



REGULAR PLANNING AND ZONING BOARD MEETING

Date: Monday, August 12, 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

OPEN FORUM

NEW BUSINESS:

- 1. Approval of Minutes:** June 10, 2013 Planning & Zoning Board Meeting
- 2. Ordinance No. 2013-10** – Tree Tops Golf Inc. – Requesting Amendment of the Memorandum of Agreement (MOA) for the Planned Commercial (CP) Zoning Designation – Located at 175 S. Rolling Acres Road – (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.

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

**June 10, 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
Julius Chirieleison, 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

NEW BUSINESS:

1. Approval of Minutes: April 8, 2013 Planning and Zoning Board Meeting

Chairperson/Member John Gauder asked if anyone had any corrections or deletions to the April 8, 2013 Planning and Zoning Board meeting minutes. There were none.

Upon a motion by Vice Chairperson/Member Sigurdson and a second by Member McKenzie, the Planning and Zoning Board approved the Minutes of the Planning and Zoning Board Meeting of April 8, 2013 as presented. The motion passed by a vote of 5-0.

2. Ordinance No. 2013-05 – J.T. Beahan, IV (Tayand Investments Group, LLC) – Small-Scale Comprehensive Plan Amendment – From Lady Lake Manufactured Home High Density to Lady Lake RET-Commercial General-Retail Sales & Services – 4.24 acres Located Approximately 250 Lineal Ft. North of the NE Corner of Highway 27/441 & Hartsock Sawmill Road (Wendy Then)

Wendy Then, Town Planner, presented the background summary for this agenda item (on file in the Town Clerk's office). She stated the applicant; Agent Greg Beliveau with LPG Urban & Regional Planners, Inc. has filed applications on behalf of J.T. Beahan, IV for property located on the northeast corner of the intersection of Hwy 27/441 and Hartsock Sawmill Road, (Alternate Keys 1771421 & 1699100) currently in the Town of Lady Lake. The applicant has filed the following applications for this property:

- Small Scale Comprehensive Plan Amendment for 4.24± acres of the parent parcel to change from Future Land Use of Lady Lake Mobile Home High Density (MH-HD) to Lady Lake Commercial General (Retail Sales & Services) (RET).

Ms. Then stated the subject property involving approximately 4.24+/- acres lies in Section 28, Township 18, and Range 24 in Lake County, Florida. Appropriate legal descriptions and a survey of the property involved have been included with the submitted applications. She stated the subject property is located just 260 lineal feet on the northeast intersection of U.S. Highway 27/441 and Hartsock Sawmill Road. Ms. Then stated the Future Land Use and Zoning designations of the adjacent properties are as follows:

Future Land Use

Subject Property	Lady Lake – Manufactured Home High Density (MH-HD)
Future Land Use of Adjacent Properties	
West	ROW/Lady Lake General Commercial (Retail Sales & Services)(RET)
East	Lake County- Urban Medium Density (up to 7 du/acre)
North	Lady Lake – Manufactured Home High Density (MH-HD)
South	ROW/Lady Lake – General Commercial (Retail Sales & Services)(RET), Lake County – Urban Medium Density (up to 7 du/acre)

Ms. Then stated the applicant will be proposing that the 8.22-acre parcel be developed as an assisted living campus consisting of a 90 bed independent living facility (ILF), a 40 bed memory care facility, and 22,000 square feet of commercial support uses. She stated these uses will be conducted within the proposed Planned Commercial (CP) zoning district, as depicted by the memorandum of agreement shown as Exhibit “B” under Ordinance 2013-06. A Bubble Plan depicted as Exhibit “C” has also been provided as a conceptual plan for the development.

Ms. Then stated the permitted land uses include the following: Adult Congregate Living Facilities/Skilled Nursing, offices, personal services, financial services, business services, multi-family dwelling units (gross density not to exceed nine units/acre), banks, medical office/clinic, retail sales and services, adult day care, office complex, office condominium, health/exercise club, massage parlor (therapeutic massage clinic), and café/deli (Wi-Fi café with deli).

Ms. Then stated the applicant has stated that the Town of Lady Lake is the focus of the proposed facility and the evaluation need is addressed to the residents of the Town and the surrounding communities; as there is great need in all forms of private congregate housing, specifically in the areas of Assisted Living (ALF) and Skilled Nursing Home (SNH) facilities.

Ms. Then stated as part of the application, Town staff has received a Trip Generation Analysis for the proposed development. Other concurrency management elements such as sanitary sewer and potable water will be evaluated with more detail at the Site Plan Review Process.

Ms. Then stated notices to inform the surrounding property owners within 150’ of the property of the proposed small scale comprehensive plan amendment were mailed by certified mail return receipt on Friday, May 24, 2013. She stated one certified mail receipt has not been returned; however, the property owner has been informed because both applicants have been present at the

Technical Review Committee meeting. The property was posted also on Tuesday, May 28, 2013. Aerial views of the property and photos of the property and postings were shown.

Ms. Then stated the application meets the requirements of the Town of Lady Lake comprehensive plan amendment requirements for transmission to the Planning and Zoning Board for review and recommendation to the Town Commission. She stated Ordinance No. 2013-05 was reviewed by Town Attorney Derek Schroth on Tuesday, June 10, 2013, and was determined to be correct in form.

Ms. Then stated public hearings were as follows: At the June 4, 2013 meeting of the Technical Review Committee (TRC), the Committee voted 5-0 to forward Ordinance No. 2013-05 to the Planning and Zoning Board for their review. The Local Planning Agency (LPA) meeting which reviews Small-Scale Comprehensive Plan Amendments is scheduled to consider Ordinance No. 2013-05 on Monday, June 17, 2013, at 5:30 p.m. The Town Commission is expected to consider Ordinance No. 2013-05 for first reading at their regular scheduled meeting on Monday, June 17, 2013 at 6:00 p.m., and the second reading is tentatively scheduled for Monday, July 1, 2013 at 6:00 p.m.

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

Member Chirieleison stated he noticed some applications are required to go before the Local Planning Agency and some are not. He asked if staff could explain the difference.

Ms. Then replied that a Small Scale Comprehensive Amendment is modifying the Future Land Use Map, and as a result of that process, an additional board other than the Town Commission has to review the application.

Thad Carroll, Growth Management Director, stated the LPA is the same body as the Town Commission. He stated Comprehensive Plan Amendments and Future Land Use changes that include residential impacts will also have a school board representative member sit in on the LPA for those meetings. He stated that will not be the case on this occasion, but they are present when there is an impact on the school system. Mr. Carroll stated the LPA meeting will be held at 5:45 p.m. instead of 5:30 p.m. due to another meeting being held at 5:00 p.m. He stated they will convene as the LPA, take a vote and adjourn, and then come together as the Town Commission and review the amendment again.

Vice Chairperson/Member Sigurdson asked for clarification on the back pages in the packet regarding the dashed areas showing the four acres, and asked if this was part of the property or dividing it on the one which indicates Linden St. in Area 5.

Ms. Then stated the total project for the development is eight acres, however only a portion of the Future Land Use has to be amended.

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

Mr. Greg Beliveau, the applicant, approached the podium and stated he was there to answer questions if needed.

Upon a motion by Member Scott, and a second by Member McKenzie, the Planning and Zoning Board recommended transmittal and approval of Ordinance No. 2013-05 to the Town Commission for consideration. The motion passed by a vote of 5-0.

3. Ordinance No. 2013-06 – J.T. Beahan, IV – Rezoning – From MH-9 & HC (Heavy Commercial) to Lady Lake Planned Commercial (CP) – 8.22 +/- acres Located Approximately 250 Lineal Ft. North of the NE Corner of Highway 27/441 & Hartsock Sawmill Road (Wendy Then)

Wendy Then, Town Planner, presented the background summary for this agenda item (on file in the Town Clerk's office). She stated the Agent, Greg Beliveau with LPG Urban & Regional Planners, Inc., has filed applications on behalf of J.T. Beahan, IV for property located on the northeast corner of the intersection of U.S. 27/441 and Hartsock Sawmill Road, (Alternate Keys 1771421 & 1699100) currently in the Town of Lady Lake. The applicant has filed the following applications for this property:

- Rezoning of 8.22± acres from Lady Lake MH-9 (Manufactured Homes High Density - 9 dwelling units per acre) & HC (Heavy Commercial) to Lady Lake Planned Commercial (CP)

Ms. Then stated the subject property involving approximately 8.22+/- acres lies in Section 28, Township 18, and Range 24 in Lake County, Florida. Appropriate legal descriptions and a survey of the property involved have been included with the submitted applications. The subject property is located just 260 lineal feet on the northeast intersection of U.S. Highway 27/441 and Hartsock Sawmill Road. She stated the Future Land Use and Zoning designations of the adjacent properties are as follows:

Zoning

Subject Property	Lady Lake –MH-9 Manufactured Homes(9 du/pa)
Zoning of Adjacent Properties	
West	ROW/HC (Heavy Commercial)
East	Lake County –R-1- Rural Residential
North	Lady Lake –MH-9 Manufactured Homes(9 du/pa)
South	ROW/Heavy Commercial, Lake County –R-1- Rural Residential

Ms. Then stated the applicant will be proposing that the 8.22-acre parcel be developed as an assisted living campus consisting of a 90 bed independent living facility (ILF), a 40 bed memory care facility, and 22,000 sq. ft. of commercial support uses. She stated these uses will be conducted within the proposed Planned Commercial (CP) zoning district, as depicted by the memorandum of agreement shown as Exhibit “B” under Ordinance 2013-06. A Bubble Plan depicted as Exhibit “C” has also been provided as a conceptual plan for the development.

Permitted land uses include the following: Adult Congregate Living Facilities/Skilled Nursing, offices, personal services, financial services, business services, multi-family dwelling units (gross density not to exceed nine units/acre), banks, medical office/clinic, retail sales and services, adult day care, office complex, office condominium, health/exercise club, massage parlor (therapeutic massage clinic), and café/deli (Wi-Fi café with deli).

The applicant has stated that the Town of Lady Lake is the focus of the proposed facility and the evaluation need is addressed to the residents of the Town and the surrounding communities, as there is great need in all forms of private congregate housing, specifically in the areas of Assisted Living (ALF) and Skilled Nursing Home (SNH) facilities.

As part of the application, Town staff has received a Trip Generation Analysis for the proposed development. Other concurrency management elements such as sanitary sewer and potable water will be evaluated with more detail at the Site Plan Review Process.

Ms. Then stated notices to inform the surrounding property owners within 150' of the property of the proposed rezoning were mailed by certified mail return receipt on Friday, May 24, 2013. The property was posted on Tuesday, May 28, 2013. Aerial views of the property and photos of the property and postings were shown.

The application meets the requirements of the Town of Lady Lake Land Development Regulations for transmission to the Planning and Zoning Board for review and recommendation to the Town Commission. Ordinance No. 2013-06 was reviewed by Town Attorney Derek Schroth on Tuesday, June 10, 2013, and was determined to be correct in form. Staff recommends approval of this application.

Ms. Then stated at the June 4, 2013 meeting of the Technical Review Committee (TRC), the Committee voted 5-0 to transmit Ordinance No. 2013-06 to the Planning and Zoning Board for their review. She stated this application does not go before the Local Planning Agency because it is not a Small Scale or Large Scale amendment to the Future Land Use. The Town Commission is expected to consider Ordinance No. 2013-06 for first reading at their regular scheduled meeting on Monday, June 17, 2013 at 6:00 p.m., and the second reading is tentatively scheduled for Monday, July 1, 2013 at 6:00 p.m.

