of benefit to the public interest.
- 23 3. Denial of the permit would result in unnecessary hardship to the owner seeking it.
- 24 4. The use must not be contrary to the spirit of this Code.
- 25 5. Financial disadvantages and/or inconveniences to the applicant shall not of
26 themselves constitute conclusive evidence of unnecessary and undue hardship and
27 be grounds to justify granting of a variance.
- 28 6. Physical hardships such as disabilities of any applicant may be considered
29 grounds to justify granting of a variance at the discretion of the Town
30 Commission.
- 31

32 Ms. Then stated the subject property lies in Section 29, Township 18 South, Range 24 East, Lady
33 Lake, Florida. The Future Land Use Map designation for the site is SF-MD (Single Family-
34 Medium Density, up to 6 DUs/Acre) and is zoned “RS-6.” The subject property is located at
35 1635 Lake Ella Road. The Future Land Use and Zoning Designations of the adjacent properties
36 are as follows:

37
38 **Future Land Use**

Subject Property	SF-MD (Single Family-Medium Density- 6 du/acre)
Future Land Use of Adjacent Properties	
West	Lake County-Urban Low Density (Max 4 du/Acre)
East	SF-MD (Single Family-Medium Density- 6 du/acre)
North	Lady Lake- Single Family- Medium Density/Lake County-Urban Medium Density (Max 7 du/acre)
South	ROW/ Lake County-Urban Medium Density (Max 7 du/acre)

39
40 **Zoning**

Subject Property	Lady Lake- RS-6
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Zoning of Adjacent Properties	
West	Lake County -Agriculture
East	Lady Lake- RS-6
North	Lady Lake- RS-6/Lake County-Agriculture
South	ROW/Lake County- Agriculture

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Staff comments are as follows:

1) A Preliminary Subdivision Plat application is being processed concurrently with this variance application.

Ms. Then stated notices to inform 15 surrounding property owners within 150' of the property of the proposed variance were mailed by certified mail return receipt on Friday, December 28, 2012, and the property was also posted on this date. She stated the notices were re-sent on Wednesday, January 9, 2013 because the Town Commission meeting date changed from Wednesday, December 23, 2013 to Tuesday, December 22, 2013.

Ms. Then stated eight of the surrounding property owners were aware of the new date for the Town Commission meeting, and that staff received two inquiries from adjacent property owners. One was from Michael Minyard of 1435 Darcy Road, requesting more information about the application, but not expressing whether he was in favor or opposing. Staff left a detailed phone message on his answering machine. She stated she was unsure of the name of the other property owner who lives on the western boundary.

Photos of the property and the postings were shown on the overhead viewer.

Public Hearings are as follows: The Technical Review Committee (TRC) reviewed this application at a special meeting held on Tuesday, January 8, 2013 and recommended approval by a vote of 5-0. The Town Commission is scheduled to consider Resolution No. 2013-101 on first and final reading at its Special Meeting on Tuesday, January 22, 2013, at 6:00 p.m.

Ms. Then stated the applicant is present to answer any questions.

Vice Chairperson Sigurdson asked if the grading plan contour interval was one foot. He stated there appears to be a 5-6 foot discrepancy of elevation on the back end of the lot where the homes will actually sit.

Ms. Then replied that it is, and asked that the applicant come up and elaborate on the question.

Greg Thomas, property owner, approached the podium and identified himself. He stated when the property was purchased, a lot of dirt was moved, and the previous property owner leveled the lots without worrying about what the terrain looked like. Mr. Thomas stated some of the land will be put back to a more natural slope. He explained the homes will have a front porch which is raised about two feet and the driveway will be leveled with no steps needed to enter the home. Mr. Thomas stated some grading would be done, but it would not be five feet. He stated the slope could be in the front or the back, depending on the lot.

Vice Chairperson Sigurdson asked if the house was being moved forward to take care of some variance in the elevation.

1
2 Mr. Thomas stated there are some drastic drop-offs on the property; there is a 65 foot elevation
3 drop from the northeast corner to the southwest corner. He also stated they were even
4 considering adding basements because of the drop-offs.

5
6 Growth Management Director Thad Carroll asked the property owner to verify that the streets
7 would be private, local streets within the subdivision. As such, he stated it gives more weight to
8 the variance application that staff is recommending approval of, and staff does not foresee the
9 need for widening of the streets in the future.

10
11 Mr. Thomas stated they would retain ownership of the streets and there will be gates at both
12 entrances. He stated the existing entry is being widened to facilitate the gate system. He stated
13 the streets would not be widened in the future.

14
15 Chairperson Gauder asked if the streets will be constructed to the standards of the Town or
16 County. He commented that sometimes the streets in a subdivision end up being turned over to
17 the city or county for maintenance.

18
19 Mr. Thomas replied the main road is already in, and the additional streets will be of the same
20 quality with curbs and sidewalks. He stated sidewalks will probably be on both sides of the road
21 and that they are designing a high quality subdivision, with the prices of the homes running from
22 \$200,000 to \$400,000. Mr. Thomas stated everything is up to code, including the repairs that
23 were made to the streets due to erosion problems.

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 Vice Chairperson/Member Sigurdson and a second by Member McKenzie,*
29 *the Planning and Zoning Board recommended transmittal and approval of Resolution No.*
30 *2013-101 to the Town Commission for consideration. The motion passed by a vote of 4-0.*

31
32 **3. Preliminary Plat for Green Key Villages (Formerly Known as Nine Oaks**
33 **Subdivision) – A 42-Unit Single-Family Residential Subdivision Located on Approximately**
34 **24.22 Acres of Land – Located at 1635 Lake Ella Road**

35
36 Wendy Then, Town Planner, presented the background summary for this agenda item (on file in
37 the Town Clerk's office). She stated applicant and owner, Greg Thomas of Mainsail Solutions,
38 Inc., has submitted plans for Preliminary Plat Approval of a subdivision which proposes the
39 construction of 42 single-family residences located on approximately 24.22 acres at 1635 Lake
40 Ella Road (Alternate Key No. 1771463 and 3838637). The Preliminary Plat was reviewed to
41 determine if it is in compliance with the Land Development Regulations (LDRs). The following
42 items were included in the packet:

- 43
44 1. Preliminary Plan Review completed by Growth Management and Public Works, dated
45 December 2012.
46 2. Fire Review for the Preliminary Plat completed by Kerry Barnett, dated 10/15/2012
47 3. Review No. 1 for Preliminary Plat completed by Neel-Schaffer Engineering, dated
48 11/05/2012.
49 4. Lake County Public Works Review completed by Ross Pluta, dated 10/29/2012.

- 1 5. Lake County School District-School Concurrency Review by Dawn McDonald, dated
2 12/10/2012.
- 3 6. Permit Transfer- St. Johns Water Management District Permit #40-069-119921-1 (approval
4 issued on 11/12/2009).
- 5 7. Permit Transfer- Florida Department of Environmental Protection Wastewater Facility
6 Permit # CS35-0298164-001 (approval issued on 12/04/2009).
- 7 8. Permit Transfer- Florida Department of Environmental Protection –General permit for
8 Construction of Extensions to PWS Water Mains-Permit # WD35-0080514-068 (approval
9 issued on 12/04/2009).
- 10 9. Florida Wildlife- Permit No. WR09023-Relocation Permit Letter.
- 11 10. Lake-Sumter Metropolitan Planning Organization (MPO) traffic comments received on
12 01/08/2013.

13
14 Ms. Then explained that whenever there is a subdivision, concurrency has to be reviewed for
15 such items as traffic, schools, and other items as reviewed above.

16
17 Ms. Then stated the property Future Land Use designation is Single Family Medium Density
18 (SFMD). The Zoning designation is RS-6, Residential Single Family up to 6 dwelling units/acre.
19 Photos of the subdivision lots and the postings were shown on the overhead viewer.

20
21 Ms. Then stated the Preliminary Plan meets the requirements of the Town of Lady Lake Land
22 Development Regulations, Chapter 8 – Subdivision and Plats, and will meet the requirements of
23 the Comprehensive Plan. The Preliminary plat plans are ready for formal review and
24 recommendation by the Planning and Zoning Board.

25
26 Staff comments were as follows:

- 27
28 1) The subdivision has completed most of the site improvements based upon the prior
29 construction plan approval for the Nine Oaks Subdivision; following the approval of the
30 Preliminary Plat the applicant will proceed to the Final Plat Application process.
- 31
32 2) Regarding the Fire Review comments, the applicant has provided two (2) access points
33 for emergency vehicle access purposes.
- 34
35 3) A variance application addressing the front yard setback reduction from 25 feet to 20 feet
36 has been submitted concurrent with Preliminary Plat application.
- 37
38 4) Town’s Reuse utility is available and connection will be required for irrigation purposes
39 for all units.
- 40
41 5) Gate Entrance has been addressed to measure fourteen (14) feet.
- 42
43 6) For future additions to this subdivision, all concurrency elements, including road/traffic
44 circulation, sanitary sewer, solid waste, storm water drainage, potable water, reclaimed
45 water, recreation facilities, and public school facilities, will need to be separately
46 evaluated and requirements need to be met as per the Town of Lady Lake Land
47 Development Regulations.
- 48

1 7) In accordance with Lake County Public Work's comments, most of the site
2 improvements have been completed based upon the prior construction plan approval for
3 the Nine Oaks Subdivision. Prior to Final Subdivision Plat process, Lady Lake Public
4 Works will conduct an inspection to ascertain condition of the improvements and
5 compliance with requirements.
6

7 Preliminary Plat Approval does not permit the construction of any improvements. All permits
8 from other agencies with jurisdiction must be completed before a development order may be
9 issued.
10

11 The public meetings for this application are as follows: The Technical Review Committee
12 reviewed this preliminary plat at their regular meeting on Tuesday, December 18, 2012, and
13 recommended transmittal to the Planning and Zoning Board, by a vote of 5-0. The Town
14 Commission is scheduled to consider the Preliminary Plat at their Special Meeting on Tuesday,
15 January 22, 2013.
16

