REGULAR MEETING OF THE LADY LAKE TOWN COMMISSION

DATE:	**Monday, October 19, 2015**
TIME:	**6:00 p.m.**
PLACE:	**Town Hall Commission Chambers** **409 Fennell Blvd., Lady Lake, Florida**

ALL INTERESTED PERSONS ARE CORDIALLY INVITED TO ATTEND THIS PUBLIC MEETING

AGENDA*

A. CALL TO ORDER: Mayor Ruth Kussard

B. PROCEDURAL: *Citizens are encouraged to participate in the Town of Lady Lake meetings. Speakers will be limited to three (3) minutes. Additional time may be granted by the Mayor. Citizen groups are asked to name a spokesperson and the Mayor, at his/her discretion, may allow longer than three minutes. Upon being recognized by the Mayor, please approach the dais, state your name and address, and speak into the microphone. The order of agenda items may be changed if deemed appropriate by the Town Commission. Please be respectful of others and put your cell phone on silent mode.*

C. PLEDGE OF ALLEGIANCE: Mayor Ruth Kussard

D. INVOCATION[1]: Father John Kelly – St. George Episcopal Church

E. ROLL CALL

F. PUBLIC COMMENTS[2]

G. PROCLAMATION:

1. Proclaiming the Week of October 23rd – 31st as Red Ribbon Week (Mayor Kussard/John Gionet, 3rd Young Marine Division)

H. CONSENT[3]:

2. Minutes – October 5, 2015 – Regular Commission Meeting

3. Consideration of an Extension to the Sewer & Water Utility Agreement for Village Veranda at Lady Lake, LLC, to Provide for an Additional Six Months to Obtain a Building Permit and Reserve the Utility Capacity Already Purchased for the Development (Thad Carroll)

I. OLD BUSINESS:

J. NEW BUSINESS:

4. Consideration to Utilize Tree and Beautification Funds for the Purchase of Trees at the Town's Public Works Complex (C.T. Eagle)

K. TOWN ATTORNEY'S REPORT:

5. **Resolution No. 2015-108** – Final Reading – Variance Request - Tabled from 10/5/15 - Kevco Builders for Cezary & Patricia Frondczak – Requesting an After-the-Fact Variance Pursuant to the Provisions of Chapter 5, Section 5-4).C).4). to Increase the Maximum Impervious Surface Area from 35% to 42.8% of the Lot Size to Retain Concrete Improvements Already Made Such as Rear Patio Concrete Slab, Driveway, and Connecting Sidewalk – Located at 510 Dowling Circle (Thad Carroll)

6. **Ordinance No. 2015-11** – Second/Final Reading – Rezoning – David Springstead – Rezoning 49 +/- Acres of Land Owned by Elijah Bailey, Jr., from Heavy Commercial (HC) to Planned Unit Development (PUD) – Located North of Lake Ella Road, and West of Hwy 27/441 (Thad Carroll)

7. **Ordinance No. 2015-14** – Second/Final Reading – Amending Ch. 10.5, Pensions & Retirements, Art. III; Modification of Investment Allocation for Police Pension Plan (Kris Kollgaard)

L. TOWN MANAGER'S REPORT:

M. MAYOR/COMMISSIONER'S REPORT:

N. PUBLIC COMMENTS[4]

O. ADJOURN

***Back up for agenda items is available on the Town's website at www.ladylake.org or contact the Town Clerk at (352) 751-1571.**

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 two (2) 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 accommodations at this meeting should contact the Clerk's Office at least two (2) days prior to the meeting. Advice to the Public: If a person decides to appeal a decision made with respect to any matter considered at the above meeting or hearing, he may need a verbatim record of the proceedings including the testimony and evidence, a record of which is not provided by the Town of Lady Lake. (F.S. 286-0105) Please be advised that one or more members of any other Town Board or Committee may be in attendance of this meeting.

NS/Word/Town Clerk/Agendas - Commission Meeting – 10-19-2015

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[1] *Any invocation that may be offered before the official start of the Commission meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Commission, and the Commission is not allowed by law to endorse the religious beliefs or views of this, or any other speaker.*

[2] *This section is reserved for members of the public to bring up matters of concern or comments. It is not limited to items on the agenda and it is open to any concern or comments that the public may have.*

[3] *All items listed under consent are considered routine by the Town Commission and will be enacted by one motion. There will be no separate discussion of these items unless a Town Commissioner so requests, in which event the item will be removed from the consent agenda and considered in its normal sequence.*

[4] *This section is reserved for members of the public to bring up matters of concern or comments. It is not limited to items on the agenda and it is open to any concern or comments that the public may have.*

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PROCLAMATION

WHEREAS, communities across America have been plagued by the numerous problems associated with illicit drug use and those that traffic in them; and

WHEREAS, there is hope in winning the war on drugs, and that hope lies in education and drug demand reduction, coupled with the hard work and determination of organizations such as the Young Marines of the Marine Corps League to foster a healthy, drug-free lifestyle; and

WHEREAS, governments and community leaders know that citizen support is one of the most effective tools in the effort to reduce the use of illicit drugs in our communities; and

WHEREAS, the red ribbon has been chosen as a symbol commemorating the work of Enriquee "Kiki" Camarena, a Drug Enforcement Administration agent who was murdered in the line of duty, and represents the belief that one person can make a difference; and

WHEREAS, the Red Ribbon Campaign was established by Congress in 1988 to encourage a drug-free lifestyle and involvement in drug prevention and reduction efforts; and

WHEREAS, October 23rd – 31st has been designated National Red Ribbon Week, which encourages Americans to wear a red ribbon to show their support for a drug-free environment.

NOW, THEREFORE, I, Ruth Kussard, Mayor, do hereby proclaim the week of **October 23rd – 31st, 2015** as

"RED RIBBON WEEK"

in the Town of Lady Lake, Florida, and urge all citizens to join me in this special observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the Town of Lady Lake to be affixed this 19th day of October, 2015.

Town of Lady Lake

Ruth Kussard

Ruth Kussard, Mayor

ATTEST:

Kristen Kollgaard, Town Clerk

H-2

MINUTES OF THE REGULAR MEETING OF THE LADY LAKE TOWN COMMISSION LADY LAKE, FLORIDA October 5, 2015

The Regular Meeting of the Lady Lake Town Commission was held in the Commission Chambers at Lady Lake Town Hall, 409 Fennell Blvd., Lady Lake, Florida with Mayor Ruth Kussard presiding. The meeting convened at 6:00 p.m.

A. CALL TO ORDER: Mayor Ruth Kussard

B. PROCEDURAL: *Citizens are encouraged to participate in the Town of Lady Lake meetings. Speakers will be limited to three (3) minutes. Additional time may be granted by the Mayor. Citizen groups are asked to name a spokesperson and the Mayor, at his/her discretion, may allow longer than three minutes. Upon being recognized by the Mayor, please approach the dais, state your name and address, and speak into the microphone. The order of agenda items may be changed if deemed appropriate by the Town Commission. Please be respectful of others and put your cell phone on silent mode.*

C. PLEDGE OF ALLEGIANCE

D. INVOCATION[i]: Reverend Marilyn Anell – New Covenant United Methodist Church

E. ROLL CALL: Tony Holden, Commissioner Ward 2
Dan Vincent, Commissioner Ward 3
Jim Richards, Commissioner Ward 5
Ruth Kussard, Mayor/Commissioner Ward 1

ABSENT: Paul Hannan, Commissioner Ward 4

STAFF MEMBERS PRESENT: Kris Kollgaard, Town Manager; Derek Schroth, Town Attorney; Thad Carroll, Growth Management Director; C.T. Eagle, Public Works Director; Chief Chris McKinstry and Jan Miller, Administrative Assistant, Police Department; Pam Winegardner, Finance Director; Wendy Then, Town Planner; and Nancy Slaton, Deputy Town Clerk

F. PUBLIC COMMENTS[ii] - There were no comments at this time.

G. PRESENTATION:

1. <u>Check Presentation from the Orange Blossom Garden Lions Club to the Lady Lake Police Department (Doris Turlo/Chris McKinstry)</u>

Doris Turlo and Ralph Corso of the Orange Blossom Garden Lions Club presented a check in the amount of $1,500 to Chief Chris McKinstry of the Lady Lake Police Department.

Chief McKinstry thanked Ms. Turlo and Mr. Corso, and the Orange Blossom Garden Lions Club for their generous donation, and for past donations. He stated these funds will go toward the purchase of bicycles to give away to children at National Night Out at the Target parking lot at 7 p.m. tomorrow night, and also for the upcoming Fall Safety Festival being planned for November.

H. PROCLAMATION:

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2. Proclaiming the Week of October 18-24, 2015 as Florida City Government Week 2015 (Mayor Kussard)

Mayor Ruth Kussard read the proclamation proclaiming the week of October 18th to the 24th as Florida City Government Week, and encouraged everyone to do everything possible to ensure that it is recognized and celebrated accordingly.

I. CONSENT[iii]:

Town Manager Kris Kollgaard stated that consent item #I-8 for the Lady Lake Historical Society lease agreement is being pulled to further clarify insurance issues, and will be brought back at the October 19, 2015 Commission meeting.

Mayor Kussard asked if there were any questions or comments on the remaining Consent items.

3. Minutes – September 16, 2015 – Special Commission Meeting
– September 24, 2015 – Commission Workshop Meeting

4. Consideration of the Renewal of the Lease Agreement between the Town of Lady Lake and the American Legion Post 347 for the Boy Scout Hut (Mike Burske)

The background summary for this agenda item is on file in the Clerk's Office. It states that the American Legion Post 347 desires to renew their lease agreement for the Scout Hut as sponsorship for Troop 244. The dates are the only changes to this document. The Town Attorney has approved the insurance and lease.

5. Consideration of the Renewal of the Lease Agreement between the Town of Lady Lake and the Chamber of Commerce for the Log Cabin (Mike Burske)

The background summary for this agenda item is on file in the Clerk's Office. It states that the Lady Lake Area Chamber of Commerce once again desires to renew its lease agreement with the Town for the Log Cabin at Veterans Park. The new lease will have a one year term and includes the new indemnity clause and insurance requirements.

6. Consideration of the Renewal of the Lease Agreement between the Town of Lady Lake and the Lady Lake Kiwanis Club for the Caboose at the Log Cabin (Mike Burske)

The background summary for this agenda item is on file in the Clerk's Office. It states that the Lady Lake Kiwanis Club once again desires to renew its lease agreement with the Town for the Caboose at the Log Cabin/ Veterans Park. The dates on the contract are the only changes to the proposed document. The insurance requirements for the indemnity clause have been removed due to the fact that the Town provides insurance at this location.

7. Consideration of the Renewal of the Lease Agreement between the Town of Lady Lake and the Lady Lake Dog Park Association, Inc. for the Rolling Acres Utility Site (Mike Burske)

The background summary for this agenda item is on file in the Clerk's Office. It states that the Lady Lake Dog Park Association desires to once again renew its lease with the Town of Lady Lake. The dates are the only changes to this document. The Town Attorney has reviewed and approved the lease and insurance.

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8. Consideration of the Renewal of the Lease Agreement between the Town of Lady Lake and the Lady Lake Historical Society for the Train Depot (Mike Burske)

This item was pulled and tabled to the October 19, 2015 Commission meeting.

9. Consideration of the Renewal of the Lease Agreement between the Town of Lady Lake and the Lady Lake Little League for the Guava Street Athletic Complex Fields (3) and Concession Stand (Mike Burske)

The background summary for this agenda item is on file in the Clerk's Office. It states that the Little League desires to renew their lease agreement with the Town. The only changes to this document are the dates. The Town Attorney has reviewed the document and insurance.

10. Consideration of the Renewal of the Lease Agreement between the Town of Lady Lake and the Lady Lake Soccer Association for the Rolling Acres Sports Complex Concession Stand (Mike Burske)

The background summary for this agenda item is on file in the Clerk's Office. It states that the Lady Lake Soccer Association is seeking to continue its lease for the soccer fields and the concession stand for the coming year. The insurance has been reviewed by Public Risk Management and the Town Attorney. The Use of Demised Premises has been changed to reflect the same uses as the Little League for their concession stand and facility. An indemnity has also been added to the lease agreement as recommended by P.R.M.

11. Consideration for the Scouts to Once Again Host a Haunted House at the Scout Hut on October 16th through the 31st, 2015 (Mike Burske)

The background summary for this agenda item is on file in the Clerk's Office. It states that the Scouts are requesting the use of the Scout Hut for a haunted house on October 16th through the 31st. The project will be used as a fundraiser for the Scouts and will coincide with the Not Too Scary Halloween Party on the 24th. This has proven to be a good fundraising event for the Scouts and will be the fifth year for this event, if approved. The Scouts will also ask for leniency to change the dates as they are currently programming the event.

12. Consideration to Host the Fall Community Safety Festival (Lady Lake Police Department and The Home Depot) (Chris McKinstry)

The background summary for this agenda item is on file in the Clerk's Office. It states that the Lady Lake Police Department (LLPD) is requesting to co-host the Fall Community Safety Festival on Saturday, November 14, 2015 from 10 a.m. until 2 p.m. to heighten crime prevention and enhance safety awareness. This event will be held in the parking lot area of The Home Depot, and will feature a bicycle safety course, as well as public safety booths and vehicles. Community partners expressing a strong interest in participating at this time include The Villages Public Safety, Lake County Fire Department, Seniors vs. Crime, McDonald's, and our local police departments and Sheriff's offices. This event will be advertised locally through area businesses and news media.

Upon a motion by Commissioner Richards and a second by Commissioner Holden, the Commission approved Consent Items #I-3 through #I-12; excluding item #I-8, by a vote of 4 to 0.

J. OLD BUSINESS: No old business.

K. NEW BUSINESS:

13. Consideration of Approval to Put the Guava Street Athletic Complex/Little League Concession Stand Out to Bid (Mike Burske)

Parks and Recreation Director Mike Burske gave the background summary for this agenda item (on file in the Clerk's office). He stated that Neel Schaffer Engineering has completed the design and specs for the Little League Concession Stand, and the project includes the parking area by the tennis courts and is ready to be put out to bid. The only items left out of the documents included in the packet are the dates for putting this project out to bid. He stated that he and the Town Manager will work with the dates if and when approval is given. Mr. Burske stated that this project will be funded with Parks and Recreation Impact Fees. He stated that this item passed the Parks, Recreation and Tree Board with a 4 – 0 vote.

Mr. Burske asked that the Commission keep in mind that there will be an additional cost of $12,000.00 for C.E.I. services during construction. He stated Chris Schultz with Neel-Schaffer Engineering and Jim Karoly with the Little League are present if there are any questions.

Upon a motion by Commissioner Richards and a second by Commissioner Holden, the Commission approved the Consideration of Approval to Put the Guava Street Athletic Complex/Little League Concession Stand Out to Bid by a vote of 4 to 0.

14. Consideration of Maintenance Agreement with Munn's Air Conditioning & Heating to Provide Town-Wide HVAC Repair, Testing, and Maintenance Services (C.T. Eagle)

Public Works Director C.T. Eagle gave the background summary for this agenda item (on file in the Clerk's office). He stated that the Town has a number of facilities and a variety of different HVAC units that require maintenance. He stated that this maintenance agreement includes all of the different units and facilities while also providing for optional repair and replacement work to be performed by the vendor at set prices. Mr. Eagle stated that staff did contact other vendors such as Trane, Dobbs Heat & Air, along with a few other local vendors to obtain quotes; no other comparable quotes were received that encompassed all of the Town facilities and various HVAC manufacturers. He stated the Trane proposal is attached to this items as reference; the proposal only includes Town Hall and is at a higher price. Mr. Eagle stated most local vendors service a specific manufacturer or do not specialize in commercial accounts, and Munn's is a local company that has performed work for the Town in the past. He stated that the Town Attorney has reviewed and approved this agreement, and this is a budgeted item.

Commissioner Richards commented that Mr. Eagle did a good job on this agreement.

Upon a motion by Commissioner Holden and a second by Commissioner Richards, the Commission approved the Maintenance Agreement with Munn's Air Conditioning & Heating to Provide Town-Wide HVAC Repair, Testing, and Maintenance Services by a vote of 4 to 0.

15. Consideration to Utilize Ring Power Corporation to Provide Town-Wide Generator Repair Testing, and Maintenance Services (C.T. Eagle)

Public Works Director C.T. Eagle gave the background summary for this agenda item (on file in the Clerk's office). He stated that in March of 2011, the Town Commission approved utilizing Ring Power Corporation to provide repair, testing, and maintenance services for all of the Town-owned

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generators under one contract; a piggy-back with the City of Tallahassee. He stated that the City of Tallahassee has renewed their contract with Ring Power and staff recommends renewing the Town's contract as well; a letter of contract renewal for the City of Tallahassee is included in the packet for this item. Mr. Eagle stated that the Town Attorney has reviewed and approved this agreement, and that this is a budgeted item.

Commissioner Vincent commented he has done business with this company in the past and found them to be quite reputable.

Upon a motion by Commissioner Vincent and a second by Commissioner Holden, the Commission approved utilizing Ring Power Corporation to Provide Town-Wide generator repair testing, and maintenance services by a vote of 4 to 0.

16. <u>Consideration of Application for the 2016 Federal Fiscal Year FDOT Traffic Safety Grant (Chris McKinstry)</u>

Chief McKinstry gave the background summary for this agenda item (on file in the Clerk's office). He stated that in June of 2014, the Police Department submitted a concept paper to the Florida Department of Transportation for evaluation regarding the possibility of senior driving traffic safety grants becoming available. He reported that several months later, they were notified that they were not being considered. An FDOT representative advised that the proposed cost to fund the project exceeded any grant opportunities currently available and also some items requested were not permitted by FDOT criteria. Chief McKinstry stated he was asked to resubmit the concept paper for future consideration, and it was resubmitted with some changes in mid-2015. He stated that on September 11, 2015, an email was received from FDOT indicating that the Lady Lake Police Department had been selected to receive funding for the 2016 Federal fiscal year in the anticipated amount of $23,365 by making application for that funding. Chief McKinstry stated that staff is requesting approval to make a formal application for the available funding.

Upon a motion by Commissioner Richards and a second by Commissioner Holden, the Commission approved for staff to apply for the 2016 Federal Fiscal Year FDOT Traffic Safety Grant, and accept if awarded, by a vote of 4 to 0.

L. TOWN ATTORNEY'S REPORT:

17. <u>Ordinance No. 2015-14 – First Reading – Amending Ch. 10.5, Pensions & Retirements, Art. III; Modification of Investment Allocation for Police Pension Plan (Kris Kollgaard)</u>

Town Attorney Derek Schroth read the ordinance by title.

Town Manager Kris Kollgaard gave the background summary for this agenda item (on file in the Clerk's office). She stated that at the June 10, 2015 Police Pension Board meeting, the Board considered a recommendation by The Bogdahn Group to broaden the asset allocation percentages to include real estate investments (not to exceed 15%), and authorized the Board attorney to draft an ordinance to that effect. Ms. Kollgaard stated that at the September 9, 2015 Police Pension Board meeting, Scott Christiansen, Board Attorney, proposed the attached draft ordinance for the Board's approval. This ordinance amends Section 10.5-34, Finances and Management – Establishment and Operation of Fund and allows a modification of the investment allocation percentages as discussed. Excerpts of the minutes of both meetings were included in the packet. She stated that the Town Commission is scheduled to vote on this ordinance for second/final reading at its meeting on October 19, 2015.

Ms. Kollgaard reported the proposed changes to asset allocation include the following:

Asset Class	Current Target	Proposed Target
Domestic Equity	50%	45%
International Equity	10%	15%
Broad Market Fixed Income	40%	25%
Global Fixed Income	0%	5%
TIPS	0%	0%
Real Estate	0%	10%

Ms. Kollgaard stated that David West of The Bogdahn Group was unable to attend this evening's meeting, but is available to answer questions by speaker phone, or staff can ask him to attend the meeting for the second/final reading on October 19, 2015.

Commissioner Richards stated he does not feel qualified to review this, although he is bothered by the Global Fixed Income target of 5%, with Real Estate at 10%. He stated he thought the current investments were doing well.

Ms. Kollgaard stated the investments are doing well, but it was brought up that the plan may want to include real estate.

Commissioner Richards stated he would vote to approve first reading, but would like to have more information before the second reading or have someone with investment knowledge attend the meeting for the second reading of this ordinance.

Commissioner Holden stated that he is the one that stirred the pot and requested the plan broaden their investments as at least 35% of the fund is in bonds, which were only getting approximately 1.5% interest. He stated the plan needs to look ahead to protect the 6 3/4 million currently in the plan for future growth.

Upon a motion by Commissioner Holden and seconded by Commissioner Vincent, the Commission approved Ordinance No. 2015-14 – First Reading – Amending Ch. 10.5, Pensions & Retirements, Art. III; Modification of Investment Allocation for Police Pension Plan, by the following roll call vote:

HOLDEN	***YES***
VINCENT	***YES***
RICHARDS	***YES***
KUSSARD	***YES***

18. <u>Ordinance No. 2015-13 – Second/Final Reading – Amending the Text of Policy 1-10.1, F) of the Future Land Use Element of the Lady Lake Comprehensive Plan 2030 – Allowing for the Construction of Individual Single Family Dwelling Units on Lots of Record Existing as of September 26, 2006 (Thad Carroll)</u>

Town Attorney Derek Schroth read the ordinance by title.

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk's office). He stated that the Town of Lady Lake has filed a text amendment to the Comprehensive Plan 2030 in an effort to address a necessary correction to the description of the

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Manufactured Home High Density (MH-HD) Future Land Use (FLU) Classification. This amendment is directly related to the request to annex properties in the Orange Blossom Gardens Subdivisions into the Town of Lady Lake, and to rezone them to the Mixed Residential Medium Density (MX-8) FLU classification. Mr. Carroll summarized that this ordinance is a clean-up effort to bring the comprehensive plan in order with Ordinance No. 2006-68, and accompanies Ordinance No. 2015-08.

Orange Blossom Gardens has been in existence since the 1960's and was begun as a mobile home community in Lake County, Florida (unincorporated). In the 1980's, the Town of Lady Lake began to annex areas of Orange Blossom Gardens, assigning them the R-3 zoning classification which permitted mobile home construction. In August of 1989, Ordinance 89-22 of the Town of Lady Lake amended the R-3 classification of the Town's zoning ordinance to allow mobile homes, as well as pre-fabricated homes. In the following year, under Ordinance 90-102, the Town again amended the R-3 zoning category to allow site-built homes.

On August 15, 1994, through Ordinance 94-08, the Town of Lady Lake elected to repeal numerous ordinances and provisions by adopting "The Land Development Code of the Town of Lady Lake", as well as an accompanying Town Zoning Map. The properties of Orange Blossom Gardens were given the zoning classification of Mixed Residential Medium Density (MX-8), which permitted mobile home construction, as well as single-family conventional construction.

Finally, under Ordinance 2006-68 adopted September 21, 2006, the Town Commission of the Town of Lady Lake amended the language the Manufactured Home High Density (MH-9) to allow individual single family dwelling units to be located on lots of record existing as of September 21, 2006. Until that time, the MH-9 zoning classification was the only residential classification that did not permit single-family residential construction. Given the age of many of the mobile homes in the community, the ordinance expanded the opportunity for those choosing to replace their mobile home to do so with a conventional single family home.

Again, the areas of The Villages (Orange Blossom Gardens/Hills) were rezoned MX-8 in 1994; therefore, the zoning has long been in place for either construction type. However, concurrent with the adoption of Ordinance 94-08, the Town failed to amend the Future Land Use Classification to Mixed Residential Medium Density (MR-MD), the properties remained under the MH-HD future land use classification which permitted only the manufactured home and mobile home construction types.

Given that the MX-8 zoning classification density (eight dwelling units per acre) is less than the density allowed under the Manufactured Home High Density classification (nine dwelling units per acre), the Town at this time is requesting a text amendment to the Comprehensive Plan to incorporate the necessary language to the MH-HD future land use classification to allow both housing types as intended under Ordinance 94-08, and edified by the adoption of Ordinance 2006-68 to allow the replacement of mobile and manufactured homes town-wide (at least for those lots of record which existed prior to September 21, 2006, of which those lots assigned MX-8 in 1994 within The Villages qualify). The amendment will in no way prohibit the residents of the MH-HD future land use classification from choosing the construction type of their home through its passage.

This amendment is consistent with the Town's Comprehensive Plan policy: Policy HSG 1-1.2: Promote a Diversity of Housing Types. The Town's Future Land Use Map shall designate the appropriate land uses to accommodate a diversity of housing needs.

The Planning and Zoning Board heard the application for Ordinance No. 2015-13 at their regular meeting on Monday, September 14, 2015, and recommended approved by a 3-0 vote. At their regular meeting on Wednesday, September 16, 2015, the Local Planning Agency considered Ordinance No.

2015-13 and recommended approval by a vote of 5-0. At their Special Meeting on Wednesday, September 16, 2015, the Town Commission voted 5-0 for approval of Ordinance No. 2015-13 upon First Reading.

Upon a motion by Commissioner Holden and seconded by Commissioner Richards, the Commission approved Ordinance No. 2015-13 – Second/Final Reading – Amending the Text of Policy 1-10.1, F) of the Future Land Use Element of the Lady Lake Comprehensive Plan 2030 – Allowing for the Construction of Individual Single Family Dwelling Units on Lots of Record Existing as of September 26, 2006, by the following roll call vote:

HOLDEN	***YES***
VINCENT	***YES***
RICHARDS	***YES***
KUSSARD	***YES***

19. Resolution No. 2015-108 – First/Final Reading- Kevco Builders for Cezary & Patricia Frondczak – Requesting an After-the-Fact Variance Pursuant to the Provisions of Chapter 5, Section 5-4).C).4). to Increase the Maximum Impervious Surface Area from 35% to 42.8% of the Lot Size to Retain Concrete Improvements Already Made Such as Rear Patio Concrete Slab, Driveway, and Connecting Sidewalk – Located at 510 Dowling Circle (Wendy Then)

Town Attorney Derek Schroth read the resolution by title.

Town Planner Wendy Then gave the background summary for this agenda item (on file in the Clerk's office). She stated that the applicant, Bryan Smith Kevco, has filed a variance application on behalf of property owners Cezary & Patricia Frondczak from the provisions of Chapter 5, Section 5-4).c).4).E). of the Land Development Regulations (LDRs) which states that the maximum impervious surface within the RS-3 Zoning should not exceed 35%t. The applicant proposes the impervious surface area to be increased from 35% to 42.8% to be allowed to retain concrete improvements already constructed such as rear patio concrete slab, driveway, and sidewalk, constructed at 510 Dowling Circle (Alternate Key 3682904).

Ms. Then showed photos of the property and reviewed the background for this variance request as follows:

During the construction of the single family residence at 510 Dowling Circle, certain concrete improvements were completed that originally were not part of the zoning clearance issued for the Single Family Residence project (Permit No. 15-0173) as it relates to concrete to be poured on the site. Upon submittal of an as-built survey to the Growth Management Department, it was determined that the total impervious surface area was increased to 6,634.38 sq. ft. within the 15,499.87 sq. ft. lot; yielding 42.8% of impervious surface area (concreted area) in the lot. At this time the applicant is requesting an increase of 7.8% of what is currently allowed under the RS-3 Zoning District.

As required of this application, a Justification Statement has been submitted. The applicant stated that the concrete flatwork was an oversight during construction, it's mostly within the setback, and all building codes have been followed. Further, the applicant stated that these improvements brings new tax roll for the Town and the final product is consistent with the quality of the homes built within this neighborhood. Additionally, the denial of the variance would create a hardship should the owner have to remove approximately 1000 sq. ft. of concrete; which would have to be redone with pavers and the finish wouldn't be the same. Lastly, the homeowners association is aware of the variance and has provided a letter of support/approval for the concrete improvements.

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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.

The subject property lies in Section 05, Township 18, Range 24, Lady Lake, Florida. The property is zoned "RS-3" Single Family Low Density (up to three dwelling units per acre), which permits the construction of these residential improvements. The Future Land Use Map designation for the site is SF-LD (Single Family Low Density).

Zoning/Future Land Use

Subject Property	RS-3- Single Family Low Density/ SF-LD
Zoning of Adjacent Properties	
West	RS-3- Single Family Low Density/ SF-LD
East	RS-3- Single Family Low Density/ SF-LD
North	RS-3- Single Family Low Density/ SF-LD
South	RS-3- Single Family Low Density/ SF-LD

Ms. Then stated that notices to inform the surrounding property owners (9) within 150' of the subject property of the proposed variance were mailed by certified mail return receipt on Monday, August 31, 2015 and the property was also posted the same day. There have been no objections received.

Ms. Then reported that the Technical Review Committee (TRC) members individually reviewed the application for Resolution No. 2015-108 and provided comments on September 4, 2015 that determined the application complete and ready for transmittal to the Planning and Zoning Board and the Town Commission. The Planning and Zoning Board heard the application for Resolution No. 2015-108 at their regular meeting on Monday, September 14, 2015, and recommended approval by a 3-0 vote.

Ms. Then stated that the property owners are present if there are any questions.

Commissioner Richards asked about an engineer's recommendation regarding run-off since there is more impervious surface.

Ms. Then replied that flat work was done in between landscaping and open areas and the property has good drainage into swales. She stated that there is also flat work in the back that is not near the rear easement.

Mr. Carroll stated that individual site plans are not normally reviewed by an engineer, but that staff can look into it. He stated the home site is adjacent to a golf course.

After discussion, the Commission agreed to table this item so that an engineer can look at the property before the final reading.

Upon a motion by Commissioner Richards and seconded by Commissioner Holden, the Commission tabled the first/final reading of Resolution No. 2015-108 to the October 19, 2015 meeting, by the following roll call vote:

HOLDEN	***YES***
VINCENT	***YES***
RICHARDS	***YES***
KUSSARD	***YES***

20. Resolution No. 2015-110 – First/Final Reading – SRK Lady Lake 43 Associates, LLC for SteinMart – Variance Request Pursuant to Chapter 17, Section 4.b.2.E. to Allow a Secondary Wall Sign to be Placed on the Southeast Elevation of the Building Referenced as Retail Tenant Space 1 – Located within the Lady Lake Crossing Plaza at 456 North Highway 27/441 (Wendy Then)

Town Attorney Derek Schroth read the resolution by title.

Town Planner Wendy Then gave the background summary for this agenda item (on file in the Clerk's office). She stated that on August 26, 2015, Town staff received a variance application from applicant Martin J. DelleBovi with SRK Lady Lake 43 Associates for secondary wall signage to be placed on the southeast elevation of the building facing North Highway 27/441, referenced as Retail Tenant Space 1, located within the Lady Lake Crossing Plaza. The applicant has filed the variance application for the SteinMart Department Store to be located at the Lady Lake Crossing Plaza for property addressed as 456 North Highway 27/441. The variance request has been made pursuant to the provisions of Chapter 17, Section 4.b.2.E., of the Town of Lady Lake Land Development Regulations which only allows wall signs to be placed on the main façade of the business. The proposed sign would be approximately 32'3"x 6' or 193.5 sq. ft. in copy area.

Ms. Then reviewed photos of the property which included renderings of the proposed sign illustrating the size and location of the sign. She reviewed the background as follows:

As required of this application, a Justification Statement has been submitted. The applicant stated that having the channel letter signs facing this elevation will assist the northbound traffic to identifying the store's location. Additionally, the applicant indicated that drivers coming south to north on Fennell Boulevard would be better directed to the store, thus providing advanced direction to prepare them to make an upcoming left into the property. Lastly, the applicant feels that given the size of the building for this anchor store, featuring wall signage consistent with the one already installed on the main façade of the business is more in line with Commercial Design Standards and the spirit of the Sign Code than an empty façade on that significant elevation.

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.

The subject property lies in Section 08, Township 18, Range 24, Lady Lake, Florida. The property is zoned "PUD" Planned Unit Development, which permits the development in existence. The Future Land Use Map designation for the site is RET (Commercial General-Retail Sales and Services). The requested use is consistent with the adopted Memorandum of Agreement Ordinance 2006-04 for the Lady Lake Crossing Plaza and the directives of the Comprehensive Plan and adopted Land Development Regulations.

Ms. Then stated that notices to inform the surrounding property owners (3) within 150' of the subject property of the proposed variance were mailed by certified mail return receipt on Monday, August 31, 2015 and the property was posted the same day. A second variance has been submitted concurrently with this application requesting to increase wall sign copy area to accommodate the proposed secondary wall sign.

Ms. Then stated the Technical Review Committee (TRC) members individually reviewed the application for Resolution No. 2015-110 and provided comments on September 4, 2015 that determined the application complete and ready for transmittal to the Planning and Zoning Board and the Town Commission. The Planning and Zoning Board heard the application for Resolution No. 2015-110 at their regular meeting on Monday, September 14, 2015, and recommended approval by a 3-0 vote. Ms. Then stated the developer is present if there are any questions.