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

Mr. Greg Beliveau clarified that on the concept plan and on the application, the Independent Living Facility (ILF) was noted as a use, but it was not carried over to the Memorandum of Agreement. He stated it needs to be added to the MOA.

Chairperson Gauder asked if there was anyone in the audience who wished to speak on this matter. There was no one, and he called for a motion.

Upon a motion by Vice Chairperson/Member Sigurdson, and a second by Member Chirieleison, the Planning and Zoning Board recommended transmittal and approval of Ordinance No. 2013-06 to the Town Commission for consideration. The motion passed by a vote of 5-0.

4. Ordinance No. 2013-07 – An Ordinance Amending the Town of Lady Lake’s Land Development Regulations (Ordinance No. 94-08) Chapter 8, Entitled Subdivisions and Plats (Wendy Then)

Ms. Then stated in recent months, Growth Management staff has fielded a variety of inquiries regarding residential development, and has also received proposals for new subdivisions. In that process, Town Commission has directed Town staff to identify the need to review and update existing regulations to establish provisions for Activity Based Recreation Areas within subdivision developments. While the Town is seeking to be recognized as a community that focuses on providing its residents with multiple recreation facilities opportunities, Town staff has aimed to maximize all resources to sustain the health, safety, and general welfare of persons residing in subdivision communities and has drafted guidelines under which a portion of the required Open Space Area within a subdivision shall be required to be set aside for an activity-based recreation area. As proposed by these changes, one-fifth (1/5) of the open space required to be dedicated would be specifically designated as Activity Based Recreation Area for the subdivision.

Ms. Then stated another proposed change to Chapter 8 is an amendment to give authority to the Town Manager to approve a Lot Split. A lot split is a simple division of property resulting in the creation of two (2) lots from the original parcel. Given the minimum impacts that result due to the creation of one additional lot, approval of the lot split at the Town Commission level seems inappropriate for this type of application. She stated at present, the Town Manager has administrative authority to approve Minor Modifications which are often more technical in nature than the lot split process. Further, in other jurisdictions, this type of application is often handled at the staff (department) or Town Administrator level. This change would streamline an application process with minimal impacts. On June 4, 2013, Town Attorney Derek Schroth, reviewed Ordinance No. 2013-07 and approved the ordinance as to form as prepared.

The following sections will be amended as a result of the proposed changes to Chapter 8:

Chapter 8, Section 8-4 – Compliance Required; Exemptions

- Lot Splits may be granted for parcels that result in an area less than one acre, as long as the resulting parcel dimensions meet or exceed the minimum requirements of the zoning designation.
- Lot splits may be approved by the Town Manager instead of the Town Commission.
- Language pertaining to the Family Homestead Exemption shall be omitted – (follows the lot split process).

Member Chirieleison questioned the change from one acre to having a minimum of one acre.

Ms. Then stated in looking at some of the tracks of the Town's land regulations established in 1994 and some of the undeveloped areas where access to a road had to be granted through an easement, they may have wanted enough land for someone to do an ingress/egress type of easement to get in and out of the lots.

Thad Carroll, Growth Management Director, stated lot splits are traditionally unplatted areas which are broken down metes and bounds from larger parcels. He stated when lots splits are done incrementally in a sequence, you can build a subdivision; and by maintaining the one acre minimum, you cannot construct a subdivision with small lot sizes over time. Mr. Carroll stated the Town has a lot of breaks in unplatted areas, and if someone has a parcel that has two or three acres, they could divide the acre up and break off a half acre from that. He stated today staff has to say you cannot do that because you do not meet the minimum requirement, although all the

lots around them are in the same general character as half acres. He stated if they meet the minimum criteria of the zoning designation that allows them the ability to have minimum septic size and minimum setback size, they can meet all the criteria of the lots surrounding them; so to prohibit them from doing something that is in character with the area, staff felt the one acre could be reduced.

Member Chirieleison clarified that the changes are going to help streamline the process and reduce some of the rejection along the way.

Mr. Carroll stated the applicant would not need to come to the public hearing; they would meet with staff, and staff would look at the criteria, make a recommendation and send a draft letter to the Town Manager, and she could evaluate the specific of the site and the character of the community. He stated the Town Manager has the administrative authority to approve Minor Modifications which are often more technical in nature than the lot split process; therefore, staff felt since she is given the authority to do that, staff would not need to take things that are minor in nature to the Commission. Mr. Carroll stated it is more beneficial to streamline the process and that a lot split is a onetime break on the property.

Chapter 8, Section 8-5- General Design Guidelines

- Language has been added to allow boulevard entrances to satisfy the two points of access requirement (has been granted several times in the past for subdivisions abutting one roadway).
- New language requiring dedication of Activity Based Recreation Area in Open Space Requirement

Chapter 8, Section 8-6- Submitting and Processing Subdivision Applications

- Development Phasing reduced from a forty (40) year period allowance to a twenty (20) year maximum.

The Town of Lady Lake has already established a dedicated land trust fund for the acquisition of Town-owned public parks via the collection of Lady Lake park impact fees as per Ordinance No. 2008-30.

At the May 20, 2013, regular meeting of the Town Commission, it was the consensus of the Commission to move forward with the proposed amendments to the Town of Lady Lake Land Development Regulations, Chapter 8- Subdivisions and Plats, by a vote of 4-0. The Technical Review Committee (TRC) reviewed Ordinance No. 2013-07 at their regular meeting on Tuesday, June 4, 2013, and voted 5-0 to forward it to the Planning and Zoning Board for consideration.

Chairperson Gauder asked if there was anyone in the audience who wished to speak on this matter. There was no one and he called for a motion.

Upon a motion by Vice Chairperson/Member Sigurdson, and a second by Member Scott, the Planning and Zoning Board recommended transmittal and approval of Ordinance No. 2013-07 to the Town Commission for consideration. The motion passed by a vote of 5-0.

Ms. Then stated the first reading before the Town Commission is scheduled for Monday, June 17, 2013, and second reading for Monday, July 1, 2013.

5. Resolution No. 2013-105 – Fred Schweitz #2 LLC – Variance Request for Parking Reduction in the Amount of 60 Parking Spaces – Located at 995 S. Hwy 27/441, NE Corner of Highway 27/441 & Hartsock Sawmill Road (Wendy Then)

Wendy Then, Town Planner, presented the background summary for this agenda item (on file in the Town Clerk's office). She stated the applicant, Fred Schweitz #2 LLC, has filed an application for a variance to the Town of Lady Lake's Land Development Regulations, Chapter 7, Section 7-4, (b), (4), for a reduction of the minimum number of required parking spaces. She stated the property is located at the corner of Hartsock Sawmill Road and S. Hwy 27/441 and includes 3 ± acres of property currently in the Town of Lady Lake. The applicant is requesting a net reduction of 60 parking spaces, and the Land Development Regulations requires a minimum of 158 spaces for the proposed land use. She stated at this time, the applicant is requesting to provide 98 spaces: 80 paved parking spaces and 18 grassed parking spaces. Ms. Then stated this property is just south of the property recently discussed for the Small Scale and Rezoning.

The subject property is currently vacant, and it is the intent of the applicant to develop the parcel as a health/exercise club complex with the potential of two (2) additional phases to include condominiums and a health food store. The applicant is concurrently seeking approval for the site plan application for a 15,824 sq. ft. health/exercise club building; thus the need for this variance.

As part of the application, a Justification Statement is required to be submitted outlining the reasons and unique challenges of the site that require such variance. Within the Justification Statement, the applicant stated that four other health/exercise club facilities in surrounding municipalities have been successfully completed with reduced parking to preserve more open area by diminishing impervious surface.

Ms. Then stated parking spaces counts have been provided for those facilities:

SPA 1	3643 NE 8 th PL	13,000 sq. ft.	56
SPA 2	2841 SW 20 th St	15,000 sq. ft.	64
SPA 3	5300 SE 110 th St	13,000 sq. ft.	46
SPA 4	2174 W. Dunnellon Rd	13,000 sq. ft.	52
SPA 5	441 at Hartsock /Sawmill Road	16,000 sq. ft.	100

Ms. Then stated in addition, the applicant contends that the proposal adequately addresses parking needs in that many zoning codes often result in many empty spaces rarely used; and that the parking that will be provided for this project will accommodate the proposed uses on the property, as it has been demonstrated with similar developments in Marion County.

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

1. No diminution in value of surrounding properties would be suffered.
2. Granting the permit would be of benefit to the public interest.

3. Denial of the permit would result in unnecessary hardship to the owner seeking it.
4. The use must not be contrary to the spirit of this Code.
5. Financial disadvantages and/or inconveniences to the applicant shall not of themselves constitute conclusive evidence of unnecessary and undue hardship and be grounds to justify granting of a variance.
6. Physical hardships such as disabilities of any applicant may be considered grounds to justify granting of a variance at the discretion of the Town Commission.

Ms. Then stated 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 the application is ready for transmittal to the Planning and Zoning Board. Aerial views of the property and photos of the property and postings were shown.

Ms. Then stated the subject property involving approximately 3 ± acres lies in Section 28, Township 18, and Range 24 in Lake County, Florida. Appropriate legal descriptions and a survey of the property involved, along with supplementary material, have been included with the submitted applications. The Future Land Use and Zoning designations of the adjacent properties are as follows:

Future Land Use

Subject Property	Lady Lake – RET-Commercial General-Retail Sales & Services
Future Land Use of Adjacent Properties	
West	ROW/Lady Lake General Commercial (Retail Sales & Services)(RET)
East	Lake County-Urban Low
North	Lady Lake – Manufactured Home High Density
South	ROW/Lady Lake – General Commercial (Retail Sales & Services)(RET), Lake County –Urban Low

Zoning

Subject Property	Lady Lake- HC- Heavy Commercial
Zoning of Adjacent Properties	
West	HC (Heavy Commercial)
East	Lake County –R-1 (Rural Residential)
North	Lady Lake –MH-9 Manufactured Homes(9 du/pa)
South	ROW/Heavy Commercial, Lake County –R-1 (Rural Residential)

- 1.) The applicant will be dedicating fifteen (15) feet of right-of-way along Hartsock Sawmill Road to Lake County.

- 2.) Notices to inform the surrounding property owners within 150' of the property of the proposed variance were mailed by certified mail return receipt on Friday, May 24, 2013. The property was posted on Tuesday, May 28, 2013.

Ms. Then noted that one certified mail receipt had not been returned from Thomas and Geraldine King in Indiana, and before the Town Commission meeting, staff will attempt to reach the property owners again.

- 3.) The application meets the requirements of the Town of Lady Lake Land Development Regulations for transmission to the Planning and Zoning Board for review and recommendation to the Town Commission. Resolution 2013-105 was reviewed by Town Attorney, Derek Schroth, on Tuesday, June 10, 2013, and determined correct in form.
- 4.) The applicant has agreed to alter future phases of the development to accommodate the required parking spaces that are being requested to be reduced from the site should the demand of more parking spaces become necessary at this facility as discussed in the Technical Review Committee meeting and the changes will be provided to the Town Commission in writing.