17 Ms. Then explained that this preliminary plat will be forwarded to the Town Commission. If
18 approved by the Town Commission, the applicant will be able to move forward with the
19 completion of the construction plans, although an application for a Final Plat subdivision
20 approval will need to be processed prior to construction beginning.
21

22 Ms. Then commented the application runs concurrent with the variance. She also stated that
23 there are no requirements to notify adjacent property owners with a Preliminary Plat; it is only
24 required for a variance.
25

26 Chairperson Gauder asked if there were any comments from the audience. There were no
27 comments.
28

29 A motion was made by Member Scott, and Attorney Laura Lightsey asked that the motion be re-
30 phrased. She asked that the board not make a motion to approve the preliminary plat, but that the
31 motion should *recommend* transmittal and approval.
32

33 *Upon a motion by Member Scott and a second by Member McKenzie, the Planning and*
34 *Zoning Board recommended transmittal and approval of Preliminary Plat to the Town*
35 *Commission for consideration. The motion passed by a vote of 4-0.*
36

37 Attorney Laura Lightsey clarified for the record that the vote is 4-0, not 5-0 as stated by the
38 Chairperson.
39

40 **CHAIRPERSON/MEMBERS' REPORT:**
41

42 Chairperson Gauder announced that former Board member Bill Calhoun passed away. He stated
43 a memorial service will be held in the near future.
44

45 **OPEN FORUM:**
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47 Chairperson Gauder asked if there were any comments from the audience. There were no
48 comments.
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ADJOURN:

With nothing further to discuss, the meeting was adjourned at 6:22 p.m.

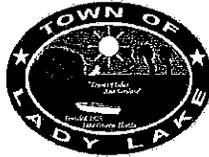
Julia Wolfe, Staff Assistant to Town Clerk

John Gauder, Chairperson

Minutes transcribed by Julia Wolfe, Staff Assistant to Town Clerk

DRAFT

**There Is No
Packet Item
For #2**



PLANNING & ZONING BOARD AGENDA ITEM

REQUESTED BOARD MEETING DATE: Monday, March 11, 2013

SUBJECT: Ordinance 2013-02—Hilltop Manors Inc.- 43.92 ± Acres- Located on Griffin Avenue Approximately 5,650 Ft. East of the Intersection at County Road 25 (Teague Trail) – Requesting Amendment of the Memorandum of Agreement (MOA) for the Planned Unit Development (PUD).

DEPARTMENT: Growth Management

RECOMMENDED MOTIONS:

1. Motion to forward Ordinance 2013-02 to the Town Commission with the Recommendation of Approval.
2. Motion to forward Ordinance 2013-02 to the Town Commission with the Recommendation of Denial.

Growth Management Staff is in support of recommendation #1

Applicant, Michael Orem, has submitted an application on behalf of Hilltop Manors Inc., for property located on Griffin Avenue Approximately 5,650 Ft. East of the Intersection at County Road 25, also known as the Hilltop Manors Inc. The property includes approximately 43.92+/- acres in Section 09, Township 18, Range 24, currently in the Town of Lady Lake, Florida. The applicant has filed the following application for this property:

- Rezoning of 43.92+/- acres from Lady Lake PUD (Planned Unit Development), to Lady Lake PUD (Planned Unit Development) to change language of the Memorandum of Agreement (MOA) addressing new open space requirements.

Pursuant to the provisions of the Town of Lady Lake Land Development Regulations, the applicant is requesting the minimum open space requirement to be changed from thirty (30) percent to twenty-five (25) percent. The subject property, which encompasses three (3) parcels, is currently vacant; however, the property owner desires to retain the land use designation of Single Family Medium Density for a future residential project. As part of the application, the applicant has provided the new Memorandum of Agreement (MOA) ordinance terms (Exhibit "B") and bubble plan (Exhibit "C") showing a single family residential project with the potential of up to 220 dwelling units. In addition to the proposed open space requirements, each individual

lot would also be required to maintain a minimum of forty (40) percent of open space. The application has been reviewed and determined to be complete.

The Hilltop Manors Planned Unit Development Memorandum of Agreement (MOA) was originally adopted under Ordinance 2005-57 in 2006, when the property was rezoned from Manufactured Home High Density (MH-9) and Agriculture Residential (AG-1) to Lady Lake Planned Unit Development (PUD). In continuing with the project, the developer submitted a Preliminary Plat application shortly after rezoning approval; which received Town Commission approval in June 2007 but it has expired since.

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

Future Land Use

Subject Property	Lady Lake- Single Family Medium Density (SF-MD)
Future Land Use of Adjacent Properties	
West	Lady Lake- Manufactured Home- High Density- (MH-HD)
East	Lady Lake- Manufactured Home- High Density- (MH-HD)/Lake County- Rural Transition
North	Lake County- Rural Transition
South	Lady Lake- Governmental Facility (GF)

The current Future Land Use Designation of the subject property is Lady Lake-Single Family Medium Density (SF-MD); which is compatible with its current zoning. The applicant is not requesting any changes regarding the future land use designation with this application.

Zoning

Subject Property	Lady Lake- Residential Planned Unit Development- PUD
Zoning of Adjacent Properties	
West	Lady Lake- Manufactured Home – Up to 9 dwelling units (MH-9)
East	Lady Lake- Agricultural (AG))/ Lake County- Agricultural
North	Lake County- Agricultural, Lake County- R-1- Residential
South	Lady Lake- Public Facilities District (PFD)

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 accompanying Ordinance 2005-57 as recorded in Orb. 3202 Pg 1918.
- 2.) Applicant will be required to submit additional land use applications such as preliminary subdivision plat, Improvement Plans, and Final Plat applications to develop the property into a residential subdivision.

Notices to inform the surrounding property owners within 150' of the property of the proposed Rezoning-Planned Unit Development (PUD) MOA Amendment were mailed by certified mail return receipt on Monday, February 25, 2013. The property was posted on Wednesday, February 27, 2013.

Past Actions

On Tuesday March 5, 2013, the **Technical Review Committee** voted 5-0 to forward the application for Ordinance 2013-02 to the Planning and Zoning Board for their recommendation.

Public Hearing Dates:

The **Town Commission** is scheduled to hear Ordinance 2013-02 for first reading on Monday, March 18, 2013, at 6:00 p.m.

The **Town Commission** is scheduled to consider Ordinance 2013-02 on second reading and final reading on Monday, April 1, 2013, at 6:00 p.m.

FISCAL IMPACT: \$ 0

- Capital Budget
- Operating
- Other

ATTACHMENTS: Ordinance(s) Resolution Budget Resolution

Other

Support Documents/Contracts Available for Review in Manager's Office

DEPARTMENT HEAD



Submitted

3/5/2013

Date

FINANCE DEPARTMENT

Approved as to Budget Requirements Date

TOWN ATTORNEY

Approved as to Form and Legality Date

TOWN MANAGER



Approved Agenda Item for: 3-11-13 Date 3-6-13

BOARD ACTION: Approved as Recommended Disapproved

Tabled Indefinitely Continued to Date Certain

Approved with Modification

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ORDINANCE NO. 2013-02

AN ORDINANCE OF THE TOWN OF LADY LAKE AMENDING ORDINANCE NO. 2005-57; REQUESTING AMENDMENT OF THE MEMORANDUM OF AGREEMENT (MOA) FOR THE PLANNED UNIT DEVELOPMENT (PUD) FOR PROPERTY OWNED BY HILLTOP MANORS INC., SUBJECT PROPERTY LOCATED ON GRIFFIN AVENUE APPROXIMATELY 5,650 FEET EAST OF THE INTERSECTION AT COUNTY ROAD 25 (TEAGUE TRAIL); REFERENCED BY ALTERNATE KEY NUMBERS 1238277, 1770483, AND 1238111, 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 March 11, 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, on May 18, 2006, through Ordinance No. 2005-57, approved, at a duly noticed meeting, redesignation of said property owned by Hilltop Manors Inc., and approved and entered into a Memorandum of Agreement setting forth certain permitted uses under the "PUD" zoning. The Town of Lady Lake and Hilltop Manors Inc. desire to amend the Memorandum of Agreement and the "PUD" zoning to include and establish new terms regarding open space requirements.

Section 1. Amendment for Changes on Property

Said property is more particularly described in Exhibit "A" attached hereto and incorporated herein. The existing "PUD" zoning and the existing Memorandum of Agreement entered into by the parties is hereby modified and amended to include and establish new terms regarding open space requirements.

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Section 2. Conflict

The prior agreement as adopted under Ordinance No. 2005-57 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.

NOW THEREFORE, be it ordained by the Town Commission of the Town of Lady Lake, Florida, that the PUD Amendment is hereby approved, subject to the terms and conditions as set forth herein.

PASSED AND ADOPTED by the Town Commission of the Town of Lady Lake, Florida on this 1st day of April, 2013.