Mayor Kussard asked if there was any public comment on this resolution, and hearing none, asked for a motion.

Upon a motion by Commissioner Holden and seconded by Commissioner Vincent, the Commission approved Resolution No. 2015-110 – First/Final Reading – SRK Lady Lake 43 Associates, LLC for SteinMart – Variance Request Pursuant to Chapter 17, Section 4.b.2.E. to allow a Secondary Wall Sign to be placed on the Southeast Elevation of the Building Referenced as Retail Tenant Space 1 – Located within the Lady Lake Crossing Plaza at 456 North Highway 27/441, by the following roll call vote:

HOLDEN	***YES***
VINCENT	***YES***
RICHARDS	***YES***
KUSSARD	***YES***

21. <u>Resolution No. 2015-111 – First/Final Reading – SRK Lady Lake 43 Associates, LLC for SteinMart – Variance Request Pursuant to Chapter 17, Section 4.b.2. to Increase Wall Sign Copy Area an Additional 187 Sq. Ft. from the Maximum 200 Sq. Ft. Allowed for a Secondary Wall Sign for Retail Tenant Space 1 – Located within the Lady Lake Crossing Plaza at 456 North Highway 27/441 (Wendy Then)</u>

Town Attorney Derek Schroth read the resolution by title.

Town Planner Wendy Then gave the background summary for this agenda item (on file in the Clerk's office). She stated that the applicant, Martin J. DelleBovi with SRK Lady Lake 43 Associates, has

filed the second variance application requesting to increase allowable wall sign copy area to accommodate the proposed secondary wall sign for the SteinMart Department Store to be located on Retail Tenant Space 1, at the Lady Lake Crossing Plaza for property addressed as 456 North Highway 27/441. Pursuant to the provisions of Chapter 17, Section 17-4).b).2), wall sign copy area cannot exceed a total of 200 sq. ft. per tenant. SteinMart has already installed a wall sign approximately 193.5 sq. ft. on the main façade of the business and the proposed secondary wall sign would be the same size; thus prompting the submittal of a concurrent variance addressing the additional increase in signage.

Ms. Then stated that the requests is to allow an additional 187 sq. ft. from the maximum 200 sq. ft. allowed, for a total of 387 sq. ft. of wall sign copy area, since each sign would be 193.5 sq. ft.

Ms. Then reviewed photos of the site and postings. She reported that a Justification Statement has been submitted by the applicant stating that having the channel letter signs facing this elevation will assist the northbound traffic to identifying the store's location. Additionally, the applicant indicated that drivers coming south to north on Fennell Blvd. would be better directed to the store thus providing advanced direction to prepare them to make an upcoming left into the property. Lastly, the applicant feels that given the size of the building for this anchor store, featuring a wall signage consistent with the one already installed on the main façade of the business, is more in line with Commercial Design Standards and the spirit of the Sign Code rather than an empty façade on that significant elevation.

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.

The subject property lies in Section 08, Township 18, Range 24, in Lady Lake, Florida. The property is zoned "PUD" Planned Unit Development, which permits the development in existence. The Future Land Use Map designation for the site is RET (Commercial General-Retail Sales and Services). The requested use is consistent with the adopted Memorandum of Agreement Ordinance 2006-04 for the Lady Lake Crossing Plaza and the directives of the Comprehensive Plan and adopted Land Development Regulations.

Ms. Then stated that notices to inform the surrounding property owners (3) within 150' of the subject property of the proposed variance were mailed by certified mail return receipt on Monday, August 31, 2015 and the property was posted the same day.

Ms. Then reported that the Technical Review Committee (TRC) members individually reviewed the application for Resolution No. 2015-111 and provided comments on September 4, 2015 that determined the application complete and ready for transmittal to the Planning and Zoning Board and the Town Commission. The Planning and Zoning Board heard the application for Resolution No. 2015-111 at their regular meeting on Monday, September 14, 2015, and recommended approval by a 3-0 vote.

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Mayor Kussard asked if there was any public comment on this resolution, and hearing none, asked for a motion.

Upon a motion by Commissioner Vincent and seconded by Commissioner Holden, the Commission approved Resolution No. 2015-111 – First/Final Reading – Variance Request Pursuant to Chapter 17, Section 4.b.2. to Increase Wall Sign Copy Area an Additional 187 Sq. Ft. from the Maximum 200 Sq. Ft. Allowed for a Secondary Wall Sign for Retail Tenant Space 1 – Located within the Lady Lake Crossing Plaza at 456 North Highway 27/441, by the following roll call vote:

HOLDEN	*YES*
VINCENT	*YES*
RICHARDS	*YES*
KUSSARD	*YES*

22. a) Ordinance No. 2015-05 – Second/Final Reading – Sawmill Holdings, LLC – Large Scale Future Land Use Amendment Application to Change Future Land Use from Single Family Medium Density (SF-MD) to Commercial Tourist (CT) to Establish an RV Park Facility – Located at 3105 Hartsock Sawmill Road, Approximately 1,500 Ft. East of Highway 27/441 (Thad Carroll)

Town Attorney Derek Schroth read the ordinance by title.

b) Ordinance No. 2015-06 – Second/Final Reading – Sawmill Holdings, LLC – Rezoning Application to Change Future Land Use from Single Family Medium Density (RS-6) to Commercial Tourist (CT) to Establish an RV Park Facility – Located at 3105 Hartsock Sawmill Road, Approximately 1,500 Ft. East of Highway 27/441 (Thad Carroll)

Town Attorney Derek Schroth read the ordinance by title.

c) Ordinance No. 2015-07 – Second/Final Reading – Sawmill Holdings, LLC – Special Exception Use Application to Incorporate Terms and Conditions for the Development and Operation of a 185 Unit RV Park Facility with a 4,500 Sq. Ft. Clubhouse, Bathhouse, Registration Building and Park – Located at 3105 Hartsock Sawmill Road, Approximately 1,500 Ft. East of Highway 27/441 (Thad Carroll)

Town Attorney Derek Schroth read the ordinance by title.

Growth Management Director Thad Carroll gave the background summary for these agenda items (on file in the Clerk's office). He stated that the applicant, LPG Urban & Regional Planners, has filed applications on behalf of Sawmill Holdings, LLC, to amend the Future Land Use designation, to amend the Zoning classification, and to establish a Special Exception Use (SEU) upon property (AK# 1771358) located at 3105 Hartsock Sawmill Road, approximately 1,500 feet east of Highway 27/441, which includes 53.14± acres within Town of Lady Lake limits.

Mr. Carroll showed aerial views of the property, future land use of the subject property and adjacent parcels, as well as the conceptual plan layout.

The Future Land Use Amendment (**Ordinance No. 2015-05**) proposes a change from Single Family Medium Density (SF-MD) to Commercial Tourist (CT). The rezoning of the property (**Ordinance No. 2015-06**) requests a change from Single Family Medium Density (RS-6) to Commercial Tourist (CT).

In accordance with the Town of Lady Lake Land Development Regulations, Chapter 5, Section 5-4, k).2).B), upon approval of a Special Exception Use application (**Ordinance No. 2015-07**), a Recreational Vehicle (RV) Park can be established within the Commercial Tourist Zoning District; therefore, a concurrent submittal for a Special Exception Use has also been applied for at this time.

As per the Town's Land Development Regulations, a *Recreational vehicle park (or RV Park)* is defined as *a parcel of land under single ownership, where sites are offered for rent for the temporary placement of recreational vehicles being used for travel, recreation or vacation purposes.*

Chapter 6, Section 2, (e), (2) Review Criteria.

When reviewing an application for a special exception the Town Commission shall consider the following requirements and criteria, including but not limited to:

1. Traffic generation and access for the proposed use shall not adversely impact adjoining properties and the general public safety.

2. Off-street parking, loading and service areas shall be provided and located such that there is no adverse impact on adjoining properties, beyond that generally experienced in the district.

3. Required yards, screening or buffering, and landscaping shall be consistent with the district in general and the specific needs of the abutting land uses.

4. Size, location or number of special exception uses in the area shall be limited so as to maintain the overall character of the district as intended by this Code.

5. Architectural and signage treatments shall comply with the general provisions applicable to permitted uses in the district, to the greatest extent possible, and be sensitive to surrounding development.

6. The availability of utilities services (such as water, sewer, and solid waste) and recreational facilities.

The conceptual bubble plan dated May 22, 2015 submitted by LPG Urban and Regional Planners, Inc. highlights a complete facility to include clubhouse, bath house, registration/office building, and park with a Frame Vernacular Architectural Style. The projected density for the plan is 3.56 units/acre with a typical RV lot size of 3,600 (40' x 90') sq. ft. The lots will be individually sold for fee-simple ownership.

The applications were received on April 28, 2015 and have been reviewed and determined to be complete, satisfying the necessary criteria as required to meet the requirements of the Land Development Regulations (LDRs), as well as the adopted Comprehensive Plan, and is ready for transmittal to the Town Commission for second and final reading. A justification statement has also been included as part of the Large Scale Comprehensive Plan Amendment Application, which the applicant submitted for justifying why the future land use should be amended for the development proposed.

Impact on Town Services:

Potable Water-

- Potable Water Systems – CUP allocation of 1.18 million gpd (2015)
- Current water systems usage – 687,016 gpd
- Demand Contingent on Occupants of Development (500,984 gdp available)

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Sewer -

- 1,000 gpd is maximum capacity for sanitary sewer plant
- Current sanitary sewer usage – 240,000 ± gpd
- 480,000 gpd available for sanitary sewer
- At build-out. the proposed RV Park would utilize 23,250 gpd for water and sewer.

Schools –

- Not factored for project – no foreseen impact of students.

Transportation –

- Traffic Analysis indicates that the proposed Future Land Use designation of CT – RV Park Only, will generate 125 fewer a.m. peak hour trips and 125 fewer p.m. peak hour trips than the current SF-MD Designation assuming maximum potential under the Future Land Use Classification.

Parks & Recreation –

- Addition in population will not cause P&R Level of Service to be exceeded.

Stormwater –

- Project will be required to adhere to SJRWMD guidelines.

State and Regional Agency Review: On July 9, 2015, the Large Scale Amendment Package 15-1ESR (Ordinance No. 2015-06) was transmitted to the Florida Department of Economic Opportunity under the Expedited State Review process for comment and review, as well as the Department of Environmental Protection, Lake County Board of County Commissioners, Lake-Sumter Metropolitan Planning Organization, East Central Florida Regional Planning Council, Florida Bureau of Historic Preservation, Florida Department of Transportation(District 5), and the St. John's River Water Management District. These agencies identified no comments regarding any negative impacts to state and regional resources and facilities as a result of the adoption of the Large-Scale Future Land Use Amendment (review letters were included in the packet).

Mr. Carroll reviewed the comments from State and regional agencies as follows:

- St. John's River Water Management District staff comments received on July 27, 2015 stated no adverse impacts were identified.
- The Florida Department of Environmental Protection reply received on August 11, 2015 found no adverse impacts.
- The Florida Department of Transportation District 5 reply was received on July 27, 2015 and had no concerns.
- The Lake-Sumter MPO reply was received on September 10, 2015 and found the amendment will result in a reduction of potential impact to the roadway.
- The Florida Department of Education reply was received on July 21, 2015 and offered no comment as there appeared to be no impact on the school system.
- The Florida Department of Economic Opportunity reply was received on August 11, 2015 and identified no adverse impact or comment.

The subject property involving approximately 53.14 ± acres lies in Section 27, Township 18 South, Range 24 East in Lake County, Florida. The Future Land Use and Zoning Designation of the adjacent properties is as follows:

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Future Land Use

Subject Property	Lady Lake – Single Family- Medium Density (SF-MD)-Up to 6 du/ac
Future Land Use of Adjacent Properties	
West	Lady Lake – Manufactured Home High Density (MH-HD)-Up to 9 du/ac and Lake County- Urban Medium Density
East	Lake County – Urban Low Density
North	Lady Lake – Single Family- Medium Density (SF-MD)-Up to 6 du/ac
South	Lake County – Urban Medium Density

Zoning

Subject Property	Lady Lake– Single Family Medium Density (RS-6)- Up to 6 du per acre
Zoning of Adjacent Properties	
West	Lady Lake – Manufactured Home High Density (MH-HD) and Lake County – R-1
East	Lake County – R-1
North	Lady Lake– Single Family Medium Density (RS-6)- Up to 6 du per acre
South	Lake County – Agriculture

Comments:

1) Applicant must submit a Plat for the proposed 185-Unit RV Park site if the Town Commission approves the comprehensive plan amendment, rezoning, and Special Exception Use applications to allow the RV Park.

2) Since the property to be developed is within a Special Flood Hazard Area- Flood Zone AE and Wetlands, a flood study will be required by the applicant establishing BFE during the site plan review and to mitigate compensation storage.

3) Town of Lady Lake Commercial Design Standards outlined in Chapter 20 of the LDRs must be adhered to prior to any design of site plans for the proposed buildings associated with this development.

4) Connection to Town Utilities will be required to service this RV Park Site.

5) Prior to the initiation of development activities, the applicant will need to conduct a coverboard survey to identify the existence of Sand Skink and mitigate with a FWC permit accordingly if found.

6) Mitigation may be necessary for site plan approval to address concurrency deficiencies associated with the impacts of this project.

Mr. Carroll reported that notices to inform the surrounding property owners (13) within 150' of the property of the proposed amendment were mailed by certified mail return receipt on Thursday, May 21, 2015, and the property was posted the same day. The property was re-posted for the second hearing on Tuesday, September 15, 2015. He stated there were a couple of objections at the Planning

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and Zoning Board meeting and the first Town Commission meeting, and courtesy information sheets were sent out to those requesting it. He stated staff has heard no further comment in opposition.

Past Actions: The Technical Review Committee (TRC) members individually reviewed application for Ordinance No. 2015-05, Ordinance No. 2015-06, and Ordinance No. 2015-07, provided comments on May 27, 2015, and determined the applications to be complete and ready for transmittal to the Planning and Zoning Board. The Planning and Zoning Board heard the applications for Ordinance No. 2015-05 and Ordinance No. 2015-06 at their regular meeting on Monday, June 8, 2015, and recommended approval of both ordinances with a 4-0 vote. The Planning and Zoning Board does not make recommendations for Special Exception Use applications. At the July 6, 2015 meeting of the Local Planning Agency, the LPA recommended approval of Ordinance No. 2015-06 by a vote of 4-0. The LPA does not consider Rezoning applications and Special Exception Use applications. At first reading before the Town Commission on July 6, 2015, the Commission voted to approve Ordinance No. 2015-05, Ordinance No. 2015-06, and Ordinance No. 2015-07 by a vote of 4-0.

Mr. Carroll stated the applicant's representative, Greg Belliveau with LPG, is present if there are any questions.

Mayor Kussard asked if there was any public comment on Ordinance No. 2015-05, and hearing none, asked for a motion.

Upon a motion by Commissioner Richards and seconded by Commissioner Holden, the Commission approved Ordinance No. 2015-05 – Second/Final Reading – Sawmill Holdings, LLC – Large Scale Future Land Use Amendment Application to Change Future Land Use from Single Family Medium Density (SF-MD) to Commercial Tourist (CT) to Establish an RV Park Facility – Located at 3105 Hartsock Sawmill Road, Approximately 1,500 Ft. East of Highway 27/441, by the following roll call vote:

HOLDEN	***YES***
VINCENT	***YES***
RICHARDS	***YES***
KUSSARD	***YES***

Mayor Kussard asked if there was any public comment on Ordinance No. 2015-06, and hearing none, asked for a motion.

Upon a motion by Commissioner Richards and seconded by Commissioner Vincent, the Commission approved Ordinance No. 2015-06 – Second/Final Reading – Sawmill Holdings, LLC – Rezoning Application to Change Future Land Use from Single Family Medium Density (RS-6) to Commercial Tourist (CT) to Establish an RV Park Facility – Located at 3105 Hartsock Sawmill Road, Approximately 1,500 Ft. East of Highway 27/441, by the following roll call vote:

HOLDEN	***YES***
VINCENT	***YES***
RICHARDS	***YES***
KUSSARD	***YES***

Mayor Kussard asked if there was any public comment on Ordinance No. 2015-07, and hearing none, asked for a motion.

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Upon a motion by Commissioner Vincent and seconded by Commissioner Richards, the Commission approved Ordinance No. 2015-07 – Second/Final Reading – Sawmill Holdings, LLC – Special Exception Use Application to Incorporate Terms and Conditions for the Development and Operation of a 185 Unit RV Park Facility with a 4,500 Sq. Ft. Clubhouse, Bathhouse, Registration Building and Park – Located at 3105 Hartsock Sawmill Road, Approximately 1,500 Ft. East of Highway 27/441, by the following roll call vote:

HOLDEN	*YES*
VINCENT	*YES*
RICHARDS	*YES*
KUSSARD	*YES*

23. a) Ordinance No. 2015-08 – Second/Final Reading – The Villages of Lake-Sumter, Inc. – Annexing 11 Lots (Approximately 1.56 +/- Acres of Land) – Located within Orange Blossom Gardens Units 1, 2, 3, and 3.1B within Lake County, Florida (Thad Carroll)

Town Attorney Derek Schroth read the ordinance by title.

b) Ordinance No. 2015-09 – Second/Final Reading – The Villages of Lake-Sumter, Inc. – Small Scale Future Land Use Comprehensive Plan Amendment from Lake County Medium Urban Density to Lady Lake Manufactured Home High Density for 11 Lots (Approximately 1.56 +/- Acres of Land) – Located within Orange Blossom Gardens Units 1, 2, 3, and 3.1B within Lake County, Florida (Thad Carroll)

Town Attorney Derek Schroth read the ordinance by title.

c) Ordinance No. 2015-10 – Second/Final Reading – The Villages of Lake-Sumter, Inc. – Rezoning from Lake County Residential Medium (RM) to Lady Lake Mixed Residential Medium Density (MX-8) for 11 Lots (Approximately 1.56 +/- Acres of Land) – Located within Orange Blossom Gardens Units 1, 2, 3, and 3.1B within Lake County, Florida (Thad Carroll)

Town Attorney Derek Schroth read each ordinance by title.

Growth Management Director Thad Carroll gave the background summary for these agenda items (on file in the Clerk's office). He stated that the applicant, Martin L. Dzuro, on behalf of the Villages of Lake-Sumter, Inc., has filed applications to annex, rezone, and amend the Future Land Use designation of properties consisting of 11 lots located north of Griffin Avenue and northeast of North Highway 27/441 within the Orange Blossom Garden Subdivisions Units 1, 2, 3, and 3.1B. The applications involve 1.56 +/- acres of property from unincorporated Lake County into the Town of Lady Lake.

The Small-Scale Future Land Use amendment proposes a change from Lake County Medium Urban Density to Lady Lake Manufactured Home High Density. The MH-HD future land use classification is consistent with the homes in the Orange Blossom Gardens Sections already incorporated by the Town of Lady Lake.

The rezoning proposes a change from Lake County Residential Medium (RM) to Lady Lake Mixed Residential Medium Density (MX-8). The MX-8 designation is consistent with the other lots in The Villages which are presently in the Town of Lady Lake's jurisdiction

Mr. Carroll showed aerial views of the subject properties to be annexed and adjacent parcels. The eleven lots are spread out along different roads and include the following addresses:

- 1011 Aloha Way
- 806 Beechwood Avenue
- 913 Cindy Drive
- 1004 Nell Way
- 1015 Nell Way
- 1321 Paradise Drive
- 918 Tarrson Boulevard
- 1316 Teakwood Lane
- 704 Truman Avenue
- 819 Truman Avenue
- 1028 Vermont Way

The subject properties lie in Section 06, Township 18 South, Range 24 East, in Lake County, Florida. Appropriate legal descriptions, a location map, and a sketch of the property have been included with the submitted application. All lots will be served by the Village Center Community Development District Central Water and Sewer System, as well as the District's Fire Department.

In accordance with the provisions of Florida Statute 171.205, and the Interlocal Service Boundary Agreement executed September 4, 2013 between Lake County, Florida and the Town of Lady Lake, Florida, the Town may annex property into the Town which are non-contiguous to the existing municipal boundary. The proposed properties under this application exist as both contiguous and non-contiguous lots.

The applications were received on Monday, July 13, 2015, and have been reviewed and determined to be complete, satisfying the necessary criteria as required for annexation under statutory requirements. The applications were found to meet the requirements of the Land Development Regulations (LDRs), as well as the adopted Comprehensive Plan (pending concurrent approval of Ordinance No. 2015-13).

<u>Concurrency Determination Statement:</u> The Villages is proposing to remove existing manufactured homes on 11 lots in a historic section of The Villages known as Orange Blossom Gardens and construct a similar size conventional built home on each lot. There will be no increase in utility services, traffic, population, or recreation use.

<u>Impact on Town Services</u>:

Potable Water-

- No impact, lots are served by the Village Center Community Development District Central Water System.

Sewer -

- No impact, lots are served by the Village Center Community Development District Central Sewer System.

Schools –

- Not factored for project – no foreseen impact of students as the project is located within an active adult retirement community.

Transportation –

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- No impact, the existing home will be replaced with a new home. There will be no change in average daily trip generation.

Parks & Recreation –

- The annexation, small scale future land use amendment, and the rezoning applications will not cause P&R Level of Service to be exceeded since the project is for the replacement of existing homes. Additionally, the Villages provides its residents with all Park and Recreation Amenities.

Stormwater –

- Project will be required to adhere to SJRWMD guidelines and Town of Lady Lake Floodplain Management Ordinance for parcels within Special Flood Hazard Areas.

It was noted that: 1) In accordance to the Interlocal Agreement for Building Permits & Inspections Section 2).A)., executed on June 23, 2015, if The Villages has applied for annexation, then the Town can issue building permits located within the unincorporated area; and 2) the project will be required to adhere to St. John's River Water Management District guidelines and the Town of Lady Lake Floodplain Management Ordinance for parcels within Special Flood Hazard Areas.

Future Land Use

Subject Properties	Lake County Medium Urban Density
Future Land Use of Adjacent Properties	
West	Lake County Medium Urban Density Lady Lake- Commercial General- Retail Sales and Services (RET)
East	Lake County – Medium Urban Density
North	Lake County – Medium Urban Density & Lady Lake- Manufactured Home High Density (MH-HD)
South	Lake County – Medium Urban Density & Lady Lake- Manufactured Home High Density (MH-HD)

Zoning

Subject Properties	Lake County Residential Medium (RM)
Zoning of Adjacent Properties	
West	Lake County Residential Medium (RM) Lady Lake- Planned Commercial (CP)
East	Lake County Residential Medium (RM)
North	Lake County Residential Medium (RM) Lady Lake- Mixed Residential Medium Density (MX-8)
South	Lake County Residential Medium (RM) Lady Lake- Mixed Residential Medium Density (MX-8)

Mr. Carroll reported that notices to inform the surrounding property owners (193) within 150 feet of the properties proposed were mailed by certified mail, return receipt on Monday, July 20, 2015, and the property was also posted this same day. The property was re-posted again on September 28, 2015. Photos of the posting of the properties were shown, as well as the existing and proposed future land use maps. He stated there have been a couple of questions, but no written objections have been received.

Mr. Carroll reviewed past actions as follows: the Technical Review Committee (TRC) members individually reviewed applications for Ordinance No. 2015-08, Ordinance No. 2015-09, and Ordinance

No. 2015-10 and provided comments on July 30, 2015 and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. The Planning and Zoning Board heard the applications at their regular meeting on Monday, August 10, 2015 and recommended approval of Ordinance No. 2015-08 with a 3-0 vote, approval of Ordinance No. 2015-09 with a 3-0 vote, and approval of Ordinance No. 2015-10 with a 3-0 vote. At First Reading on Wednesday, September 2, 2015, the Town Commission voted to approve Ordinance No. 2015-08, Ordinance No. 2015-09, and Ordinance No. 2015-10; each by a 4-0 vote.

Mr. Carroll stated that Martin Dzuro is present if there are any questions.

Mayor Kussard asked if there was any public comment on Ordinance No. 2015-08, and hearing none, asked for a motion.

Upon a motion by Commissioner Holden and seconded by Commissioner Richards, the Commission approved Ordinance No. 2015-08 – Second/Final Reading – The Villages of Lake-Sumter, Inc. – Annexing 11 Lots (Approximately 1.56 +/- Acres of Land) – Located within Orange Blossom Gardens Units 1, 2, 3, and 3.1B within Lake County, Florida, by the following roll call vote:

HOLDEN	***YES***
VINCENT	***YES***
RICHARDS	***YES***
KUSSARD	***YES***

Mayor Kussard asked if there was any public comment on Ordinance No. 2015-09, and hearing none, asked for a motion.

Upon a motion by Commissioner Holden and seconded by Commissioner Richards, the Commission approved Ordinance No. 2015-09 – Second/Final Reading – The Villages of Lake-Sumter, Inc. – Small Scale Future Land Use Comprehensive Plan Amendment from Lake County Medium Urban Density to Lady Lake Manufactured Home High Density for 11 Lots (Approximately 1.56 +/- Acres of Land) – Located within Orange Blossom Gardens Units 1, 2, 3, and 3.1B within Lake County, Florida, by the following roll call vote:

HOLDEN	***YES***
VINCENT	***YES***
RICHARDS	***YES***
KUSSARD	***YES***

Mayor Kussard asked if there was any public comment on Ordinance No. 2015-10, and hearing none, asked for a motion.

Upon a motion by Commissioner Vincent and seconded by Commissioner Richards, the Commission approved Ordinance No. 2015-10 – Second/Final Reading – Rezoning from Lake County Residential Medium (RM) to Lady Lake Mixed Residential Medium Density (MX-8) for 11 Lots (Approximately 1.56 +/- Acres of Land) – Located within Orange Blossom Gardens Units 1, 2, 3, and 3.1B within Lake County, Florida, by the following roll call vote:

HOLDEN	***YES***
VINCENT	***YES***
RICHARDS	***YES***
KUSSARD	***YES***

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24. Ordinance No. 2015-11 – First Reading – David Springstead – Rezoning 49 +/- Acres of Land Owned by Elijah Bailey, Jr., from Heavy Commercial (HC) to Planned Unit Development (PUD) – Located North of Lake Ella Road, and West of Hwy 27/441 (Thad Carroll)

Town Attorney Derek Schroth read the ordinance by title.

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk's office). He stated that the applicant, David Springstead, has filed an application on behalf of the property owner, Elijah Bailey, Jr., to amend the zoning designation of property being 49 +/- acres, located north of Lake Ella Road and west of Hwy 27/441, referenced by Alternate Key #1282594, #1282608, and #3374916.

Mr. Carroll showed aerial views of the subject property and stated it is currently vacant. The applicant is requesting to rezone the properties to Planned Unit Development (PUD) to allow the following uses: General Retail, Office Use, Restaurants, Apartments, Condominiums, Hotels, Restaurant with Bar, and Medical Treatment Use. Attached is Exhibit "C", detailing the proposed uses and buildings in their foreseen locations on the property. He stated staff recommends approval of this ordinance. The existing and proposed zoning maps of this property were shown.

Mr. Carroll reported that the property was formerly zoned Planned Unit Development (PUD) under Ordinance 2005-20, which provided entitlements for many of the same uses as provided by the current Heavy Commercial zoning under Ordinance No. 2011-19. The intent of Ordinance No. 2011-19 was to rezone the property in a manner that would allow it to be subdivided and marketed in a more flexible manner, as potential developers would have had to adhere to the PUD Ordinance 2005-20. At this time, the property owner has a potential buyer who would like to establish a variety of uses on the property, including apartments, which was removed as an approved use under the Heavy Commercial rezoning of Ordinance 2011-19. The Future Land Use designation of Commercial General – Retail Sales and Services (RET) is the appropriate designation for what the applicant is seeking by this rezoning request; therefore, a future land use map amendment is not needed. The zoning designation of the subject property and the adjacent property is as follows:

Zoning Designations

Subject Properties	Lady Lake - Heavy Commercial (HC)
Future Land Use of Adjacent Properties	
West	Lady Lake- Commercial Residential Single Family (RS-6)
East	Lady Lake – Heavy Commercial (HC)
North	Lady Lake – Heavy Commercial (HC)
South	Fruitland Park – Neighborhood Commercial (C-1)

Photos of the property and the posting was shown, as was the conceptual plan for the development. Mr. Carroll stated apartments are planned to abut the Lake Ella Road side and there will be access to the north and the south from Hwy 27/441 and Lake Ella Road, and access may come across to Hartsock Sawmill Road in the future.

Mr. Carroll reported that notices to inform the surrounding property owners (26) within 150' of the property of the proposed rezoning were mailed by certified mail return receipt on Monday, August 31, 2015; the property was also posted the same day and again on September 28, 2015. He stated there have been no objections received to date, although there have been inquiries, including concern over

the impact apartments would have in the area. Mr. Carroll stated that staff can support the need for the apartments per occupancy rates in the area.

Comments:

- The PUD may be developed is phases; however, parking, stormwater, and all other requirements of the site plan must be in place for each phase to stand alone.

- Site Plans will be required for each phase of the development.

- All development on the property will be served by Town Utilities.

Mr. Carroll reported the Technical Review Committee (TRC) members individually reviewed application for Ordinance No. 2015-11, provided on September 1, 2015, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the September 12, 2015 meeting, the Planning and Zoning Board voted 3-0 to forward Ordinance No. 2015-11 to the Town Commission with the recommendation of approval. The Town Commission is scheduled to consider Ordinance No. 2015-11 for second and final reading on Monday, October 19, 2015 at 6:00 p.m.

Mr. Carroll stated that David Springstead is present to answer any questions.

Commissioner Holden asked if the street shown in front of Building H on the conceptual plan is being laid out as a possible extension to development of property to that side in the future.

Mr. Springstead replied that it has been laid out that way behind the pond to provide a cross connection to the property to the north in case of development, and with the idea that the intersection will be signalized in the future.

Mayor Kussard asked if there was any public comment on Ordinance No. 2015-11, and hearing none, asked for a motion.

Upon a motion by Commissioner Richards and seconded by Commissioner Vincent, the Commission approved Ordinance No. 2015-11 – First Reading – Rezoning 49 +/- Acres of Land Owned by Elijah Bailey, Jr., from Heavy Commercial (HC) to Planned Unit Development (PUD) – Located North of Lake Ella Road, and West of Hwy 27/441, by the following roll call vote:

HOLDEN	***YES***
VINCENT	***YES***
RICHARDS	***YES***
KUSSARD	***YES***

M. TOWN MANAGER'S REPORT:

Town Manager Kris Kollgaard stated she wanted to check with the Commissioners to see how they would feel about renewing the lease agreements every three years instead of every year, as it would save staff time and review by the Town Attorney each year. She stated the lease agreements include the 60 day termination notice where either party can opt out.

Commissioner Richards commented that they are all worthy groups and he would be in favor of three year lease terms.

DRAFT

Commissioner Holden, Commissioner Vincent and Mayor Kussard agreed they would also be in favor of the three year lease terms.

Ms. Kollgaard reported that the budget includes funds for iPads, and she would like to make them available to those Commissioners who are interested in trying them out instead of staff making paper copies of the packets for the meetings. She stated the I.T. Director would arrange for lessons for those who choose to use the iPads. Commissioners would be able to make notes on the iPads, and the developers would still furnish the paper site plans for the Commissioners to view.

The Commissioners agreed they would be in favor of trying out the iPads.

N. MAYOR/COMMISSIONER'S REPORT:

Commissioner Richards mentioned that he is very happy with staff, especially with Mr. Eagle in getting the air conditioning maintenance all on one contract, and with the idea of using iPads to save paper, etc.

Commissioner Holden commented that Public Works staff did a great job a few weeks ago getting a large tree out of the street in a short amount of time after a bad storm.

O. PUBLIC COMMENTS[iv]

Mayor Kussard asked if anyone in the audience would like to speak on any item. There were no comments.

P. ADJOURN: The meeting was adjourned at 7:00 p.m.

Kristen Kollgaard, Town Clerk

Ruth Kussard, Mayor

Minutes transcribed by Nancy Slaton, Deputy Town Clerk

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[i] *Any invocation that may be offered before the official start of the Commission meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Commission, and the Commission is not allowed by law to endorse the religious beliefs or views of this, or any other speaker.*

[ii] *This section is reserved for members of the public to bring up matters of concern or comments. It is not limited to items on the agenda and it is open to any concern or comments that the public may have.*

[iii] *All items listed under consent are considered routine by the Town Commission and will be enacted by one motion. There will be no separate discussion of these items unless a Town Commissioner so requests, in which event the item will be removed from the consent agenda and considered in its normal sequence.*

[iv] *This section is reserved for members of the public to bring up matters of concern or comments. It is not limited to items on the agenda and it is open to any concern or comments that the public may have.*

DRAFT

H-3

TOWN COMMISSION AGENDA ITEM

REQUESTED COMMISSION MEETING DATE: October 19, 2015

SUBJECT: **Consideration of an Extension to the Sewer & Water Utility Agreement for Village Veranda at Lady Lake, LLC, to provide for an additional six (6) months to obtain a Building Permit and reserve the utility capacity already purchased for the development.**

DEPARTMENT: **Growth Management**

STAFF RECOMMENDED MOTION:

Staff Recommends approval of the Extension to the Sewer & Water Utility Agreement for the "Village Veranda at Lady Lake, LLC".