The Technical Review Committee reviewed the application at their regular meeting on Tuesday, June 4, 2013, recommending approval to forward to the Planning and Zoning Board by a vote 5-0. The Town Commission is tentatively scheduled to consider Resolution No. 2013-105 for first and final reading at the regular Meeting on Monday, July 1, 2013, at 6:00 p.m. She stated Town staff is trying to have this application go concurrent with the site plan application.

Vice Chairperson/Member Sigurdson asked if reducing the parking spaces will effect other properties that may want to reduce their spaces. He stated there is an example shown in the packet, and asked what it will be like in the future in terms of people wanting to cut parking spaces down. He stated when you look around, you see a lot of empty parking spaces in front of buildings.

Ms. Then stated there have been applications in the past to reduce the amount of parking, which have been justified based on the schedule of a particular development, special medical offices, etc. She stated the applicant has had projects in other towns and he feels that this will be an adequate amount of parking spaces to accommodate demand. Ms. Then stated the variance application is the venue for the applicant to be able to do that, and if more parking spaces are needed, staff will do whatever is needed to correct the situation at that point and time.

Thad Carroll, Growth Management Director, stated specifically that the Summit Medical Plaza on CR 466 utilized that. If applicants come forth with a variance request and can provide the justification, as the applicant has done with this application, staff takes a look, and will make a recommendation. In this case, the applicant has agreed to alter future phases of the development to accommodate the required parking spaces that are being requested to be reduced from the site should the demand for more parking spaces become necessary at this facility, as discussed in the Technical Review Committee meeting. Mr. Carroll stated if items are brought before the Board frequently, and they continue to have the same variance for the same reason, there is probably a flaw in the code rather than in something staff really needs to enforce anymore. He stated at this

point in time, staff is looking at the evidence the applicant has provided and has made a recommendation, but the Board is welcome to make any recommendation they would like to forward to the Town Commission.

Vice Chairperson/Member Sigurdson stated it seems to him that with almost 100 parking spaces, he does not think the applicant will be running into overcrowding of the parking lot.

Member Chirieleison stated if the Town Land Development Regulation requires a minimum of 158 parking spaces, but there are other examples where the parking spaces are not needed, it may be that the minimum is too high and might need to be changed.

Mr. Carroll replied that the studies are produced at the IT Institute of Transportation Engineers, and they do parking generation rates and traffic studies. He stated the data that is used on a National Data set is occasionally a little bit different than our Local Data set. He stated the applicant has stated he knows his programs, and schedules specific exercise programs to limit the amount of people; and that has been found true of all his facilities. Mr. Carroll stated staff will keep track of how many incidences supersede the National Data Set that come out of the ITE, and if there are quite a few, then a code change can be looked at to accommodate the local demographics.

Upon a motion by Member Chirieleison, and a second by Member McKenzie, the Planning and Zoning Board recommended transmittal and approval of Resolution No. 2013-105 to the Town Commission for consideration. The motion passed by a vote of 5-0.

CHAIRPERSON/MEMBERS' REPORT:

There were no comments or reports.

OPEN FORUM:

There were no comments.

ADJOURN:

With nothing further to discuss, the meeting was adjourned at 6:39 p.m.

Julia Wolfe, Staff Assistant to Town Clerk

John Gauder, Chairperson

Minutes transcribed by Julia Wolfe, Staff Assistant to Town Clerk



PLANNING & ZONING BOARD AGENDA ITEM

REQUESTED BOARD MEETING DATE: August 12, 2013

SUBJECT: Ordinance 2013-10 - 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).

DEPARTMENT: GROWTH MANAGEMENT

RECOMMENDED MOTIONS:

1. Motion to forward Ordinance 2013-10 to the Town Commission with the Recommendation of Approval.
 2. Motion to forward Ordinance 2013-10 to the Town Commission with the Recommendation of Denial.
-

Applicant, Michael Girard, has submitted an application for property located at the Corner of West Lady Lake Boulevard and Rolling Acres Road - 175 S. Rolling Acres Road known as the Tree Tops site. The property includes approximately 12.65 ± acres (referenced by alternate key number 3250290) currently in the Town of Lady Lake. The applicant has filed the following application for this property:

- Rezoning of 12.65 ± acres from Lady Lake CP (Planned Commercial), to Lady Lake CP (Planned Commercial) to change language of the MOA to include new permitted uses and establish new terms regarding landscaping buffers, new buildings, parking spaces, and setback requirements.

The subject property is currently operating as a Golf Driving Range with an existing 3,389 square-foot retail/sales building. Pursuant to the provisions of the Town of Lady Lake Land Development Regulations, the applicant is requesting to use the property primarily as a mini storage facility consisting of 32 buildings totaling approximately 162,000 square feet of storage area. 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 the new proposed buildings, retention pond areas, parking areas, landscaping buffers, dumpsters location, and gate. For safety and security purposes, the applicant will be proposing a gate along the

perimeter of the property to secure the mini storage facility. With that, the applicant will be requesting to be exempted from providing cross-access easement(s) to adjacent properties.

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 – 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.

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)

DEPARTMENT HEAD

[Handwritten Signature]

Submitted

8/6/13

Date

FINANCE DEPARTMENT

Approved as to Budget Requirements

Date

TOWN ATTORNEY

Approved as to Form and Legality

Date

TOWN MANAGER

[Handwritten Signature]

Approved Agenda Item for:

8/12/13

Date

8/17/13

COMMISSION ACTION: Approved as Recommended Disapproved

Tabled Indefinitely Continued to Date Certain

Approved with Modification

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

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:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

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, Mayor

ATTEST:

Kristen Kollgaard, Town Clerk

APPROVED AS TO FORM:

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

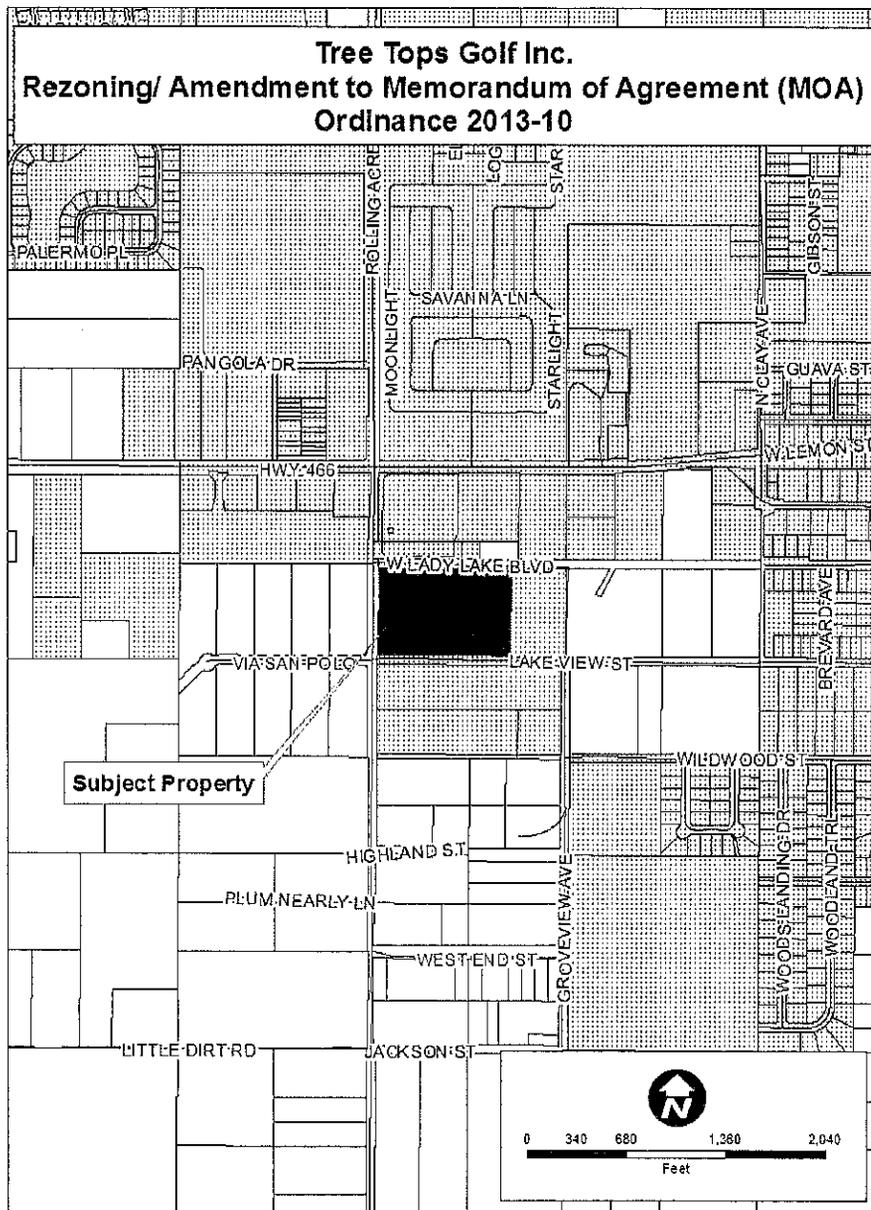


EXHIBIT "B"

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement is dated this 18th 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.

a. 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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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 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.

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, twenty (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.

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

4 13. Recordation. The Memorandum of Agreement shall be recorded in the Public
5 Records of Lake County, Florida.
6

7 14. Enforcement. Enforcement of this Memorandum of Agreement shall be
8 through the Town of Lady Lake Town Commission. Upon approval of this
9 agreement the aforementioned property shall only be used for the purposes
10 described herein. No change in the use, further expansion of the uses,
11 additions to the uses, or additions to the facilities shall be permitted except as
12 approved by formal amendment of this Memorandum of Agreement. Any
13 other proposed use shall be specifically authorized by amendment and
14 approval of the Town of Lady Lake Commission and shall be legally binding
15 upon any heirs, assigns and successors in title or interest.
16
17

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

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

OWNER

By: _____

State of Florida
County of Lake

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

My Commission Expires:

Notary Public, State of Florida

**TOWN OF LADY LAKE, FLORIDA
LAKE COUNTY, FLORIDA**

By: _____
James Richards, Mayor

ATTEST:

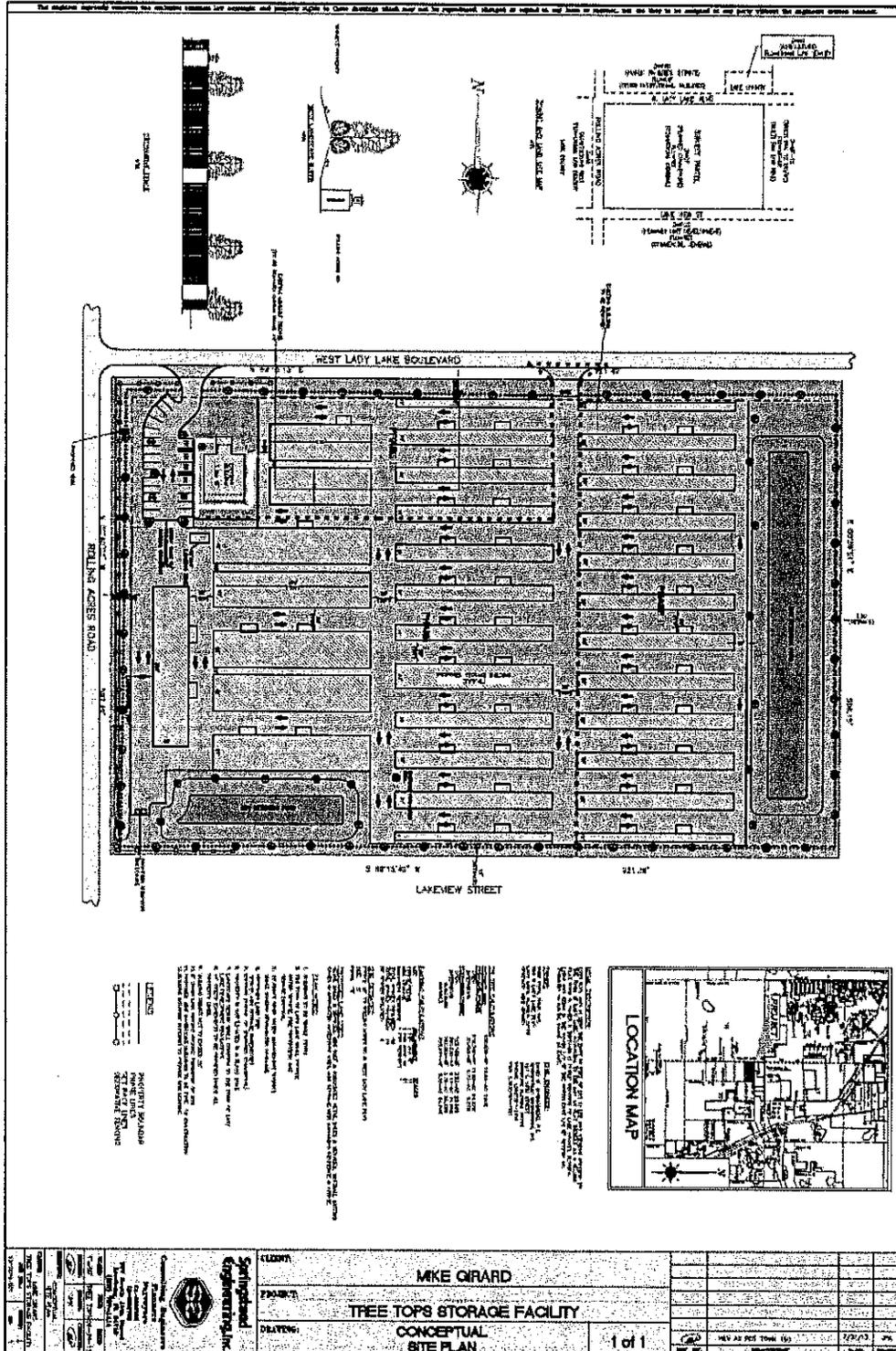
Kris Kollgaard, Town Clerk

APPROVED AS TO FORM:

Derek Schroth, Town Attorney

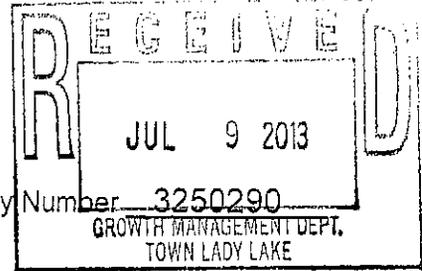
1
2
3
4
5
6

EXHIBIT "C"
BUBBLE PLAN
Tree Tops Golf, Inc.



7

TOWN OF LADY LAKE
REZONING APPLICATION



Alternate Key Number 3250290

1. Owner's Name: Tree Tops Golf, Inc.
Mailing Address: 698 W Lady Lake Blvd, Lady Lake, Florida 32159
Email Address: treetopsgolf@gmail.com
Telephone #: (352) 259-2313
2. Applicant's Name: Michael or Joy Girard
Mailing Address: 698 W. Lady Lake Blvd, Lady Lake, Florida 32159
Email Address: michaelgirard@pga.com
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 111/ORB 1671 Pg 823
6. 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
(1) 720 SF Equipment Storage Building
12. Proposed use the property: Golf equipment sales, miniature golf and associated
retail sales and services uses, softball batting cages and associated accessory uses
mini storage with manager's residence and office.

APPLICANT'S AFFIDAVIT

**STATE OF FLORIDA
COUNTY OF LAKE**

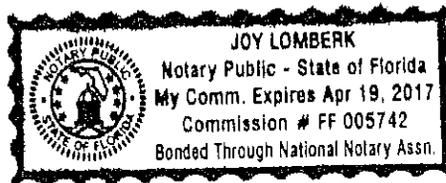
Before me, the undersigned authority personally appeared Michael or Joy Girard who being by me first duly sworn on oath, deposes and says:

- (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 CP zoning classification to allow: Golf equipment sales, miniature golf and associated retail sales and services uses, softball batting cages and associated accessory uses, mini storage with manager's residence and office.
- (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.

Joy Girard
Affiant (Applicant's Signature)

The foregoing instrument was acknowledged before me this 9th day of July, 2013, by Joy Girard, who is **personally known** to me or who has produced _____ as identification and who did (did not) take an oath.

Joy Lomberk
Notary Public - Joy Lomberk



APPLICATION FOR REZONING REQUIREMENTS
Growth Management Department

Application to rezone land under the Land Development Regulations Code may be initiated by the landowner(s), Town, Planning and Zoning Board or the Town Commission. The requirements are applicable to State law. The rezoning of property requires that a rezoning application be submitted for review as follows:

1. The applicant may request a meeting with the Town staff to discuss the appropriate zoning district classification for the proposed use of the property. Potential issues regarding the proposed rezoning and the verification of the steps necessary for application and review will also be discussed.
2. The completed rezoning application, accompanied by the applicable fees, shall be submitted to the Growth Management Department no later than **thirty (30)** days in advance of a regularly scheduled Technical Review Committee (TRC) meeting in order to be considered at that meeting. The staff may request the assistance of the Town engineering consultant and the Town attorney if needed. The TRC meetings are posted, public meetings.

The rezoning application must include the legal description of the property, sketch or survey of the property, proof of ownership, and authorization from the owner if represented by an agent or contract purchaser. If the rezoning is to Manufactured Homes High Density (MH-9), a Master Park Plan shall be submitted. Only complete applications are accepted.

3. The Applicant will be informed of the date and time of the TRC meeting for which the application is scheduled.
4. The requirements for notification of public hearing of the rezoning are as follows:
 - a) The Town shall send notice of the proposed rezoning to the owners of all adjoining properties within one hundred fifty (150) feet of the subject property, as well as to any owners of the subject property not party to the application, at least two (2) weeks prior to the Planning and Zoning Board hearing.
 - b) At least one (1) week prior to the Planning and Zoning Board hearing, signs will be posted on the property to notify the public of the proposed rezoning. The signs shall be spaced, at a minimum, along all public road frontages, with a minimum of one (1) sign per five hundred (500) feet along any one (1) frontage.
 - c) The Town shall have the notice of public hearing published in a newspaper of general circulation within the Town at least ten (10) days prior to the final Town Commission meeting. Notice shall also be posted in a conspicuous location at the Town Hall, and may be posted at other public locations at the discretion of the Town.

5. The Review Process for Rezoning Requests is as follows:

- a) All submittals shall be reviewed by the TRC and recommendations shall be made to the Planning and Zoning Board.
- b) The Planning and Zoning Board shall consider every rezoning at a public hearing and make recommendations to the Town Commission.
- c) The Town Commission shall consider recommendations of the Planning and Zoning Board before taking action. However if the Planning and Zoning Board fails to make a recommendation within thirty (30) days of the rezoning's first consideration by that body, then the Town Commission may take action based upon an assumed recommendation of approval from the Board. There shall be two (2) readings of the rezoning ordinance by the Commission.
- d) If an application for rezoning is denied by the Town Commission, subsequent application for similar rezoning on any portion of the same parcel of property may not be made for twelve (12) months from the date of Town Commission denial, unless specifically authorized by the Town Commission.

The above requirements are intended to provide a general overview of the rezoning process. Rezoning requirements are specified in Lady Lake Ordinance 94-08, Land Development Regulations, adopted August 15, 1994 and are available at Town Hall.

For further information, contact the Growth Management Department at 751-1512.

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>

98 96744

REC 5.00 RECEIVED FOR
TF 1.00 EXCISE TAXES
MORT. DOC -
DEED DOC 720.30
INT -
JAMES C. WATKINS, CLERK LAKE CO. FL

BY  D.C.

BOOK 1671 PAGE 823

Parcel ID Number: 2018241105-000-00900
Grantee #1 TIN:

Warranty Deed

This Indenture, Made this 18th day of DECEMBER, 19 98AD., Between G. & S. Packing Co., Inc. (a/k/a G & S Packing Company, Inc.), a corporation existing under the laws of the state of Florida

of the County of MARION, State of Florida, grantor, and Tree Tops Golf, Inc., a corporation existing under the laws of the state of Florida

whose address is: 5330 County Road 122, Wildwood, Florida 34785

of the County of Sumter, State of Florida, grantee.

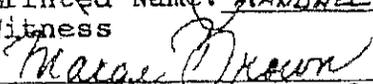
Witnesseth that the GRANTOR, for and in consideration of the sum of - - - - - TEN & NO/100 (\$10.00) - - - - - DOLLARS, and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said GRANTEE and GRANTEE'S successors and assigns forever, the following described land, situate, lying and being in the County of Lake State of Florida to wit:

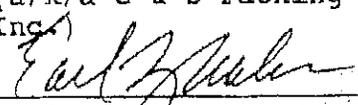
Lots 9, 10 and 11, less the East 46 feet of Lot 11, LEE AND STEVENS ADDITION TO THE TOWN OF LADY LAKE, according to the map or plat thereof as recorded in Plat Book 8, Pages 9 through 12, Public Records of Lake County, Florida. Lying and being in the South 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 20, Township 18 South, Range 24 East.

Subject to easements, restrictions, rights-of-way, reservations of record and taxes accruing subsequent to December 31, 1998.