TOWN OF LADY LAKE

Jim Richards, Mayor

ATTEST:

Kristen Kollgaard, Town Clerk

APPROVED AS TO FORM:

Derek Schroth, Town Attorney

EXHIBIT "A"
Legal Description

Section 09, Township 18 South, Range 24 East, Lady Lake, Florida

Alternate Key No. 1238277

N 1/4 OF SW 1/4 OF SE 1/4 ORB 3028 PG 682

Alternate Key No. 1770483

W 3/4 OF S 1/2 OF NW 1/4 OF SE 1/4--LESS N 10 FT--, E 1/4 OF NW 1/4 OF SE 1/4--LESS FROM NW COR OF SE 1/4 RUN N 89DEG 01MIN 17SEC E 993.88 FT, S 00DEG 29MIN 38SEC E 25 FT TO S R/W LINE OF GRIFFIN AVE & POB, RUN N 89DEG 01MIN 17SEC E ALONG SAID S R/W LINE 331.28 FT TO E LINE OF NW 1/4 OF SE 1/4, S 00DEG 27MIN 39SEC E 648.22 FT, S 88DEG 54MIN 56SEC W 330.91 FT, N 00DEG 29MIN 38SEC W 648.83 FT TO POB ORB 3028 PG 682

Alternate Key No. 1238111

W 3/4 OF N 1/2 OF NW 1/4 OF SE 1/4, N 10 FT OF W 3/4 OF S 1/2 OF NW 1/4 OF SE 1/4 ORB 3028 PG 682

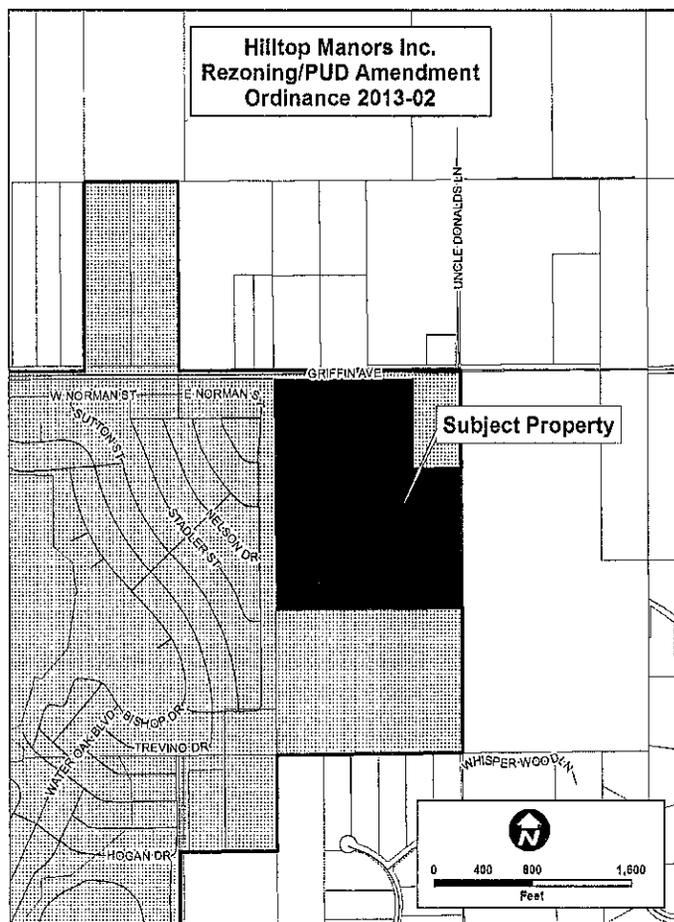


EXHIBIT "B"
MEMORANDUM OF AGREEMENT

This Memorandum of Agreement is made and entered into as of this _____ day of _____, 2013~~006~~ by and between the Town of Lady Lake, Florida, a Florida municipal corporation (hereinafter referred to as the "Town"), whose mailing address is 409 Fennell Boulevard, Lady Lake, FL 32159, and ~~Gedas Development~~Hilltop Manors, Inc., a ~~Missouri~~Florida Corporation (hereinafter referred as the "Property Owner") whose mailing address is ~~200 Business Loop 70 East, Columbia, MO 652033930~~RCA Boulevard, Suite 3008, Palm Beach Gardens, FL 33410.

RECITALS

1. The Property Owner is the fee simple owner of certain real property in Lady Lake, Florida described in the legal description attached as Exhibit "A".

2. The Property Owner desires ~~a Land Use Plan Amendment to allow for to~~ retain a Land Use designation of Single-family Medium density residential (Six (6) dwelling units per acre).

3. The Property Owner desires to ~~Rezone the property from MH-9 and AG-1 to~~ amend the Memorandum of Agreement of the Planned Unit Development (PUD) designation.

4. The Property Owner desires to appoint ~~Steven J. Richey~~Ashley Hunt, Esq., Hunt Law Firm, P.A. as the agent representing the rezoning of the real property.

5. At this time, the parties wish to enter into a 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 Single-family Medium Density Residential Land Use category (Six (6) dwelling units per one (1) acre) for that property depicted and described in the attached legal description, Exhibit "A".

1. Permitted Uses.

a. Single-family residential with a maximum density of six (6) dwelling units per one (1) acre.

2. Uses Expressly Prohibited.

a. Any and all uses other than those aforementioned as "permitted uses" shall be expressly prohibited.

3. Design Standards.

a. The maximum impervious surface ratio (which includes building coverage) shall be limited to sixty percent (60%).

- b. Maximum building height is thirty-five feet (35'), unless adequate fire protection measures are provided.
- c. The minimum lot size shall be six thousand five hundred square feet (6,500).
- d. The minimum lot width shall be fifty feet (50').
- e. Setbacks: Front – 20 ' (This may be modified if a Neo-traditional design is utilized); Side – 5'; and Rear – 10', 5' for accessory structures including, But not limited to pools and pool enclosures.
- e.f. There shall be a minimum of twenty-five (25) ~~thirty (30)~~ percent open space.
- g. The development shall be accessed from Griffin Avenue. Entry and departure shall be provided by the boulevard entrance as depicted in Exhibit "C" (Bubble Plan) as a means to provide safe ingress and egress.
- h. A Type "A" Buffer shall be provided along the perimeter of the entire subdivision, maintaining a minimum width of ten (10) feet.

4. The property shall be developed in substantial accordance with an approved plat incorporating all conditions of this Memorandum of Agreement. Said plans shall be submitted for review and approval of the Technical Review Committee and Town Commission prior to authorization and issuance of a development permit.

5. 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.

6. All applicable rules and regulations for development within the Town shall be met, including but not limited to, final plat approval, landscaping, drainage, sign regulations, and all yard setbacks.

7. A St. Johns River Water Management District stormwater permit or letter of exemption shall be required and filed with the Town prior to receipt of a development permit or any form of construction activity on the site.

8. The developer shall be responsible for the cost and installation of any required on-site and off-site infrastructure improvements necessitated by impacts of the project (i.e. Concurrency Management).

9. The property described in Exhibit "A" shall connect to the Town of Lady Lake's potable water and sanitary sewer system upon said services being available pursuant to the adopted Town of Lady Lake Codes and Regulations. All costs associated with design, permitting, engineering, materials, construction and inspections shall be the sole cost of the developer.

10. 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

1 terms, conditions and provisions hereof, and shall be legally binding upon any heirs, assigns and
2 successors in title or interest, and shall be subject to each and every condition herein set out.
3

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

12
13
14 HILLTOP MANORS, INC.

TOWN OF LADY LAKE
LAKE COUNTY, FLORIDA

15
16
17
18 By: _____
19 Milton S. Jennings, President

By: _____
Jim Richards, Mayor

20
21
22 ATTEST:

23
24
25
26 _____
Kristen Kollgaard, Town Clerk

27
28
29 APPROVED AS TO FORM:

30
31
32
33 _____
Derek Schroth, Town Attorney

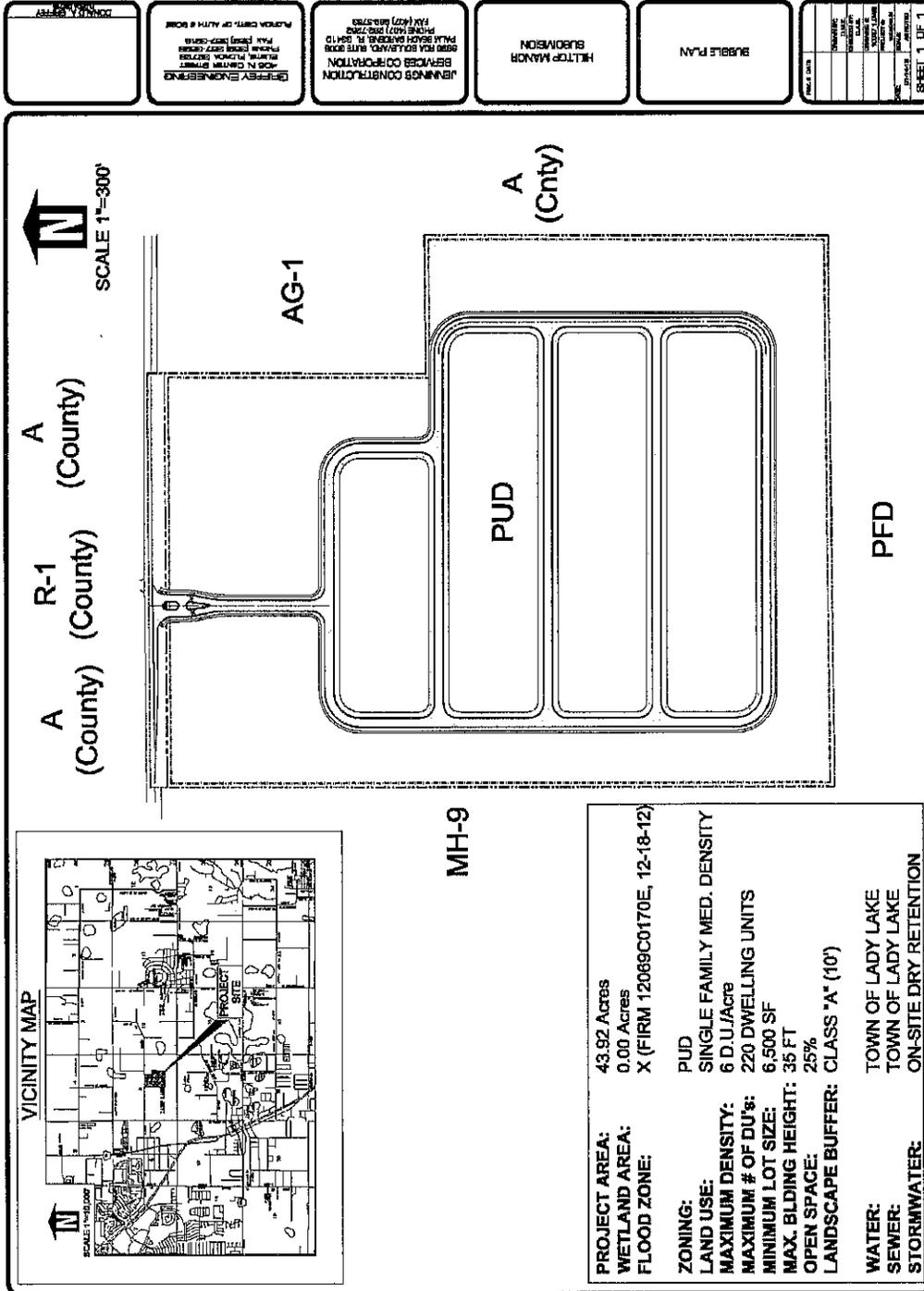
34
35
36 State of Florida
37 County of Lake