SUMMARY

On April 6, 2015, the Town Commission approved the Sewer & Water Utility Agreement between the Town of Lady Lake and Village Veranda at Lady Lake, LLC ("Developer"), in the amount of $79,407.00, for the provision of seventeen (17) water equivalent residential units (ERUs) and seventeen (17) sewer ERUs, for the development of a 90 Bed Independent Living Facility, a 40 Bed Memory Care Facility, and 22,000 square feet of commercial support uses to be developed in three phases.

Subject to the terms and conditions of the Sewer & Water Utility Agreement between the developer and the Town of Lady Lake executed on April 6, 2015, in Section 2 the language states, "Should Developer not obtain a building permit to initiate construction of the Developer's project noted above within 180 days of the date this Utility Agreement is approved by Commission, the capacity herein reserved will be forfeited and all money paid to reserve capacity shall also be forfeited. Should Developer fail to obtain a building permit within 180 days of the date this Utility Agreement is approved by Commission, Developer agrees to release any and all claims against the Town for a return of any of the money paid to reserve capacity."

At this time Village Veranda at Lady Lake, LLC is requesting an extension of the agreement for an additional six (6) months to allow more time to finalize the construction plans and secure

building permits for construction of the facility. Greg Beliveau, of LPG Urban & Regional Planners, Incorporated has provided a letter dated October 6, 2015, requesting the extension and providing justification.

The site plan for the project was approved by the Town Commission on March 2, 2015, and all ERUs have been purchased for the project in the amount of $79,407.00. The Town of Lady Lake has not increased the charges per ERU for sewer, water, or reuse since the execution of the original agreement. Failure to approve the extension will result in a forfeiture of the reserved capacity as well as all fees paid. Staff recommends approval of the amendment as presented.

FISCAL IMPACT: $_____

[ ] Capital Budget
[ ] Operating
[ ] Other

ATTACHMENTS: **[ ] Ordinance** **[ ] Resolution** **[ ] Budget Resolution**

[X] Other – Extension of Sewer & Water Agreement

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

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DEPARTMENT HEAD	**Submitted** 10/8/15	**Date** 10-8-15
FINANCE DEPARTMENT	**Approved as to Budget Requirements**	**Date**
TOWN ATTORNEY	**Approved as to Form and Legality**	**Date**
TOWN MANAGER	**Approved Agenda Item for:** 10/15/15	**Date** 10/8/15

BOARD ACTION: **[ ] Approved as Recommended** **[ ] Disapproved**

[ ] Tabled Indefinitely **[ ] Continued to Date Certain**

[ ] Approved with Modification

LPG Urban &
Regional Planners, Inc.

October 6, 2015

Mr. Thad Carroll, AICP
Growth Management Director
Town of Lady Lake
409 Fennell Blvd.
Lady Lake, FL 32159

Re: Village Veranda at Lady Lake, LLC (#1584/1)
Water & Sewer Agreement – Extension Request

Dear Mr. Carroll:

On behalf of our clients, Village Veranda at Lady Lake, LLC we would like to respectfully request an extension of the Water & Sewer Agreement. The owner is in the process of securing all permits and anticipates obtaining a building permit within the next six (6) months. The delay is requested due to a change in architectural firms, ownership structure, and financing. Should you have any questions, please contact our office.

Sincerely,

Greg A. Beliveau, AICP

cc: Donovan Anderson
Ted Wicks, P.E.
File

1162 Camp Ave., Mount Dora, FL 32757. Phone (352) 385-1940 Fax (352) 383-4824

INSTRUMENT#: 2015039557 OR BK 4611 PG 1588 PAGES: 16 4/14/2015 2:46:07 PM
NEIL KELLY, LAKE COUNTY CLERK OF THE CIRCUIT COURT
REC FEES: $137.50

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TOWN OF LADY LAKE
409 FENNELL BOULEVARD
LADY LAKE FL 32159

SEWER & WATER UTILITY AGREEMENT
LADY LAKE, FLORIDA

RETURN

THIS UTILITY AGREEMENT made this 10TH day of APRIL, 2015 by and between the Town of Lady Lake, a Florida Municipality (hereinafter referred to as "Utility"), and Village Veranda at Lady Lake LLC, a Florida Limited Liability Company, its heirs, successors and assigns (hereinafter referred to as the "Developer").

WITNESSETH

WHEREAS, Developer is the fee simple owner of approximately 8.22 +/- acres of real property situated in Lake County, Florida, described with particularity in Exhibit "A" attached hereto and made a part hereof, which property is hereinafter referred to as the "Property"; and

WHEREAS, the Property may hereinafter be developed and improved 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 to be developed in three (3) phases, requiring central water and central sewer, (hereinafter referred to as the "Development"). This agreement only covers phase one (1) consisting of 60 Assisted Living Facility units and 30 Memory Care units; and

WHEREAS, Utility is the owner and operator of water production and distribution facilities ("water facilities") and sanitary sewer collection and treatment facilities ("sewer facilities"); and

WHEREAS, Developer has requested connection to said Water and Sewer Facilities and that the Utility allocate and reserve sufficient capacity in these facilities to serve and sustain the operation of the Development; and

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WHEREAS, the Developer has agreed to construct certain water distribution and sanitary sewer collection facilities at its expense that will benefit Development; and,

WHEREAS, Utility has agreed to make its water service and sanitary sewer service available to the Development by means of connection to and use of the Water and Sewer Facilities on the terms and conditions hereinafter set forth. And that the developer will connect to reuse facilities when Utility makes it available.

NOW THEREFORE, in consideration of the foregoing which is incorporated herein and in consideration of the work to be done by the Developer and the sums to be paid by Developer for the work related thereto and as described hereafter, Developer and Utility agree as follows:

1. **EXCLUSIVE SERVICE TO THE PROPERTY.** Developer hereby agrees and covenants that the Development shall be served exclusively by Utility's Water and Sewer Facilities. Developer further agrees that this agreement shall be a covenant binding upon and running with title to the Property. Utility hereby agrees to make water and sewer services available to the Development hereafter constructed on the Property for the rates and under the conditions set forth in this Agreement. Utility agrees that such services shall be made available through Utility's existing Water and Sewer Facilities, and through the on-site facilities to be constructed by Developer; provided, however, that Utility is not prevented by law or governmental regulation from providing such water and sewer service for any reason. Utility agrees that it will have sufficient capacity in the amount of 4,250 gallons per day ("gpd") in its Water Facilities, and in the amount of 4,250 gpd in its Sewer Facilities to serve the Development for a maximum peak flow of seventeen (17) ERUs. Utility agrees that the water and sewer services to be provided hereunder shall meet the current standards or requirements, as the case may be, of all state, local, and federal governmental agencies having jurisdiction over Utility; provided, however, that Utility shall not be responsible for any failure to meet or comply with said standards or requirements to the extent that such failure shall be occasioned by defect in the

construction of the facilities to be constructed by Developer; and further, the acceptance of any such facilities by Utility shall not be an admission of, or acceptance of such responsibility. Utility hereby agrees to provide water and sewer services to the Development after Developer shall make a written request for such service to Utility, but not before the On-Site Facilities on the Property described in Paragraph 3 hereof are completed in accordance with this Agreement. Additionally, Utility reserves the right to do site inspections and audits of said Water Facilities and Sewer Facilities at any given time without due notice to the Developer to determine if water and sewer ERU allocations are correct. Based on the results of these audits and site inspections, Utility reserves the right to adjust amount of ERU allocations and assess applicable fees accordingly.

2. **PAYMENT BY DEVELOPER OF LADY LAKE SANITARY SEWER, WATER, AND IMPACT FEES**. Developer shall be responsible for payment of the Utility's sanitary sewer, water and reuse impact fees for the sanitary sewer, water and reuse volumes reserved under this agreement. Utility's sanitary sewer impact fee is three thousand one hundred seventy-two dollars and no cents ($3,172.00) per equivalent residential unit. Utility's water impact fee is one thousand four hundred ninety-nine dollars and no cents ($1,499.00) per equivalent residential unit. Commercial units are charged based on the formula outlined in the Land Development Regulation of the Town of Lady Lake, as amended from time to time. Payment of said fee shall be made in accordance with section 11(h) of this agreement in the lump sum amount of Fifty-Three Thousand Nine Hundred Twenty-four dollars and no cents ($53,924.00) for sanitary sewer capacity; Twenty-five Thousand Four Hundred Eighty-three dollars and no cents ($25,483.00) for water capacity, for a total amount of Seventy-nine Thousand Four Hundred Seven dollars and no cents ($79,407.00) calculated as follows:

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Sanitary Sewer Capacity Reservation

4,250 gpd /250 gpd/eru $3,172/eru =

17 erus x 3,172 = $53,924.00

Water Capacity Reservation

4,250 gpd/250 gpd/eru $1,499/eru =

17 erus x 1,499 = $25,483.00

TOTAL = $79,407.00

The site is not currently serviced by Reuse/Reclaimed water; therefore, the applicant will provide irrigation via a 4" Irrigation well to be constructed on-site.

Should Developer not obtain a building permit to initiate construction of the Developer's project noted above within 180 days of the date this Utility Agreement is approved by Commission, the capacity herein reserved will be forfeited and all money paid to reserve capacity shall also be forfeited. Should Developer fail to obtain a building permit within 180 days of the date this Utility Agreement is approved by Commission, Developer agrees to release any and all claims against the Town for a return of any of the money paid to reserve capacity. Developer understands that capacity may not be available to the Developer should no building permits be obtained within 180 days after this Utility Agreement is approved.

3. **CONSTRUCTION OF IMPROVEMENTS.** In order to provide water, sewer and reuse services to the Development, certain On-Site Improvements will need to be constructed.

(a) **ON SITE IMPROVEMENTS** When the Property is developed, Developer shall construct and install therein, at its own cost and expense, all necessary On-Site Improvements, as agreed to by Utility and Developer, to allow the Development to be connected to the lines of Utility, and including specifically, all lines, mains, valves, hydrants, lift stations and other such facilities including service connections necessary to serve the Development. The engineer's

estimate of the On-Site Improvements is set forth in Exhibit "D" attached hereto, incorporated herein, and hereinafter referred to as On-Site Improvement Costs.

Developer agrees that the construction and installation of such On-Site Improvements shall be subject to the following:

The On-Site Improvements shall be constructed and installed by Developer only after the approval of the Plans and Specifications therefore by Utility. The Plans and Specifications shall be in accordance with the requirements of Utility's standard engineering practices and all applicable regulatory authorities, and Developer shall obtain approval thereof from such agencies prior to commencement of construction.

Upon approval of the Plans and Specifications by Utility, as provided herein, the On-Site Improvements shall be constructed strictly in accordance with such Plans and Specifications. Utility shall be advised as to the progress of such construction and afforded the right to make inspection of said construction; provided, however, Utility shall have no duty to make such inspections, and by making such inspections shall incur no responsibility for the correct installation or construction thereof. Should the Utility not inspect said construction within two (2) days from the date the inspection is requested, Developer shall have the right to continue with the construction of the On-Site Improvements.

4. **RATES AND CHARGES.** The rates to be charged by Utility for water and sewer service to the Development hereafter built on the Property or any Future Development(s) shall be those rates and charges made by Utility to its customers which are from time to time approved by the Town Commission of the Town of Lady Lake or by any other governmental regulatory body having jurisdiction over such matters. Utility reserves the right to withhold or disconnect service to any active customer, or to refuse to give or provide new or additional services to any active customer, at any time the charges are not paid on a current basis within twenty-five (25) days after the same are billed: provided that written notification of such delinquency has been made by Utility to such customer; provided, the failure of an active customer to pay sums due Utility shall not affect Developer's rights under this Agreement. Moreover, the service to the

Development and Future Development (s) shall be subject to such other regulations from time to time lawfully imposed on Utility with respect to the operations of its Utility system, and except as limited by such regulations, the amounts of utility deposits, billing practices and times, liability for damage to Utility's Property and rate changes shall be exclusively within the discretion and control of Utility.

5. **WATER METERS AND REUSE WATER METERS.** It is hereby agreed by the parties hereto that a water meter and reuse meter, and or water meters or reuse meters shall be installed by Developer as Utility shall deem to be necessary to serve the Development and Future Development(s). Utility shall have the right to designate the number, type, quality and size of said meter or meters. All water and reuse meters so installed shall become the property of Utility.

6. **ALIENABILITY RESTRICTION.** Unless express written consent of the Town of Lady Lake is obtained, the Property and the rights and obligations of this Agreement which burden the Property shall not be transferred prior to Developer's connection to the Town Utilities. For the purposes of this paragraph and provision (Alienability Restriction), "transferred" means the conveyance of the Property to another person or entity or the conveyance of the controlling interest (more than 50%) in Developer (if a corporation or limited liability company). After Developer's connection to the Town Utilities, this provision (Alienability Restriction) terminates and has no effect. To eliminate this Alienability Restriction after connection, Developer shall submit to the Town of Lady Lake an affidavit for the Town Manager's signature attesting that the Developer has indeed connected to the Town Utilities. Provided the form affidavit is agreeable to the Town of Lady Lake, the executed affidavit shall be returned to the Developer for Developer to record at Developer's expense.

7. **PLATS.** Any plats of the Property, or portions thereof, filed among the Public Records of Lake County, Florida, or any other governmental unit, shall provide for such dedicated rights-of-way and utility easements as may

be reasonable and necessarily required for the purpose of serving the Property, or portions thereof, with the water and sewer service to be provided hereunder.

8. SALE TO GOVERNMENTAL ENTITY. In the event Utility shall hereafter sell the utility systems, or any part thereof serving the Property, to the State of Florida, Lake County or a duly constituted municipality, or any agency or entity under such State's, County or municipality's control, supervision or direction, Developer agrees that with respect to water and sewer service to the Property, the rules and regulations of such purchaser, and not the provisions of this contract, shall control, and that, upon assignment of this Agreement to the Purchaser, Utility shall be relieved of all further obligations hereunder.

9. NOTICES. Payments required to be made under the terms hereof and notices permitted, or required to be made under the terms hereof, shall be delivered to the parties at the respective addresses:

Utility:	Town of Lady Lake Utility Department 409 Fennell Boulevard Lady Lake, FL 32159
With a copy to:	Derek A. Schroth, Esq. Bowen & Schroth, P.A. 600 Jennings Ave. Eustis, FL 32726
Developer/: Owner	Village Veranda at Lady Lake LLC. C/O Donovan Anderson. 55 SE 2nd Avenue Suite 301 Delray Beach, FL 33444

Any notices required or permitted hereunder shall be considered properly made if in writing and mailed by United States Mail, postage prepaid, to the addresses set forth herein.

10. TERM. The term of this Agreement shall be for a period of 10 (ten) years from the date hereof, and from year to year thereafter.

On site with no recapture- Village Veranda at Lady Lake MJSP 10/14-002

11. OTHER ESSENTIAL TERMS.

a. Time is hereby made of essence of this Agreement in all respects.

b. This Agreement constitutes the entire Agreement of the parties and expressly supersedes all negotiations, previous agreements or representations whether verbal or written, and may not be amended in any way whatsoever except by a writing executed by both parties hereto in a manner equal in dignity to the execution of this Agreement.

c. This Agreement shall inure to the benefit of and be binding upon the heirs, successors, personal representatives and assigns of the parties hereto and shall run with the land.

d. Developer shall name Utility as co-insured on any insurance policy concerning coverage for the property while construction of the on-site improvements is taking place.

e. This Agreement shall be governed by the laws of the State of Florida and venue shall be in Lake County, Florida. Developer shall indemnify protect and hold harmless the Utility from any and all claims, causes, actions, judgments, costs, attorney's fees, expenses and losses of every kind and character, whether direct or indirect, of any manner, or in anyway whatsoever arising on account of any action, claim or demand due to the incident and matters associated with the construction of the on-site improvements, including but not limited to

i) All claims for enforcement of liens; subrogation; and/or contribution to include but not to be limited to any and all mechanic's and contractor's liens associated with the construction of the on-site improvements;

ii) Any and all bills from any source associated with the construction of the on-site improvements;

iii) Any and all claims under any federal, state or local act or ordinance associated with the construction of the on-site improvements;

iv) Any and all claims for reimbursement; subrogation; and/or contribution associated with the construction of the on-site improvements;

v) Any and all claims for reimbursement, and/or subrogation of liens asserted by any insurance company or any party, that provides insurance coverage or benefits of any nature associated with the construction of the on-site improvements;

vi) Any and all claims, liens, reimbursement or subrogation under any contract or agreement with any group, organization, partnership or corporation associated with the construction of the on-site improvements;

vii) All actions, claims or demands whatsoever of any type or nature which may hereafter be brought or asserted against one another on account of and/or allegedly associated with the construction of the on-site improvements ;

f. This Agreement shall be effective upon proper execution by both parties hereto.

g. This Agreement shall be executed in several counterparts each of which if properly executed by both parties shall be considered an original.

h. Developer shall pay all amounts required under this agreement within 30 days after the Town of Lady Lake executes this agreement. Should Developer fail to pay all amounts required under this agreement within 30 days after the Town of Lady Lake executes this agreement, the Town, in its sole discretion may rescind and void this agreement in its entirety.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed in their names and their seals to be hereunto affixed, by their proper officers thereunto duly authorized, on the day and year first above written.

[signatures on following page]

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Attest:

Kristen Kollgaard, Town Clerk

TOWN OF LADY LAKE

Ruth Kussard, Town Mayor

Approved as to form:

Town Attorney
Derek A. Schroth, Esquire

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Witnesses:

_____ Village Veranda at Lady Lake, LLC.

Print Name:

Jaclyn Reyes _____ By: D. Anderson

_____

Print Name: KELLY LUTCHMAN

Name: Donovan Anderson
Title: President of Village Veranda

STATE OF FLORIDA
COUNTY OF LAKE

This is to certify that on this 1 day of April, 2015, Before me, an officer duly authorized to take acknowledgements in the State and County aforesaid, personally appeared Donovan Anderson on behalf of the company, S/he is personally known to me or has produced FLDL as identification and did or did not take an Oath.

_____
Signature of Acknowledger

SEAL

NOTARY PUBLIC
CRAIG KNAUF
Notary Public, State of Florida
Commission# FF 186537
My comm. expires Dec. 30, 2018

Craig Knauf
Name of Acknowledger Typed

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EXHIBIT "A"

Legal Description and Map

DESCRIPTION FOR TRACT "A":

THAT PORTION OF THE SOUTH 1/2 OF THE NORTHEAST 1/4, OF SECTION 28, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, LYING EAST OF THE EASTERLY RIGHT-OF-WAY OF HIGHWAY 27 & 441 (STATE ROAD 500) BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 28, THENCE RUN N.89°46'08"W. ALONG THE NORTH BOUNDARY OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 28, A DISTANCE OF 741.54 FEET TO A POINT ON SAID EASTERLY RIGHT-OF-WAY LINE OF HIGHWAY 27 & 441 (STATE ROAD 500); THENCE RUN S.23°16'50"E. ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 637.86 FEET TO THE POINT OF BEGINNING; THENCE RUN S.89°48'40"E. 819.07 FEET TO THE EAST BOUNDARY LINE OF THE WEST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 28; THENCE RUN S.00°08'30"W. ALONG SAID EAST LINE OF THE WEST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4, A DISTANCE OF 504.50 FEET TO THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN O.R. BOOK 4120. PAGE 134, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE RUN N.89°48'40"W. ALONG THE NORTH BOUNDARY OF SAID PARCEL, 600.45 FEET TO A POINT ON SAID EASTERLY RIGHT OF WAY; THENCE RUN N.23°16'50"W., ALONG SAID EASTERLY RIGHT OF WAY, 550.00 FEET TO THE POINT OF BEGINNING, CONTAINING 358,074 SQUARE FEET OR 8.22 ACRES MORE OR LESS.

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EXHIBIT "B"

OFF-SITE IMPROVEMENT COSTS

NONE TO BE CONVEYED

On site with no recapture- Village Veranda at Lady Lake MJSP 10/14-002

EXHIBIT "C"
PROJECT SITE PLAN

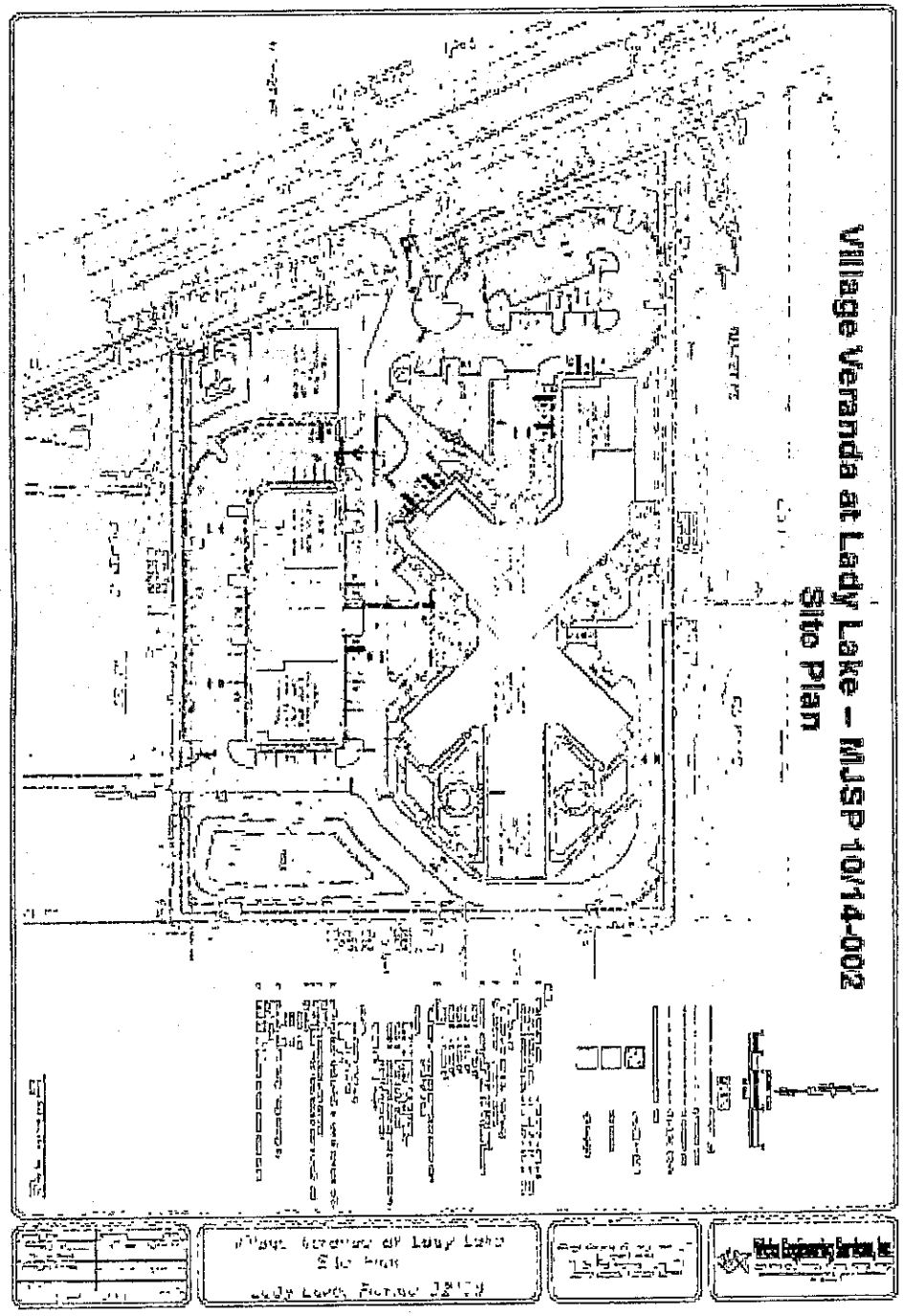

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EXHIBIT "D"

ENGINEER'S ESTIMATED CONSTRUCTION COSTS

Village Veranda – Civil Improvements

Engineer's Cost Estimate

Item No.	Item / Description	Unit	Quantity	Unit Price	Total
1.	Asphalt	SY	10,300	$15.00	$154,500.
2.	Base	SY	11,330	10.00	113,300.
3.	Stabilized Subgrade	SY	12,500	4.00	50,000.
4.	6' Sidewalk	LF	1255'	13.20	16,566.
5.	5' Sidewalk	LF	915'	11.00	10,065.
6.	Concrete Slab	SY	1550	25.00	38,750.
7.	Type "D" Curb	LF	700	10.00	7,000.
					390,181.00
8.	8" Water	LF	1900	30.00	57,000.
9.	6" Water	LF	100	25.00	2,500.
10.	8" Gate Valves	EA	8	1,200.00	9,600.
11.	6" Gate Valves	EA	3	1,000.00	3,000.
12.	12" x 8" Tap	EA	1	5,500.00	5,500.
13.	Fire Hydrant	EA	5	2,750.00	13,750.
14.	Detecto Check Valve	EA	1	8,000.00	8,000.
15.	Double C.V. @ Fire Connection	EA	3	6,000.00	18,000.
16.	Fence	LF	180	15.00	2,700.
17.	Gate	EA	1	2,000.00	2,000.
					122,050.00
				SUB TOTAL	**$512,231.00**

SUMMARY

Water $122,050

Sewer $33,950

KH / 1929 / 2014 MasterCost Est Form

On site with no recapture- Village Veranda at Lady Lake MJSP 10/14-002

Village Veranda – Civil Improvements

Engineer's Cost Estimate (cont.)

Item No.	Item / Description	Unit	Quantity	Unit Price	Total
1.	12" PVC Storm	LF	52	15.00	780.
2.	15" PVC Storm	LF	52	18.00	936.00.
3.	18" RCP	LF	775	25.00	19,375.00.
4.	24" RCP	LF	635	30.00	19,050.
5.	Inlet 0 – 6'	EA	6	6,250.00	37,500.
6.	Inlet 6 – 10'	EA	2	7,500.00	15,000.
7.	Inlet 10 – 14'	EA	6	14,000.00	84,000.
					176,8461.00
8.	8" Gravity Sewer	LF	570	20.00	11,400.
9.	6" Sewer Laterals	LF	170	15.00	2,550.
10.	Manhole 0 – 6'	EA	4	5,000.00	20,000.
					33,950.00
11.	Earthwork	CY	3,000	10.00	30,000.
12.	Sod	SY	10,000	4.00	40,000.;
13.	Seed	SY	12,000	1.50	18,000.
14.	Signs	EA	25	300.00	7,500.
15.	Clearing & Grubbing	AC	8	2,000.00	16,000.
16.	Silt Fence	LF	1,700	2.00	3,400.
					114,900.00
				Sub Total	$325,491.
				TOTAL	$837,722.00

Prepared By:
Wicks Engineering Services, Inc.

J-4

TOWN COMMISSION AGENDA ITEM

REQUESTED COMMISSION MEETING DATE: October 19th, 2015

SUBJECT: Consideration to Utilize Tree and Beautification Funds for the Purchase of Trees at the Town's Public Works Complex

DEPARTMENT: Public Works

STAFF RECOMMENDED MOTION: Approval to utilize Tree and Beautification Funds for the purchase of six Sycamore trees, and the installation of necessary irrigation to the trees in the amount of $650.00.

SUMMARY: In an effort to screen some of the larger structures in the Public Works Complex from surrounding neighboring properties, staff recommends the installation of six (6) Sycamore trees and the necessary irrigation system to support the new trees.

This item will be brought before the Parks, Recreation and Tree Advisory Committee at their meeting on October 14, 2015, and an update on their recommendation will be reported at this meeting.

FISCAL IMPACT: Estimated $650.00

[ ] **Capital Budget**
[ ] **Operating**
[X] **Other-**T&B Funds

ATTACHMENTS: [ ] **Ordinance** [ ] **Resolution** [ ] **Budget Resolution**

[ ] **Other**

[ ] **Support Documents**

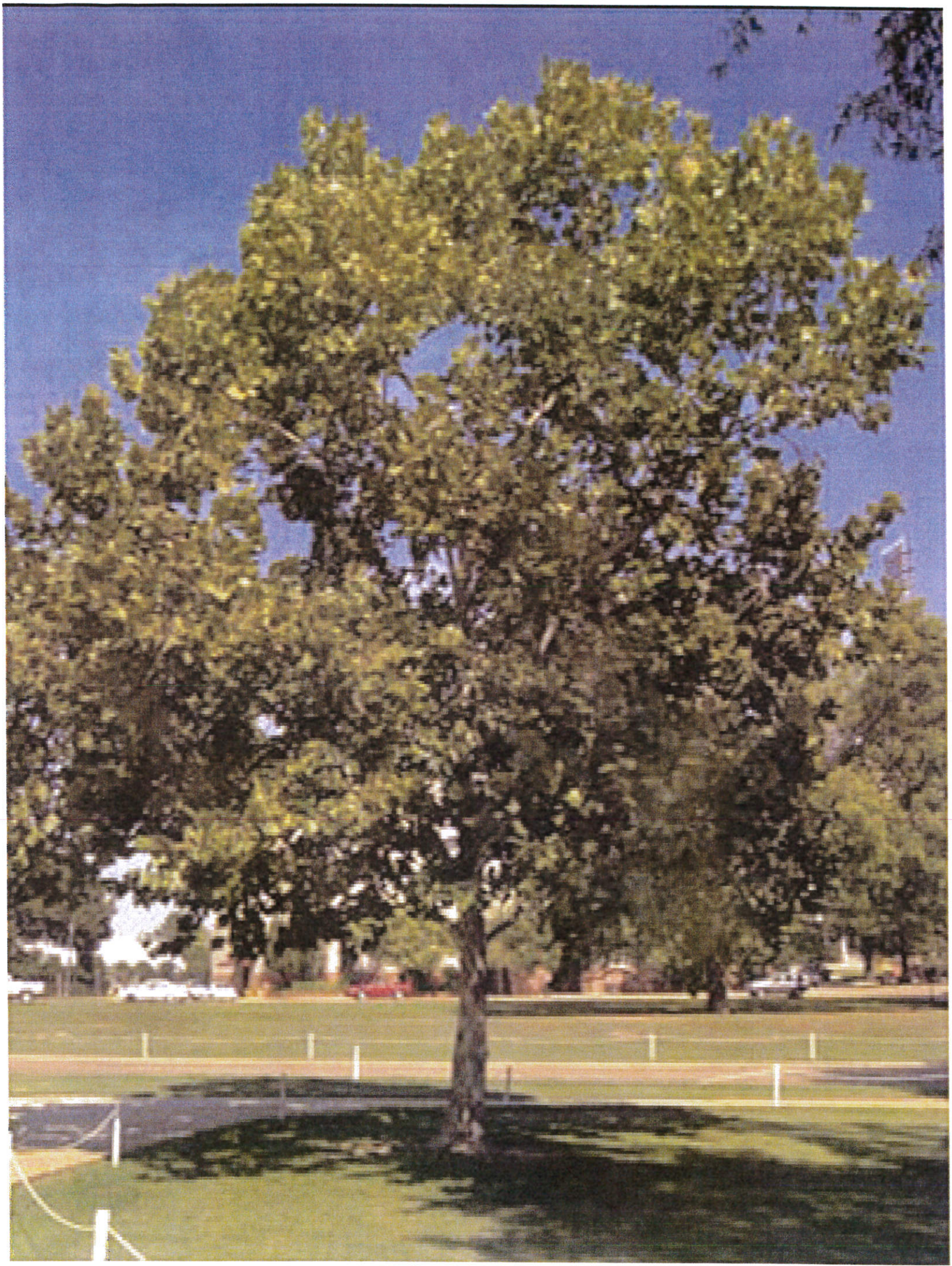
DEPARTMENT HEAD	**Submitted**	**Date:** 10-12-2015
HR	**Approved as to Form**	**Date** 10-13-15
FINANCE DEPARTMENT	**Approved as to Budget Requirements**	**Date** 10-13-15
TOWN MANAGER	**Approved Agenda Item for:** 10-19-15	**Date** 10-13-15

COMMISSION ACTION:

[ ] **Approved as Recommended** [ ] **Disapproved** [ ] **Tabled Indefinitely**

[ ] **Continued to Date Certain** [ ] **Approved with Modification**

1994
© 2015 Google
Goog
28°53'52.47" N 81°55'03.20" W elev 143



K-5

TOWN COMMISSION AGENDA ITEM

REQUESTED COMMISSION MEETING DATE: October 19, 2015
Tabled from the October 5, 2015 meeting

SUBJECT: **Resolution 2015-108- Kevco Builders for Cezary & Patricia Frondczak- Requesting an after-the-fact variance pursuant to the provisions of Chapter 5, Section 5-4).c).4). to increase the maximum impervious surface area from 35 percent to 42.8 percent of the lot size to be able to retain concrete improvements already made such as rear patio concrete slab, driveway, and a connecting sidewalk at 510 Dowling Circle (AK 3682904).**

DEPARTMENT: **GROWTH MANAGEMENT**

STAFF RECOMMENDED MOTION:

Staff recommends approval of Resolution 2015-108- Requesting an after-the-fact variance pursuant to the provisions of Chapter 5, Section 5-4).c).4). to increase the maximum impervious surface area from 35 percent to 42.8 percent of the lot size to be able to retain concrete improvements already made such as rear patio concrete slab, driveway, and a connecting sidewalk at 510 Dowling Circle (AK# 3682904).