Dec 21 11 54 AM '98
RECORDED
LAKE COUNTY FL

and the grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever. In Witness Whereof, the grantor has hereunto set his hand and seal the day and year first above written. Signed, sealed and delivered in our presence:


Printed Name: RANDALL L. JONES
Witness

Printed Name: MARGE BROWN

G. & S. Packing Co., Inc.
(a/k/a G & S Packing Company, Inc.)
By:  (Seal)
Earl L. Scales, President
P.O. Address P.O. Box 157, WEIRSDALE, FL 32195

PROPERTY RECORD CARD

General Information

Alternate Key:	3250290	Parcel:	20-18-24-110500000900
Owner Name:	TREE TOPS GOLF INC	Millage:	00LL (Lady Lake) : 17.8159
Owner Address:	698 W LADY LAKE BLVD LADY LAKE, FL 32159	Property Location:	175 SOUTH ROLLING ACRES RD LADY LAKE FL 32159
Legal Description:	LADY LAKE, LEE & STEVENS ADD LOT 9, 10, 11--LESS E 48 FT--PB 8 PG 11 ORB 1671 PG 823		

Land Data

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

Commercial Building(s)

Building 1

Summary		Section(s)							
Year Built:	1999	Section No.	Section Type	Wall Height	No. Stories	Ground Floor Area	Basement	Basement Finished	Map Color
Total Square Footage:	2800		FINISHED LIVING AREA (FLA)	11	1	2500	0%	0%	
Bathrooms (2 Fix):	2	1							
Bathrooms (3 Fix):	1		Interior Finish (11C)			Percent 100.00 %	Sprinkler No	A/C Yes	
Bathrooms (4 Fix):	0		FINISHED LIVING AREA (FLA)	11	1	300	0%	0%	
Bathrooms (Ex Fix):	1	2							
Elevators:	0		Interior Finish (11C)			Percent 100.00 %	Sprinkler No	A/C Yes	
Elevator Landings:	0								
Escalators:	0								
Residential Units:	0								
Kitchens:	0								
Fireplaces:	0								
Exterior Walls:									
Brick Common or Concrete :	100.00 %								

Miscellaneous Improvements

No.	Type	No. Units	Unit Type	Year	Depreciated Value
0001	PARKING LOT LIGHT FIXTURE (PFL)	8	UT	2000	\$5,603.00
0002	PARKING LOT LIGHT FIXTURE (PFL)	3	UT	2000	\$1,261.00
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	\$6,885.00
0006	PAVING (PAV)	2500	SF	2005	\$5,712.00

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

Value

Total Just Value:	=	\$711,236.00
Total Exempt Value:	=	\$0.00
Total Taxable Value:	=	\$711,236.00
Millage Rate:	<input checked="" type="checkbox"/> x	0.0178159
Base Ad-Valorem Tax:	=	\$12,671.31
Non-Exempt School Levies:	+	\$0.00
Estimated Ad-Valorem Tax:	=	\$12,671.31

* The just values are NOT certified values and therefore are subject to change before being finalized for ad valorem assessment purposes. The amounts shown may not include all exemptions. The estimated tax totals do not reflect Non-Ad Valorem assessments. (Fire Fees, Solid Waste, etc.) Please consult the Tax Collector for actual taxation amounts.

Truth In Millage (TRIM) Notice

- [Notice of Proposed Property Taxes & Proposed or Adopted Non-Ad Valorem Assessments](#)

Copyright © 2013 Lake County Property Appraiser. All rights reserved.

AltKey	OwnerName	OwnerAddress	OwnerCity	OwnerSt	OwnerZip
3250281	LADY LAKE MANAGEMENT GROUP INC	4323 SERENE CIR	FRUITLAND PARK	FL	34731
1417414	EDWARDS PAUL H JR	2829 BRITNI DAYLE DR	CHARLOTTE	NC	28214
1454735	T LOVELL ALPHA LP	150 ARVIDA PKWY	MIAMI	FL	33156
1610940	LAKE COUNTY/SOLID WASTE	315 W MAIN ST OMB OFFICE	TAVARES	FL	32778
1610958	FIELDS SARAH W	PO BOX 527	OXFORD	FL	34484
1800609	SOUTHERN ROLLING ACRES LLC	329 PARK AVE N STE 300	WINTER PARK	FL	32789
3250290	TREE TOPS GOLF INC	698 W LADY LAKE BLVD	LADY LAKE	FL	32159
3392264	MEUCCI LOUIS TRUSTEE	940 VIA SAN POLO	LADY LAKE	FL	32159
3392370	BONNIE PATTI J &	MARY 839 VIA SAN POLO	LADY LAKE	FL	32159
3792796	LADY LAKE MANAGEMENT GROUP INC	4323 SERENE CIR	FRUITLAND PARK	FL	34731
3861853	VETERANS MEMORIAL POST 347	PO BOX 1534	LADY LAKE	FL	32158

Tree Tops Golf Inc.- Adjacent Property Owners

original on file for
oid 98-08

CFN 2003126063
Bk 02418 Pgs 2070 - 2074; (5pgs)
DATE: 09/30/2003 10:28:46 AM
JAMES C. WATKINS, CLERK OF COURT
LAKE COUNTY
RECORDING FEES 21.00
TRUST FUND 3.00

MEMORANDUM OF AGREEMENT

(AMENDED MEMORANDUM OF AGREEMENT)

This Memorandum of Agreement is dated this 10th day of September 2003 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 November 2, 1998, 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, Golf Driving Range and associated retail sales & services uses, and Miniature Golf, Softball Batting Cages and associated accessory uses.

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 5:30 a.m.
 - B. Close at 10:00p.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:
 1. Front Yard Setback
 - a. Local Roadway – Twenty-five (25) feet
 - b. Collector Roadway – Thirty-five (35) feet
 - c. Arterial Roadway – Fifty (50) feet
 2. Rear Yard Setback: Fifteen (15) feet
 3. Side Yard Setback When Adjoining
 - a. Another lot-five (5) feet
 - b. Local Roadway – Twenty-five (25) feet
 - c. Collector Roadway – Thirty –five (35) feet
 - d. Arterial Roadway – Fifty (50) feet
5. Parking. 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 64 paved parking spaces, and 22 grass parking spaces in conformance with adopted code and as indicated on the site plan. If the grass parking areas are regularly used so as to become rutted, uneven, unable to drain properly, unsightly or unmaintained, the Town shall require that the

- developer/owner stabilize the area with mulch or other approved stabilizing material, or be paved as specified in accordance with adopted Town regulations.
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. If the existing buffer is removed at anytime, a Class "C" Landscape Buffer, twenty (20) feet in width, shall be installed pursuant to Chapter 10, Landscaping section of the Land Development Regulations. Prior to removal of the existing vegetative buffer a site plan shall be required to be submitted and approved by the Town Technical Review Committee (TRC) if such option is chosen.
 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 and sanitary sewer system as it becomes available. All costs associated with design, permitting, engineering, materials, construction and inspections shall be the sole cost of the developer.
 10. 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.
 11. 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.

12. Recordation. The Memorandum of Agreement shall be recorded in the Public records of Lake County, Florida, at the Developer's expense.

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

Owner

409 R
Fleming BMD
TEL 32159

The Town of Lady Lake, Florida
Lake County, Florida

by: Michael R. Girard
Michael R. Girard, President

by: M. E. Francis
Michael Francis, Mayor

Attest:

Approved as to Form:

Sue Gay
Sue Gay,
Town Clerk

Leslie Campione
Leslie Campione,
Town Attorney



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.

98 89598

ORDINANCE NO. 98-08

REG. 13.00
TF 2.00

AN ORDINANCE REDESIGNATING ZONING CLASSIFICATION FOR CERTAIN PROPERTY OWNED BY G & S PACKING, INC./STEVEN GIRARD; LOCATED WITHIN THE TOWN LIMITS OF THE TOWN OF LADY LAKE, FLORIDA; REZONING SUBJECT PROPERTY FROM LADY LAKE MULTI-FAMILY HIGH DENSITY (MF-12) TO PLANNED COMMERCIAL (CP); 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, Park 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, 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, that the property be rezoned to "Planned Commercial" to allow for a Lighted Driving Range, for which 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 Commercial).

Edward A. ...
CLERK SUPREME COURT

NOV 24 10 19 AM '98

RECORDED
VERIFIED
LAKE COUNTY, FLA

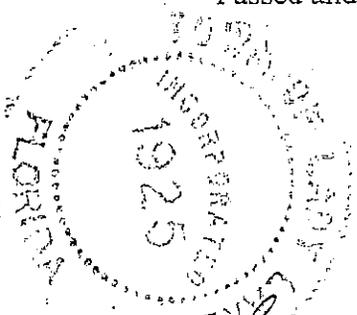
R Town of Lady Lake
225 Bay St

Ordinance No.98-0-8
Page Two

Section 2. That all property, real and personal, within said rezoned property described in Section 1 above, as provided by this Ordinance, and the inhabitants thereof, shall be subject to the government, jurisdiction, powers, franchises, duties, and privileges of the said Town of Lady Lake, Florida, and the said rezoned property shall be liable proportionately, for all of the present outstanding and existing, as well as future indebtedness to the Town of Lady Lake, Florida, and all laws heretofore passed by the Legislature of the State of Florida, relating to and which now and hereafter constitute its Charter, shall apply to and have the same force and effect on such rezoned territory as if all such rezoned territory had been a part of the Town of Lady Lake, Florida, at the time of the passage and approval of said laws and ordinances.

Section 3. That this Ordinance shall become effective immediately upon its passage by the Town Commission.

Passed and ordained this 2nd day of November, 1998.



Johanna K. Perrigo

Johanna K. Perrigo, Mayor

Sue Gay

Sue Gay, Town Clerk

ATTEST:

Leslie Campione

Leslie Campione, Town Attorney

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement dated this 2nd day of NOV., 1998 between the Town of Lady Lake, Florida (the "Town") and Earl Scales, Michael R. Girard and Steven A. Girard.

RECITALS

EGW *GES* PACKING CO.

1. ~~Earl Scales~~ is the owner of certain real property in Lady Lake, Florida as described in the legal description attached.

EGW *GES*
2. ~~Earl Scales~~ desires to appoint Michael R. Girard and Steven A. Girard as the agent representing the rezoning of the real property.

3. The real property described in the legal description is zoned MF-12 "Multi-Family High Density Low Rise" pursuant to the zoning ordinances and Land Development Regulations of the Town.

4. The applicant wishes to rezone the real property from MF-12 "Multi-Family High Density Low Rise" to CP "Planned Commercial" pursuant to the Land Development Regulations.

5. At this time, the parties wish to enter into a Memorandum of Agreement pursuant to the provisions of Chapter 5, Section 4)0)5)A)1). 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 existing CP zoning for the property described in the attached legal description, exhibit A.

1. Permitted Uses. Golf course uses, retail sales & services, and accessory uses.

2. Hours of Operation. The hours of operation shall be as follows:

A. Open at 5:30 a.m.

Close at ~~11:30 p.m.~~ ^{10:00} *MM*

RECORDED
RECORD VERIFIED
LADY LAKE COUNTY, FLA.
DEC 29 9 44 AM '98
CLERK PROBATE COURT

R- Town of Lady Lake
225 W Guava St
Lady Lake FL 32159

3. Design Standards

- A) The maximum impervious surface ratio (which includes building coverage) shall be limited to eighty (80) percent.
- B) Maximum building height of thirty-five (35) feet unless adequate fire protection measures are provided.
- C) Density is limited to four (4) units per acre unless central sewer facilities are available at which time densities shall not exceed twelve (12) units per acre.
- D) No minimum lot size is required.
- E) No minimum lot width is required.
- F) Setback Requirements.

1. Front Yard Setback

- a. Local Roadway- Twenty-five (25) feet
- b. Collector Roadway- Thirty-five (35) feet
- c. Arterial Roadway- Fifty (50) feet

2. Rear Yard Setback: Fifteen (15) feet

3. Side Yard Setback When Adjoining

- a. Another lot- five (5) feet
- b. Local Roadway- Twenty-five (25) feet
- c. Collector Roadway- Thirty-five (35) feet
- d. Arterial Roadway- Fifty (50) feet

4. Landscaping. The owner shall be required to provide Landscape Buffer Class C pursuant to Chapter 10, Landscaping section of the Land Development Regulations around the perimeter of the subject property line abutting the residential zoning districts prior to the issuance of a Certificate of

Occupancy.

5. Amendments. Any amendments to this Memorandum of Agreement are binding only upon execution by the parties hereto.

6. 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.

7. Recordation. This Memorandum of Agreement shall be recorded in the Public Records of Lake County, Florida, at the Developer's expense.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the respective action on the 2nd day of November, 1998.