38
39 The foregoing instrument was acknowledged before me this ____ day of _____, 2013
40 by _____, Owner of the Property who is personally known to me or has
41 produced _____ as identification.
42

43
44
45
46 _____
NOTARY PUBLIC, State of Florida
47 My Commission Expires:
48
49

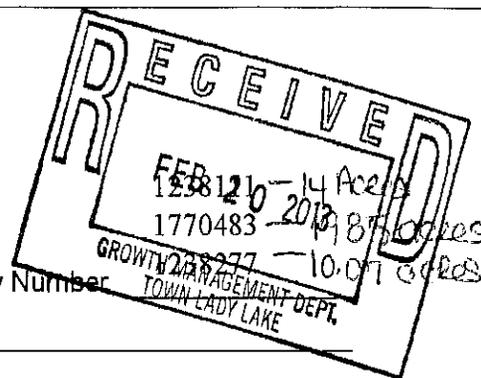
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EXHIBIT "C" BUBBLE PLAN



6

TOWN OF LADY LAKE
REZONING APPLICATION



Alternate Key Number

1. Owner's Name: Hilltop Manors Inc.
Mailing Address: 3930 RCA Blvd. Suite 3008 Palm Beach Gardens, FL. 33410
Email Address: michaelorem@gmail.com
Telephone #: 407.451.8012
2. Applicant's Name: Michael Orem
Mailing Address: 102 Peppertree Ct. Yalaha FL. 34797
Email Address: michaelorem@gmail.com
Telephone #: 407.451.8012
3. Applicant is: Owner ___ Agent Purchaser ___ Lessee ___ Optionee ___
4. Property Address/Location: Approx 1/4 mile east of CR 25
5. Legal Description of Property to be rezoned: Please see attached exhibit "A"
6. The property is located in the vicinity of the following streets:
East of CR 25
7. Area of Property: _____ Square feet 1913155.20 Acres 43.92
8. Utilities: Central Water Central Sewer Well ___ Septic Tank ___
9. Existing zoning of property: PUD Single Family Medium Density 6 units per acre.
10. Requested zoning of property: MOA Amendment for Ordinance # 2005-57 to allow 25% open space

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;
Currently the property is vacant
12. Proposed use the property: Single Family Homes

13. Has any land use application been file within last year in connection with this property?
 Yes X No. If yes, briefly describe the nature of the request and the date when it was done:

14. Attach a list of the owner's names and mailing addresses for all property lying within a one hundred fifty (150) foot radius surrounding the property legally described in this application.

Applications shall include a legal description of the property, sketch or survey of the property, Proof of ownership and authorization from if represented by an agent or contract purchaser. If the rezoning request is not consistent with the Future Land Use classification, a Comprehensive Plan Amendment must be approved prior to the rezoning.

Rezoning Fees:

Rezoning (except PUD, PFD, CP)

PUD

PFD/CP

Substantial Alterations (PUDS)

Fees Paid: _____

I certify that the statements in this application are true to the best of my knowledge.



Signature of Applicant

PLEASE SUBMIT THE APPLICATION, ACCOMPANIED BY THE APPROPRIATE REVIEW FEES AND FIFTY (50) COPIES OF ALL APPLICABLE INFORMATION DOCUMENTATION AS REQUIRED BY THE LADY LAKE LAND DEVELOPMENT REGULATION, ADOPTED AUGUST 15, 1994 TO THE GROWTH MANAGEMENT DEPARTMENT. ADDITIONAL COPIES OF APPLICATION AND PLANS WILL BE REQUIRED PRIOR TO CONSIDERATION AT THE PLANNING AND ZONING BOARD AND TOWN COMMISSION MEETINGS.

Office Use:

Date Application Received: 02-20-13 Received by: WTRon

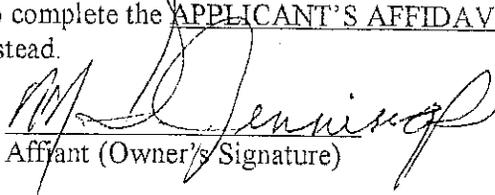
Fees Paid: \$ 1,600⁰⁰

OWNER'S AFFIDAVIT

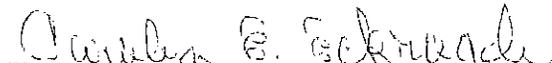
**STATE OF FLORIDA
COUNTY OF LAKE**

Before me, the undersigned authority personally appeared Milton S. Jennings, who being by me first duly sworn on oath, deposes and says:

- (1) That he is the fee-simple owner of the property legally described on page one of this application.
- (2) That he desires approval for rezoning of said property with the classification of PUD to allow:
MOA Amendment to Ordinance No 2005-57 to allow 25% open space
- (3) That he has appointed Michael Orem to act as agent in his behalf to accomplish the above. The Owner is required to complete the APPLICANT'S AFFIDAVIT of this application if no agent is appointed to act in his stead.


Affiant (Owner's Signature)

The foregoing instrument was acknowledged before me this 19 day of Feb., 2013, by MILTON S. JENNINGS, who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.


Notary Public



NOTE

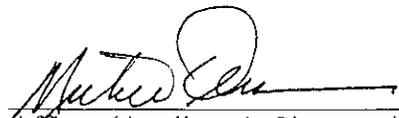
All applications shall be signed by the owner of the property, or some person duly authorized by the owner to sign. This authority authorizing a person other than the owner to sign must be attached.

APPLICANT'S AFFIDAVIT

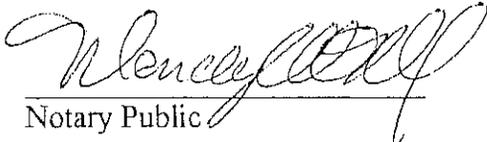
**STATE OF FLORIDA
COUNTY OF LAKE**

Before me, the undersigned authority personally appeared Michael P Orem, who being by me first duly sworn on oath, deposes and says:

- (1) That he affirms and certifies that he understands and will comply with all ordinances, regulations and provisions of the Town of Lady Lake, Florida, and that all statements and diagrams submitted herewith are true and accurate to the best of his/her knowledge and belief, and further, that this application and attachments shall become part of the Official Records of the Town of Lady Lake, Florida, and are not returnable.
- (2) That the submittal requirements for the application have been completed and attached hereto as part of this application.
- (3) That the applicant desires Rezoning to the PUD zoning classification to allow: MOA Amendment to Ordinance No 2005-57 to allow 25% open space
- (4) That the sign cards will be posted at least seven (7) days prior to the Planning and Zoning Board hearing and will remain posted until final determination by the Town Commission after which time the sign cards are to be removed.


Affiant (Applicant's Signature)

The foregoing instrument was acknowledged before me this 20th day of February, 2013, by Michael P Orem, who is personally known to me or who has produced PUD ex 12-15-13 as identification and who did (did not) take an oath.


Notary Public

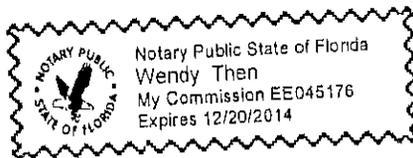


EXHIBIT "A"

MEMORANDUM OF AGREEMENT

LEGAL DESCRIPTION

PARCEL NO. 1: THE EAST ONE-HALF (E 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4).

PARCEL NO. 2: THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4), LESS THE NORTH 10 FEET OF THE WEST ONE-HALF (W 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4).

PARCEL NO. 3: THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4), LESS THE NORTH 10 FEET THEREOF.

ALL OF THE ABOVE PARCELS ARE LOCATED IN SECTION 9, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA.

LESS AND EXCEPT THE FOLLOWING:
DESCRIPTION: LOT 1

A PARCEL OF LAND LYING WITHIN SECTION 9, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 9; THENCE N89°01'17"E, ALONG THE NORTH BOUNDARY LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 9 AND ALONG THE CENTERLINE OF GRIFFIN AVENUE (50 FOOT WIDE) A DISTANCE OF 993.88 FEET; THENCE S.00°29'38"E, A DISTANCE OF 25.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF GRIFFIN AVENUE AND THE POINT OF BEGINNING; THENCE N89°01'17"E, ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 311.28 FEET TO A POINT ON THE EAST BOUNDARY LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 9; THENCE DEPARTING FROM SAID SOUTH RIGHT OF WAY LINE AND ALONG SAID EAST BOUNDARY LINE S00°27'39"E, A DISTANCE OF 648.22 FEET; THENCE DEPARTING FROM SAID EAST BOUNDARY LINE S38°34'56"W, A DISTANCE OF 330.91 FEET; THENCE N.00°29'38"W, ALONG THE WEST BOUNDARY LINE OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 9 A DISTANCE OF 648.83 FEET TO THE POINT OF BEGINNING, RESERVING THE WEST 50 FEET THEREOF FOR A NON-EXCLUSIVE EASEMENT.