SUMMARY

Applicant, Bryan Smith Kevco, has filed a variance application on behalf of property owners Cezary & Patricia Frondczak from the provisions of Chapter 5, Section 5-4).c).4).E). of the Land Development Regulations (LDRs) which states that the maximum impervious surface within the RS-3 Zoning should not exceed thirty-five (35) percent. The applicant proposes the impervious surface area to be increased from 35 percent to 42.8 percent to be allowed to retain concrete improvements already constructed such as rear patio concrete slab, driveway, and sidewalk, constructed at 510 Dowling Circle (Alternate Key 3682904).

During the construction of the single family residence 510 Dowling Circle, certain concrete improvements were completed that originally were not part of the zoning clearance issued for the Single Family Residence project (Permit No. 15-0173) as it relates to concrete to be poured on the site. Upon submittal of an as-built survey to the Growth Management Department, it was determined that the total impervious surface area was increased to 6,634.38 square feet within the 15,499.87-square-foot lot; yielding 42.8 percent of

impervious surface area (concreted area) in the lot. At this time the applicant is requesting an increase of 7.8 percent of what is currently allowed under the RS-3 Zoning District.

As required of this application, a Justification Statement has been submitted. The applicant stated that the concrete flatwork was an oversight during construction, it's mostly within the setback, and all building codes have been followed. Further, the applicant stated that these improvements brings new tax roll for the Town and the final product is consistent with the quality of the homes built within this neighborhood. Additionally, the denial of the variance would create a hardship should the owner have to remove approximately 1000 square feet of concrete; which would have to be redone with pavers and the finish wouldn't be the same. Lastly, the homeowners association is aware of the variance and has provided a letter of support/approval for the concrete improvements.

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.

The subject property lies in Section 05 Township 18 Range 24, Lady Lake Florida. The property is zoned "RS-3" Single Family Low Density (up to 3 dwelling units per acre), which permits the construction of these residential improvements. The Future Land Use Map designation for the site is SF-LD (Single Family Low Density).

Zoning/Future Land Use

Subject Property	RS-3- Single Family Low Density/ SF-LD
Zoning of Adjacent Properties	
West	RS-3- Single Family Low Density/ SF-LD
East	RS-3- Single Family Low Density/ SF-LD
North	RS-3- Single Family Low Density/ SF-LD
South	RS-3- Single Family Low Density/ SF-LD

Comments:

- Notices to inform the surrounding property owners (9) within 150' of the subject property of the proposed variance were mailed by certified mail return receipt on Monday, August 31, 2015. The property was also posted on Monday, August 31, 2015.

Past Actions:

The **Technical Review Committee (TRC)** members individually reviewed the application for Resolution 2015-108 and provided comments on 09/04/2015 that determined the application complete and ready for transmittal to the P&Z Board and Town Commission.

The **Planning and Zoning Board** heard the application for Resolution 2015-108 at their regular meeting on Monday, September 14, 2015, and recommended approval with a 3-0 vote.

On October 5, 2015, the **Town Commission** voted 4-0 to table Resolution 2015-108 to a date certain (10/19/2015) to allow for the submittal of an Engineering Report concerning drainage and flooding on the subject parcel, and potential effects to adjacent parcels, before the consideration of a final vote.

FISCAL IMPACT: $_____

[ ] Capital Budget
[ ] Operating
[ ] Other

ATTACHMENTS: **[ ] Ordinance(s)** **[X] Resolution** **[ ] Budget Resolution**

[ ] Other

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

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10-8-15 **DEPARTMENT HEAD** **Submitted** 10/8/15 **Date**

FINANCE DEPARTMENT **Approved as to Budget Requirements** **Date**

TOWN ATTORNEY **Approved as to Form and Legality** **Date**

TOWN MANAGER **Approved Agenda Item for:** 10/19/15 **Date** 10/8/15

BOARD ACTION: **[ ] Approved as Recommended** **[ ] Disapproved**

[ ] Tabled Indefinitely **[ ] Continued to Date Certain**

[ ] Approved with Modification

RESOLUTION NO. 2015-108

A RESOLUTION GRANTING A VARIANCE FROM THE PROVISIONS OF CHAPTER 5, SECTION 5-4, c). 4). E) OF THE TOWN OF LADY LAKE LAND DEVELOPMENT REGULATIONS WHICH STATES THAT THE MAXIMUM IMPERVIOUS SURFACE AREA WITHIN THE RS-3 ZONING DISTRICT CANNOT EXCEED 35 PERCENT OF THE LOT SIZE. THE VARIANCE REQUEST IS TO ALLOW THE MAXIMUM IMPERVIOUS SURFACE AREA TO BE INCREASED TO 42.8 PERCENT OF THE LOT FOR CONCRETE ALREADY POURED ON PROPERTY OWNED BY CEZARY T. AND PATRICIA FRONDCZAK, LOCATED AT 510 DOWLING CIRCLE (AK 3682904), WITHIN THE TOWN LIMITS OF THE TOWN OF LADY LAKE, FLORIDA.

WHEREAS, Cezary T. and Patricia Frondczak are the owners of certain real property located in the Town of Lady Lake, Florida, more particularly described in Exhibit "A"; and

WHEREAS, the Applicant/Property Owner petitioned for a Special Permit Use under the provisions of Chapter 5, Section 5-4, c). 4). E) of the Town of Lady Lake Land Development Regulations, which states that the maximum impervious surface area within the RS-3 Zoning District cannot exceed 35 percent of the lot size. The variance request is to allow the maximum impervious surface area to be increased to 42.8 percent of the lot for concrete already poured on the property owned by Cezary T. and Patricia Frondczak, located at 510 Dowling Circle, within the town limits of the Town of Lady Lake, Florida; and

WHEREAS, the Town Commission of the Town of Lady Lake held a public hearing to consider the variance request, and having heard evidence and testimony on said request, found it to be consistent with the Lady Lake Comprehensive Plan and requirements for the variances set forth in the Land Development Regulations of the Town of Lady Lake.

NOW, THEREFORE, BE IT RESOLVED that the Town Commission of the Town of Lady Lake, Florida hereby grants a variance under the provisions of Chapter 5, Section 5-4, c). 4). E) of the Town of Lady Lake Land Development Regulations, which states which states that the maximum impervious surface area within the RS-3 Zoning District cannot exceed 35 percent of the lot size. The variance will allow the maximum impervious surface area to be increased to 42.8 percent of the lot for concrete already poured on the property owned by Cezary T. and Patricia Frondczak, located at 510 Dowling Circle, within the town limits of the Town of Lady Lake, Florida; and

This Resolution shall take effect immediately upon its final adoption by the Town Commission.

RESOLVED this **5th** day of **October**, **2015**, in Lady Lake, Florida, by the Lady Lake Town Commission.

TOWN OF LADY LAKE, FLORIDA

_____
Ruth Kussard, Mayor

ATTEST:

_____
Kristen Kollgaard, Town Clerk

APPROVED AS TO FORM:

_____
Derek Schroth, Town Attorney

ACKNOWLEDGED:

The undersigned land owner by the execution hereof agrees to comply with the conditions of the special permit use as established herein.

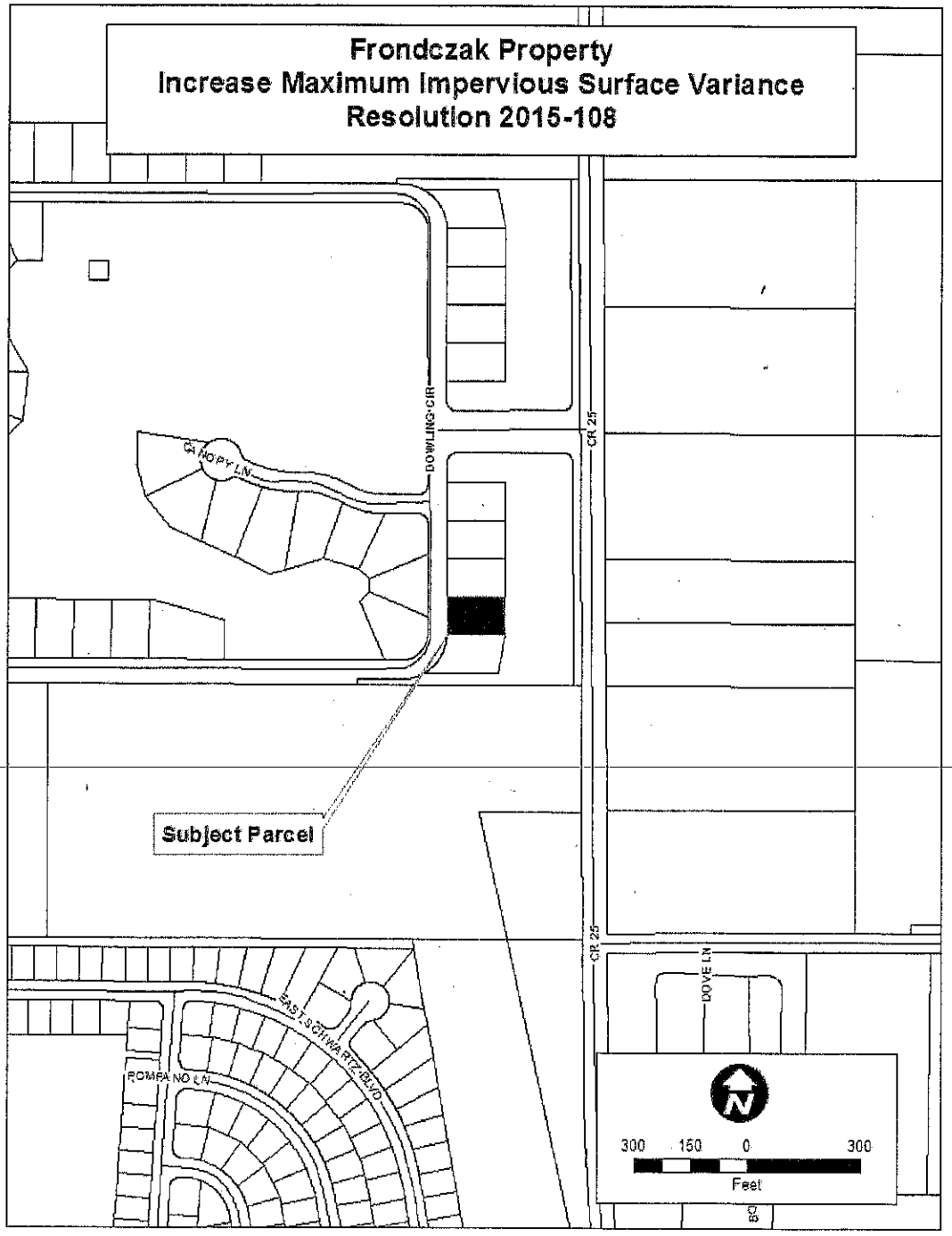
_____
Cezary T. & Patricia Frondczak
Property Owner/Representative

Exhibit A – Legal Description

Section 20, Township 18 South, Range 24 East

Parcel ID 05-18-24-2000-00B-00400

LADY LAKE, THE LAKES OF LADY LAKE SUB LOT 4 BLK B PB 36 PGS 88-90 ORB 4567 PG 1482



TECHNICAL REVIEW COMMITTEE COMMENTS
FINAL COMMENTS 09/04/2015

Project: Frondczak Property by Kevco Builders
Proposal: Increase Impervious Surface Area within RS-3 Zoning District Variance-Resolution 2015-108.

Description:

Applicant, Bryan Smith Kevco, has filed a variance application on behalf of property owners Cezary & Patricia Frondczak from the provisions of Chapter 5, Section 5-4).c).4).E). of the Land Development Regulations (LDRs) which states that the maximum impervious surface within the RS-3 Zoning should not exceed thirty-five (35) percent. The applicant proposes the impervious surface area to be increased from 35 percent to 42.8 percent to be allowed to retain concrete improvements already constructed such as rear patio concrete slab, driveway, and sidewalk, constructed at 510 Dowling Circle (Alternate Key 3682904).

During the construction of the single family residence 510 Dowling Circle, certain concrete improvements were completed that originally weren't part of the zoning clearance issued for the Single Family Residence project (Permit No. 15-0173) as it relates to concrete to be poured on the site. Upon submittal of an as-built survey to the Growth Management department, it was determined that the total impervious surface area was increased to 6,634.38 square feet within the 15,499.87-square-foot lot; yielding 42.8 percent of impervious surface area (concreted area) in the lot. At this time the applicant is requesting an increase of 7.8 percent of what is currently allowed under the RS-3 Zoning District.

The subject property lies in Section 05 Township 18 Range 24, Lady Lake Florida. The property is zoned "RS-3" Single Family Low Density (up to 3 dwelling units per acre), which permits the construction of these residential improvements. The Future Land Use Map designation for the site is SF-LD (Single Family Low Density).

GENERAL INFORMATION

Below are staff comments from the Town of Lady Lake regarding your development project. A hard copy via hand delivery and an electronic copy via e-mail are provided to the applicant. Comments are organized by department and must be sufficiently addressed before the proposal may proceed. If a re-submittal is warranted, the applicant shall provide written responses to each individual staff comment contained within this transmittal. **Re-submittals will not be accepted without bulleted written responses.**

Following submittal of any required revisions and responses, correspondence will be forwarded indicating the proposal's status, either: (1) requiring additional revision or documentations; or (2) ready for approval. Site plans are subject to public hearing, as well as plats, annexation requests, zoning requests, and comprehensive plan requests. When applicable, you will receive written notification that the item is

scheduled for review by the Planning and Zoning Board or Town Commission. For additional information, contact Thad Carroll at (352) 751-1521.

GROWTH MANAGEMENT

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

1. No comments outstanding as per GM Review completed 09-03-2015. The improvements do not adversely affect the safety, well-being, and the welfare of the adjacent property owners, so Town staff is in support.

POLICE

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

1. No comments at this time from the Police Dept. regarding this project as per email dated 9/1/2015.

BUILDING

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

1. A Building Permit application will have to be submitted or the existing modified to adjust concrete amount if variance approved. 09-04-2015.

PUBLIC WORKS

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

1. No comments at this time from the Lady Lake Public Works Dept. since no utilities will be affected at this time with the sign proposal.

RECEIVED
AUG 20 2015
GROWTH MANAGEMENT DEPT.
TOWN LADY LAKE

TOWN OF LADY LAKE
VARIANCE APPLICATION

Alt. Key Number 3682904

1. Owner's name: Frondczak Cezary T & Patricia

   Mailing Address: 567 Dowling Cir, Lady Lake FL 32159

   Email Address: _____

   Telephone #: 954-749-9081

2. Applicant's Name: Keveo Builders

   Mailing Address: 2104 S. Bay St Eustis FL 32726

   Email Address: bryan@KeveoBuilders.com

   Telephone #: 352-742-3398

3. Applicant is: Owner: __ Agent ✓ Purchaser __ Lessee __ Optionee __

4. Property Address/Location: 510 Dowling Cir, Lady Lake FL 32159

5. Legal Description: Lady Lake The Lakes of Lady Lake Sub Lot 4 BLK B
   PB36 PG3/88-90 ORB 4567-PG 1418

6. The variance requested is as follows: Keep flatwork that exceeds max impervious area by 8%.

7. The variance is necessary for the following reasons: Exceeds max impervious area by 8%.

8. Is your situation due to unique circumstances not created by you or your predecessor in title? Explain such circumstances:

   No

9. Do special conditions and circumstances exist which are peculiar to your land or structure and which are not applicable to other lands or structures in the same district? Explain such conditions or circumstances:

No

10. Would literal interpretation of the provisions of the Code deprive you of rights commonly enjoyed by other property owners in the same district? Explain such rights:

No

11. A variance, as requested, will not permit, establish or enlarge any use or structure which is not permitted in the district. Does your request meet this criterion?

YES

12. Have any land use applications been filed within the last year in connection with this property? ✓ Yes ____No. If yes, briefly describe the nature of the request and the date it was done:

Constructed New house 2/11/15 permit was pulled

This application must be accompanied by proof of ownership and authorization from the owner if represented by an agent or contract purchaser. It must also include a drawing showing the exact locations and dimensions of all existing and proposed buildings and additions, required setbacks, existing easements and clearly delineate the specific variance requested.

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

Signature of Applicant

PLEASE SUBMIT THE APPLICATION, ACCOMPANIED BY THE APPROPRIATE REVIEW FEES AND FORTY-TWO (42) COPIES OF ALL APPLICABLE INFORMATION DOCUMENTATION AS REQUIRED BY THE LADY LAKE LAND DEVELOPMENT REGULATION, ADOPTED AUGUST 15, 1994 TO THE GROWTH MANAGEMENT DEPARTMENT.

Office Use:

Date Application Received: 08-20-15 Received by: W Thom

Fees Paid: $850.00

OWNER'S AFFIDAVIT

STATE OF FLORIDA

COUNTY OF LAKE

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

(1) That he/she is the fee-simple owner of the property legally described on page one of this application.

(2) That he/she desires approval for:

Variance

(3) That he/she has appointed Bryan Smith Keyes to act as agent in his/her behalf to accomplish the above. The Owner is required to complete the APPLICANT'S AFFIDAVIT of this application if no agent is appointed to act in his/her stead.

Affiant (Owner's Signature)

The foregoing instrument was acknowledged before me this 18th day of Aug, 2015, by Cezary Frondczak, who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.

Notary Public

Notary Public State of Florida
Bryan Patrick Smith
My Commission FF 095487
Expires 02/24/2018

NOTE

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

APPLICANT'S AFFIDAVIT

STATE OF FLORIDA
COUNTY OF LAKE

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

(1) That he/she affirms and certifies that he/she 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 he desires approval for:

Variance

(3) That the submittal requirements for the application have been completed and attached hereto as part of this application.

Affiant (Applicant's Signature)

The foregoing instrument was acknowledged before me this 18th day of August, 2015, by Bryan P. Smith, who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.

Notary Public

Notary Public State of Florida
Kristina M Cutler
My Commission EE140944
Expires 01/11/2016

PROPERTY RECORD CARD

General Information

Owner Name:	FRONDCZAK CEZARY T & PATRICIA	**Alternate Key:**	3682904
Mailing Address:	567 DOWLING CIR LADY LAKE, FL 32159 *Update Mailing Address*	**Parcel Number:**	05-18-24-200000B00400
		Millage Group and City:	00LL (Lady Lake)
		Total Millage Rate:	18.70410
		Trash/Recycling/Water/Info:	*My Public Services Map*
Property Location:	510 DOWLING CIR LADY LAKE FL 32159 *Update Property Location*	**Property Name:**	-- *Submit Property Name*
		School Locator:	*School and Bus Map*
Property Description:	LADY LAKE, THE LAKES OF LADY LAKE SUB LOT 4 BLK B PB 36 PGS | 88-90 | ORB 4567 PG 1482 |		

Land Data

Line	Land Use	Frontage	Depth	Notes	No. Units	Type	Class Value	Land Value
1	VACANT GOLF LOT (0038)	0	0		1	LT	$0.00	$18,400.00

Miscellaneous Improvements

There is no improvement information to display.

Sales History

O.R. Book / Page	Sale Date	Instrument	Q/U	Vac./Imp.	Sale Price
1645 / 1051	9/13/1998	WD	M	V	$1.00
1809 / 253	3/24/2000	WD	Q	V	$20,000.00
2747 / 231	1/18/2005	WD	Q	V	$30,000.00
4567 / 1482	12/18/2014	WD	Q	V	$25,000.00

Values and Estimated Ad Valorem Taxes

Tax Authority	Market Value	Assessed Value	Taxable Value	Millage	Estimated Taxes
ST JOHNS RIVER FL WATER MGMT DIST	$18,400	$18,400	$18,400	0.30230	$5.56
LAKE COUNTY VOTED DEBT SERVICE	$18,400	$18,400	$18,400	0.16000	$2.94
LAKE COUNTY WATER AUTHORITY	$18,400	$18,400	$18,400	0.25540	$4.70
NORTH LAKE HOSPITAL DIST	$18,400	$18,400	$18,400	1.00000	$18.40

LAKE COUNTY BCC GENERAL FUND	$18,400	$18,400	$18,400	5.30510	$97.61
LAKE COUNTY MSTU AMBULANCE	$18,400	$18,400	$18,400	0.46290	$8.52
LAKE COUNTY MSTU FIRE	$18,400	$18,400	$18,400	0.47040	$8.66
SCHOOL BOARD STATE	$18,400	$18,400	$18,400	4.94900	$91.06
SCHOOL BOARD LOCAL	$18,400	$18,400	$18,400	2.24800	$41.36
TOWN OF LADY LAKE	$18,400	$18,400	$18,400	3.55100	$65.34
				Total: 18.7041	**Total:** $344.15

Exemptions Information

This property is benefitting from the following exemptions with a checkmark ✓

First Homestead Exemption (up to $25,000)	Learn More	View the Law
Additional Homestead Exemption (up to an additional $25,000)	Learn More	View the Law
Limited Income Senior Exemption (applied to county millage - up to $50,000)	Learn More	View the Law
Limited Income Senior Exemption (applied to city millage - up to $25,000)	Learn More	View the Law
Limited Income Senior 25 Year Residency (county millage only-exemption amount varies)	Learn More	View the Law
Widow / Widower Exemption (up to $500)	Learn More	View the Law
Blind Exemption (up to $500)	Learn More	View the Law
Disability Exemption (up to $500)	Learn More	View the Law
Total Disability Exemption (amount varies)	Learn More	View the Law
Veteran's Disability Exemption ($5000)	Learn More	View the Law
Veteran's Total Disability Exemption (amount varies)	Learn More	View the Law
Veteran's Combat Related Disability Exemption (amount varies)	Learn More	View the Law
Deployed Servicemember Exemption (amount varies)	Learn More	View the Law
Surviving Spouse of First Responder Exemption (amount varies)	Learn More	View the Law
Conservation Exemption (amount varies)	Learn More	View the Law
Tangible Personal Property Exemption (up to $25,000)	Learn More	View the Law
Religious, Charitable, Institutional, and Organizational Exemptions (amount varies)	Learn More	View the Law
Government Exemption (amount varies)	Learn More	View the Law

Exemption Savings

The exemptions marked with a ✓ above are providing a tax dollar savings of: $0.00

Assessment Reduction Information (3% cap, 10% cap, Agricultural, Portability, etc.)

The Lakes Of Lady Lake Homeowners Association, Inc.

579 Dowling Circle
Lady Lake, FL 32159

Board of Directors:
President: Jeffrey Carpenter 859-319-7890
Vice President: Lynn Garza 352-676-0727
Treasurer: Yolanda Buchanan 352-430-2649
Secretary: Joy Jacobs 352-633-2410
General Board Member: Richard Raus 352-525-0149

August 17,2015

To the town of Lady Lake,

As members of the architectural review board we have reviewed and observed the expanded concrete coverage of the Frondczak residence. The board has no objections and agrees to a variance from the standard allocated percentages.

Signed ARB members

Richard J Raus

Cheryl Hamm

Hugh Buchanan

Lakes of Lady Lake ARB
569 Dowling Circle
Lady Lake, Fl.32159
#352-633-7827

August 17, 2015
RE: Concrete coverage on
510 Dowling Circle
Lady Lake, FL. 32159

To Whom It May Concern:

We, the members of the ARB of the Lakes of Lady Lake HOA, have no issue with keeping the 7% above the allowable 35% concrete coverage on the subject driveway at 510 Dowling Circle, Lady Lake, FL.32159.

Sincerely,

Cheryl Hamm

KEVCO BUILDERS
Custom Homes • Additions • Remodeling

August 20, 2015

Town of Lady Lake, Florida

Re: Justification Statement
Property Owners: Cezary and Patricia Frondczak
510 Dowling Cir
Lady Lake, FL 32159

To Whom It May Concern:

Regarding the variance request for 510 Dowling Cir, Lady Lake, FL for Mr. and Mrs. Frondzak:

1) No diminution in value of surrounding properties would be suffered.
The property addressed above and surrounding properties will not suffer or diminish in value. The proposed flatwork is all within the setback. All building codes have been followed.

2) Granting the permit would be of benefit to the public interest.
This request will have no negative impact to the public interest, yet will bring benefit to the count tax roll by increasing the value of the home site as well as surrounding home.

3) Denial of the permit would result in unnecessary hardship to the owner seeking it.
Denial of this variance will cause hardship to the owner in that approx. 1000SF of the flatwork will have to be removed and replace with either sod or pavers.

4) The use must not be contrary to the spirit of this Code.
The spirit of the Code is not affected in any way to this request. The homeowners association is aware and has provided a letter stating that their acceptance.

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.
Kevco Builders is seeking this variance on behalf of Mr. and Mrs. Frondczak. This was an oversight during the construction process.

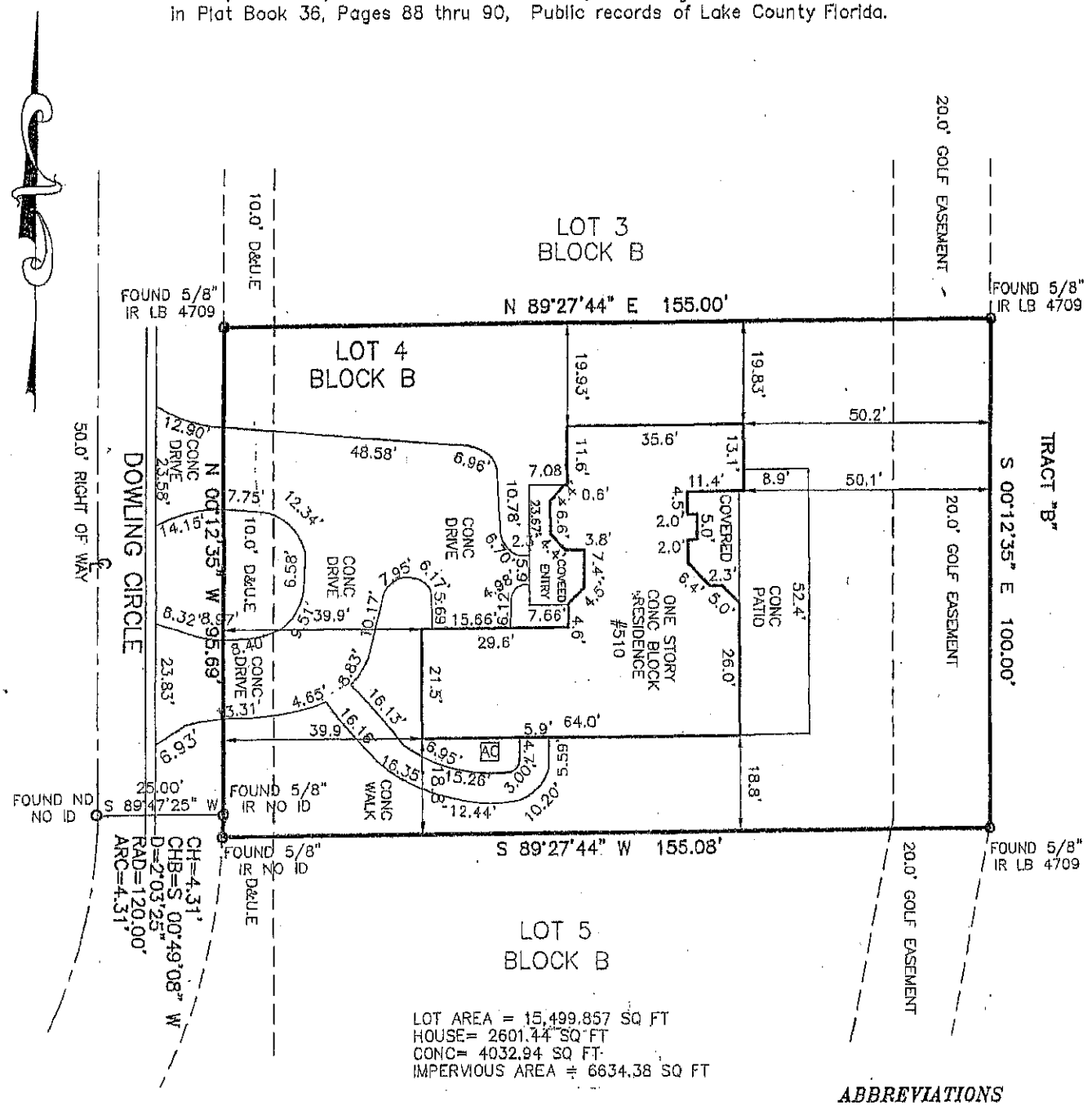
6) Physical hardships such as disabilities of any applicant may be considered grounds to justify granting of a variance at the discretion of the Town Commission.
The homeowners currently do not have any physical hardships or disabilities.

Ph. 352-742-3398
Mail: P.O. Box 1267, Tavares, FL 32778
Corp. Office: 2104 South Bay St. Eustis, FL 32726
www.KevcoBuilders.com
Lic. # CBC1259012

BOUNDARY SURVEY

DESCRIPTION:

LOT 4, BLOCK B, THE LAKES OF LADY LAKE, according to the thereof Plat recorded in Plat Book 36, Pages 88 thru 90, Public records of Lake County Florida.



LOT AREA = 15,499.857 SQ FT
HOUSE= 2601.44 SQ FT
CONC= 4032.94 SQ FT
IMPERVIOUS AREA = 6634.38 SQ FT

ABBREVIATIONS

CONC = CONCRETE
℄ = CENTERLINE
(D) = DEED
IR = IRON ROD
IP = IRON PIPE
LB = LICENSED BUSINESS
(M) = MEASURED
ORB = OFFICIAL RECORD BOOK
PG = PAGE
PCP = PERMANENT CONTROL POINT
PRM = PERMANENT REFERENCE MONUMENT
(P) = PLAT
PB = PLAT BOOK
PC = POINT OF CURVATURE
PRC = POINT OF REVERSE CURVATURE
PT = POINT OF TANGENCY
R/W = RIGHT-OF-WAY
UE = UTILITY EASEMENT
D&U.E = DRAINAGE & UTILITY EASEMENT

SURVEYORS NOTES:

– THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE OPINION. THERE MAY EXIST MATTERS ON RECORD AFFECTING THE SUBJECT PROPERTY.

– BEARINGS BASED ON THE WEST LINE OF LOT 4, BLOCK B, THE LAKES OF LADY LAKE, AS RECORDED IN PLAT BOOK 36, PAGES 88–90 LAKE COUNTY,

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

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

August 31, 2015

RE: Variance Resolution 2015-108

Dear Property Owner:

This is to notify you that Applicant, Kevco Builders, has filed a variance application on behalf of property owners Cezary T. & Patricia Frondczak, for properties addressed as 510 Dowling Circle, within the Lakes of Lady Lake Subdivision, in the Town limits of the Town of Lady Lake, Florida. The requested variance from the Land Development Regulations is as follows:

Resolution 2015-108

Variance application is in accordance with the provisions of Chapter 5, Section 5-3.c.4.E., which states that the maximum impervious surface area within the RS-3 Zoning District is restricted not to exceed 35 percent of the lot size. The applicant proposes the impervious surface area to be increased from 35 percent to 42.8 percent to be allowed to retain concrete improvements such as rear patio concrete slab, driveway, and sidewalk, constructed at 510 Dowling Circle (Alternate Key 3682904).