Owner/Applicant

by: [Signature]
Earl Scales, Owner **PRESIDENT**

by: [Signature]
Michael R. Girard, Agent

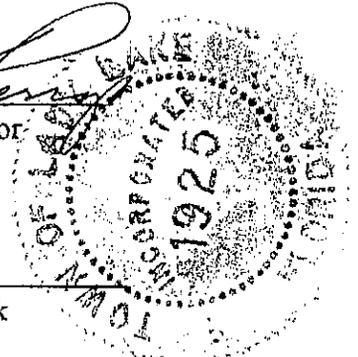
by: [Signature]
Steven A. Girard, Agent

Town of Lady Lake

by: [Signature]
Johanna K. Perrigo, Mayor

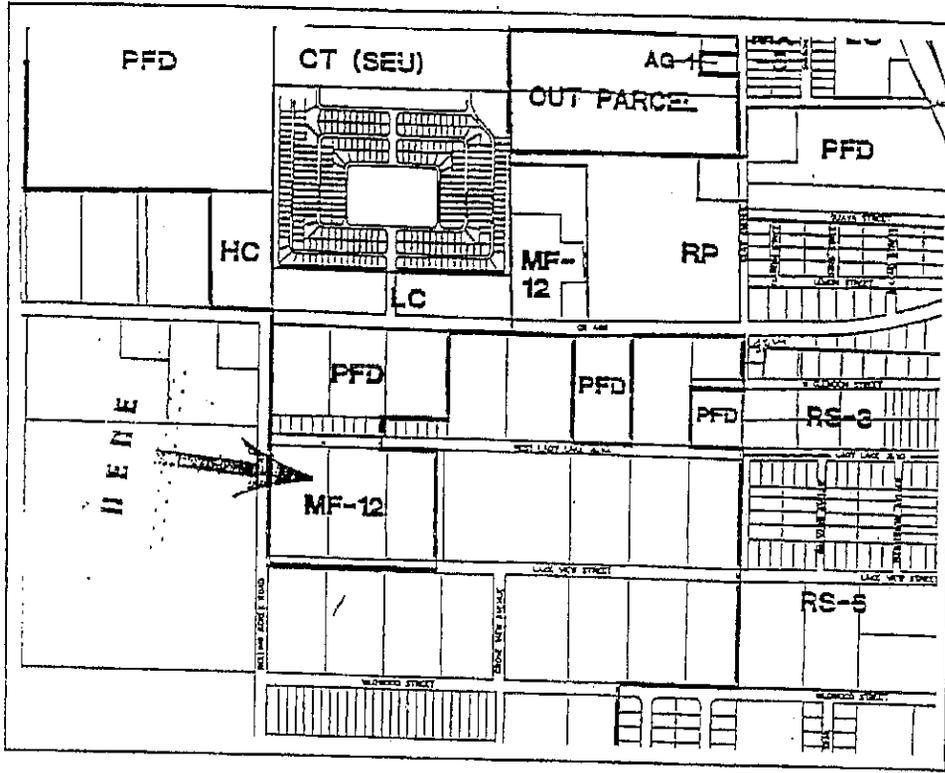
Attest:

[Signature]
Sue Gay, Town Clerk



Approved as to form:

[Signature]
Leslie Campione, Town Attorney



Legend:

ZONING MAP	
APPLICANT:	Steven Girard
SEC/TWN/RNG:	20-18-24
LOCATION:	East of Rolling Acres Road and South of West Lady Lake Boulevard

CFN 2006164160
Bk 03297 Pgs 1116 - 1119 (4pgs)
DATE: 11/03/2006 02:48:11 PM
JAMES C. WATKINS, CLERK OF COURT
LAKE COUNTY
RECORDING FEES 35.50
DEED DOC 0.70

EASEMENT

KNOWN ALL MEN BY THESE PRESENTS: That the undersigned, Mike Girard, as President of Tree Tops Golf, Inc., as GRANTOR, whose address is 698 W. Lady Lake Blvd., Lady Lake, FL 32159, in consideration of the sum of \$10.00 and other valuable consideration, the receipt of which is hereby acknowledged, grant and convey to the Town of Lady Lake, GRANTEE, whose address is 409 Fennell Blvd., Lady Lake, Florida, in Lake County, Florida, its successors and assigns, an exclusive perpetual easement for the right and privilege to construct, operate and maintain utilities for the purposes of delivering water, sewer, reclaimed water, and all surface and subsurface utilities as may be deemed necessary or desirable, connected with the said Grantee's utilities and facilities upon, under, across and above the land described in the Attached Exhibits A and B located in Lake County, Florida (hereinafter the "Easement Property").

Together with the right to excavate, grade, fill, dig ditches, construct and related improvements, clear away trees and obstructions, to lay pipe and line for such purposes above described, including the right to clear the ground above the said pipes and accessories laid underground; to cut or trim all trees or obstructions adjacent thereto that may endanger the proper operation of same; to repair and maintain any underground utilities, including making taps thereto; and to include the reasonable right to enter upon said easement land at all times for such purposes.

Grantee shall not have the right to ingress or egress upon any portion of Grantor's real property other than the Easement Property. Grantee shall not use, and shall not allow the use, of the Easement Property or any part of Grantor's land for any other use, other than ingress and egress, which includes access for utility (i.e. electric, telephone, cable, power, water, sewer, storm drains, public, quasi-public and private, as well as for any public, private or quasi-public utility or function deemed necessary or expedient for the public health and welfare) purposes.

The easement granted herein is an easement appurtenant and shall run in favor of Grantee and Grantee's successors in title. The Easement is perpetual and will inure to the benefit of Grantee and its successors and assigns until terminated in writing by Grantee by an instrument recorded in the Public Records of Lake County, Florida.

Grantor shall not erect or place a gate, fence, tree, plant, or other structure or material within the Easement Property except for those items erected by the Grantee to facilitate the operation of its Utilities. Notwithstanding, the above provision shall in no way limit or restrict the ability of the Grantee and Grantee's assigns to improve the Easement Property with a paved or stabilized road way for ingress and egress to facilitate service of Grantee's utilities, and related drainage and lighting which Grantee is expressly authorized to do. However, should Grantee or Grantee's assigns improve the Easement Property, as provided herein, the Grantee and Grantee's assigns shall be responsible and liable for repairing and maintaining such improvements on the Easement Property.

Grantor's covenant that he has the right to convey said easement and the Grantee, its successors and assigns shall have quiet and peaceable possession, use and enjoyment of said easement.

This instrument shall be binding on, and shall inure to the benefit of the heirs, legal and personal representatives, successors and assigns of the parties hereto.

In Witness Whereof, the parties hereto have set their hands and seals this 19th day of September, 2006.

Signed, sealed and delivered in the presence of:

[Signature]
Signature

Ken Keough
Print Name

Grantor:
Tree Tops Golf, Inc.

[Signature]
Mike Girard as President
title

Corporate Seal

[Signature]
Signature

CONNIE LEECE
Print Name

State of Florida
County of Lake

The foregoing instrument was acknowledged before me this 19th of September, 2006, by Mike Girard as Grantor for Tree Tops Golf, Inc. who is personally known to me or who produced FL Drivers License as identification, and who did or did not take an oath, and to be the person described in and who executed the foregoing instrument, and he acknowledged before me that he executed the same for the uses and purposes therein expressed.

[Signature]
Notary Public
Print Name: JANET M. CALORO
My Commission Expires: 3/27/2010



THE TOWN OF LADY LAKE
RECLAIMED WATER SYSTEM IMPROVEMENTS
PERMANENT UTILITY MAINTENANCE EASEMENT
EASEMENT A

A portion of the Northwest Quarter of Section 20, Township 18 South, Range 24 East, in Lake County Florida, being more particularly described as follows:

COMMENCE at a Found Concrete monument located at the Southwest corner of Lot 9, Lee and Stevens Additions to the Town of Lady Lake, According to the Plat thereof as recorded in Plat Book 8, Page 9 through 12, Public Records of Lake County Florida. Thence run North 00 Degrees 40 Minutes 03 Seconds West along the west line of Lot 9 of said subdivision for a Distance of 577.49 feet to the Southwest corner of a 20 foot wide utility easement, according to an Exhibit and description recorded in Official Record Book 02413 Page 2327, Public Records of Lake County Florida; Thence run North 89 Degrees 13 Minutes 13 Seconds East along the south line of said easement for a distance of 441.00 feet to the POINT OF BEGINNING of Utility Maintenance Easement herein described: thence run South 00 Degrees 46 Minutes 47 Seconds East for a distance of 70.00 feet, thence run North 89 Degrees 13 Minutes 13 Seconds East for a distance of 15.00 feet; thence run North 00 Degrees 46 Minutes 47 Seconds West for a distance of 70.00 feet to a point on the South line of said utility easement; thence run South 89 Degrees 13 Minutes 13 Seconds West along the south line of the 20 foot wide utility easement for a distance of 15.00 feet to the Point of Beginning, consisting of 1,050 square feet or 0.0241 Acres.

THE TOWN OF LADY LAKE
RECLAIMED WATER SYSTEM IMPROVEMENTS

PERMANENT UTILITY MAINTENANCE EASEMENT
EASEMENT B

A portion of the Northwest Quarter of Section 20, Township 18 South, Range 24 East, in Lake County Florida, being more particularly described as follows:

COMMENCE at a Found Concrete Monument located at the Southwest corner of Lot 9, Lee and Stevens Additions to the Town of Lady Lake, According to the Plat thereof as recorded in Plat Book 8, Page 9 through 12, Public Records of Lake County Florida. Thence run North 89 Degrees 15 Minutes 40 Seconds East along the south line of Lots 9,10 and 11 of said subdivision for a Distance of 491.00 feet to the POINT OF BEGINNING of said Utility Maintenance Easement herein described: thence run North 00 Degrees 44 Minutes 20 Seconds West for a distance of 75.00 feet; thence run North 89 Degrees 15 Minutes 40 Seconds East for a distance of 15.00 feet; thence run South 00 Degrees 44 Minutes 20 Seconds East for a distance of 75.00 feet to a point on the South line of said property; thence run South 89 Degrees 15 Minutes 40 Seconds West along said property line for a distance of 15.00 feet to the Point of Beginning, consisting of 1,125 square feet or 0.0258 Acres.

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

352-751-1500 FAX 352-751-1510 www.ladylake.org



July 26, 2013

RE: Ordinance #2013-10

Dear Property Owner:

Applicant, Michael 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 Tree Tops site. 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 use the property primarily as a mini storage facility consisting of 32 buildings totaling approximately 162,000 square feet of storage area. 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 the new propose buildings, retention pond areas, parking areas, landscaping buffers, dumpsters location, and gate. Because of the nature of the mini storage facility, the applicant will be proposing a gate along the perimeter of the property. The petitions are scheduled for the following dates:

PLANNING AND ZONING BOARD - Monday, August 12, 2013, at 6:00 p.m.
SPECIAL COMMISSION MEETING (1st Reading) - Wednesday, September 4, 2013, at 6:00 p.m.
SPECIAL COMMISSION MEETING (2nd Reading) - Wednesday, September 18, 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.