PARCEL NO. 4:
THE WEST 3/4 OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 AND THE NORTH 10 FEET OF THE WEST 3/4 OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4, OF SECTION 9, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, LESS AND EXCEPT ROAD RIGHT OF WAY

PARCEL NO. 5:
THE NORTH QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA. ALSO, AN EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS THE WEST 6 FEET OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER AND THE EAST 6 FEET OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, ALL IN SECTION 9, TOWNSHIP 18 SOUTH, RANGE 24 EAST.

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CFN 2005192702
Bk 03028 Pgs 0682 - 683f (2pgs)
DATE: 12/07/2005 10:38:49 AM
JAMES C. WATKINS, CLERK OF COURT
LAKE COUNTY
RECORDING FEES 18.50
DEED DOC 13,965.00

Prepared by and return to:
Richard P. Newman/klo
Attorney at Law
McLin & Burnsed P.A.
1000 W. Main Street
Leesburg, FL 34748
File No.: 052302

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Warranty Deed

This Warranty Deed made this 5th day of December, 2005 between Godas Development, Inc., a Missouri corporation, whose post office address is 200 Business Loop 70 E., Columbia, MO 65203, grantor, and Hilltop Manors Inc., a Florida corporation, whose post office address is 3930 RCA Boulevard, Suite 3008, Palm Beach Gardens, FL 33410 grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

WITNESSETH, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Lake County Florida to-wit:

PARCEL ID #: 0918240004-000-02000/02100/02200

PARCEL NO. 1: THE EAST ONE-HALF (E 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4).

PARCEL NO. 2: THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4), LESS THE NORTH 10 FEET OF THE WEST ONE-HALF (W 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4).

PARCEL NO. 3: THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4), LESS THE NORTH 10 FEET THEREOF.

ALL OF THE ABOVE PARCELS ARE LOCATED IN SECTION 9, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA.

LESS AND EXCEPT THE FOLLOWING:

DESCRIPTION: LOT 1

A PARCEL OF LAND LYING WITHIN SECTION 9, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 9; THENCE N89°01'17"E, ALONG THE NORTH BOUNDARY LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 9 AND ALONG THE CENTERLINE OF GRIFFIN AVENUE (50 FOOT WIDE) A DISTANCE OF 993.88 FEET; THENCE S00°29'38"E, A DISTANCE OF 25.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF GRIFFIN AVENUE AND THE POINT OF BEGINNING; THENCE N89°01'17"E, ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 331.28 FEET TO A POINT ON THE EAST BOUNDARY LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 9; THENCE DEPARTING FROM SAID SOUTH RIGHT OF WAY LINE AND ALONG SAID EAST BOUNDARY LINE S00°27'39"E, A DISTANCE OF 648.22 FEET; THENCE DEPARTING FROM SAID EAST BOUNDARY LINE S88°54'56"W, A DISTANCE OF 330.91 FEET; THENCE N00°29'38"W, ALONG THE WEST BOUNDARY LINE OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 9 A DISTANCE OF 648.83 FEET TO THE POINT OF BEGINNING.

RESERVING THE WEST 50 FEET THEREOF FOR A NON-EXCLUSIVE EASEMENT.

THE WEST 3/4 OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 AND THE NORTH 10 FEET OF THE WEST 3/4 OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4, OF SECTION 9, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, LESS AND EXCEPT ROAD RIGHT OF WAY

THE NORTH QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA. ALSO, AND EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS THE WEST 6 FEET OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER AND THE EAST 6 FEET OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, ALL IN SECTION 9, TOWNSHIP 18 SOUTH, RANGE 24 EAST.

Subject to easements, restrictions and reservations of record, if any, but this instrument shall not operate to reimpose the same.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

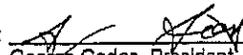
AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2004.

IN WITNESS WHEREOF, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:


Witness Name: Jim Mayfield

Godas Development, Inc., a Missouri corporation

By: 
George Godas, President

(Corporate Seal)


Witness Name: Richard P. Newman

State of Florida
County of Lake

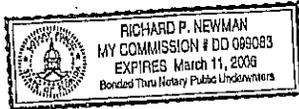
The foregoing instrument was acknowledged before me this 5th day of December, 2005 by George Godas, President of Godas Development, Inc., a Missouri corporation, on behalf of the corporation. He/she is personally known to me or has produced a driver's license as identification.

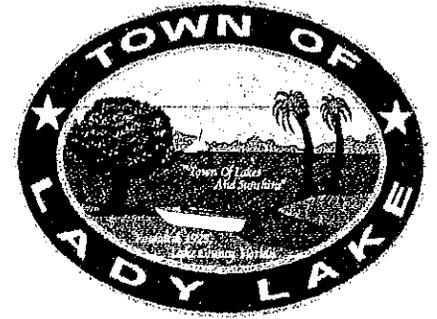
[Notary Seal]


Notary Public
Richard P. Newman

Printed Name: _____

My Commission Expires: _____





February 25, 2013

RE: Ordinance #2013-02

Dear Property Owner:

Applicant, Michael Orem, has submitted an application on behalf of Hilltop Manors Incorporated, for property located on Griffin Avenue approximately 5,650 feet east of the intersection at County Road 25 (Teague Trail). The property includes 43.92 +/- acres (Referenced by Alternate Key Numbers 1238277, 1770483, and 1238111) in Section 09, Township 18 South, Range 24 East, currently in the Town of Lady Lake, Florida.

The applicant proposes to amend the Planned Unit Development (PUD) zoning designation of the property to allow an open space requirement of 25%. The present PUD designation under Ordinance 2005-57 requires a minimum 30% open space requirement. The subject parcel is presently vacant.

The petitions are scheduled for the following dates:

PLANNING AND ZONING BOARD - Monday, March 11, 2013, at 6:00 p.m.

COMMISSION MEETING (1st Reading) - Monday, March 18, 2013, at 6:00 p.m.

COMMISSION MEETING (2nd Reading) - Monday, April 1, 2013, 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 in the Growth Management Department.

All persons wishing to cross-examine any party at the public hearings are required to file a Notice to Appear with the Town Clerk at least five (5) days prior to said public hearing in order to be heard at the time and place aforesaid. However, if a person only wishes to speak or testify, and not cross-examine a party, the Notice of Appearance form does not need to be filled out. Any person wishing to appeal a decision of this public body should verify that a verbatim record of the proceedings is made. If you have any questions regarding this matter, please call Town Planner Wendy Then at (352) 751-1582 or via email at wthen@ladylake.org.

Sincerely,

Thad Carroll, AICP
Growth Management Director

Legal Description and Map

Section 09, Township 18 South, Range 24 East, Lady Lake, Florida

Alternate Key No. 1238277

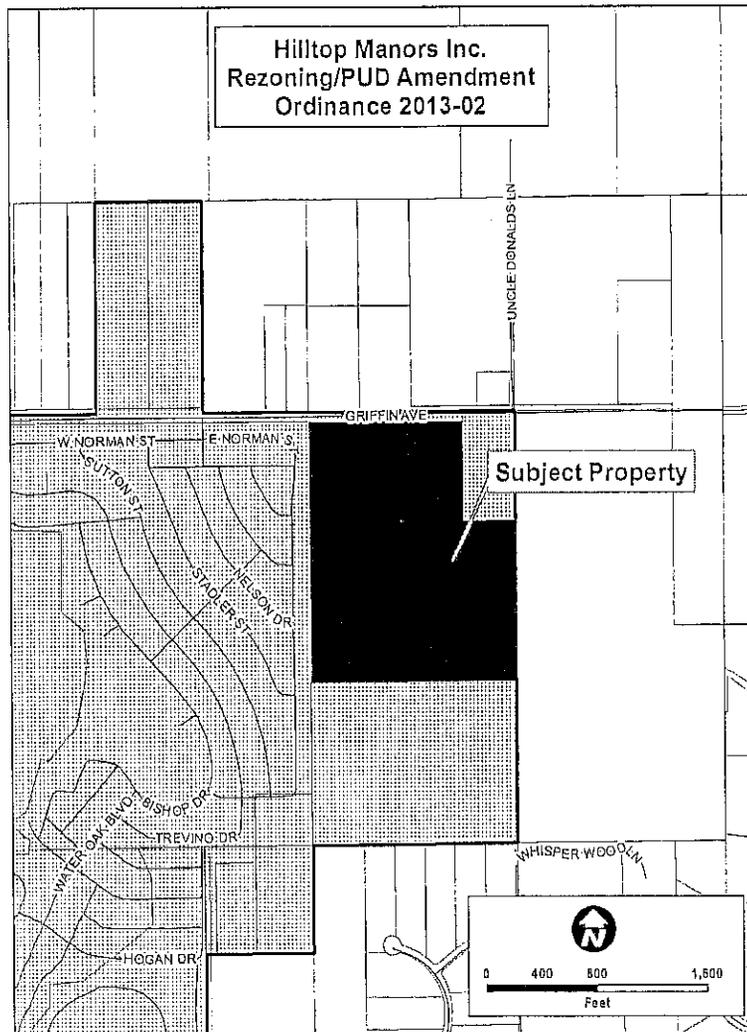
N 1/4 OF SW 1/4 OF SE 1/4 ORB 3028 PG 682

Alternate Key No. 1770483

W 3/4 OF S 1/2 OF NW 1/4 OF SE 1/4--LESS N 10 FT--, E 1/4 OF NW 1/4 OF SE 1/4--LESS FROM NW COR OF SE 1/4 RUN N 89DEG 01MIN 17SEC E 993.88 FT, S 00DEG 29MIN 38SEC E 25 FT TO S R/W LINE OF GRIFFIN AVE & POB, RUN N 89DEG 01MIN 17SEC E ALONG SAID S R/W LINE 331.28 FT TO E LINE OF NW 1/4 OF SE 1/4, S 00DEG 27MIN 39SEC E 648.22 FT, S 88DEG 54MIN 56SEC W 330.91 FT, N 00DEG 29MIN 38SEC W 648.83 FT TO POB ORB 3028 PG 682

Alternate Key No. 1238111

W 3/4 OF N 1/2 OF NW 1/4 OF SE 1/4, N 10 FT OF W 3/4 OF S 1/2 OF NW 1/4 OF SE 1/4 ORB 3028 PG 682





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Detail by Entity Name

Florida Profit Corporation

HILLTOP MANORS INC

This detail screen does not contain information about the 2013 Annual Report.
 Click the 'Search Now' button to determine if the 2013 Annual Report has been filed.