Public hearing dates on the petitions are scheduled for the following dates:

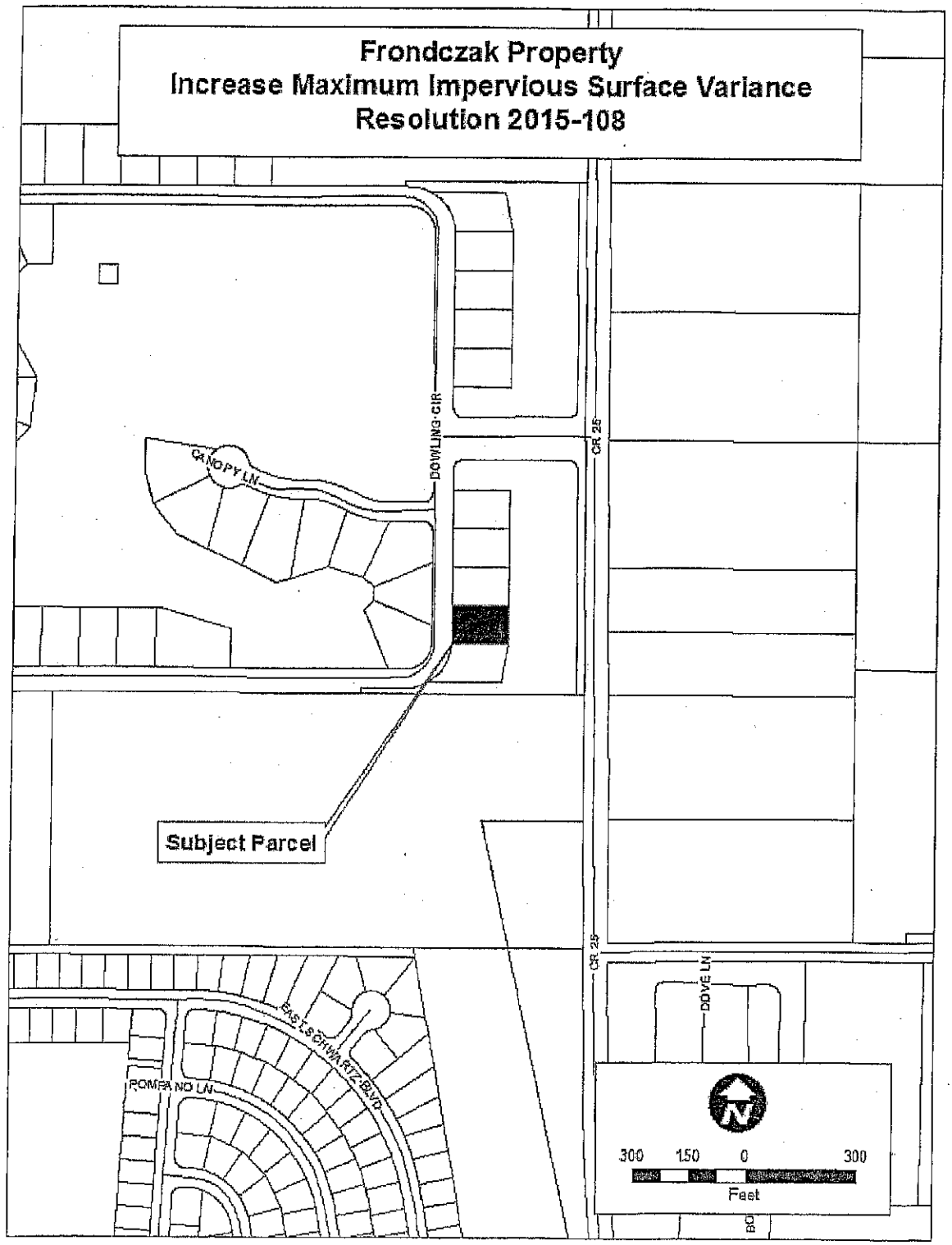
PLANNING AND ZONING BOARD- Monday, September 14, 2015 at 5:30 p.m.
COMMISSION MEETING- Monday, October 5, 2015 at 6:00 p.m.

You are invited to attend these public hearings to be held in the Town Hall Commission Chambers, 409 Fennell Boulevard, Lady Lake, Florida. The petitions may be inspected at Town Hall during regular business hours (7:30 a.m. to 6 p.m., Monday - Thursday) in the Growth Management Department. Any person wishing to appeal a decision of this public body should ensure themselves that a verbatim record of the proceedings is made. If you have any questions regarding this matter, please call me at (352) 751-1582 or via email at wthen@ladylake.org.

Sincerely,

Wendy Then
Town Planner

MAP


Frondczak Property
Increase Maximum Impervious Surface Variance
Resolution 2015-108
DOWLING CIR
CR 25
CANOPY LN
Subject Parcel
CR 25
DOVE LN
EASTSCHWARTZ BLVD
POMPANO LN
300 150 0 300
Feet

AltKey	OwnerName	OwnerAddre	OwnerCity	OwnerState	OwnerZip
3682912	CHEAR INC C/O ALLAN SPEAR III	2225 NW 66TH CT	GAINESVILLE	FL	32653
3682882	SMOYER FREDERICK H & RUTH K SCHMOYER	6686 PHILLIPS RD	GERMANSVILLE	PA	18053
3682980	MC KEOWN BEVERLY	502 CANOPY LN	LADY LAKE	FL	32159
3683005	AUDIO VISUAL LEASING INC	1576 BELLA CRUZ DR	LADY LAKE	FL	32159
3682904	FRONDCZAK CEZARY T & PATRICIA	567 DOWLING CIR	LADY LAKE	FL	32159
3682891	PRICE REBECCA J	508 DOWLING CIR	LADY LAKE	FL	32159
3682998	PELLETTIERI JOSEPH L & MARIA C TRUSTEES	507 DOWLING CIR	LADY LAKE	FL	32159
1237734	PREVEDEL JOSEPH E & SILVIA PREVEDEL	PO BOX 496	LADY LAKE	FL	32158
3693604	LAKES OF LADY LAKE HOMEOWNERS ASSN	1553 SE FORT KING ST	OCALA	FL	34471
3682815	GOLF SOUTH INC	PO BOX 120387	CLERMONT	FL	34712

Frondczak Property- 150_Feet Adjacent Property Owners

LADY LAKE
VARIANCE

PLANNING & ZONING BOARD AGENDA ITEM

REQUESTED BOARD MEETING DATE: September 14, 2015

SUBJECT: **Resolution 2015-108- Kevco Builders for Cezary & Patricia Frondczak- Requesting an after-the-fact variance pursuant to the provisions of Chapter 5, Section 5-4).c).4). to increase the maximum impervious surface area from 35 percent to 42.8 percent of the lot size to be able to retain concrete improvements already made such as rear patio concrete slab, driveway, and a connecting sidewalk at 510 Dowling Circle (AK 3682904).**

DEPARTMENT: **GROWTH MANAGEMENT**

STAFF RECOMMENDED MOTION:

1. **Motion to forward Resolution 2015-118 to the Town Commission with the Recommendation of Approval.**

2. **Motion to forward Resolution 2015-118 to the Town Commission with the Recommendation of Denial.**

Staff is in support of Motion Number 1.

SUMMARY

Applicant, Bryan Smith Kevco, has filed a variance application on behalf of property owners Cezary & Patricia Frondczak from the provisions of Chapter 5, Section 5-4).c).4).E). of the Land Development Regulations (LDRs) which states that the maximum impervious surface within the RS-3 Zoning should not exceed thirty-five (35) percent. The applicant proposes the impervious surface area to be increased from 35 percent to 42.8 percent to be allowed to retain concrete improvements already constructed such as rear patio concrete slab, driveway, and sidewalk, constructed at 510 Dowling Circle (Alternate Key 3682904).

During the construction of the single family residence 510 Dowling Circle, certain concrete improvements were completed that originally were not part of the zoning clearance issued for the Single Family Residence project (Permit No. 15-0173) as it relates to concrete to be poured on the site. Upon submittal of an as-built survey to the Growth Management Department, it was determined that the total impervious surface area was increased to 6,634.38 square feet within the 15,499.87-square-foot lot; yielding 42.8 percent of

impervious surface area (concreted area) in the lot. At this time the applicant is requesting an increase of 7.8 percent of what is currently allowed under the RS-3 Zoning District.

As required of this application, a Justification Statement has been submitted. The applicant stated that the concrete flatwork was an oversight during construction, it's mostly within the setback, and all building codes have been followed. Further, the applicant stated that these improvements brings new tax roll for the Town and the final product is consistent with the quality of the homes built within this neighborhood. Additionally, the denial of the variance would create a hardship should the owner have to remove approximately 1000 square feet of concrete; which would have to be redone with pavers and the finish wouldn't be the same. Lastly, the homeowners association is aware of the variance and has provided a letter of support/approval for the concrete improvements.

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.

The subject property lies in Section 05 Township 18 Range 24, Lady Lake Florida. The property is zoned "RS-3" Single Family Low Density (up to 3 dwelling units per acre), which permits the construction of these residential improvements. The Future Land Use Map designation for the site is SF-LD (Single Family Low Density).

Zoning/Future Land Use

Subject Property	RS-3- Single Family Low Density/ SF-LD
Zoning of Adjacent Properties	
West	RS-3- Single Family Low Density/ SF-LD
East	RS-3- Single Family Low Density/ SF-LD
North	RS-3- Single Family Low Density/ SF-LD
South	RS-3- Single Family Low Density/ SF-LD

Comments:

- Notices to inform the surrounding property owners (9) within 150' of the subject property of the proposed variance were mailed by certified mail return receipt on Monday, August 31, 2015. The property was also posted on Monday, August 31, 2015.

Past Actions:

The **Technical Review Committee (TRC)** members individually reviewed the application for Resolution 2015-108 and provided comments on 09/04/2015 that determined the application complete and ready for transmittal to the P&Z Board and Town Commission.

The **Town Commission** is scheduled to consider the application for Resolution 2015-108 for final consideration at their regular meeting on Monday, October 5, 2015.

FISCAL IMPACT: $_____

[ ] Capital Budget
[ ] Operating
[ ] Other

ATTACHMENTS: **[ ] Ordinance(s)** **[X] Resolution** **[ ] Budget Resolution**

[ ] Other

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

(126)
9-8-15

DEPARTMENT HEAD **Submitted** 9/8/15 **Date**

FINANCE DEPARTMENT **Approved as to Budget Requirements** **Date**

TOWN ATTORNEY **Approved as to Form and Legality** **Date**

TOWN MANAGER **Approved Agenda Item for:** 9/14/15 **Date** 9/5/15

BOARD ACTION: **[✓] Approved as Recommended** SIG/MONT 3-0 **[ ] Disapproved**

[ ] Tabled Indefinitely **[ ] Continued to Date Certain**

[ ] Approved with Modification

cc: THAID - G.A.

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

September 14, 2015
5:30 p.m.

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

~~**CALL TO ORDER:** John Gauder, Chairperson~~

~~**PLEDGE OF ALLEGIANCE:** John Gauder, Chairperson~~

~~**ROLL CALL** Alfred Monteleone, Member~~
~~William Sigurdson, Vice Chairperson/Member~~
~~John Gauder, Chairperson~~

~~**Member Absent:** Michael McKenzie, Member~~

~~**STAFF MEMBERS PRESENT:** Thad Carroll, Growth Management Director; Wendy Then, Town Planner; Kris Kollgaard, Town Manager; and Nancy Slaton, Deputy Town Clerk~~

~~**Also Present:** Attorney Sasha Garcia, BRS Legal; Mayor Ruth Kussard and Commissioner Paul Hannan~~

~~**OPEN FORUM:**~~

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

~~**NEW BUSINESS:**~~

~~**1. Approval of Minutes** – August 10, 2015 Regular Meeting~~

~~***Upon a motion by Member Sigurdson and a second by Member Monteleone, the Planning and Zoning Board approved the minutes of the Planning and Zoning Board Meeting of August 10, 2015 as presented by a vote of 3-0.***~~

2. Resolution No. 2015-108 – Kevco Builders for Cezary & Patricia Frondczak – Requesting an After-the-Fact Variance Pursuant to the Provisions of Chapter 5, Section 5-4).C).4). to Increase the Maximum Impervious Surface Area from 35% to 42.8% of the Lot Size to Retain Concrete Improvements Already Made Such as Rear Patio Concrete Slab, Driveway, and Connecting Sidewalk – Located at 510 Dowling Circle (Wendy Then)

Wendy Then, Town Planner, presented the background summary for this agenda item (on file in the Clerk's Office) and read the ordinance by title. She stated that the applicant, Bryan Smith Kevco, has filed a variance application on behalf of property owners Cezary & Patricia Frondczak from the provisions of Chapter 5, Section 5-4).c).4).E). of the Land Development Regulations (LDRs) which

DRAFT

states that the maximum impervious surface within the RS-3 Zoning should not exceed 35%. She stated that the applicant proposes the impervious surface area to be increased from 35% to 42.8% to be allowed to retain concrete improvements already constructed as rear patio concrete slab, driveway, and sidewalk constructed at 510 Dowling Circle (Alternate Key 3682904). Aerial views and photos of the property were shown, along with the zoning of the property and adjacent parcels.

Ms. Then reported that during the construction of the single family residence 510 Dowling Circle, certain concrete improvements were completed that originally were not part of the zoning clearance issued for the Single Family Residence project (Permit No. 15-0173) as it relates to concrete to be poured on the site. Upon submittal of an as-built survey to the Growth Management Department, it was determined that the total impervious surface area was increased to 6,634.38 sq. ft. within the 15,499.87 sq. ft. lot, yielding 42.8% of impervious surface area (concreted area) in the lot. At this time, the applicant is requesting an increase of 7.8% of what is currently allowed under the RS-3 Zoning District.

Ms. Then stated that as required of this application, a Justification Statement has been submitted. She reported that the applicant stated that the concrete flatwork was an oversight during construction; it is mostly within the setback, and all building codes have been followed. Further, the applicant stated that these improvements bring a new tax roll for the Town and the final product is consistent with the quality of the homes built within this neighborhood. Additionally, the denial of the variance would create a hardship should the owner have to remove approximately 1000 sq. ft. of concrete; which would have to be redone with pavers and the finish would not be the same. Lastly, the Homeowners Association (HOA) is aware of the variance and has provided a letter of support/approval for the concrete improvements. A copy of the letter from the HOA was shown.

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.

The subject property lies in Section 05, Township 18, Range 24, in Lady Lake, Florida. The property is zoned "RS-3" - Single Family Low Density (up to three dwelling units per acre), which permits the construction of these residential improvements. The Future Land Use Map designation for the site is SF-LD (Single Family Low Density).

Zoning/Future Land Use

Subject Property	RS-3- Single Family Low Density/ SF-LD
Zoning of Adjacent Properties	
West	RS-3- Single Family Low Density/ SF-LD

East	RS-3- Single Family Low Density/ SF-LD
North	RS-3- Single Family Low Density/ SF-LD
South	RS-3- Single Family Low Density/ SF-LD

Ms. Then reported that notices to inform the surrounding property owners (9) within 150' of the subject property of the proposed variance were mailed by certified mail return receipt on Monday, August 31, 2015 and the property was also posted this same day. She stated that six of nine notices have been returned as received, and there have been no objections and the one letter of support from the homeowners' association.

Ms. Then stated that the Technical Review Committee (TRC) members individually reviewed the application for Resolution No. 2015-108 and provided comments on September 4, 2015 that determined the application complete and ready for transmittal to the Planning and Zoning Board and Town Commission. The Town Commission is scheduled to consider the application for Resolution No. 2015-108 for first/final reading at their regular meeting on Monday, October 5, 2015.

Ms. Then stated the property owners are present if there are any questions.

Chairperson Gauder asked if anyone on the Board or anyone in the audience has any questions or comments.

Commissioner Paul Hannan stated that this property is in his ward, and he is aware of what is going on with the property.

Upon a motion by Member Sigurdson and a second by Member Monteleone, the Planning and Zoning Board recommended transmittal and approval of Resolution No. 2015-108 to the Town Commission for consideration by the following roll call vote:

MONTELEONE	***YES***
SIGURDSON	***YES***
GAUDER	***YES***

~~**3. Resolution No. 2015-110 – SRK Lady Lake 43 Associates, LLC for SteinMart Variance Request Pursuant to Chapter 17, Section 4.b.2.E. to Allow a Secondary Wall Sign to be Placed on the Southeast Elevation of the Building Referenced as Retail Tenant Space 1 Located within the Lady Lake Crossing Plaza at 456 North Highway 27/441 (Wendy Then)**~~

~~Wendy Then, Town Planner, presented the background summary for this agenda item (on file in the Clerk's Office) and read the ordinance by title. She stated that on August 26, 2015, Town staff received a variance application from applicant Martin J. DelleBovi with SRK Lady Lake 43 Associates for secondary wall signage to be placed on the southeast elevation of the building facing North Highway 27/441, referenced as Retail Tenant Space 1, located within the Lady Lake Crossing Plaza. The applicant, Martin J. DelleBovi with SRK Lady Lake 43 Associates, has filed the variance application for the SteinMart Department Store to be located at the Lady Lake Crossing Plaza for property addressed as 456 North Highway 27/441.~~

~~Ms. Then stated the variance request has been made pursuant to the provisions of Chapter 17, Section 4.b.2.E., of the Town of Lady Lake Land Development Regulations, which only allows wall~~

TOWN COMMISSION AGENDA ITEM

REQUESTED COMMISSION MEETING DATE: October 5, 2015

SUBJECT: **Resolution 2015-108- Kevco Builders for Cezary & Patricia Frondczak- Requesting an after-the-fact variance pursuant to the provisions of Chapter 5, Section 5-4).c).4). to increase the maximum impervious surface area from 35 percent to 42.8 percent of the lot size to be able to retain concrete improvements already made such as rear patio concrete slab, driveway, and a connecting sidewalk at 510 Dowling Circle (AK 3682904).**

DEPARTMENT: **GROWTH MANAGEMENT**

STAFF RECOMMENDED MOTION:

Staff recommends approval of Resolution 2015-108- Requesting an after-the-fact variance pursuant to the provisions of Chapter 5, Section 5-4).c).4). to increase the maximum impervious surface area from 35 percent to 42.8 percent of the lot size to be able to retain concrete improvements already made such as rear patio concrete slab, driveway, and a connecting sidewalk at 510 Dowling Circle (AK 3682904).

SUMMARY

Applicant, Bryan Smith Kevco, has filed a variance application on behalf of property owners Cezary & Patricia Frondczak from the provisions of Chapter 5, Section 5-4).c).4).E). of the Land Development Regulations (LDRs) which states that the maximum impervious surface within the RS-3 Zoning should not exceed thirty-five (35) percent. The applicant proposes the impervious surface area to be increased from 35 percent to 42.8 percent to be allowed to retain concrete improvements already constructed such as rear patio concrete slab, driveway, and sidewalk, constructed at 510 Dowling Circle (Alternate Key 3682904).

During the construction of the single family residence 510 Dowling Circle, certain concrete improvements were completed that originally were not part of the zoning clearance issued for the Single Family Residence project (Permit No. 15-0173) as it relates to concrete to be poured on the site. Upon submittal of an as-built survey to the Growth Management Department, it was determined that the total impervious surface area was increased to 6,634.38 square feet within the 15,499.87-square-foot lot; yielding 42.8 percent of impervious surface area (concreted area) in the lot. At this time the applicant is requesting an increase of 7.8 percent of what is currently allowed under the RS-3 Zoning District.

As required of this application, a Justification Statement has been submitted. The applicant stated that the concrete flatwork was an oversight during construction, it's mostly within the setback, and all building codes have been followed. Further, the applicant stated that these improvements brings new tax roll for the Town and the final product is consistent with the quality of the homes built within this neighborhood. Additionally, the denial of the variance would create a hardship should the owner have to remove approximately 1000 square feet of concrete; which would have to be redone with pavers and the finish wouldn't be the same. Lastly, the homeowners association is aware of the variance and has provided a letter of support/approval for the concrete improvements.

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.

The subject property lies in Section 05 Township 18 Range 24, Lady Lake Florida. The property is zoned "RS-3" Single Family Low Density (up to 3 dwelling units per acre), which permits the construction of these residential improvements. The Future Land Use Map designation for the site is SF-LD (Single Family Low Density).

Zoning/Future Land Use

Subject Property	RS-3- Single Family Low Density/ SF-LD
Zoning of Adjacent Properties	
West	RS-3- Single Family Low Density/ SF-LD
East	RS-3- Single Family Low Density/ SF-LD
North	RS-3- Single Family Low Density/ SF-LD
South	RS-3- Single Family Low Density/ SF-LD

Comments:

- Notices to inform the surrounding property owners (9) within 150' of the subject property of the proposed variance were mailed by certified mail return receipt on Monday, August 31, 2015. The property was also posted on Monday, August 31, 2015.

Past Actions:

The **Technical Review Committee (TRC)** members individually reviewed the application for Resolution 2015-108 and provided comments on 09/04/2015 that determined the application complete and ready for transmittal to the P&Z Board and Town Commission.

The **Planning and Zoning Board** heard the application for Resolution 2015-108 at their regular meeting on Monday, September 14, 2015, and recommended approval with a 3-0 vote.

FISCAL IMPACT: $_____

[ ] Capital Budget
[ ] Operating
[ ] Other

ATTACHMENTS: **[ ] Ordinance(s)** **[X] Resolution** **[ ] Budget Resolution**

[ ] Other

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

---

9-24-15 **DEPARTMENT HEAD** **Submitted** 9/24/15 **Date**

FINANCE DEPARTMENT **Approved as to Budget Requirements** **Date**

TOWN ATTORNEY **Approved as to Form and Legality** **Date**

TOWN MANAGER **Approved Agenda Item for:** 10/5/15 **Date** 9/24/15

BOARD ACTION: **[ ] Approved as Recommended** **[ ] Disapproved**

[ ] Tabled Indefinitely **[✓] Continued to Date Certain** – 10/19/15
RIC/HOL 4-0

[ ] Approved with Modification

cc: THAB-L.M.

~~September 16, 2015, the Town Commission voted 5-0 for approval of Ordinance No. 2015-13 upon First Reading.~~

~~***Upon a motion by Commissioner Holden and seconded by Commissioner Richards, the Commission approved Ordinance No. 2015-13 – Second/Final Reading – Amending the Text of Policy 1-10.1, F) of the Future Land Use Element of the Lady Lake Comprehensive Plan 2030 – Allowing for the Construction of Individual Single Family Dwelling Units on Lots of Record Existing as of September 26, 2006, by the following roll call vote:***~~

~~***HOLDEN***~~	~~***YES***~~
~~***VINCENT***~~	~~***YES***~~
~~***RICHARDS***~~	~~***YES***~~
~~***KUSSARD***~~	~~***YES***~~

19. Resolution No. 2015-108 – First/Final Reading- Kevco Builders for Cezary & Patricia Frondczak – Requesting an After-the-Fact Variance Pursuant to the Provisions of Chapter 5, Section 5-4).C).4). to Increase the Maximum Impervious Surface Area from 35% to 42.8% of the Lot Size to Retain Concrete Improvements Already Made Such as Rear Patio Concrete Slab, Driveway, and Connecting Sidewalk – Located at 510 Dowling Circle (Wendy Then)

Town Attorney Derek Schroth read the resolution by title.

Town Planner Wendy Then gave the background summary for this agenda item (on file in the Clerk's office). She stated that the applicant, Bryan Smith Kevco, has filed a variance application on behalf of property owners Cezary & Patricia Frondczak from the provisions of Chapter 5, Section 5-4).c).4).E). of the Land Development Regulations (LDRs) which states that the maximum impervious surface within the RS-3 Zoning should not exceed 35%t. The applicant proposes the impervious surface area to be increased from 35% to 42.8% to be allowed to retain concrete improvements already constructed such as rear patio concrete slab, driveway, and sidewalk, constructed at 510 Dowling Circle (Alternate Key 3682904).

Ms. Then showed photos of the property and reviewed the background for this variance request as follows:

During the construction of the single family residence at 510 Dowling Circle, certain concrete improvements were completed that originally were not part of the zoning clearance issued for the Single Family Residence project (Permit No. 15-0173) as it relates to concrete to be poured on the site. Upon submittal of an as-built survey to the Growth Management Department, it was determined that the total impervious surface area was increased to 6,634.38 sq. ft. within the 15,499.87 sq. ft. lot; yielding 42.8% of impervious surface area (concreted area) in the lot. At this time the applicant is requesting an increase of 7.8% of what is currently allowed under the RS-3 Zoning District.

As required of this application, a Justification Statement has been submitted. The applicant stated that the concrete flatwork was an oversight during construction, it's mostly within the setback, and all building codes have been followed. Further, the applicant stated that these improvements brings new tax roll for the Town and the final product is consistent with the quality of the homes built within this neighborhood. Additionally, the denial of the variance would create a hardship should the owner have to remove approximately 1000 sq. ft. of concrete; which would have to be redone with pavers and the finish wouldn't be the same. Lastly, the homeowners association is aware of the variance and has provided a letter of support/approval for the concrete improvements.

DRAFT

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.

The subject property lies in Section 05, Township 18, Range 24, Lady Lake, Florida. The property is zoned "RS-3" Single Family Low Density (up to three dwelling units per acre), which permits the construction of these residential improvements. The Future Land Use Map designation for the site is SF-LD (Single Family Low Density).

Zoning/Future Land Use

Subject Property	RS-3- Single Family Low Density/ SF-LD
Zoning of Adjacent Properties	
West	RS-3- Single Family Low Density/ SF-LD
East	RS-3- Single Family Low Density/ SF-LD
North	RS-3- Single Family Low Density/ SF-LD
South	RS-3- Single Family Low Density/ SF-LD

Ms. Then stated that notices to inform the surrounding property owners (9) within 150' of the subject property of the proposed variance were mailed by certified mail return receipt on Monday, August 31, 2015 and the property was also posted the same day. There have been no objections received.

Ms. Then reported that the Technical Review Committee (TRC) members individually reviewed the application for Resolution No. 2015-108 and provided comments on September 4, 2015 that determined the application complete and ready for transmittal to the Planning and Zoning Board and the Town Commission. The Planning and Zoning Board heard the application for Resolution No. 2015-108 at their regular meeting on Monday, September 14, 2015, and recommended approval by a 3-0 vote.

Ms. Then stated that the property owners are present if there are any questions.

Commissioner Richards asked about an engineer's recommendation regarding run-off since there is more impervious surface.

Ms. Then replied that flat work was done in between landscaping and open areas and the property has good drainage into swales. She stated that there is also flat work in the back that is not near the rear easement.

Mr. Carroll stated that individual site plans are not normally reviewed by an engineer, but that staff can look into it. He stated the home site is adjacent to a golf course.

After discussion, the Commission agreed to table this item so that an engineer can look at the property

before the final reading.

Upon a motion by Commissioner Richards and seconded by Commissioner Holden, the Commission tabled the first/final reading of Resolution No. 2015-108 to the October 19, 2015 meeting, by the following roll call vote:

HOLDEN	***YES***
VINCENT	***YES***
RICHARDS	***YES***
KUSSARD	***YES***

~~**20. Resolution No. 2015-110 First/Final Reading SRK Lady Lake 43 Associates, LLC for SteinMart Variance Request Pursuant to Chapter 17, Section 4.b.2.E. to Allow a Secondary Wall Sign to be Placed on the Southeast Elevation of the Building Referenced as Retail Tenant Space 1 Located within the Lady Lake Crossing Plaza at 456 North Highway 27/441 (Wendy Then)**~~

~~Town Attorney Derek Schroth read the resolution by title.~~

~~Town Planner Wendy Then gave the background summary for this agenda item (on file in the Clerk's office). She stated that on August 26, 2015, Town staff received a variance application from applicant Martin J. DelleBovi with SRK Lady Lake 43 Associates for secondary wall signage to be placed on the southeast elevation of the building facing North Highway 27/441, referenced as Retail Tenant Space 1, located within the Lady Lake Crossing Plaza. The applicant has filed the variance application for the SteinMart Department Store to be located at the Lady Lake Crossing Plaza for property addressed as 456 North Highway 27/441. The variance request has been made pursuant to the provisions of Chapter 17, Section 4.b.2.E., of the Town of Lady Lake Land Development Regulations which only allows wall signs to be placed on the main façade of the business. The proposed sign would be approximately 32'3"x 6' or 193.5 sq. ft. in copy area.~~

~~Ms. Then reviewed photos of the property which included renderings of the proposed sign illustrating the size and location of the sign. She reviewed the background as follows:~~

~~As required of this application, a Justification Statement has been submitted. The applicant stated that having the channel letter signs facing this elevation will assist the northbound traffic to identifying the store's location. Additionally, the applicant indicated that drivers coming south to north on Fennell Boulevard would be better directed to the store, thus providing advanced direction to prepare them to make an upcoming left into the property. Lastly, the applicant feels that given the size of the building for this anchor store, featuring wall signage consistent with the one already installed on the main façade of the business is more in line with Commercial Design Standards and the spirit of the Sign Code than an empty façade on that significant elevation.~~

~~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.~~

K-6

TOWN COMMISSION AGENDA ITEM

REQUESTED COMMISSION MEETING DATE: OCT. 19, 2015 - SECOND/FINAL READING

SUBJECT: **Ordinance 2015-11 - David Springstead - Rezoning 49 +/- Acres of Land Owned By Elijah Bailey, Jr., from Heavy Commercial (HC) To Planned Unit Development (PUD) - Located north of Lake Ella Road, and west of Hwy 27/441 (Alternate Key Numbers #1282594, #1282608, #3374916).**

DEPARTMENT: **GROWTH MANAGEMENT**

STAFF RECOMMENDED MOTION:

Staff recommends approval of Ordinance No. 2015-11, Rezoning 49 +/- Acres of Land Owned by Elijah Bailey, Jr., from Heavy Commercial (HC) To Planned Unit Development (PUD).

Applicant, David Springstead, has filed an application on behalf of the property owner Elijah Bailey, Jr., to amend the zoning designation of property being 49 +/- acres located north of Lake Ella Road, and west of Hwy 27/441, referenced by Alternate Key Numbers #1282594, #1282608, #3374916.

The subject property is currently vacant and the applicant is requesting to rezone the properties to Planned Unit Development (PUD) to allow the following uses; General Retail, Office Use, Restaurants, Apartments, Condominiums, Hotels, Restaurant with Bar, and Medical Treatment Use. Attached is Exhibit "C", detailing the proposed uses and buildings in their foreseen locations on the property.

The property was formerly zoned Planned Unit Development (PUD) under Ordinance 2005-20, which provided entitlements for many of the same uses as provided by the current Heavy Commercial zoning under Ordinance 2011-19. The intent of Ordinance 2011-19, was to rezone the property in a manner that would allow it to be subdivided and marketed in a more flexible manner, as potential developers would have had to adhere to the PUD Ordinance 2005-20. At this time, the property owner has a potential buyer who would like to establish a variety of uses on the property, including apartments, which was removed as an approved use under the Heavy Commercial rezoning of Ordinance 201-19. The Future Land Use designation of Commercial General – Retail Sales and Services (RET) is the appropriate designation for what the applicant is seeking by this rezoning request; therefore, a future land use map amendment is not needed. The zoning designation of the subject property and the adjacent property is as follows:

Zoning Designations

Subject Properties	Lady Lake - Heavy Commercial (HC)
Future Land Use of Adjacent Properties	
West	Lady Lake- Commercial Residential Single Family (RS-6)
East	Lady Lake – Heavy Commercial (HC)
North	Lady Lake – Heavy Commercial (HC)
South	Fruitland Park – Neighborhood Commercial (C-1)

Notices to inform the surrounding property owners (26) within 150' of the property of the proposed rezoning were mailed by certified mail return receipt on Monday, August 31, 2015. The property was also posted Monday, August 31, 2015.

Comments:

- The PUD may be developed is phases; however, parking, stormwater, and all other requirements of the site plan must be in place for each phase to stand alone.
- Site Plans will be required for each phase of the development.
- All development on the property will be served by Town Utilities.

Past Actions:

The **Technical Review Committee (TRC)** members individually reviewed application for Ordinance 2015-11, provided on September 1, 2015, and determined the application to be complete and ready for transmittal to the P&Z Board.

At the September 12, 205 meeting, the **Planning & Zoning Board** voted 3-0 to forward Ordinance 2015-11 to the Town Commission with the recommendation of approval.

At the October 5, 2015 meeting, the **Town Commission** voted 4-0 for approval of Ordinance 2015-11 upon first reading.