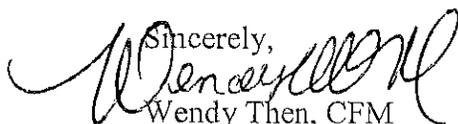
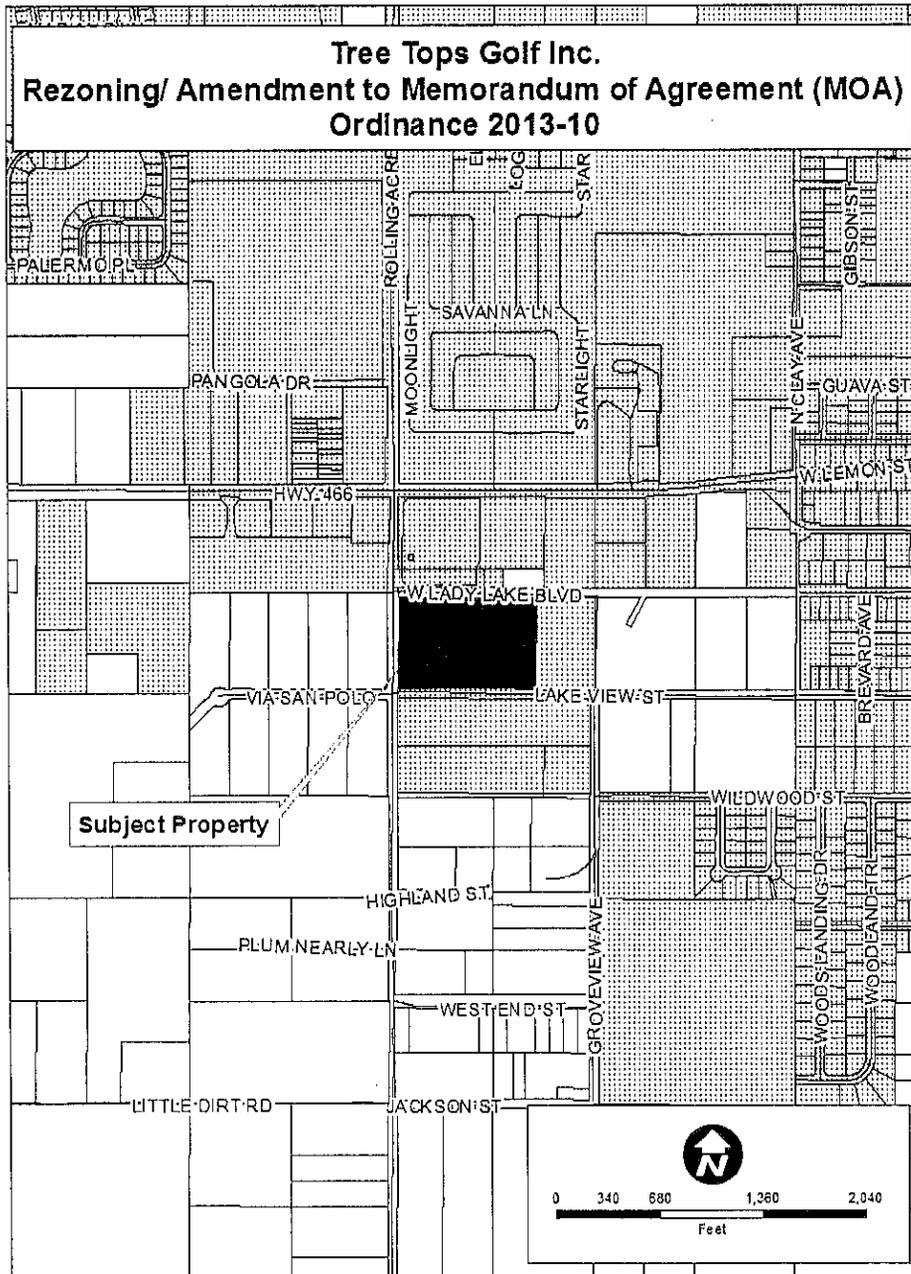
Sincerely,

Wendy Then, CFM
Town Planner

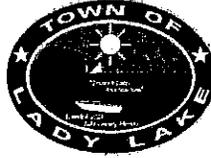
EXHIBIT "A"
Legal Description

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





**REZONING
COMMENTS AND RECOMMENDATIONS
Meeting of August 6, 2013**

To: Technical Review Committee

From: Wendy Then, Town Planner

Subject: Ordinance 2013-10- Tree Tops Golf Inc. – Located at the Corner of West Lady Lake Blvd. and Rolling Acres Road- 175 S. Rolling Acres Road- Providing for a Modification of the Town of Lady Lake Planned Commercial (CP) Zoning Memorandum of Agreement (MOA).

Applicant: Michael Girard, Tree Tops Golf, Inc.

Date: August 1, 2013

Applicant, Michael Girard, has submitted an application for property located at the Corner of West Lady Lake Boulevard and Rolling Acres Road- 175 S. Rolling Acres Road known as the Tree Tops site. The property includes approximately 12.58± acres (referenced by alternate key number 3250290) currently in the Town of Lady Lake. The applicant has filed the following application for this property:

- Rezoning of 12.58± acres from Lady Lake CP (Planned Commercial), to Lady Lake CP (Planned Commercial) to change language of the MOA to include a new permitted uses and establish new terms regarding landscaping buffers, new buildings, parking spaces, and setback requirements.

The subject property is currently operating as a Golf Driving Range with an existing 3300-square-foot retail/sales building. Pursuant to the provisions of the Town of Lady Lake Land Development Regulations, the applicant is requesting to use the property primarily as a mini storage facility consisting of 32 buildings totaling approximately 162,000 square feet of storage area. 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 the new proposed buildings, retention pond areas, parking areas, landscaping buffers, dumpsters location, and gate. For safety and security purposes, the applicant will be proposing a gate along the perimeter of the property to secure the mini storage facility. With that, the applicant will be requesting to be exempted from providing cross-access easement(s) to other sites.

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 – 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 (12.58± 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.

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)

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 98-08 as recorded in ORB.1673 PG 1053.

- 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.

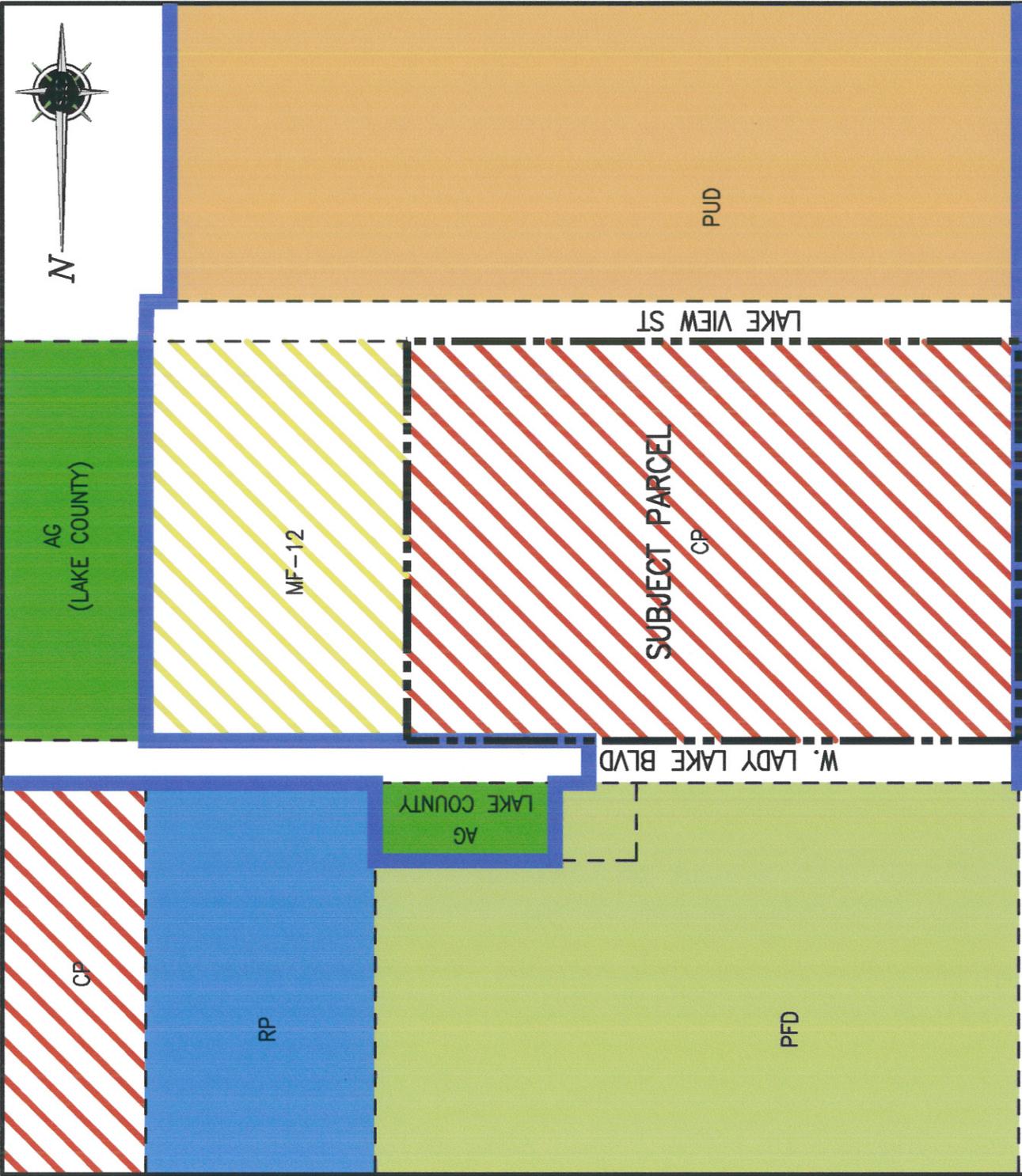
Notices to inform the surrounding property owners within 150' of the property of the proposed Rezoning-CP MOA Amendment were mailed by certified mail return receipt on Friday, July 26, 2013. The property was also posted on Friday, July 26, 2013.

Public Hearing Dates:

The **Planning and Zoning Board** meeting is tentatively scheduled to be held on Monday, August 12, 2016 at 6:00 p.m.

The **Town Commission** is scheduled to hear Ordinance 2013-10 for first reading on Wednesday, September 4, 2013, at 6:00 p.m.

The **Town Commission** is scheduled to consider Ordinance 2013-10 on second reading and final reading at the special meeting to be held on Wednesday, September 18, 2013, at 6:00 p.m.