[Search Now](#)

Filing Information

Document Number P05000147850
FE/EIN Number 203741053
Date Filed 11/04/2005
State FL
Status ACTIVE
Effective Date 11/04/2005

Principal Address

3930 RCA BLVD
 SUITE 3008
 PALM BEACH GARDENS FL 33410 US

Mailing Address

3930 RCA BLVD
 SUITE 3008
 PALM BEACH GARDENS FL 33410 US

Registered Agent Name & Address

HERRERA, THOMAS R
 1250 E HALLANDALE BEACH BLVD
 SUITE 1004
 HALLANDALE FL 33009 US

Officer/Director Detail

Name & Address

Title PD

 JENNINGS, MILTON S
 3930 RCA BLVD #3008
 PALM BEACH GARDENS FL 33410 US

 Title VPSD

PC 11 FILE



CFN 2006102201
Bk 03202 Pgs 1908 - 1918; (11pgs)
DATE: 07/05/2006 11:32:30 AM
JAMES C. WATKINS, CLERK OF COURT
LAKE COUNTY
RECORDING FEES 95.00

Town of Lady Lake
409 Fennell Blvd
Lady Lake, FL 32159

ORDINANCE NO. 2005-57

AN ORDINANCE REDESIGNATING ZONING CLASSIFICATION FOR CERTAIN PROPERTY OWNED BY GODAS DEVELOPMENT, INC; LOCATED WITHIN THE TOWN LIMITS OF THE TOWN OF LADY LAKE, FLORIDA; REZONING SUBJECT PROPERTY FROM LADY LAKE MANUFACTURED HOMES HIGH DENSITY "MH-9"(PARCEL #22), AGRICULTURE RESIDENTIAL "AG-1" (PARCEL #20 AND PARCEL #21), TO LADY LAKE PLANNED UNIT DEVELOPMENT "PUD"; 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, the Town Commission of the Town of Lady Lake held a public hearing to consider a proposed amendment to the Official Zoning Map and determined that said amendment as proposed is consistent with the Town of Lady Lake Comprehensive Plan and meets the requirements of the Town of Lady Lake Land Development Regulations.

Be it ordained and enacted by the Town Commission of the Town of Lady Lake, in Lake County, Florida.

Section 1. Based upon the petition of certain landowners of property, which is located in the Town limits of the Town of Lady Lake, and described in Exhibit "A" hereto, a request has been made that the property be zoned to "Planned Unit Development", as described in the Memorandum of Agreement "Exhibit B", and shown on the Bubble Plan "Exhibit C". Said petition has been approved by the Town Commission of the Town of Lady Lake in accordance with the Town of Lady Lake Comprehensive Plan, the Land Development Regulations of the Town of Lady Lake, the Charter of the Town of Lady Lake and the Florida Statutes, the property described in Exhibit "A" hereto is hereby rezoned to "Planned Unit Development".

Section 2. This Ordinance shall become effective immediately upon its passage by the Town Commission, except as limited by the provisions of Section 171.06, Florida Statutes, as said provisions pertain to newly annexed property and the final adoption of a Comprehensive Plan Amendment by the Town Commission.

Passed and ordained this 18th day of May, 2006.

Don Pullen
Mayor

Kristen Straka
Kristen Straka, Town Clerk



ATTEST:
Derek Schroth
Derek Schroth, Town Attorney

Passed on First Reading 12-01-05
Passed on Second and Final Reading 3-18-06

EXHIBIT "A"

PARCEL NO. 1:

THE EAST ONE-HALF (E ½) OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF THE SOUTHEAST QUARTER (SE ¼).

PARCEL NO 2:

THE SOUTHEAST QUARTER (SE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF THE SOUTHEAST QUARTER (SE ¼), LESS THE NORTH 10 FEET OF THE WEST ONE-HALF (W ½) OF THE SOUTHEAST QUARTER (SE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF THE SOUTHEAST QUARTER (SE ¼).

PARCEL NO 3:

THE SOUTHWEST QUARTER (SW ¼) OF THE NORTHWEST QUARTER (NW ¼) OF THE SOUTHEAST QUARTER (SE ¼), LESS THE NORTH 10 FEET THEREOF.

ALL OF THE ABOVE PARCELS ARE LOCATED IN SECTION 9, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA.

LESS AND EXCEPT THE FOLLOWING:

DESCRIPTION: LOT 1

A PARCEL OF LAND LYING WITHIN SECTION 9, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHEAST ¼ OF SAID SECTION 9; THENCE N. 89°01'17" E, ALONG THE NORTH BOUNDARY LINE OF THE SOUTHEAST ¼ OF SAID SECTION 9 AND ALONG THE CENTERLINE OF GRIFFIN AVENUE (50 FOOT WIDE) A DISTANCE OF 993.88 FEET; THENCE S. 00°29'38" E, A DISTANCE OF 25.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF GRIFFIN AVENUE AND THE POINT OF BEGINNING; THENCE N 89°01'17"E, ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 331.28 FEET TO A POINT ON THE EAST BOUNDARY LINE OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ OF SAID SECTION 9; THENCE DEPARTING FROM SAID SOUTH RIGHT OF WAY LINE AND ALONG SAID EAST BOUNDARY LINE S 00°27'39"E, A DISTANCE OF 648.22 FEET; THENCE DEPARTING FROM SAID EAST BOUNDARY LINE S 88°54'56" W, A DISTANCE OF 330.91 FEET; THENCE N. 00°29'38" W, ALONG THE WEST BOUNDARY LINE OF THE EAST ½ OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ OF SAID SECTION 9 A DISTANCE OF 648.83 FEET TO THE POINT OF BEGINNING. RESERVING THE WEST 50 FEET THEREOF FOR A NON-EXCLUSIVE EASEMENT.

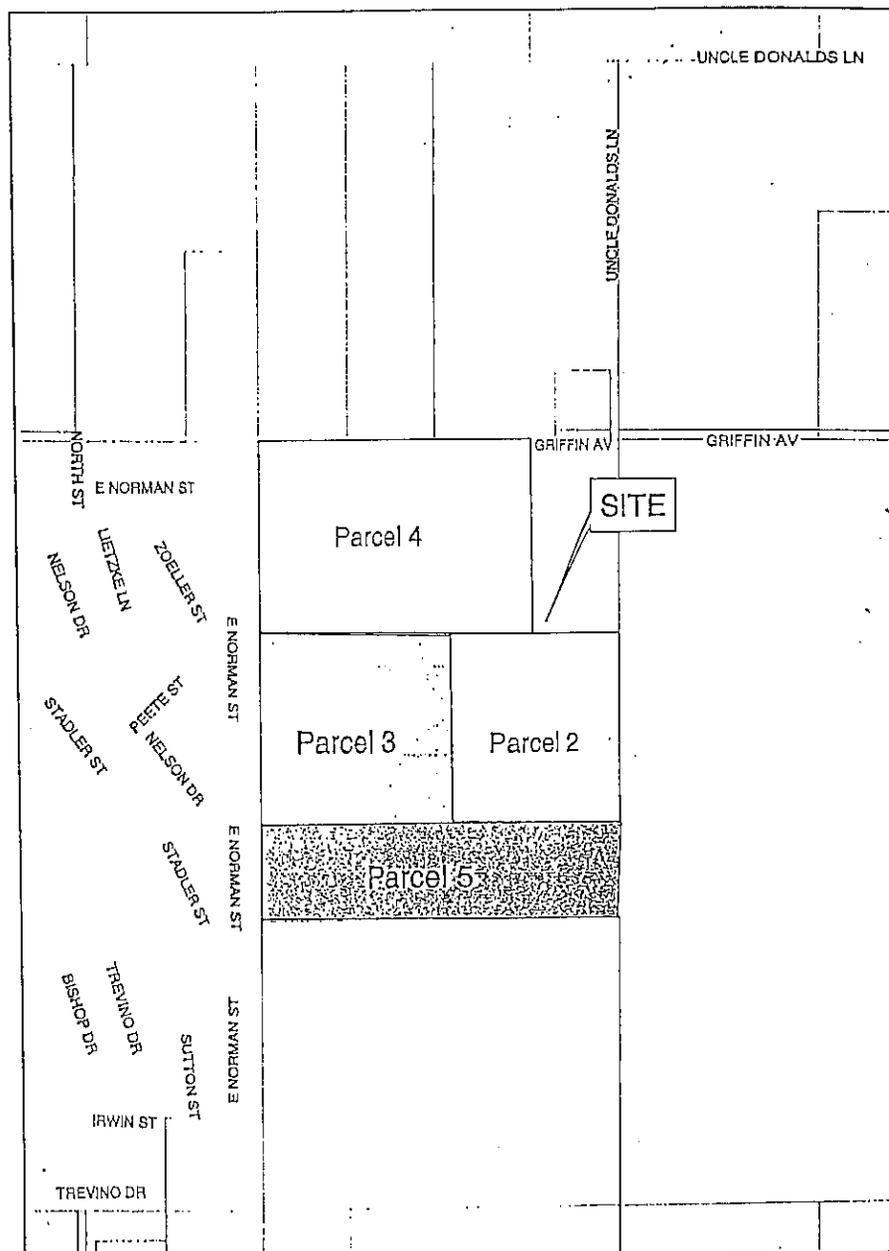
PARCEL NO. 4:

THE WEST ¾ OF THE NORTH ½ OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ AND THE NORTH 10 FEET OF THE WEST ¾ OF THE SOUTH ½ OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 9, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, LESS AND EXCEPT ROAD RIGHT OF WAY.