FISCAL IMPACT: $_____

[ ] Capital Budget [ ] Operating [ ] Other

ATTACHMENTS: [X] Ordinance(s) [ ] Resolution [ ] Budget Resolution

[ ] Other

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

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DEPARTMENT HEAD		Submitted 10/8/15	Date
FINANCE DEPARTMENT		Approved as to Budget Requirements	Date
TOWN ATTORNEY		Approved as to Form and Legality	Date
TOWN MANAGER		Approved Agenda Item for: 10/19/15	Date 10/5/15

BOARD ACTION: [ ] Approved as Recommended [ ] Disapproved

[ ] Tabled Indefinitely [ ] Continued to Date Certain

[ ] Approved with Modification

ORDINANCE NO. 2015-11

AN ORDINANCE OF THE TOWN OF LADY LAKE, FLORIDA REDESIGNATING THE ZONING CLASSIFICATION FOR CERTAIN PROPERTIES BEING 49 +/- ACRES OF LAND OWNED BY ELIJAH BAILEY, JR., REFERENCED BY ALTERNATE KEY NUMBERS #1282594, #1282608, #3374916, LOCATED NORTH OF LAKE ELLA ROAD, AND WEST OF HWY 27/441 WITHIN THE TOWN LIMITS OF LADY LAKE IN LAKE COUNTY, FLORIDA; REZONING THE SUBJECT PROPERTIES FROM HEAVY COMMERCIAL (HC) TO PLANNED UNIT DEVELOPMENT (PUD); 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 October 3, 2011, the Town Commission adopted Ordinance No. 2011-19 establishing the Heavy Commercial (HC) zoning designation on the subject property, prohibiting the uses of "Apartments" and "Kennels: Boarding"; and

WHEREAS, on October 19, 2015, 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.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE TOWN COMMISSION OF THE TOWN OF LADY LAKE THAT:

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

Section 2. Severability. The provisions of this Ordinance are declared to be separable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not effect the validity of the remaining sections, sentences, clauses or phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 3. This Ordinance shall become effective immediately upon its passage by the Town Commission, except as limited by the provisions of Section 171.06, Florida Statutes, as said provisions pertain to newly annexed property and the final adoption of a Comprehensive Plan Amendment by the Town Commission.

PASSED AND ORDAINED this 19th day of **October, 2015.**

TOWN OF LADY LAKE, FLORIDA

_____

Ruth Kussard, Mayor

ATTEST:

_____

Kristen Kollgaard, Town Clerk

APPROVED AS TO FORM:

_____

Derek Schroth, Town Attorney

Passed on First Reading_____

Passed on Second and Final Reading _____

EXHIBIT "A"
Legal Description and Map

The following properties located in Section 28, Township 18 South, Range 24 East:

Alternate Key # 1282594: SW 1/4 OF SE 1/4 N OF CLAY ROAD--LESS BEG AT NE COR OF SW 1/4 OF SE 1/4, RUN S ALONG SAID E LINE OF SW 1/4 OF SE 1/4 TO N'LY R/W LINE OF CLAY RD, N 84DEG 15MIN 56SEC W ALONG N'LY R/W 100FT, N 17DEG 30MIN 30SEC W TO N LINE OF SW 1/4 OF SE 1/4, E ALONG SAID N LINE OF SW 1/4 OF SE 1/4 TO POB-- ORB 2975 PG 1235

Alternate Key # 1282608: NW 1/4 OF SE 1/4 W OF ACL RR R/W--LESS BEG AT SE COR OF NW 1/4 OF SE 1/4, RUN N 00DEG 38MIN 56SEC E ALONG E LINE OF NW 1/4 OF SE 1/4 A DISTANCE OF 279.44 FT, N 22DEG 46MIN 58SEC W 308.37 FT, RUN S 67DEG 13MIN 02SEC W 400 FT, S 17DEG 30MIN 30SEC E TO S LINE OF NW 1/4 OF SE 1/4, E ALONG SAID S LINE OF NW 1/4 OF SE 1/4 TO POB--, LESS FROM SE COR OF NW 1/4 OF SE 1/4 RUN N 00DEG 38MIN 56SEC E 279.44 FT, N 22DEG 46MIN 58SEC W 308.37 FT FOR POB, RUN S 67DEG 13MIN 02SEC W 400 FT, N 17DEG 30MIN 30SEC W 971.23 FT TO N LINE OF NW 1/4 OF SE 1/4, S 89DEG 24MIN 17SEC E TO W'LY LINE OF RR R/W, S 22DEG 46MIN 57SEC E TO POB--ORB 2975 PG 1235

Alternate Key # 3374916: THAT PART OF ABANDONED RR R/W & THAT PART OF NW 1/4 OF SE 1/4 DESCRIBED AS FOLLOWS: FROM SE COR OF NW 1/4 OF SE 1/4 RUN N 00DEG 38MIN 56SEC E 279.44 FT, N 22DEG 46MIN 58SEC W PARALLEL WITH THE W'LY R/W LINE OF US HWY 27-441 A DIST OF 308.37 FT, N 67DEG 13MIN 02SEC E 100.48 FT TO W'LY R/W LINE OF US HWY 27, N 22DEG 46MIN 58SEC W ALONG THE W'LY R/W LINE OF US HWY 27 A DIST OF 225.72 FT FOR POB, RUN S 72DEG 51MIN 55SEC W 477.61 FT, N 17DEG 58MIN 49SEC W TO N LINE OF NW ¼ OF SE 1/4, S 89DEG 14MIN 17SEC E 446.88 FT TO A POINT ON W'LY R/W LINE OF US HWY 27, S 22DEG 46MIN 58SEC E ALONG SAID W'LY R/W LINE OF US HWY 27 TO POB -- ORB 2975 PG 1235

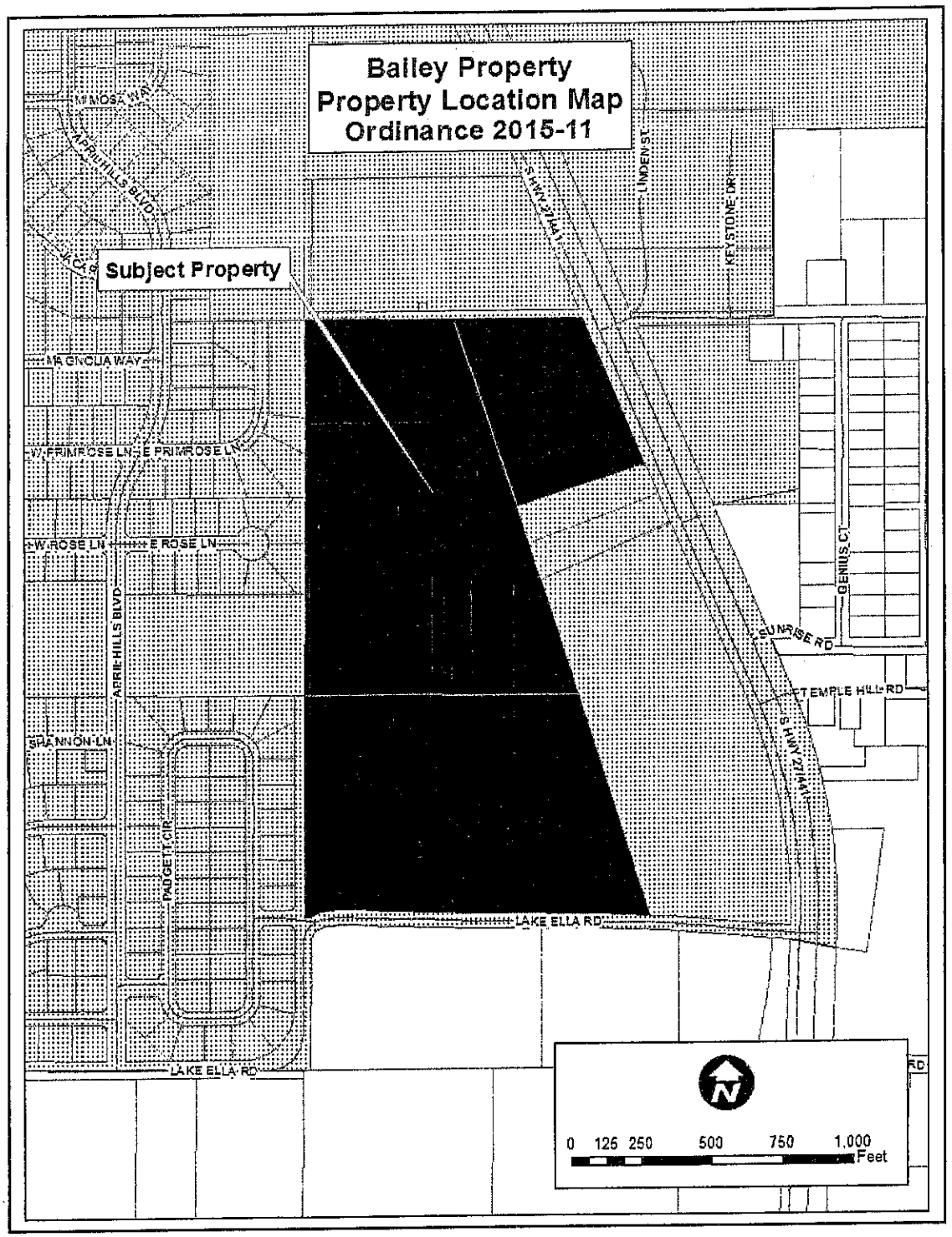

Bailey Property
Property Location Map
Ordinance 2015-11
Subject Property
MAGNOLIA WAY
W PRIMROSE LN
E PRIMROSE LN
W ROSE LN
E ROSE LN
APPLEHILLS BLVD
SHANNON LN
PADGETT CIR
LAKE ELLA RD
S HWY 27/441
LINDEN ST
KEYSTONE DR
GENIUS CT
SUNRISE RD
TEMPLE HILL RD
0 125 250 500 750 1,000
Feet

Exhibit "B"

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement is dated the _____ day of _____, 2015 between the Town of Lady Lake, Florida (hereinafter the "Town") and Elijah Bailey, Jr. (hereinafter "Bailey").

RECITALS

1. Bailey is the owner of certain real property in Lady Lake, Florida as described in the legal description and depicted in the proposed Master Plan attached hereto (hereinafter the "Property"). This property depicted and described in the legal description and the proposed Master Plan is currently zoned Heavy Commercial pursuant to the zoning ordinances and Land Development Regulations of the Town.

2. The property described in the legal description and depicted in the attached map and hereinafter referred to as the "Property."

3. The applicant wishes to rezone the real property as described in the legal description and depicted in the attached map to PUD, Commercial.

4. At this time, the parties wish to enter into a Memorandum of Agreement pursuant to the provisions of Chapter 5, Section 4(o) 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 proposed PUD, Commercial zoning for the Property:

1. Permitted Uses: Those uses permitted by the Town's Land Development Regulations consistent with a PUD, Commercial zoning (CT, HC and LC as described in the Land Development Code) and as stated and depicted on the attached plan. The maximum number of residential units consisting of multi-family apartments and condominiums within the development will not exceed 500 units.

2. Uses Expressly Prohibited: All uses other than Permitted Uses described above.

3. Design, Development, and Setback Standards: The Property and portions of the Property may be developed and sold as single lots or as multiple lot parcels without the necessity of platting according to the following standards:

   (a) No minimum lot size is required.
   (b) No minimum lot width is required.
   (c) Maximum building height shall be thirty-five (35) feet, unless adequate fire protection measures are provided. Uninhabitable architectural features are not limited by this height restriction and are not required to meet the fire protection measures.
   (d) Parking requirements will be in accordance with Chapter 7 of the Town's Land Development Regulations for the specified use at the time of site plan approval. If a reduction of the parking requirements (shared parking) is requested for the mixed use

areas, the reduction process will be presented for approval during the Technical Review portion of the site plan approval.

(e) The maximum impervious surface ratio for the entire Property shall be limited to eighty (80) percent, including building coverage. Individual site plans with an impervious surface ratio exceeding eighty (80) percent shall be approved, so long as the impervious surface ratio for the entire Property does not exceed eighty (80) percent.

(f) Property Setbacks:

(i) All structures erected on the Property shall have zero (0) foot lot setback lines from lot lines located within the Property.
(ii) All structures erected on the Property shall have a ten (10) foot minimum setback from contiguous property not zoned residential.
(iii) All structures erected on the Property shall have a twenty (20) foot minimum setback from contiguous property zoned residential.
(iv) All structures erected on the Property shall have a minimum fifty (50) foot setback from the right of way for U.S. Highway 441/27. This setback does not apply to walls, signage and signage structures, so long as they are uninhabitable.
(v) All structures erected on the Property shall have a minimum thirty-five (35) foot setback from the right of way for Lake Ella Road. This setback does not apply to walls, signage and signage structures, so long as they are uninhabitable.
(vi) No greater setbacks or separations than those described above shall be imposed by the Town's Code of Ordinances, Land Development Regulations, or zoning ordinances, except as required by the Town's Life Safety Code.

(g) It shall be unlawful to operate a bar, lounge or night club within 200 feet of property owned or used by a church or school. Measurement shall be from the structure of the establishment to the nearest property line of the church or school.

(h) Buffers: Buffers separating the adjacent residential properties to the west and along Lake Ella Road shall be a minimum of a "Class A" Buffer.

4. Site plan approval for proposed structures on the Property shall be contingent upon compliance with Chapter 7 of the Town's Land Development Regulations and will require the certification of a professional engineer that the proposed drainage system will handle the runoff as required by Chapter 13 of the Land Development Regulations.

5. All proposed structures will be permitted by the Town only when shown to be compliant to submitted site plans. Owners shall complete all required site improvements prior to the Town issuing a Certificate of Occupancy.

6. The final Site Development Plan pursuant to the Town's Land Development Regulations [Chapter 5, Section(c)(5)(A)(1)] may be submitted in phases.

7. All structures must be permitted by the Town pursuant to site plans submitted and the owners shall install and complete all required site improvements prior to the Town issuing a Certificate of Occupancy for any permitted structure. Site plan approval shall be based upon adherence to Chapter 7 of the Town's Land Development Regulations,

provided certification of a professional engineer is given certifying that the drainage system will handle the runoff as required by Chapter 13 of the Land Development Regulations.

8. Any amendments to this Memorandum of Agreement are binding only upon execution by all parties affected.

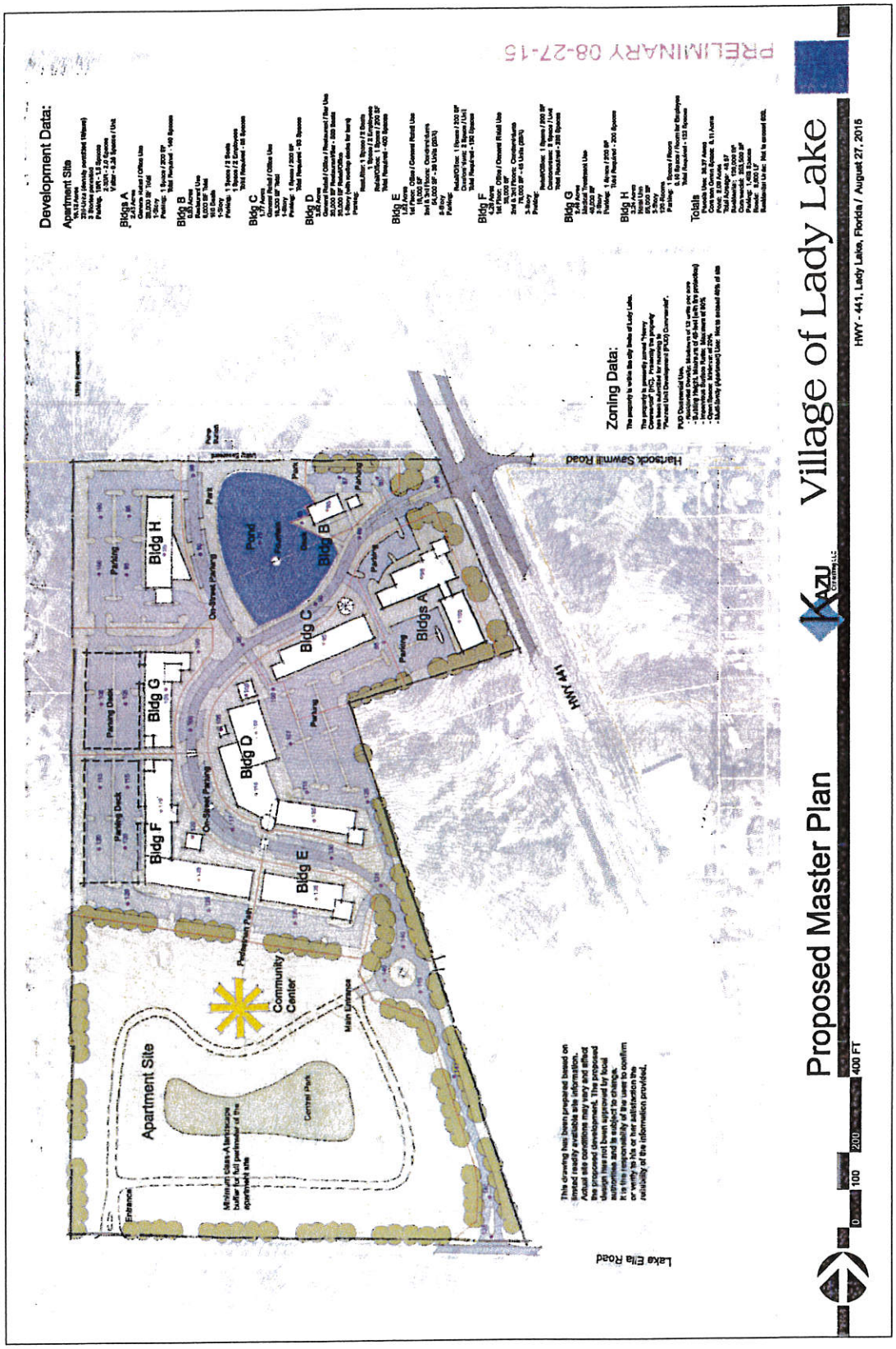
By: _____
Elijah Bailey, Jr.

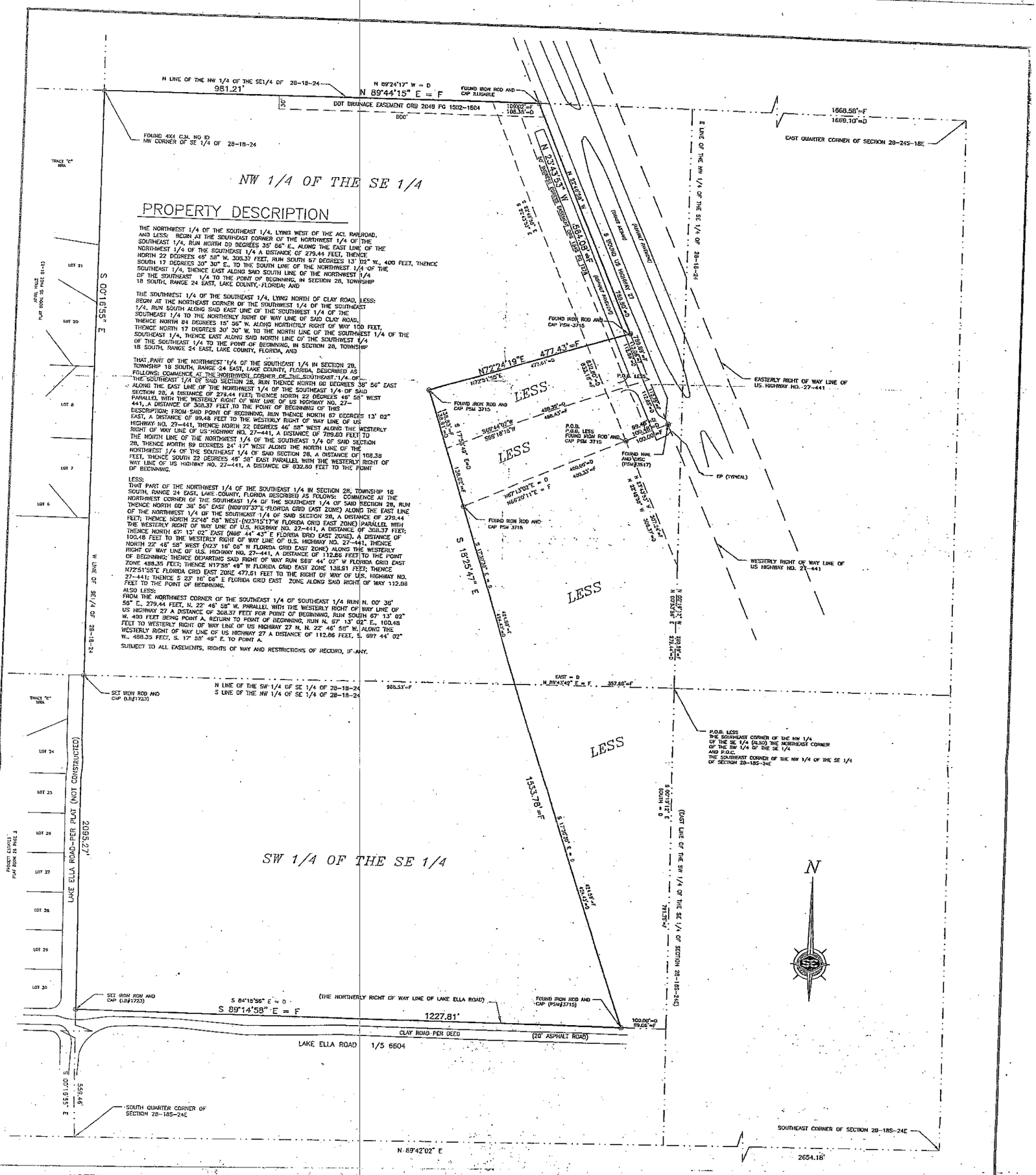
State of Florida
County of Lake

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

_____
NOTARY PUBLIC, State of Florida
My Commission Expires:

Exhibit "C"


PRELIMINARY 08-27-15
Development Data:
Zoning Data:
Village of Lady Lake
HWY - 441, Lady Lake, Florida / August 27, 2015
Proposed Master Plan
0
100
200
400 FT
Apartment Site
Community Center
Central Park
Main Entrance
Entrance
Lake Ella Road
Hartsock Sawmill Road
HWY 441
Bldg A
Bldg B
Bldg C
Bldg D
Bldg E
Bldg F
Bldg G
Bldg H
Pond
Parking
Parking Deck
On-Street Parking
Pedestrian Path



THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4, LYING WEST OF THE ACL RAILROAD, AND LESS: BEGIN AT THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4, RUN NORTH 00 DEGREES 35' 56" E., ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 A DISTANCE OF 279.44 FEET, THENCE NORTH 22 DEGREES 46' 58" W. 308.37 FEET, RUN SOUTH 67 DEGREES 13' 02" W., 400 FEET, THENCE SOUTH 17 DEGREES 30' 30" E., TO THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4, THENCE EAST ALONG SAID SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 TO THE POINT OF BEGINNING, IN SECTION 28, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND

THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4, LYING NORTH OF CLAY ROAD, LESS: BEGIN AT THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4, RUN SOUTH ALONG SAID EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 TO THE NORTHERLY RIGHT OF WAY LINE OF SAID CLAY ROAD, THENCE NORTH 84 DEGREES 15' 36" W. ALONG NORTHERLY RIGHT OF WAY 100 FEET, THENCE NORTH 17 DEGREES 30' 30" W. TO THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4, THENCE EAST ALONG SAID NORTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 TO THE POINT OF BEGINNING, IN SECTION 28, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, AND

THAT PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 IN SECTION 28, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 28, RUN THENCE NORTH 00 DEGREES 35' 56" EAST ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 28, A DISTANCE OF 279.44 FEET; THENCE NORTH 22 DEGREES 46' 58" WEST PARALLEL WITH THE WESTERLY RIGHT OF WAY LINE OF US HIGHWAY NO. 27-441, A DISTANCE OF 308.37 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; FROM SAID POINT OF BEGINNING, RUN THENCE NORTH 67 DEGREES 13' 02" EAST, A DISTANCE OF 99.48 FEET TO THE WESTERLY RIGHT OF WAY LINE OF US HIGHWAY NO. 27-441, THENCE NORTH 22 DEGREES 46' 58" WEST ALONG THE WESTERLY RIGHT OF WAY LINE OF US HIGHWAY NO. 27-441, A DISTANCE OF 789.80 FEET TO THE NORTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 28, THENCE NORTH 89 DEGREES 24' 17" WEST ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 28, A DISTANCE OF 108.38 FEET, THENCE SOUTH 22 DEGREES 46' 58" EAST PARALLEL WITH THE WESTERLY RIGHT OF WAY LINE OF US HIGHWAY NO. 27-441, A DISTANCE OF 832.80 FEET TO THE POINT OF BEGINNING.

LESS:
THAT PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 IN SECTION 28, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 28, RUN THENCE NORTH 00° 38' 56" EAST (N00°07'37"E FLORIDA GRID EAST ZONE) ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 28, A DISTANCE OF 279.44 FEET; THENCE NORTH 22°46' 58" WEST (N23°15'17"W FLORIDA GRID EAST ZONE) PARALLEL WITH THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 27-441, A DISTANCE OF 308.37 FEET; THENCE NORTH 67° 13' 02" EAST (N66° 44' 43" E FLORIDA GRID EAST ZONE), A DISTANCE OF 100.48 FEET TO THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 27-441, THENCE NORTH 22° 46' 58" WEST (N23° 16' 06" W FLORIDA GRID EAST ZONE) ALONG THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 27-441, A DISTANCE OF 112.86 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID RIGHT OF WAY RUN S89° 44' 02" W FLORIDA GRID EAST ZONE 488.35 FEET; THENCE N17°58' 49" W FLORIDA GRID EAST ZONE 138.91 FEET; THENCE N72°51'55"E FLORIDA GRID EAST ZONE 477.61 FEET TO THE RIGHT OF WAY OF U.S. HIGHWAY NO. 27-441; THENCE S 23° 16' 06" E FLORIDA GRID EAST ZONE ALONG SAID RIGHT OF WAY 112.08 FEET TO THE POINT OF BEGINNING.

ALSO LESS:
FROM THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SOUTHEAST 1/4 RUN N. 00° 38' 56" E., 279.44 FEET, N. 22° 46' 58" W. PARALLEL WITH THE WESTERLY RIGHT OF WAY LINE OF US HIGHWAY 27 A DISTANCE OF 308.37 FEET FOR POINT OF BEGINNING, RUN SOUTH 67° 13' 02" W. 400 FEET BEING POINT A. RETURN TO POINT OF BEGINNING, RUN N. 67° 13' 02" E., 100.48 FEET TO WESTERLY RIGHT OF WAY LINE OF US HIGHWAY 27 N. N. 22° 46' 58" W., ALONG THE WESTERLY RIGHT OF WAY LINE OF US HIGHWAY 27 A DISTANCE OF 112.86 FEET, S. 89° 44' 02" W., 488.35 FEET, S. 17° 58' 49" E. TO POINT A.

SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD, IF ANY.

NOTES:

1) SURVEY WAS COMPLETED IN THE FIELD APRIL 29, 2005 AND ACCURATELY REFLECTS FIELD MEASUREMENTS. ALL MEASUREMENTS REFLECTED HEREON ARE FIELD MEASUREMENTS UNLESS OTHERWISE NOTED.

2) THE EXPECTED USE OF THE LAND AS CLASSIFIED IN THE MINIMUM TECHNICAL STANDARDS (61G17-6 FAC) IS SUBURBAN. THE MINIMUM RELATIVE DISTANCE ACCURACY FOR THIS TYPE OF BOUNDARY SURVEY IS 1 FOOT IN 7500 FEET.

3) BEARINGS ARE BASED ON AN ASSUMED MERIDIAN AND ARE MATCHED TO THE WEST LINE OF THE SE 1/4 OF SECTION 28, TOWNSHIP 18 SOUTH, RANGE 24 EAST, AS BEING S 00°16'55" E.

4) DESCRIPTION RECORDED IN MISCELLANEOUS BOOK 19, PAGE 168, BEING THE NW 1/4 OF THE SE 1/4 OF SECTION 28 IS BLANKET IN NATURE.

5) ALL UNDERGROUND INTERIOR IMPROVEMENTS AND PUBLIC UTILITIES HAVE NOT BEEN LOCATED AND SHOWN AT THIS TIME.

GRAPHIC SCALE

100' 0 50 100 200 400

(IN FEET)
1 inch = 100 ft.

FLOOD STATEMENT :

PROPERTY AS REFLECTED HEREON LIES IN FLOOD ZONE "X" AS PER NATIONAL FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 120189C0170D, ESTABLISHED IN 1982 AND PROVIDED THRU THE NATIONAL FLOOD INSURANCE PROGRAM.

SURVEYORS CERTIFICATION :

I HEREBY CERTIFY TO :

WILLIAM L. HENDRY and KATHERINE R. HENDRY
ELIJAH BAILEY, JR.
ATTORNEYS' TITLE INSURANCE COMPANY, INC.

THAT THE BOUNDARY SURVEY, AS REFLECTED HEREON, WAS PERFORMED UNDER MY RESPONSIBLE SUPERVISION AND DIRECTION, AND MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF SURVEYORS PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

STEVEN B. WILEY — DATE
FLORIDA PROFESSIONAL SURVEYOR & MAPPER
CERTIFICATE NUMBER 5951

UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF FLORIDA LICENSED SURVEYOR AND MAPPER, THIS MAP/REPORT IS FOR INFORMATIONAL PURPOSE ONLY AND IS NOT VALID.

ABBREVIATIONS AND LEGEND

N = NORTH
S = SOUTH
W = WEST
E = EAST
R/W = RIGHT OF WAY
EP = EDGE OF PAVEMENT
S.R. = STATE ROAD

⊗ = FOUND RAILROAD SPIKE
= POWERLINE OR TELEPHONE POLE
C.R. = COUNTY ROAD
S.R. = STATE ROAD
PP = POWERLINE POLE
= EXISTING WATER VALVE
X---X---X = FENCE LINE

L.S. = LAND SURVEYOR
ID = IDENTIFICATION
℄ = CENTERLINE
D = DEED MEASUREMENT
F = FIELD MEASUREMENT
P.O.B. = POINT OF BEGINNING
C.M. = CONCRETE MONUMNENT

PLAT OF : BOUNDARY SURVEY

OF : A PORTION OF THE SE 1/4 OF SECTION 28 TOWNSHIP 18 SOUTH, RANGE 24 EAST LAKE COUNTY, FLORIDA

FOR : WILLIAM L. and KATHERINE R. HENDRY
ELIJAH BAILEY, JR.

Springstead Engineering, Inc.
Consulting Engineers-Architects
Planners & Surveyors
727 South 14th Street
Leesburg, FL 34748
(352) 787-1414
LB-1723

SCALE = 1" = 100'	SHEET 1 OF 1
DATE = 5/18/05	JOB NO. 0410011.000
DRAWN = SBW	FILED : D-456
FIELD BOOK L-54 PAGES 43-50	SEC. 28, T 18S, R 24E

TOWN OF LADY LAKE
REZONING APPLICATION

Tax identification/AK # _____

1. Owner's Name: Elijah Bailey, Jr.

   Mailing Address: 8768 SW 34th Avenue, Gainesville, Florida 32608

   Telephone #: _____

2. Applicant's Name: David Springstead

   Mailing Address: 727 South 14th Street, Leesburg, Florida 34748

   Telephone #: 352-787-1414

3. Applicant is: Owner ___ Agent x Purchaser ___ Lessee ___ Optionee ___

4. Property Address/Location: N. of Lake Ella Road; West of Highway 27/441

5. Legal Description of Property to be rezoned: Please see attached.

8. The property is located in the vicinity of the following streets:
   North of Lake Ella Road; West of Highway 27/441.

7. Area of Property: _____ Square feet 19.65+/- Acres MOL

8. Utilities: Central Water x Central Sewer x Well ____ Septic Tank____

9. Existing zoning of property: HC with prohibitions for kennels and apartments.

10. Requested zoning of property: PUD, Commercial

    Note: If the requested zoning is a Planned Unit Development (PUD), indicate type: ____ Residential, x Commercial, ____ Industrial, ____ Mixed Use, and refer to the requirements of the preliminary development plan and see Chapter 5 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;
    N/A

12. Proposed use the property: Development for commercial, condominiums and apartments.

13. Has any land use application been file within last year in connection with this property? ____Yes x No. If yes, briefly describe the nature of the request:

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

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

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

Signature of Applicant

PLEASE SUBMIT THE APPLICATION, ACCOMPANIED BY THE APPROPRIATE REVIEW FEES AND EIGHT (8) COPIES OF ALL APPLICABLE INFORMATION DOCUMENTATION AS REQUIRED BY THE LADY LAKE LAND DEVELOPMENT REGULATIONS, ADOPTED AUGUST 15, 1994 TO THE GROWTH MANAGEMENT DEVELOPMENT DEPARTMENT.