ROLLING ACRES ROAD

LAKE VIEW ST

W. LADY LAKE BLVD

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
 Surveyors

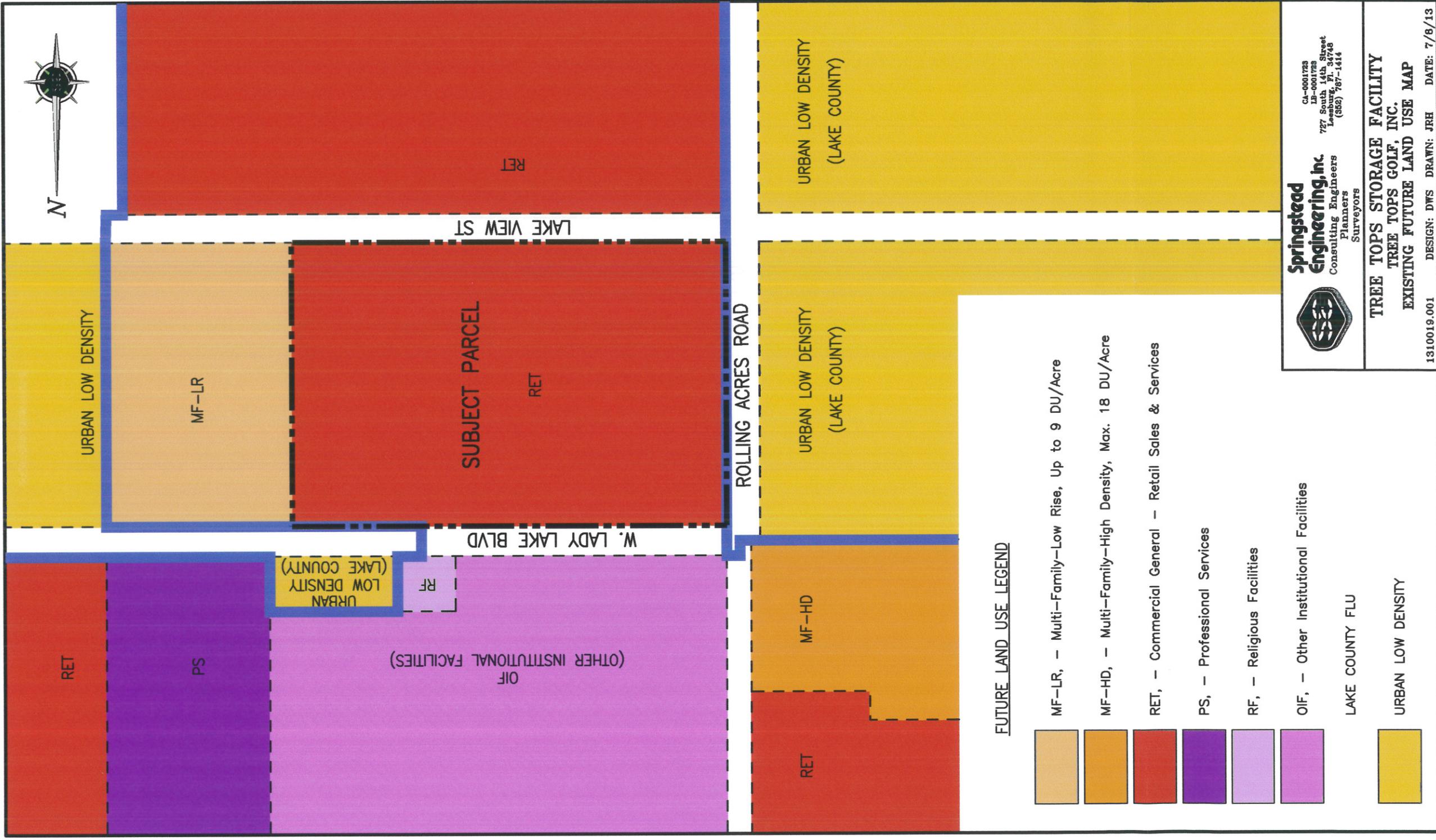
CA-0001725
 LB-0001725
 727 South 14th Street
 Loveland, CO 80540
 (303) 767-1414

TREE TOPS STORAGE FACILITY
TREE TOPS GOLF, INC.
EXISTING ZONING MAP

1310019.001

DESIGN: DWS DRAWN: JRH

DATE: 7/8/13



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



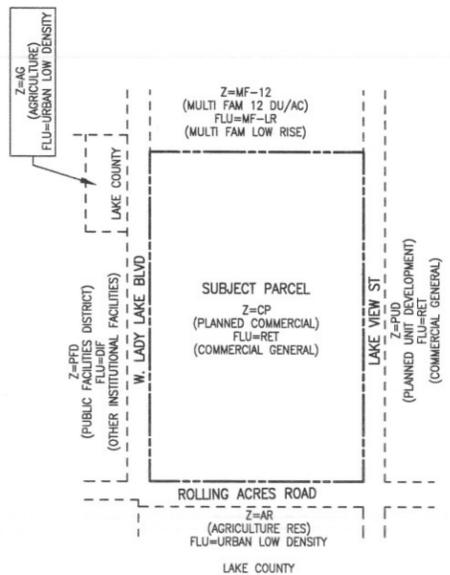
**Springstead
Engineering, Inc.**
Consulting Engineers
Planners
Surveyors

CA-0001723
LB-0001723
727 South 14th Street
Leesburg, FL 34748
(852) 787-1414

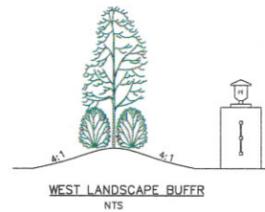
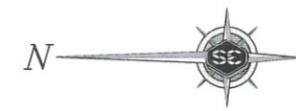
TREE TOPS STORAGE FACILITY
TREE TOPS GOLF, INC.
EXISTING FUTURE LAND USE MAP

1310019.001 DESIGN: DWS DRAWN: JRH DATE: 7/6/13

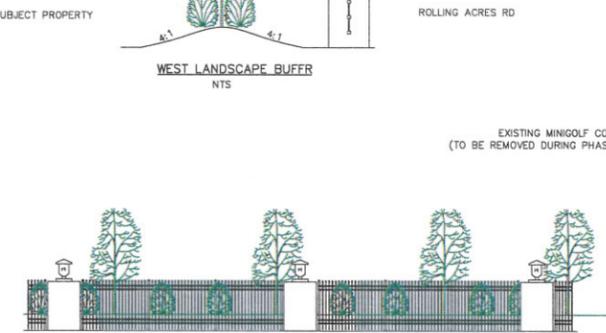
The engineer expressly reserves the exclusive common law copyright and property rights to these drawings which may not be reproduced, changed or copied in any form or manner, nor are they to be assigned to any party without the engineers written consent.



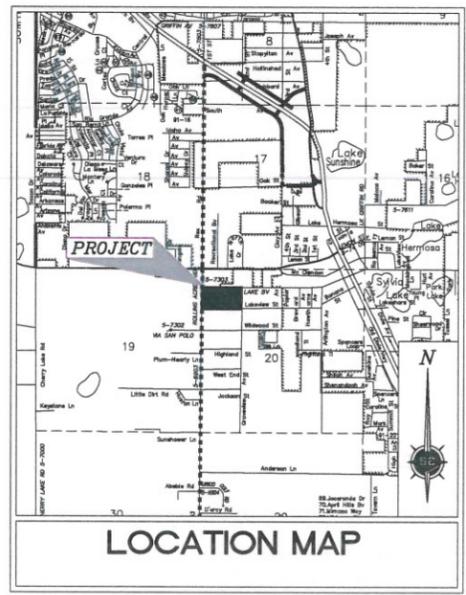
ZONING AND LAND USE MAP
NTS



WEST LANDSCAPE BUFFER
NTS



DECORATIVE FENCE
NTS



LOCATION MAP

LEGAL DESCRIPTION:
LOTS 9, 10, AND 11 LESS THE EAST 66 FEET OF LOT 11 LEE AND STEVENS ADDITION TO THE TOWN OF LADY LAKE, ACCORDING TO THE MAP OR PLAT THEREOF AS A RECORD PLAT BOOK 8, PAGES 9 THROUGH 12 PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, LYING AND BEING IN THE SOUTH 1/2 OF THE NORTH EAST 1/4 OF SECTION 20, TOWNSHIP 10 SOUTH, RANGE 24 EAST.

OWNER:
TREE TOPS, GOLF, INC.
888 W LADY LAKE BLVD
LADY LAKE, FLORIDA 32159
CONTACT: MIKE GIRARD

CIVIL ENGINEER:
DAVID W. SPRINGSREAD, P.E.
SPRINGSTEAD ENGINEERING, INC.
727 S. 14TH STREET
LEESBURG FLORIDA 34748
PHONE: (352)787-1414
FAX: (352)787-7221

ON SITE CALCULATIONS

PROPERTY AREA	550,835-SF	12.65-AC	100%
PRE-DEVELOPMENT			
OPEN:	519,340-SF	11.92-AC	94.23%
IMPERVIOUS:	31,495-SF	0.73-AC	5.77%
POST-DEVELOPMENT			
OPEN:	153,148-SF	3.52-AC	28.45%
IMPERVIOUS:	392,032-SF	9.13-AC	71.55%
BUILDINGS:	162,000-SF	3.78-AC	29.25%
ASPHALT:	230,230-SF	5.35-AC	42.30%

PARKING CALCULATIONS:

USE:	REQUIREMENT:	SPACES:
OFFICE/RETAIL	1 PER 200 SF	17
MINI STORAGE	1 PER 4000 SF	41
MANAGERS RESIDENCE	1 PER RESIDENT	1
TOTAL SPACES REQUIRED:		59
TOTAL SPACES PROVIDED:		74
HC SPACES INCLUDED:		4

SITE SETBACKS:
FRONT: 25' TO ROLLING ACRES RD & WEST LADY LAKE BLVD
SIDE: 5'
REAR: 15'

PROPOSED LAND USES:
RETAIL SALES & SERVICES, MINI GOLF & ASSOCIATED RETAIL SALES & SERVICES, SOFTBALL BATTING CAGES & ASSOCIATED ACCESSORY USES, MINI STORAGE WITH MANAGERS RESIDENCE & OFFICE.

- PLAN NOTES:**
- BUILDINGS TO BE SINGLE STORY.
 - THE TOWN OF LADY LAKE SHALL PROVIDE WATER SERVICE, FIRE PROTECTION AND SEWAGE DISPOSAL.
 - ST. JOHN'S RIVER WATER MANAGEMENT DISTRICT SHALL GOVERN STORMWATER DRAINAGE.
 - PROPOSED LAND USE: OFFICES, MINI STORAGE WAREHOUSES
 - EXISTING ZONING: CP (PLANNED COMMERCIAL)
 - PROPERTY IS NOT LOCATED IN A FLOOD ZONE.
 - LANDSCAPE DESIGN SHALL CONFORM TO THE TOWN OF LADY LAKE DEVELOPMENT REGULATIONS.
 - 15' UTILITY EASEMENTS TO BE PROVIDED INSIDE ALL PROPERTY LINES.
 - BUILDING HEIGHT NOT TO EXCEED 35'.
 - 6' CHAIN LINK FENCING AROUND PERIMETER OF SITE.
 - PROPOSED MINI WAREHOUSE BUILDINGS TO BE TYPE IIB CONSTRUCTION
 - BUILDING MOUNTED FIXTURES TO PROVIDE SITE LIGHTING

LEGEND

---	PROPERTY BOUNDAR
- - - -	PHASE LINES
---	SET BACK LINES
□	DECORATIVE FENCING

CLIENT:	MIKE GIRARD	
PROJECT:	TREE TOPS STORAGE FACILITY	
DRAWING:	CONCEPTUAL SITE PLAN	
SCALE:	FILE:	DATE:
1"=50'	TREE TOPS	06-26-13
DESIGN:	DRAWN:	CHECKED:
DLA	JPK	DLA
DRAWING:	CONCEPTUAL SITE PLAN	
CLIENT:	MIKE GIRARD	
PROJECT:	TREE TOPS STORAGE FACILITY	
JOB NO.:	SHEET:	
1310019.001	OF: 1	