PARCEL NO. 5:

THE NORTH QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA. ALSO, AN EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS THE WEST 6 FEET OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER AND THE EAST 6 FEET OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, ALL IN SECTION 9, TOWNSHIP 18 SOUTH, RANGE 24 EAST.

Godas Development



MEMORANDUM OF AGREEMENT-

This Memorandum of Agreement is made and entered into as of this 18th day of May, 2006 by and between the Town of Lady Lake, Florida, a Florida municipal corporation (hereinafter referred to as the "Town"), whose mailing address is 409 Fennell Boulevard, Lady Lake, FL 32159, and Godas Development, Inc., a Missouri Corporation (hereinafter referred as the "Property Owner") whose mailing address is 200 Business Loop 70 East, Columbia, MO 65203.

RECITALS

1. The Property Owner is the fee simple owner of certain real property in Lady Lake, Florida described in the legal description attached as Exhibit "A".
2. The Property Owner desires a Land Use Plan Amendment to allow for a Land Use designation of Single-family Medium density residential (Six (6) dwelling units per acre.
3. The Property Owner desires to Rezone the property from MH-9 and AG-1 to Planned Unit Development (PUD).
4. The Property Owner desires to appoint Steven J. Richey, P.A. as the agent representing the rezoning of the real property.
5. At this time, the parties wish to enter into a 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 Single-family Medium Density Residential Land Use category (Six (6) dwelling units per one (1) acre) for that property depicted and described in the attached legal description, Exhibit "A".

1. Permitted Uses.
 - a. Single-family residential with a maximum density of six (6) dwelling units per one (1) acre.

2. Uses Expressly Prohibited.

Any and all uses other than those aforementioned as "permitted uses" shall be expressly prohibited.

3. Design Standards.

a. The maximum impervious surface ratio (which includes building coverage) shall be limited to sixty percent (60%).

b. Maximum building height is thirty-five feet (35'), unless adequate fire protection measures are provided.

c. The minimum lot size shall be six thousand five hundred (6,500).

d. The minimum lot width shall be fifty feet (50').

e. Setbacks

Front – 20 ' (This may be modified if a Neo-traditional design is utilized)

Side – 5'

Rear – 10', 5' for accessory structures including, but not limited to pool and pool enclosures

f. There shall be a minimum of thirty (30) percent open space.

3. The property shall be developed in substantial accordance with an approved plat incorporating all conditions of this Memorandum of Agreement. Said plans shall be submitted for review and approval of the Technical Review Committee and Town Commission prior to authorization and issuance of a development permit.

4. 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.

5. All applicable rules and regulations for development within the Town shall be met, including but not limited to, final plat approval, landscaping, drainage, sign regulations, and all yard setbacks.

6. A St. Johns River Water Management District stormwater permit or letter of exemption shall be required and filed with the Town prior to receipt of a development permit or any form of construction activity on the site.

7. The developer shall be responsible for the cost and installation of any required on-site and off-site infrastructure improvements necessitated by impacts of the project (i.e. Concurrency Management).

8. The property described in Exhibit "A" shall connect to the Town of Lady Lake's potable water and sanitary sewer system upon said services being available pursuant to the adopted Town of Lady Lake Codes and Regulations. All costs associated with design, permitting, engineering, materials, construction and inspections shall be the sole cost of the developer

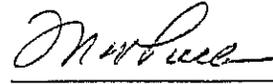
9. The terms and conditions as set forth in this Memorandum of Agreement shall insure to the benefit of, and shall constitute a covenant running with the land and under the terms, conditions and provisions hereof, and shall be legally binding upon any heirs, assigns and successors in title or interest,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

10. 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 Town Commission and shall be legally binding upon any heirs, assigns and successors in title or interest.

Godas Development, Inc.

The Town of Lady Lake, Florida
Lake County, Florida

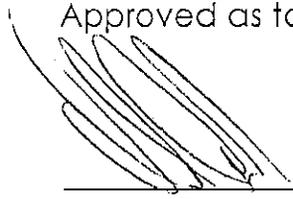

Jim Noble, President


Max Pullen, Mayor

Attest:

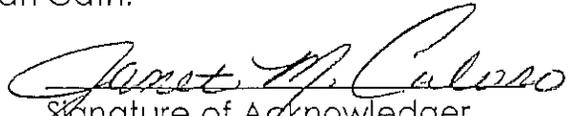
Approved as to Form:


Town Clerk
Kristen Straka


Town Attorney
Derek Schroth, Esquire

STATE OF FLORIDA
COUNTY OF LAKE

This is to certify that on this 30th day of June, 2006, Before me, An officer duly authorized to take acknowledgements in the State and County aforesaid, personally appeared James Noble, President, Godas Development, Inc., He is personally know to me or has produced FL. drivers license as identification and did or did not take an Oath.


Signature of Acknowledger

SEAL

JANET M. CALORO
Name of Acknowledger Typed
March 27, 2010
My Commission Expires
DD 533501
Commission Number



EXHIBIT "A"
MEMORANDUM OF AGREEMENT
LEGAL DESCRIPTION

EXHIBIT "A"

MEMORANDUM OF AGREEMENT

LEGAL DESCRIPTION

PARCEL NO. 1: THE EAST ONE-HALF (E 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4).

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through the Lake County Youth Assistance Program (the Town was granted \$10,885.44). An end of the year budget amendment will increase the operating and capital budget for Parks and Recreation. The money will be allocated from fund balance. He stated that we are looking to start construction on July 2; close the field for two weeks and on July 16 open it back up.

Mayor Pullen asked if these were the dugouts that were flooding. Mr. Burske stated they are and this will correct the flooding problem. Mr. Burske stated these are funds received from the Lake County Youth Assistance Program. He stated what we do with the money is basically up to the Commission. Mayor Pullen asked if it has to be related to the children's sports activities. Mr. Burske stated yes.

There were no questions or comments from the public.

Upon a motion by Commissioner Presinzano and seconded by Commissioner Hannan, the Commission approved to use Lake County Youth Assistance Grant Money to renovate two dugouts at the Harry Sacks Field, by vote of 5 to 0.

10. Consideration of Approval of the Memorandum of Agreement to Allow Lake County Supervisor of Elections to Utilize the Lady Lake Community Building as a Polling Place for the Presidential Preference Primary on January 29, 2008 (Kristen Straka)

Kris Straka, Town Clerk, stated that this is the Agreement we do every year with Lake County Supervisor of Elections and that is to allow them to use the Community Building as a polling location.

There were no questions or comments from the Commission or the public.

Upon a motion by Commissioner Presinzano and seconded by Commissioner Hannan, the Commission approved the Memorandum of Agreement to Allow Lake County Supervisor of Elections to Utilize the Lady Lake Community Building for polling, by a vote of 5 to 0.

Mayor Pullen called for a five-minute break at 7:10 pm. Reconvened at 7:19 pm.

11. Consideration of Approval of Preliminary Subdivision Plat for Hilltop Manors, Inc. – Griffin Avenue, East of County Road 25 (Kerry Nielson)

Judi Kelch, Planner, gave the background summary (on file with the Clerk's Office). Ms. Kelch stated that the applicant, Riddle-Newman Engineering, Inc. on behalf of Hilltop Manors, Inc., Owner, has submitted plans for Preliminary Plat approval of a subdivision for construction of 116 single-family residences located south of Griffin Avenue and east of C.R. 25. The Preliminary Plat was reviewed to determine if it is in compliance with the Land Development Regulations (LDRs). The Preliminary Plat plan was forwarded to Town Engineering whose report dated 3/13/07 is attached.

The subject property is approximately 45.34 acres in size and is located south of Griffin Avenue and east of the Water Oaks Community in the Town of Lady Lake. The property was the subject of a Large-Scale Comprehensive Plan Amendment and Rezoning application in 2005.

The property's Future Land Use designation was changed from Lady Lake Residential Mobile Home High Density and Residential Low Lady Lake Single Family Medium Density (Ord. 2005-56), and was rezoned from "MH-9", Manufactured Homes High Density and "AG-1", Agriculture Residential to a Residential Planned Unit Development (PUD) with a maximum density of 6 dwelling units per acre (Ord. 2005-57).

The PUD Memorandum of Agreement required that lot sizes be a minimum of 6,500 sq. ft. with minimum lot widths of 50 feet. The PUD also has an open space requirement of 30%. As part of the rezoning application to the PUD, the applicant was required to submit a bubble plan, which showed 270 lots.

This subdivision preliminary plat has 116 lots on the 45.34 acres, which is a density of approximately 2.6 du/acre. The plat also has 30% open space and meets the required lot size, lot width, and setback requirements outlined in the PUD Agreement.

Based on a Future Land Use designation for the site of Lady Lake Single-Family Medium Density at a maximum of 6 dwelling units per acre, development of the site at 2.6 dwelling units per acre is consistent with directives of the Comprehensive Plan.

Ms. Kelch stated conditioned upon addressing the two remaining comments, the Technical Review Committee (TRC) at the regular meeting on April 3, 2007, by a vote of 3-0 reviewed and recommended that this project was complete and ready for transmittal to the P&Z Board.

Ms. Kelch stated that the two remaining issues addressed at the Planning and Zoning Board at their regular meeting on May 10, 2007 was 1. That on the Preliminary Plat a median or boulevard entrance is shown with the right-of-way to enter into the subdivision, which is not allowed. 2. Chapter 8, Section 5(b)(1) established that a minimum of two (2) points of access shall be provided into each subdivision of twenty-five (25) lots or more. Where adjoining development and Code requirements preclude the development of two (2) public street access points, an unobstructed drivable access way, which may include emergency access, may be substituted. The Preliminary Plat shows that only one entrance has been provided. The Planning and Zoning Board at their regular meeting on May 10, 2007 recommended approval of the Preliminary Plat with a vote of 5 to 2. The Site Plan meets the requirements of the Land Development Regulations and will meet the requirements of the Comprehensive Plan. Site Plan approval does not permit the construction of any improvements. All permits from other agencies with jurisdiction must be completed before a development order may be issued. The Site Plan is ready for formal

review by the Town Commission. Applicant, owner and transportation engineer are present to answer any questions.