Office Use:

Date Application Received: 8/22/15 amended Received by: T. Cicale

Fees Paid: $1,700

NOTE

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

EXHIBIT "A"

LEGAL DESCRIPTIONS

Alternate Key #1282594

SW 1/4 OF SE 1/4 N OF CLAY ROAD--LESS BEG AT NE COR OF SW 1/4 OF SE 1/4, RUN S ALONG SAID E LINE OF SW 1/4 OF SE 1/4 TO N'LY R/W LINE OF CLAY RD, N 84DEG 15MIN 56SEC W ALONG N'LY R/W 100FT, N 17DEG 30MIN 30SEC W TO N LINE OF SW 1/4 OF SE 1/4, E ALONG SAID N LINE OF SW 1/4 OF SE 1/4 TO POB-- ORB 2975 PG 1235

Alternate Key #1282608

NW 1/4 OF SE 1/4 W OF ACL RR R/W--LESS BEG AT SE COR OF NW 1/4 OF SE 1/4, RUN N 00DEG 38MIN 56SEC E ALONG E LINE OF NW 1/4 OF SE 1/4 A DISTANCE OF 279.44 FT, N 22DEG 46MIN 58SEC W 308.37 FT, RUN S 67DEG 13MIN 02SEC W 400 FT, S 17DEG 30MIN 30SEC E TO S LINE OF NW 1/4 OF SE 1/4, E ALONG SAID S LINE OF NW 1/4 OF SE 1/4 TO POB--, LESS FROM SE COR OF NW 1/4 OF SE 1/4 RUN N 00DEG 38MIN 56SEC E 279.44 FT, N 22DEG 46MIN 58SEC W 308.37 FT FOR POB, RUN S 67DEG 13MIN 02SEC W 400 FT, N 17DEG 30MIN 30SEC W 971.23 FT TO N LINE OF NW 1/4 OF SE 1/4, S 89DEG 24MIN 17SEC E TO W'LY LINE OF RR R/W, S 22DEG 46MIN 57SEC E TO POB-- ORB 2975 PG 1235

Alternate Key #3374916

THAT PART OF ABANDONED RR R/W & THAT PART OF NW 1/4 OF SE 1/4 DESCRIBED AS FOLLOWS: FROM SE COR OF NW 1/4 OF SE 1/4 RUN N 00DEG 38MIN 56SEC E 279.44 FT, N 22DEG 46MIN 58SEC W PARALLEL WITH THE W'LY R/W LINE OF US HWY 27-441 A DIST OF 308.37 FT, N 67DEG 13MIN 02SEC E 100.48 FT TO W'LY R/W LINE OF US HWY 27, N 22DEG 46MIN 58SEC W ALONG THE W'LY R/W LINE OF US HWY 27 A DIST OF 225.72 FT FOR POB, RUN S 72DEG 51MIN 55SEC W 477.61 FT, N 17DEG 58MIN 49SEC W TO N LINE OF NW ¼ OF SE 1/4, S 89DEG 14MIN 17SEC E 446.88 FT TO A POINT ON W'LY R/W LINE OF US HWY 27, S 22DEG 46MIN 58SEC E ALONG SAID W'LY R/W LINE OF US HWY 27 TO POB |
ORB 2975 PG 1235

PROPERTY RECORD CARD

General Information

Owner Name:	BAILEY ELIJAH JR	Alternate Key:	1282594
Mailing Address:	8768 SW 34TH AVE GAINESVILLE, FL 32608 *Update Mailing Address*	Parcel Number:	28-18-24-000400002800
		Millage Group and City:	00LL (Lady Lake)
		Total Millage Rate:	19.04670
		Trash/Recycling /Water/Info:	*My Public Services Map*
Property Location:	LADY LAKE FL 32159 *Update Property Location*	Property Name:	-- *Submit Property Name*
		School Locator:	*School and Bus Map*
Property Description:	SW 1/4 OF SE 1/4 N OF CLAY ROAD--LESS BEG AT NE COR OF SW | 1/4 OF SE 1/4, RUN S ALONG SAID E LINE OF SW 1/4 OF SE 1/4 | TO N'LY R/W LINE OF CLAY RD, N 84DEG 15MIN 56SEC W ALONG | N'LY R/W 100FT, N 17DEG 30MIN 30SEC W TO N LINE OF SW 1/4 OF| SE 1/4, E ALONG SAID N LINE OF SW 1/4 OF SE 1/4 TO POB-- | ORB 2975 PG 1235 |		

Land Data

Line	Land Use	Frontage	Depth	Notes	No. Units	Type	Class Value	Land Value
1	VACANT COMMERCIAL (1000)	0	0		20	AC	$0.00	$400,000.00

Miscellaneous Improvements

There is no improvement information to display.

Sales History

O.R. Book / Page	Sale Date	Instrument	Q/U	Vac./Imp.	Sale Price
1706 / 1326	4/9/1999	WD	M	V	$1.00
1711 / 2377	4/28/1999	WD	M	V	$1.00
2975 / 1235	10/11/2005	WD	M	V	$1.00

Values and Estimated Ad Valorem Taxes

Tax Authority	Market Value	Assessed Value	Taxable Value	Millage	Estimated Taxes
LAKE COUNTY BCC GENERAL FUND	$400,000	$399,300	$399,300	5.38560	$2,150.47
LAKE COUNTY MSTU AMBULANCE	$400,000	$399,300	$399,300	0.46290	$184.84
LAKE COUNTY MSTU FIRE	$400,000	$399,300	$399,300	0.47040	$187.83
SCHOOL BOARD STATE	$400,000	$400,000	$400,000	5.74600	$2,298.40
SCHOOL BOARD LOCAL	$400,000	$400,000	$400,000	1.50000	$600.00
TOWN OF LADY LAKE	$400,000	$399,300	$399,300	3.75000	$1,497.38
ST JOHNS RIVER FL WATER MGMT DIST	$400,000	$399,300	$399,300	0.31640	$126.34
LAKE COUNTY VOTED DEBT SERVICE	$400,000	$399,300	$399,300	0.16000	$63.89
LAKE COUNTY WATER AUTHORITY	$400,000	$399,300	$399,300	0.25540	$101.98
NORTH LAKE HOSPITAL DIST	$400,000	$399,300	$399,300	1.00000	$399.30
				Total: 19.0467	Total: $7,610.43

Exemptions Information

This property is benefitting from the following exemptions with a checkmark ✓

First Homestead Exemption (up to $25,000)	Learn More	View the Law

Additional Homestead Exemption (up to an additional $25,000)	Learn More	View the Law
Limited Income Senior Exemption (applied to county millage - up to $50,000)	Learn More	View the Law
Limited Income Senior Exemption (applied to city millage - up to $25,000)	Learn More	View the Law
Limited Income Senior 25 Year Residency (county millage only-exemption amount varies)	Learn More	View the Law
Widow / Widower Exemption (up to $500)	Learn More	View the Law
Blind Exemption (up to $500)	Learn More	View the Law
Disability Exemption (up to $500)	Learn More	View the Law
Total Disability Exemption (amount varies)	Learn More	View the Law
Veteran's Disability Exemption ($5000)	Learn More	View the Law
Veteran's Total Disability Exemption (amount varies)	Learn More	View the Law
Veteran's Combat Related Disability Exemption (amount varies)	Learn More	View the Law
Deployed Servicemember Exemption (amount varies)	Learn More	View the Law
Surviving Spouse of First Responder Exemption (amount varies)	Learn More	View the Law
Conservation Exemption (amount varies)	Learn More	View the Law
Tangible Personal Property Exemption (up to $25,000)	Learn More	View the Law
Religious, Charitable, Institutional, and Organizational Exemptions (amount varies)	Learn More	View the Law
Government Exemption (amount varies)	Learn More	View the Law

Exemption Savings

The exemptions marked with a ✓ above are providing a tax dollar savings of: **$0.00**

Assessment Reduction Information (3% cap, 10% cap, Agricultural, Portability, etc.)

This property is benefitting from the following assessment reductions with a checkmark ✓

Save Our Homes Assessment Limitation (3% assessed value cap)	Learn More	View the Law
Save Our Homes Assessment Transfer (Portability)	Learn More	View the Law
✓ Non-Homestead Assessment Limitation (10% assessed value cap)	Learn More	View the Law
Conservation Classification Assessment Limitation	Learn More	View the Law
Agricultural Classification	Learn More	View the Law

Assessment Reduction Savings

The assessment reductions marked with a ✓ above are providing a tax dollar savings of: $8.26

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Property data last updated on 12 July 2015.

PROPERTY RECORD CARD

General Information

Owner Name:	BAILEY ELIJAH JR	**Alternate Key:**	1282608
Mailing Address:	8768 SW 34TH AVE GAINESVILLE, FL 32608 *Update Mailing Address*	**Parcel Number:**	28-18-24-000400002700
		Millage Group and City:	00LL (Lady Lake)
		Total Millage Rate:	19.04670
		Trash/Recycling /Water/Info:	*My Public Services Map*
Property Location:	LADY LAKE FL 32159 *Update Property Location*	**Property Name:**	-- *Submit Property Name*
		School Locator:	*School and Bus Map*
Property Description:	NW 1/4 OF SE 1/4 W OF ACL RR R/W--LESS BEG AT SE COR OF NW | 1/4 OF SE 1/4, RUN N 00DEG 38MIN 56SEC E ALONG E LINE OF NW | 1/4 OF SE 1/4 A DISTANCE OF 279.44 FT, N 22DEG 46MIN 58SEC W| 308.37 FT, RUN S 67DEG 13MIN 02SEC W 400 FT, S 17DEG 30MIN | 30SEC E TO S LINE OF NW 1/4 OF SE 1/4, E ALONG SAID S LINE | OF NW 1/4 OF SE 1/4 TO POB--, LESS FROM SE COR OF NW 1/4 OF | SE 1/4 RUN N 00DEG 38MIN 56SEC E 279.44 FT, N 22DEG 46MIN | 58SEC W 308.37 FT FOR POB, RUN S 67DEG 13MIN 02SEC W 400 FT,| N 17DEG 30MIN 30SEC W 971.23 FT TO N LINE OF NW 1/4 OF SE | 1/4, S 89DEG 24MIN 17SEC E TO W'LY LINE OF RR R/W, S 22DEG | 46MIN 57SEC E TO POB-- | ORB 2975 PG 1235 |		

Land Data

Line	Land Use	Frontage	Depth	Notes	No. Units	Type	Class Value	Land Value
1	VACANT COMMERCIAL (1000)	0	0		20.9	AC	$0.00	$418,000.00

Miscellaneous Improvements

There is no improvement information to display.

Sales History

O.R. Book / Page	Sale Date	Instrument	Q/U	Vac./Imp.	Sale Price
1093 / 1489	1/1/1991	WD	Q	V	$50,000.00
1706 / 1326	4/9/1999	WD	M	V	$300,000.00
1711 / 2377	4/28/1999	WD	M	V	$1.00
2975 / 1235	10/11/2005	WD	M	V	$1.00

Values and Estimated Ad Valorem Taxes

Tax Authority	Market Value	Assessed Value	Taxable Value	Millage	Estimated Taxes
LAKE COUNTY BCC GENERAL FUND	$418,000	$417,268	$417,268	5.38560	$2,247.24
LAKE COUNTY MSTU AMBULANCE	$418,000	$417,268	$417,268	0.46290	$193.15
LAKE COUNTY MSTU FIRE	$418,000	$417,268	$417,268	0.47040	$196.28
SCHOOL BOARD STATE	$418,000	$418,000	$418,000	5.74600	$2,401.83
SCHOOL BOARD LOCAL	$418,000	$418,000	$418,000	1.50000	$627.00
TOWN OF LADY LAKE	$418,000	$417,268	$417,268	3.75000	$1,564.76
ST JOHNS RIVER FL WATER MGMT DIST	$418,000	$417,268	$417,268	0.31640	$132.02
LAKE COUNTY VOTED DEBT SERVICE	$418,000	$417,268	$417,268	0.16000	$66.76
LAKE COUNTY WATER AUTHORITY	$418,000	$417,268	$417,268	0.25540	$106.57

NORTH LAKE HOSPITAL DIST	$418,000	$417,268	$417,268	1.00000	$417.27
				Total: 19.0467	**Total:** $7,952.88

Exemptions Information

This property is benefitting from the following exemptions with a checkmark ✓

First Homestead Exemption (up to $25,000)	Learn More	View the Law
Additional Homestead Exemption (up to an additional $25,000)	Learn More	View the Law
Limited Income Senior Exemption (applied to county millage - up to $50,000)	Learn More	View the Law
Limited Income Senior Exemption (applied to city millage - up to $25,000)	Learn More	View the Law
Limited Income Senior 25 Year Residency (county millage only-exemption amount varies)	Learn More	View the Law
Widow / Widower Exemption (up to $500)	Learn More	View the Law
Blind Exemption (up to $500)	Learn More	View the Law
Disability Exemption (up to $500)	Learn More	View the Law
Total Disability Exemption (amount varies)	Learn More	View the Law
Veteran's Disability Exemption ($5000)	Learn More	View the Law
Veteran's Total Disability Exemption (amount varies)	Learn More	View the Law
Veteran's Combat Related Disability Exemption (amount varies)	Learn More	View the Law
Deployed Servicemember Exemption (amount varies)	Learn More	View the Law
Surviving Spouse of First Responder Exemption (amount varies)	Learn More	View the Law
Conservation Exemption (amount varies)	Learn More	View the Law
Tangible Personal Property Exemption (up to $25,000)	Learn More	View the Law
Religious, Charitable, Institutional, and Organizational Exemptions (amount varies)	Learn More	View the Law
Government Exemption (amount varies)	Learn More	View the Law

Exemption Savings

The exemptions marked with a ✓ above are providing a tax dollar savings of: **$0.00**

Assessment Reduction Information (3% cap, 10% cap, Agricultural, Portability, etc.)

This property is benefitting from the following assessment reductions with a checkmark ✓

	Save Our Homes Assessment Limitation (3% assessed value cap)	Learn More	View the Law
	Save Our Homes Assessment Transfer (Portability)	Learn More	View the Law
✓	Non-Homestead Assessment Limitation (10% assessed value cap)	Learn More	View the Law
	Conservation Classification Assessment Limitation	Learn More	View the Law
	Agricultural Classification	Learn More	View the Law

Assessment Reduction Savings

The assessment reductions marked with a ✓ above are providing a tax dollar savings of: **$8.64**

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Property data last updated on 12 July 2015.

PROPERTY RECORD CARD

General Information

Owner Name:	BAILEY ELIJAH JR	Alternate Key:	3374916
Mailing Address:	8768 SW 34TH AVE GAINESVILLE, FL 32608 *Update Mailing Address*	Parcel Number:	28-18-24-000400002701
		Millage Group and City:	00LL (Lady Lake)
		Total Millage Rate:	19.04670
		Trash/Recycling /Water/Info:	*My Public Services Map*
Property Location:	LADY LAKE FL 32159 *Update Property Location*	Property Name:	-- *Submit Property Name*
		School Locator:	*School and Bus Map*
Property Description:	THAT PART OF ABANDONED RR R/W & THAT PART OF NW 1/4 OF SE | 1/4 DESCRIBED AS FOLLOWS: FROM SE COR OF NW 1/4 OF SE 1/4 | RUN N 00DEG 38MIN 56SEC E 279.44 FT, N 22DEG 46MIN 58SEC W | PARALLEL WITH THE W'LY R/W LINE OF US HWY 27-441 A DIST OF | 308.37 FT, N 67DEG 13MIN 02SEC E 100.48 FT TO W'LY R/W LINE | OF US HWY 27, N 22DEG 46MIN 58SEC W ALONG THE W'LY R/W LINE | OF US HWY 27 A DIST OF 225.72 FT FOR POB, RUN S 72DEG 51MIN | 55SEC W 477.61 FT, N 17DEG 58MIN 49SEC W TO N LINE OF NW 1/4| OF SE 1/4, S 89DEG 14MIN 17SEC E 446.88 FT TO A POINT ON | W'LY R/W LINE OF US HWY 27, S 22DEG 46MIN 58SEC E ALONG SAID| W'LY R/W LINE OF US HWY 27 TO POB | ORB 2975 PG 1235 |		

Land Data

Line	Land Use	Frontage	Depth	Notes	No. Units	Type	Class Value	Land Value
1	VACANT COMMERCIAL (1000)	0	0		6.68	AC	$0.00	$334,000.00

Miscellaneous Improvements

There is no improvement information to display.

Sales History

O.R. Book / Page	Sale Date	Instrument	Q/U	Vac./Imp.	Sale Price
1711 / 2377	4/28/1999	WD	M	V	$1.00
2930 / 694	8/8/2005	QC	U	V	$0.00
2975 / 1235	10/11/2005	WD	M	V	$2,800,000.00

Values and Estimated Ad Valorem Taxes

Tax Authority	Market Value	Assessed Value	Taxable Value	Millage	Estimated Taxes
LAKE COUNTY BCC GENERAL FUND	$334,000	$334,000	$334,000	5.38560	$1,798.79
LAKE COUNTY MSTU AMBULANCE	$334,000	$334,000	$334,000	0.46290	$154.61
LAKE COUNTY MSTU FIRE	$334,000	$334,000	$334,000	0.47040	$157.11
SCHOOL BOARD STATE	$334,000	$334,000	$334,000	5.74600	$1,919.16
SCHOOL BOARD LOCAL	$334,000	$334,000	$334,000	1.50000	$501.00
TOWN OF LADY LAKE	$334,000	$334,000	$334,000	3.75000	$1,252.50
ST JOHNS RIVER FL WATER MGMT DIST	$334,000	$334,000	$334,000	0.31640	$105.68
LAKE COUNTY VOTED DEBT SERVICE	$334,000	$334,000	$334,000	0.16000	$53.44
LAKE COUNTY WATER AUTHORITY	$334,000	$334,000	$334,000	0.25540	$85.30

NORTH LAKE HOSPITAL DIST	$334,000	$334,000	$334,000	1.00000	$334.00
				Total: 19.0467	**Total:** $6,361.59

Exemptions Information

This property is benefitting from the following exemptions with a checkmark ✓

First Homestead Exemption (up to $25,000)	Learn More	View the Law
Additional Homestead Exemption (up to an additional $25,000)	Learn More	View the Law
Limited Income Senior Exemption (applied to county millage - up to $50,000)	Learn More	View the Law
Limited Income Senior Exemption (applied to city millage - up to $25,000)	Learn More	View the Law
Limited Income Senior 25 Year Residency (county millage only-exemption amount varies)	Learn More	View the Law
Widow / Widower Exemption (up to $500)	Learn More	View the Law
Blind Exemption (up to $500)	Learn More	View the Law
Disability Exemption (up to $500)	Learn More	View the Law
Total Disability Exemption (amount varies)	Learn More	View the Law
Veteran's Disability Exemption ($5000)	Learn More	View the Law
Veteran's Total Disability Exemption (amount varies)	Learn More	View the Law
Veteran's Combat Related Disability Exemption (amount varies)	Learn More	View the Law
Deployed Servicemember Exemption (amount varies)	Learn More	View the Law
Surviving Spouse of First Responder Exemption (amount varies)	Learn More	View the Law
Conservation Exemption (amount varies)	Learn More	View the Law
Tangible Personal Property Exemption (up to $25,000)	Learn More	View the Law
Religious, Charitable, Institutional, and Organizational Exemptions (amount varies)	Learn More	View the Law
Government Exemption (amount varies)	Learn More	View the Law

Exemption Savings

The exemptions marked with a ✓ above are providing a tax dollar savings of: **$0.00**

Assessment Reduction Information (3% cap, 10% cap, Agricultural, Portability, etc.)

This property is benefitting from the following assessment reductions with a checkmark ✓

Save Our Homes Assessment Limitation (3% assessed value cap)	Learn More	View the Law
Save Our Homes Assessment Transfer (Portability)	Learn More	View the Law
Non-Homestead Assessment Limitation (10% assessed value cap)	Learn More	View the Law
Conservation Classification Assessment Limitation	Learn More	View the Law
Agricultural Classification	Learn More	View the Law

Assessment Reduction Savings

The assessment reductions marked with a ✓ above are providing a tax dollar savings of: **$0.00**

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Property data last updated on 12 July 2015.

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

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

August 31, 2015

RE: Ordinance #2015-11

Dear Property Owner:

Applicant, David Springstead, has submitted an application on behalf of Elijah Bailey, Jr., for property located north of Lake Ella Road, and west of Highway 27/441. The property includes approximately 38.37± acres (referenced by alternate key numbers #1282594, #1282608, #3374916) in Section 28, 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 rezone the properties to Planned Unit Development (PUD) to allow the following uses; General Retail, Office Use, Restaurants, Apartments, Condominiums, Hotels, Restaurant with Bar, and Medical Treatment Use. The petition is scheduled for the following dates:

PLANNING AND ZONING BOARD - Monday, September 14, 2015, at 5:30 p.m.
COMMISSION MEETING (1st Reading) - Monday, October 5, 2015, at 6:00 p.m.
COMMISSION MEETING (2nd Reading) - Monday, October 19, 2015, at 6:00 p.m.

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

Sincerely,

Thad Carroll, AICP
Growth Management Director

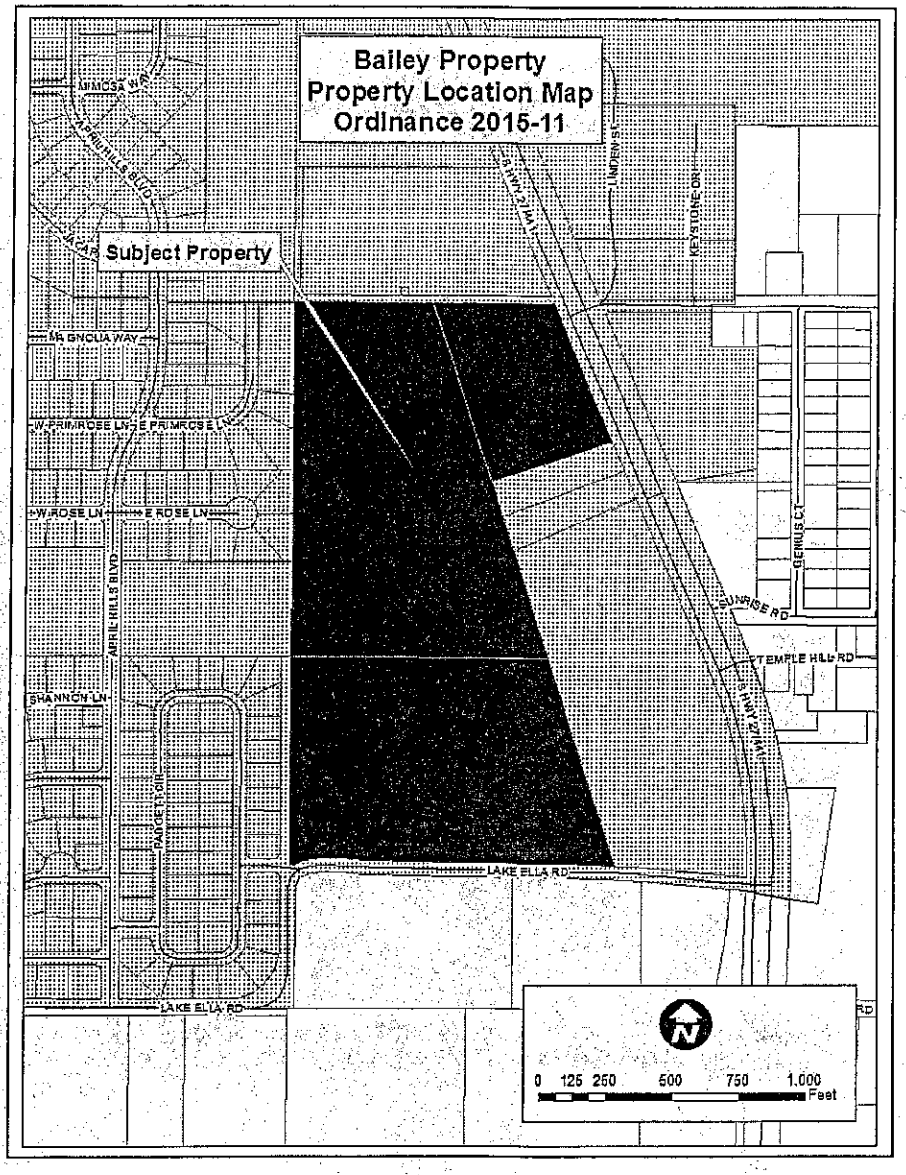
EXHIBIT "A"
Legal Description

Alternate Key # 1282594: SW 1/4 OF SE 1/4 N OF CLAY ROAD--LESS BEG AT NE COR OF SW 1/4 OF SE 1/4, RUN S ALONG SAID E LINE OF SW 1/4 OF SE 1/4 TO N'LY R/W LINE OF CLAY RD, N 84DEG 15MIN 56SEC W ALONG N'LY R/W 100FT, N 17DEG 30MIN 30SEC W TO N LINE OF SW 1/4 OF SE 1/4, E ALONG SAID N LINE OF SW 1/4 OF SE 1/4 TO POB-- ORB 2975 PG 1235

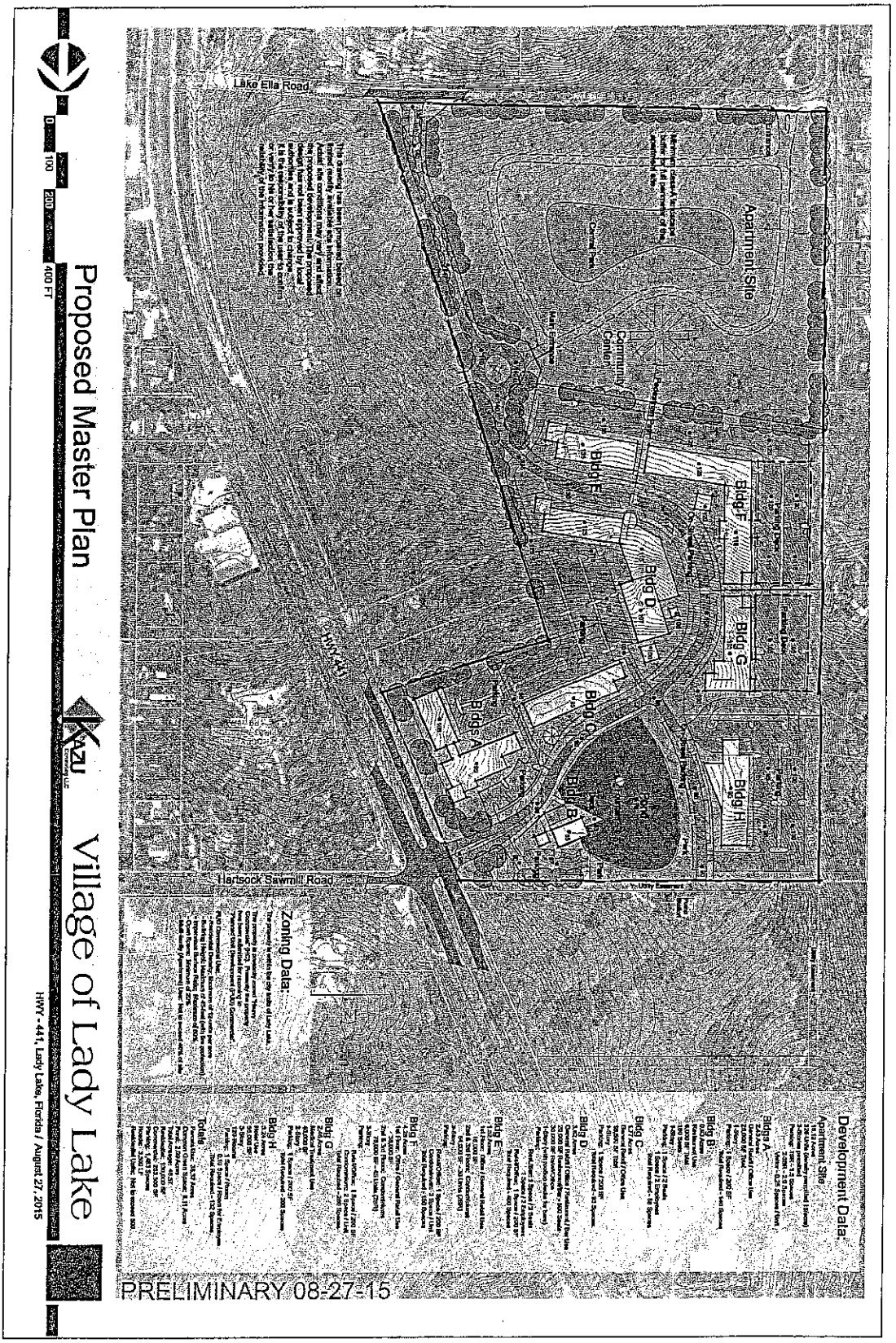
Alternate Key # 1282608: NW 1/4 OF SE 1/4 W OF ACL RR R/W--LESS BEG AT SE COR OF NW 1/4 OF SE 1/4, RUN N 00DEG 38MIN 56SEC E ALONG E LINE OF NW 1/4 OF SE 1/4 A DISTANCE OF 279.44 FT, N 22DEG 46MIN 58SEC W 308.37 FT, RUN S 67DEG 13MIN 02SEC W 400 FT, S 17DEG 30MIN 30SEC E TO S LINE OF NW 1/4 OF SE 1/4, E ALONG SAID S LINE OF NW 1/4 OF SE 1/4 TO POB--, LESS FROM SE COR OF NW 1/4 OF SE 1/4 RUN N 00DEG 38MIN 56SEC E 279.44 FT, N 22DEG 46MIN 58SEC W 308.37 FT FOR POB, RUN S 67DEG 13MIN 02SEC W 400 FT, N 17DEG 30MIN 30SEC W 971.23 FT TO N LINE OF NW 1/4 OF SE 1/4, S 89DEG 24MIN 17SEC E TO W'LY LINE OF RR R/W, S 22DEG 46MIN 57SEC E TO POB--ORB 2975 PG 1235

Alternate Key # 3374916: THAT PART OF ABANDONED RR R/W & THAT PART OF NW 1/4 OF SE 1/4 DESCRIBED AS FOLLOWS: FROM SE COR OF NW 1/4 OF SE 1/4 RUN N 00DEG 38MIN 56SEC E 279.44 FT, N 22DEG 46MIN 58SEC W PARALLEL WITH THE W'LY R/W LINE OF US HWY 27-441 A DIST OF 308.37 FT, N 67DEG 13MIN 02SEC E 100.48 FT TO W'LY R/W LINE OF US HWY 27, N 22DEG 46MIN 58SEC W ALONG THE W'LY R/W LINE OF US HWY 27 A DIST OF 225.72 FT FOR POB, RUN S 72DEG 51MIN 55SEC W 477.61 FT, N 17DEG 58MIN 49SEC W TO N LINE OF NW ¼ OF SE 1/4, S 89DEG 14MIN 17SEC E 446.88 FT TO A POINT ON W'LY R/W LINE OF US HWY 27, S 22DEG 46MIN 58SEC E ALONG SAID W'LY R/W LINE OF US HWY 27 TO POB -- ORB 2975 PG 1235