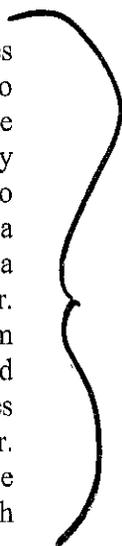
Bill Vance, Town Manager, stated that the two no votes were directly related to the access that has been proposed. The application is complete; it is a preliminary consideration of approval. It is his understanding that County personnel, whom the applicant would have to approach to get an access permit is also in attendance to give additional clarification. He stated he thinks that common sense decision-making came into play when they made this proposal and they are here to make their argument.

Commissioner Hannan stated that he was at the Planning and Zoning meeting. He stated it made a lot of sense for this one access because it was on a crown. The argument the developer made was a valid argument.

Commissioner Hannan stated he likes to see sidewalks on the main roads like Griffin Road. He asked if there was a proposed sidewalk for Griffin Road. Commissioner Presinzano stated that there wasn't. Commissioner Hannan stated he just wanted to bring it up ahead of time.

Commissioner Presinzano asked if this Site Plan is one way in and one way out and if this is between two pieces of property that has no street adjacent to the property on the other side. She stated that her greatest fear is that if something happens in the front there would not be any place for the ones in the back to go.

Keith Riddle, Riddle-Newman Engineering, Inc., was present to address a couple of issues the Planning and Zoning Board had. One issue was that there is only a single entrance into the subdivision and the reason is there is a big hill on Griffin Avenue and they have put the entrance at the top of the hill, which is the safest place to put it. Don Griffey, Griffey Engineering, was present to explain why the County would not allow them to have two entrances if it were submitted to them that way. The second issue was that they have a median in the Boulevard and that is a separation issue for the very thing you suggested. If a car were to stall out in one lane emergency vehicles could come in the other lane. Mr. Riddle stated that Ross Pluta, Lake County Department of Public Works, in an e-mail to him told them that he recommended a single entrance, that a divided median was a good alternative to having two separate entrances. Mr. Riddle state that they have extra lanes coming in; two lanes coming in and two going out. He stated that the developer is Mr. Jennings and that they do not have a contractor yet. This is still the Preliminary Plat stage and we still have to create construction plans and bring to the Town full detail plans, with driveways, water, sewer, etc. That will be the next step and there is another step after that.



Commissioner Holden stated there is a right hand turn lane; how about a left hand turn lane for westbound traffic. Mr. Riddle stated that when they submit to Ross Pluta, that will be addressed in more detail. Mr. Riddle stated in his preliminary conversation with Mr. Pluta, he didn't expect enough traffic coming from that direction to warrant a left turn lane. He stated that Mr. Pluta might change his mind and decide he wants full left and right turn lanes. If so, they will accommodate that. Commissioner Holden stated that he thinks we

should recommend it now, because it is a matter of time until it will be build up. Mr. Riddle stated that if that is what the Town wants, they could accommodate that.

Derek Schroth, Town Attorney, stated that the final plat has to comply with Chapter 171, some of the notes the Commission has should be amended to comply with Chapter 171 statutory procedures.

Mr. Riddle stated he would make sure the surveyors are aware of that.

There were no other questions or comments from the Commission and none from the Public.

Upon a motion by Commissioner Miller and seconded by Commissioner Presinzano, the Commission approved the Preliminary Plat for Hilltop Manors, by a vote of 5 to 0.

I. TOWN ATTORNEY'S REPORT:

12. Ordinance No. 2007-13 – First Reading – Annexation – County Road 25 – Helen Henry

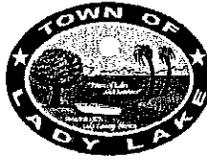
Derek Schroth, Town Attorney, read the Ordinance by title only.

Thad Carroll, Staff Planner, gave the background summary (on file in the Clerk's Office). He stated that Ordinance 2007-13, first reading for voluntary Annexation into the Town of Lady Lake. The applicant is Steve Richey on behalf of owner Helen Henry. The location is at 402 48 CR 25 on the east side of CR 25, north of Fennell Blvd and South of Griffin Avenue. The area is approximately 5.6 acres in size. The current Future Land Use of the property is Lake County Urban. Adjacent Future Land Use designations include, Lady Lake Retail Sales and Services, Single Family Low Density, Lake County Urban to the north, Lake County Retail Sales and Services to the south, Lady Lake Multi Family High Density to the east, and Lady Lake Retail Sales and Services to the west. Current zoning designation of the property is Lake County Ranchette.

Surrounding zoning designations include (Lake County Rural Residential, Lady Lake Planned Commercial & Single Family Low Density Residential) to the north, (Lady Lake Planned Commercial) to the south, (Lady Lake MF-18) to the east, and (Lady Lake Light Commercial) to the west. Present use of property is Single Family Residence.

Proposed use of the property is Office Type Retail Sales as well as Mini Warehouse Storage. The boundary is contiguous to the Town of Lady Lake along the southern, western and eastern boundaries of the property and will be served by central water and sewer.

Notices of the intent to Annex were sent to surrounding property owners within 150' of the property by certified mail return receipt and the property was posted on Thursday May 3, 2007.



**TECHNICAL REVIEW COMMITTEE
REZONING COMMENTS AND RECOMMENDATIONS
Meeting of March 5, 2013**

To: Technical Review Committee

From: Wendy Then, Town Planner

Subject: Ordinance 2013-02—Hilltop Manors Inc.- 43.92 ± Acres- Located on Griffin Avenue Approximately 5,650 Ft. East of the Intersection at County Road 25 (Teague Trail) – Requesting Amendment of the Memorandum of Agreement (MOA) for the Planned Unit Development (PUD).

Applicant: Michael Orem, Applicant

Date: February 28, 2013

Applicant, Michael Orem, has submitted an application on behalf of Hilltop Manors Inc., for property located on Griffin Avenue Approximately 5,650 Ft. East of the Intersection at County Road 25, also known as the Hilltop Manors Inc. The property includes approximately 43.92+/- acres in Section 09, Township 18, Range 24, currently in the Town of Lady Lake, Florida. The applicant has filed the following application for this property:

- Rezoning of 43.92+/- acres from Lady Lake CP (Planned Commercial), to Lady Lake CP (Planned Commercial) to change language of the Memorandum of Agreement (MOA) addressing new open space requirements.

Pursuant to the provisions of the Town of Lady Lake Land Development Regulations, the applicant is requesting the minimum open space requirement to be changed from thirty (30) percent to twenty-five (25) percent. The subject property, which encompasses three (3) parcels, is currently vacant; however, the property owner desires to retain the land use designation of Single Family Medium Density for a future residential project. As part of the application, the applicant has provided the new Memorandum of Agreement (MOA) ordinance terms (Exhibit "B") and bubble plan (Exhibit "C") showing a single family residential project with the potential of up to 272 dwelling units. In addition to the proposed open space requirements, each individual lot would also be required to maintain a minimum of forty (40) percent of open space. 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 Future Land Use and Zoning designations of the adjacent properties are as follows:

Future Land Use

Subject Property	Lady Lake- Single Family Medium Density (SF-MD)
Future Land Use of Adjacent Properties	
West	Lady Lake- Manufactured Home- High Density- (MH-HD)
East	Lady Lake- Manufactured Home- High Density- (MH-HD)/Lake County- Rural Transition
North	Lake County- Rural Transition
South	Lady Lake- Governmental Facility (GF)

The current Future Land Use Designation of the subject property is Lady Lake-Single Family Medium Density (SF-MD); which is compatible with its current zoning. The applicant is not requesting any changes regarding the future land use designation with this application.

Zoning

Subject Property	Lady Lake- Residential Planned Unit Development- PUD
Zoning of Adjacent Properties	
West	Lady Lake- Manufactured Home – Up to 9 dwelling units (MH-9)
East	Lady Lake- Agricultural (AG))/ Lake County- Agricultural
North	Lake County- Agricultural, Lake County- R-1- Residential
South	Lady Lake- Public Facilities District (PFD)

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 accompanying Ordinance 2005-57 as recorded in Orb. 3202 Pg 1918.

- 2.) Applicant will be required to submit additional land use applications such as preliminary subdivision plat, Improvement Plans, and Final Plat applications to develop the property into a residential subdivision.

Notices to inform the surrounding property owners within 150' of the property of the proposed Rezoning-Planned Unit Development (PUD) MOA Amendment were mailed by certified mail return receipt on Monday, February 25, 2013. The property was posted on Wednesday, February 27, 2013.

Public Hearing Dates:

The **Planning and Zoning Board** meeting is tentatively scheduled to be held on Monday, March 11, 2013 at 6:00 p.m.

The **Town Commission** is scheduled to hear Ordinance 2013-02 for first reading on Monday, March 18, 2013, at 6:00 p.m.

The **Town Commission** is scheduled to consider Ordinance 2013-02 on second reading and final reading on Monday, April 1, 2013, at 6:00 p.m.

Town of Lady Lake Planning and Zoning Board

I. Examples of Proper Advisory Board Motions

- Motion for **APPROVAL**:

I recommend approval of Resolution XXX.

- Motion for **DENIAL**:

I recommend denial of Resolution XXX.

- Motion for **APPROVAL [with further recommendations for Town Commission]**:

I recommend approval of Resolution XXX, and I recommend that they consider *[insert recommendation here]*.

II. Examples of Inappropriate Motions:

- I move that we approve Resolution XXX.
- I move that we recommend approval of Resolution XXX with certain requirements.