Property Location Map



CONCEPTUAL PLAN



BERG PATSY D
34285 BLACK BASS CIR
FRUITLAND PARK, FL, 34731

CHAPMAN TODD
3029 ISOLA BELLA BLVD
MOUNT DORA, FL, 32757

COPELAND JOHNNIE MAE
1246 PADGETT CIR
LADY LAKE, FL, 32159

DAVENPORT KIMBERLY ANN
321 E ROSE LN
LADY LAKE, FL, 32159

EL SABBAGH JIMMY & CRYSTAL M
1242 PADGETT CIR
LADY LAKE, FL, 32159

FIRST NATIONAL BANK OF MOUNT DORA
PO BOX 95
MOUNT DORA, FL, 32756

GESSNER MARK E & ANN V
323 E ROSE LN
LADY LAKE, FL, 32159

GOODRIDGE WAYNE & TAMMY
100 ROSE AVE
FRUITLAND PARK, FL, 34731

GRAVELLE CHRIS JR & REBECCA
1248 PADGETT CIR
LADY LAKE, FL, 32159

HOLLAND PAUL W & KIM K
322 E ROSE LN
LADY LAKE, FL, 32159

HYATT LINDA G
8143 E DEWEY ROBBINS RD
HOWEY IN THE HILLS, FL, 34737

JUSTIN HOMES INC
710 W NEW YORK AVE
DELAND, FL, 32720

LENNON KRISTY M
324 E PRIMROSE LN
LADY LAKE, FL, 32159

LIATSOS ELENI G
6118 MARKHAM RD
SANFORD, FL, 32771

NATES TOYS LLC
5619 ANEROCK RD
ORLANDO, FL, 32810

PHILLIPS LARRY M TRUSTEE
PO BOX 491907
LEESBURG, FL, 34749

PUTNEY SARAH
7821 ALTAVAN AVE
ORLANDO, FL, 32822

SCHLICHT EARL L & DORIS M TRUSTEES
PO BOX 1307
LADY LAKE, FL, 32158

STEELE KYLE W
1254 PADGETT CIR
LADY LAKE, FL, 32159

SULLIVAN ALICE MARIE
326 E PRIMROSE LN
LADY LAKE, FL, 32159

TRUSS JAMES J III
1240 PADGETT CIR
LADY LAKE, FL, 32159

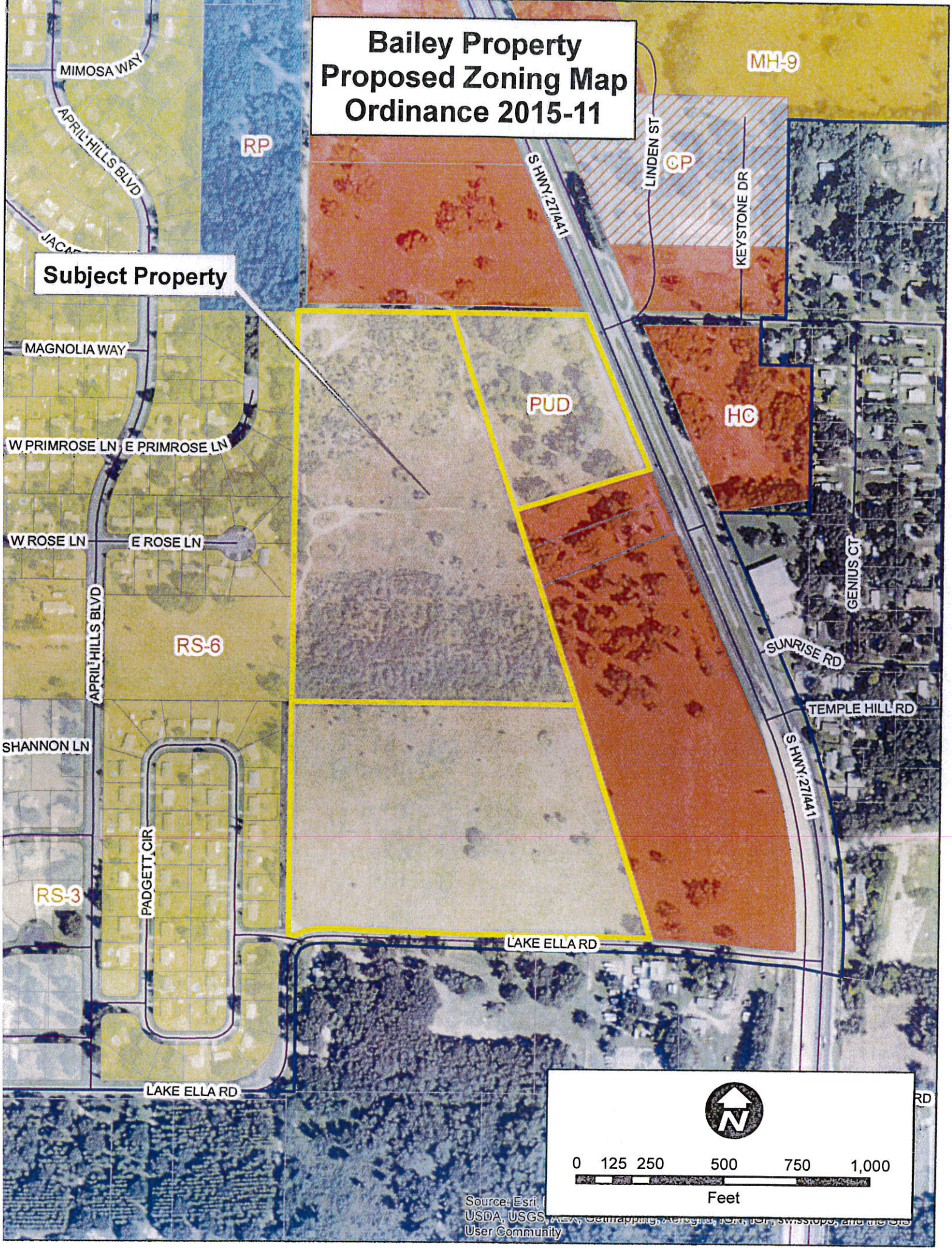
ULGENER DENNIS R
PO BOX 490194
LEESBURG, FL, 34749

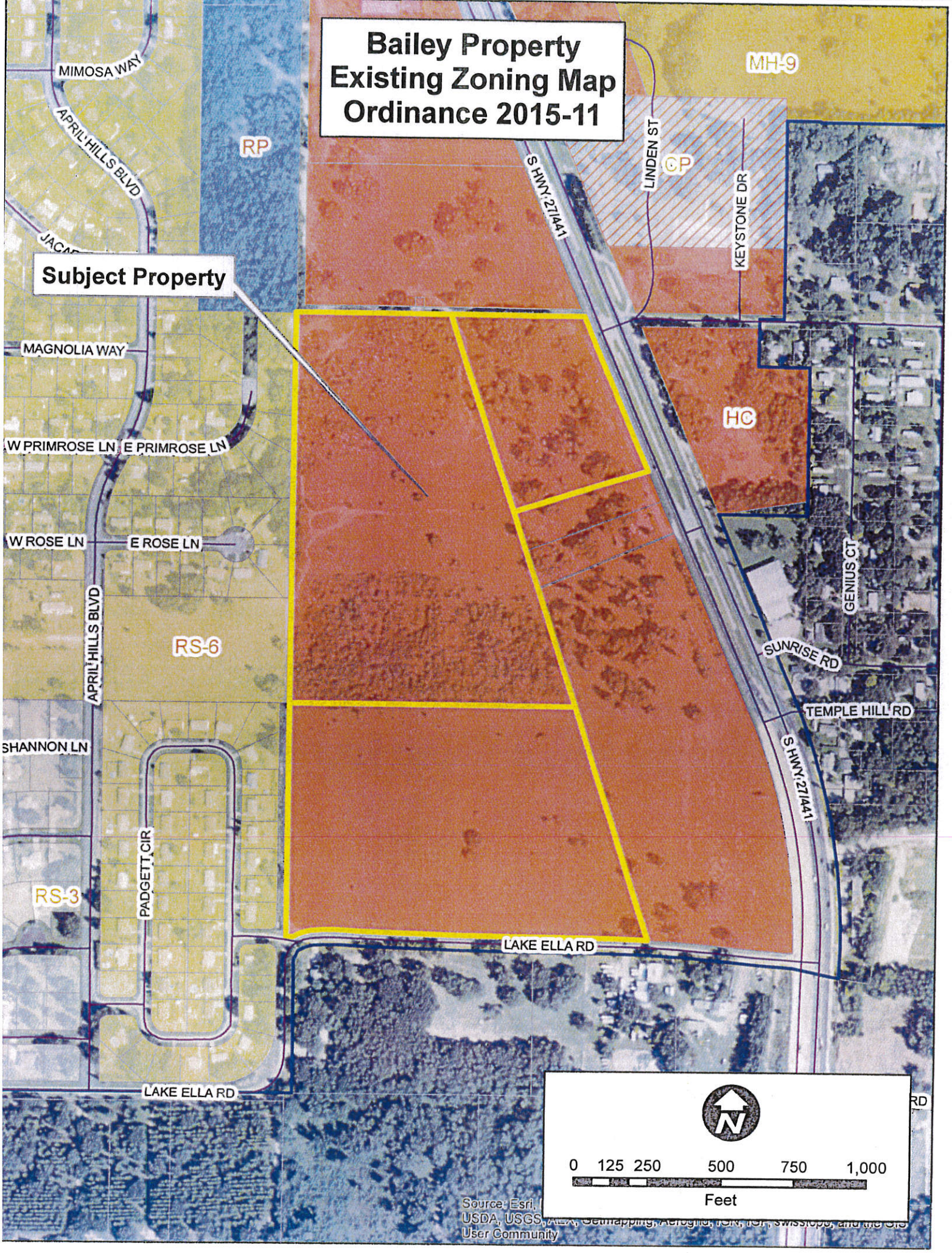
VATHRODER ROBERT J & VICKY A
02626 LAKE ELLA RD
FRUITLAND PARK, FL, 34731

WEYMOUTH GAILMARIE
1252 PADGETT CIR
LADY LAKE, FL, 32159

WHITT J MICHAEL & MARY H TRUSTEES
9624 SAN FERNANDO CT
HOWEY IN THE HILLS, FL, 34737

WILLIAMS JUNE G
PO BOX 491753
LEESBURG, FL, 34749


Bailey Property
Proposed Zoning Map
Ordinance 2015-11
Subject Property
MH-9
RP
CP
HC
PUD
RS-6
RS-3
MIMOSA WAY
APRIL HILLS BLVD
MAGNOLIA WAY
W PRIMROSE LN
E PRIMROSE LN
W ROSE LN
E ROSE LN
SHANNON LN
PADGETT CIR
LAKE ELLA RD
S HWY 27/441
LINDEN ST
KEYSTONE DR
GENIUS CT
SUNRISE RD
TEMPLE HILL RD
0 125 250 500 750 1,000
Feet
Source: Esri,
USDA, USGS,
User Community


Bailey Property
Existing Zoning Map
Ordinance 2015-11
Subject Property
MH-9
RP
CP
HC
RS-6
RS-3
MIMOSA WAY
APRIL HILLS BLVD
MAGNOLIA WAY
W PRIMROSE LN
E PRIMROSE LN
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LINDEN ST
KEYSTONE DR
GENIUS CT
SUNRISE RD
TEMPLE HILL RD
0 125 250 500 750 1,000
Feet
Source: Esri,
USDA, USGS,
User Community

TOWN OF LADY LAKE
409 FENNELL BOULEVARD
LADY LAKE FL 32159

INSTRUMENT #2011096182
OR BK 4081 PG 649 - 652 (4 PGS)
DATE: 10/10/2011 10:39:08 AM
NEIL KELLY, CLERK OF THE CIRCUIT COURT
LAKE COUNTY
RECORDING FEES $35.50

RETURN

ORDINANCE NO. 2011-19

AN ORDINANCE REDESIGNATING ZONING CLASSIFICATION FOR CERTAIN PROPERTY BEING 51.81 +/- ACRES OF LAND OWNED BY ELIJAH BAILEY, JR., MICHAEL AND MARY WHITT TRUSTEES, AND TODD AND LISA CHAPMAN, REFERENCED BY ALTERNATE KEY NUMBERS 1282594, 1282608, 3374916, 3793910 AND 3793911, LOCATED NORTH OF LAKE ELLA ROAD AND WEST OF HWY 27/441 WITHIN THE TOWN LIMITS OF LADY LAKE IN LAKE COUNTY, FLORIDA; REZONING SUBJECT PROPERTY FROM TOWN OF LADY LAKE PLANNED UNIT DEVELOPMENT (PUD) TO TOWN OF LADY LAKE HEAVY COMMERCIAL (HC) 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, 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 Lady Lake, Lake County, Florida, and described in Exhibit "A" hereto, a request has been made that the property be rezoned from "Planned Unit Development" to "Heavy Commercial". 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 "Heavy Commercial", with the prohibition of the uses of "Apartments" and "Kennels : Boarding".

Section 2. **Severability.** The provisions of this Ordinance are declared to be separable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not effect the validity of the remaining sections, sentences, clauses or phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 3. This Ordinance shall become effective immediately upon its passage by the Town Commission, except as limited by the provisions of Section 171.06, Florida Statutes, as said provisions pertain to newly annexed property and the final adoption of a Comprehensive Plan Amendment by the Town Commission.

PASSED AND ORDAINED THIS 3rd **DAY OF** October**, 2011.**

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 and Map

The Following Properties Located in Section 28 Township 18 South Range 24 East:

Alternate Key # 1282594

SW 1/4 OF SE 1/4 N OF CLAY ROAD--LESS BEG AT NE COR OF SW 1/4 OF SE 1/4, RUN S ALONG SAID E LINE OF SW 1/4 OF SE 1/4 TO N'LY R/W LINE OF CLAY RD, N 84DEG 15MIN 56SEC W ALONG N'LY R/W 100FT, N 17DEG 30MIN 30SEC W TO N LINE OF SW 1/4 OF SE 1/4, E ALONG SAID N LINE OF SW 1/4 OF SE 1/4 TO POB-- ORB 2975 PG 1235

Alternate Key # 1282608

NW 1/4 OF SE 1/4 W OF ACL RR R/W--LESS BEG AT SE COR OF NW 1/4 OF SE 1/4, RUN N 00DEG 38MIN 56SEC E ALONG E LINE OF NW 1/4 OF SE 1/4 A DISTANCE OF 279.44 FT, N 22DEG 46MIN 58SEC W 308.37 FT, RUN S 67DEG 13MIN 02SEC W 400 FT, S 17DEG 30MIN 30SEC E TO S LINE OF NW 1/4 OF SE 1/4, E ALONG SAID S LINE OF NW 1/4 OF SE 1/4 TO POB--, LESS FROM SE COR OF NW 1/4 OF SE 1/4 RUN N 00DEG 38MIN 56SEC E 279.44 FT, N 22DEG 46MIN 58SEC W 308.37 FT FOR POB, RUN S 67DEG 13MIN 02SEC W 400 FT, N 17DEG 30MIN 30SEC W 971.23 FT TO N LINE OF NW 1/4 OF SE 1/4, S 89DEG 24MIN 17SEC E TO W'LY LINE OF RR R/W, S 22DEG 46MIN 57SEC E TO POB--ORB 2975 PG 1235

Alternate Key # 3374916

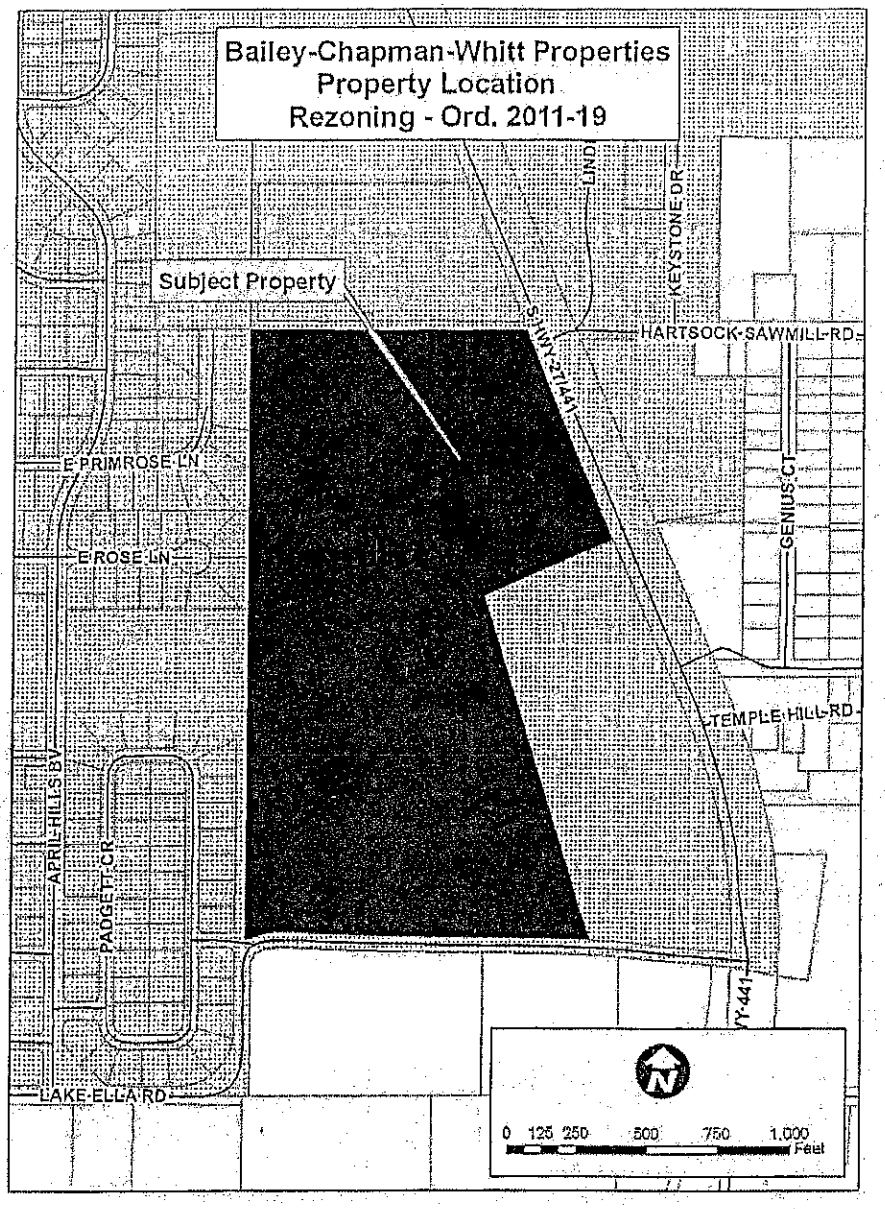
THAT PART OF ABANDONED RR R/W & THAT PART OF NW 1/4 OF SE 1/4 DESCRIBED AS FOLLOWS: FROM SE COR OF NW 1/4 OF SE 1/4 RUN N 00DEG 38MIN 56SEC E 279.44 FT, N 22DEG 46MIN 58SEC W PARALLEL WITH THE W'LY R/W LINE OF US HWY 27-441 A DIST OF 308.37 FT, N 67DEG 13MIN 02SEC E 100.48 FT TO W'LY R/W LINE OF US HWY 27, N 22DEG 46MIN 58SEC W ALONG THE W'LY R/W LINE OF US HWY 27 A DIST OF 225.72 FT FOR POB, RUN S 72DEG 51MIN 55SEC W 477.61 FT, N 17DEG 58MIN 49SEC W TO N LINE OF NW ¼ OF SE 1/4, S 89DEG 14MIN 17SEC E 446.88 FT TO A POINT ON W'LY R/W LINE OF US HWY 27, S 22DEG 46MIN 58SEC E ALONG SAID W'LY R/W LINE OF US HWY 27 TO POB -- ORB 2975 PG 1235

Alternate Key # 3793910

FROM NW COR OF SE 1/4 OF SE 1/4 RUN N 00DEG 38MIN 56SEC E 279.44 FT, N 22DEG 46MIN 58SEC W PARALLEL WITH THE W'LY R/W LINE OF US HWY 27 A DIST OF 308.37 FT FOR POB, RUN S 67DEG 13MIN 02SEC W 400 FT & PT A, RETURN TO POB, RUN N 67DEG 13MIN 02SEC E 100.48 FT TO W'LY R/W LINE OF US HWY 27, N 22DEG 46MIN 58SEC W ALONG THE W'LY R/W LINE OF US HWY 27 A DIST OF 112.86 FT, S 69DEG 44MIN 02SEC W 488.35 FT, S 17DEG 58MIN 49SEC E TO PT A -- ORB 2930 PG 703 ORB 3733 PG 1027

Alternate Key # 3793911

FROM NW COR OF SE 1/4 OF SE 1/4 RUN N 00DEG 38MIN 56SEC E ALONG E LINE OF NW 1/4 OF SE 1/4 A DIST OF 279.44 FT, N 22DEG 46MIN 58SEC W PARALLEL WITH THE W'LY R/W LINE OF US HWY 27 A DIST OF 308.37 FT, N 67DEG 13MIN 02SEC E 100.48 FT TO W'LY R/W LINE OF US HWY 27, N 22DEG 46MIN 58SEC W ALONG W'LY R/W LINE OF US HWY 27 A DIST OF 112.86 FT FOR POB, RUN S 69DEG 44MIN 02SEC W 488.35 FT, N 17DEG 58MIN 49SEC W 138.91 FT, N 72DEG 51MIN 55SEC E 477.61 FT TO W R/W LINE OF US HWY 27, S 23DEG 16MIN 06SEC E ALONG SAID R/W 112.86 FT TO POB -- ORB 1845 PG 1276 ORB 3918 PG 2454


Bailey-Chapman-Whitt Properties
Property Location
Rezoning - Ord. 2011-19
Subject Property
LIND
KEYSTONE DR
HARTSOCK-SAWMILL-RD
S-HWY-27/441
E PRIMROSE LN
E ROSE LN
GENIUS CT
TEMPLE HILL RD
APRIL HILLS BV
PADGETT CR
US-441
LAKE ELLA RD
0 125 250 500 750 1,000
Feet

CFN 2005161862
Bk 02977 Pgs 0581 - 592; (12pgs)
DATE: 10/13/2005 01:45:46 PM
JAMES C. WATKINS, CLERK OF COURT
LAKE COUNTY
RECORDING FEES 103.50

ORDINANCE NO. 2005-20

AN ORDINANCE REDESIGNATING ZONING CLASSIFICATION FOR CERTAIN PROPERTIES OWNED BY WILLIAM L. & KATHERINE R. HENDRY AND LISA & TODD CHAPMAN; LOCATED WITHIN THE TOWN LIMITS OF THE TOWN OF LADY LAKE, FLORIDA; REZONING SUBJECT PROPERTIES FROM LADY LAKE LIGHT COMMERCIAL "LC" AND LAKE COUNTY AGRICULTURE "AG" TO LADY LAKE PLANNED UNIT DEVELOPMENT "PUD"; ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on December 2, 1991, the Town of Lady Lake adopted a Comprehensive Plan (Ordinance No. 91-21) pursuant to the requirements of Chapter 163, Part II, Florida Statutes and Chapter 9J-5, Florida Administrative Code; and

WHEREAS, on January 23, 1992, the Florida Department of Community Affairs determined that the Town of Lady Lake Comprehensive Plan was in compliance with the requirements of Chapter 163, Part II, Florida Statutes and Chapter 9J-5, Florida Administrative Code; and

WHEREAS, on August 15, 1994, the Town of Lady Lake adopted the Land Development Regulations of the Town of Lady Lake, Florida, and Official Zoning Map in accordance with the Town of Lady Lake Comprehensive Plan and the requirements of Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Town Commission of the Town of Lady Lake held a public hearing to consider a proposed amendment to the Official Zoning Map and determined that said amendment as proposed is consistent with the Town of Lady Lake Comprehensive Plan and meets the requirements of the Town of Lady Lake Land Development Regulations.

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

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

TOWN OF LADY LAKE
409 FENNELL BOULEVARD
LADY LAKE, FL 32159

R

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

Passed and ordained this 16th day of October, 2005.

Max Pullen, Mayor

Sue Gay, Town Clerk

ATTEST:

Town Attorney

Passed on First Reading 4-21-05
Passed on Second and Final Reading 10-6-05

EXHIBIT "A"

Legal Description:

PARCEL"A" - HENDRY

THE NORTHWEST ¼ OF THE SOUTHEAST ¼, LYING WEST OF THE ACL RAILROAD, AND LESS: BEGIN AT THE SOUTHEAST CORNER OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼, RUN NORTH 00° 38' 56" E., ALONG THE EAST LINE OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ A DISTANCE OF 279.44 FEET, THENCE NORTH 22° 46' 58" W. 308.37 FEET, RUN SOUTH 67° 13' 02" W., 400 FEET, THENCE SOUTH 17° 30" 30" E., TO THE SOUTH LINE OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼, THENCE EAST ALONG SAID SOUTH LINE OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ TO THE POINT OF BEGINNING, IN SECTION 28, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND

THE SOUTHWEST ¼ OF THE SOUTHEAST 1/4, LYING NORTH OF CLAY ROAD, LESS: BEGIN AT THE NORTHEAST CORNER OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼, RUN SOUTH ALONG SAID EAST LINE OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ TO THE NORTHERLY RIGHT OF WAY LINE OF SAID CLAY ROAD, THENCE NORTH 84° 15' 56" W. ALONG NORTHERLY RIGHT OF WAY 100 FEET, THENCE NORTH 17° 30' 30" W. TO THE NORTH LINE OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼, THENCE EAST ALONG SAID NORTH LINE OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ TO THE POINT OF BEGINNING, IN SECTION 28, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, AND

THAT PART OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ IN SECTION 28, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SAID SECTION 28, RUN THENCE NORTH 00° 38' 56" EAST ALONG THE EAST LINE OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ OF SAID SECTION 28, A DISTANCE OF 279.44 FEET; THENCE NORTH 22° 46' 58" WEST PARALLEL WITH THE WESTERLY RIGHT OF WAY LINE OF US HIGHWAY NO. 27-441, A DISTANCE OF 308.37 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; FROM SAID POINT OF BEGINNING, RUN THENCE NORTH 67° 13' 02" EAST, A DISTANCE OF 99.48 FEET TO THE WESTERLY RIGHT OF WAY LINE OF US HIGHWAY NO. 27-441, THENCE NORTH 22° 46' 58" WEST ALONG THE WESTERLY RIGHT OF WAY LINE OF US HIGHWAY NO. 27-441, A DISTANCE OF 789.80 FEET TO THE NORTH LINE OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ OF SAID SECTION 28, THENCE NORTH 89° 24' 17" WEST ALONG THE NORTH LINE OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ OF SAID SECTION 28, A DISTANCE OF 108.38 FEET, THENCE SOUTH 22° 46' 58" EAST PARALLEL WITH THE WESTERLY RIGHT OF WAY LINE OF US HIGHWAY NO. 27-441, A DISTANCE OF 832.80 FEET TO THE POINT OF BEGINNING.

LESS:

THAT PART OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ IN SECTION 28, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA DESCRIBED AS FOLOWS: COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SAID SECTION 28, RUN THENCE NORTH 00° 38' 56" EAST (N00°07'37"E FLORIDA GRID EAST ZONE)

ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST ¼ OF SAID SECTION 28, A DISTANCE OF 279.44 FEET; THENCE NORTH 22° 46' 58" WEST (N23°15'17"W FLORIDA GRID EAST ZONE) PARALLEL WITH THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 27-441, A DISTANCE OF 308.37 FEET; THENCE NORTH 67° 13' 02" EAST (N66° 44' 43" E FLORIDA GRID EAST ZONE), A DISTANCE OF 100.48 FEET TO THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 27-441, THENCE NORTH 22° 46' 58" WEST (N23° 16' 06" W FLORIDA GRID EAST ZONE) ALONG THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 27-441, A DISTANCE OF 112.86 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID RIGHT OF WAY RUN S69° 44' 02" W FLORID GRID EAST ZONE 488.35 FEET; THENCE N17°58' 49" W FLORIDA GRID EAST ZONE 138.91 FEET; THENCE N72°51'55"E FLORIDA GRID EAST ZONE 477.61 FEET TO THE RIGHT OF WAY OF U.S. HIGHWAY NO. 27-441; THENCE S 23° 16' 06" E FLORIDA GRID EAST ZONE ALONG SAID RIGHT OF WAY 112.86 FEET TO THE POINT OF BEGINNING.

PARCEL "B" - CHAPMAN

THAT PART OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ IN SECTION 28, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA DESCRIBED AS FOLOWS: COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SAID SECTION 28, RUN THENCE NORTH 00° 38' 56" EAST (N00°07'37"E FLORIDA GRID EAST ZONE) ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST ¼ OF SAID SECTION 28, A DISTANCE OF 279.44 FEET; THENCE NORTH 22° 46' 58" WEST (N23°15'17"W FLORIDA GRID EAST ZONE) PARALLEL WITH THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 27-441, A DISTANCE OF 308.37 FEET; THENCE NORTH 67° 13' 02" EAST (N66° 44' 43" E FLORIDA GRID EAST ZONE), A DISTANCE OF 100.48 FEET TO THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 27-441, THENCE NORTH 22° 46' 58" WEST (N23° 16' 06" W FLORIDA GRID EAST ZONE) ALONG THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 27-441, A DISTANCE OF 112.86 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID RIGHT OF WAY RUN S69° 44' 02" W FLORID GRID EAST ZONE 488.35 FEET; THENCE N17°58' 49" W FLORIDA GRID EAST ZONE 138.91 FEET; THENCE N72°51'55"E FLORIDA GRID EAST ZONE 477.61 FEET TO THE RIGHT OF WAY OF U.S. HIGHWAY NO. 27-441; THENCE S 23° 16' 06" E FLORIDA GRID EAST ZONE ALONG SAID RIGHT OF WAY 112.86 FEET TO THE POINT OF BEGINNING.

EXHIBIT "A" Continued

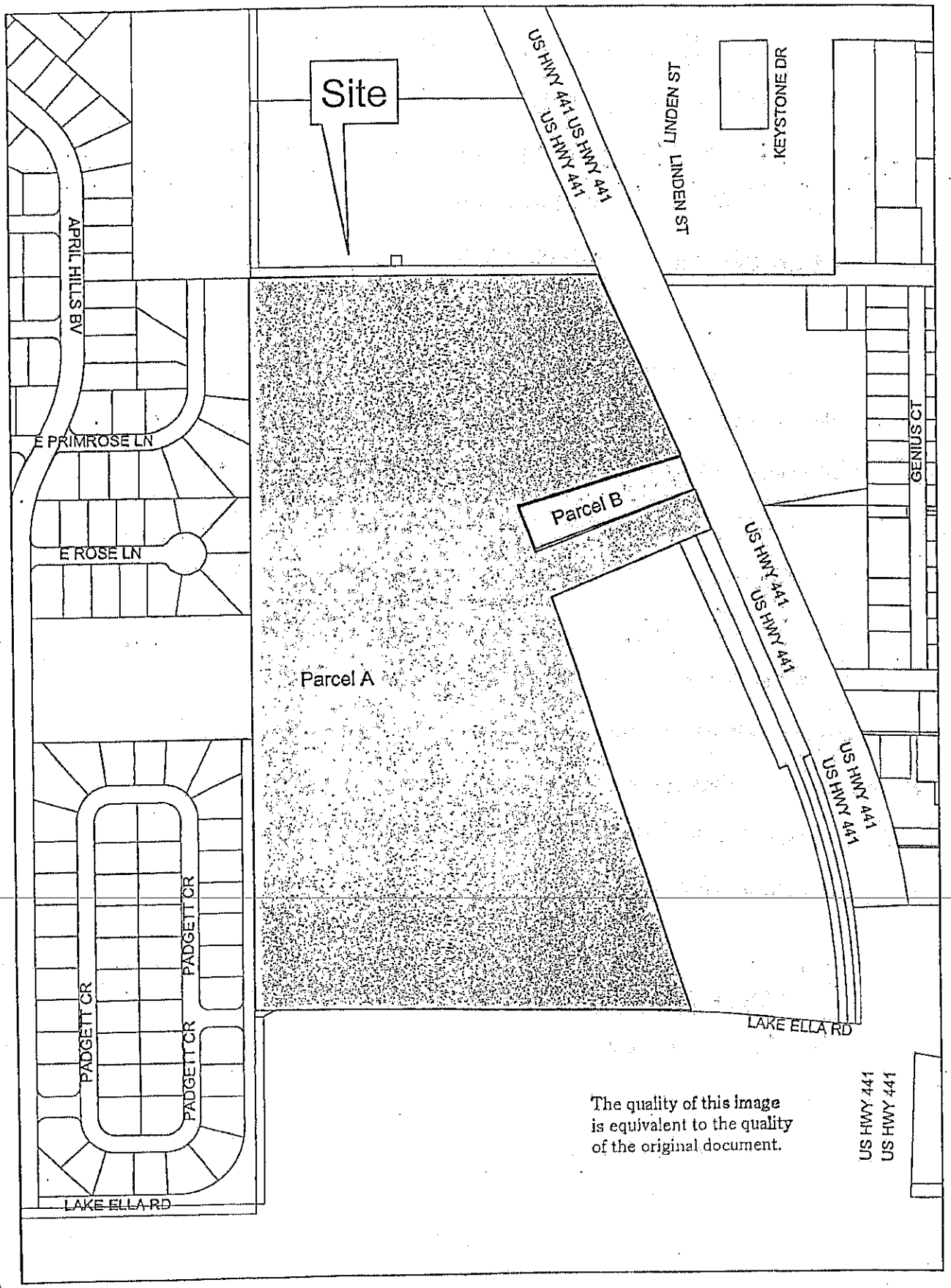


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EXHIBIT "B"

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement is dated the 18th day of October, 2005 between the Town of Lady Lake, Florida (hereinafter the "Town") and William L. and Katherine R. Hendry (hereinafter "WKH") and between the Town of Lady Lake, Florida and Todd and Lisa Chapman (hereinafter "TLC").

RECITALS

1. WKH are the owners of certain real property in Lady Lake, Florida as described in the legal description and depicted in the Bubble Plan attached hereto as Exhibit "C" (hereinafter the "Property"). This property depicted and described in the legal description and Exhibit "C" is currently zoned Light Commercial and Agricultural pursuant to the zoning ordinances and Land Development Regulations of the Town.

2. TLC are the owners of certain real property in Lady Lake, Florida as described in the attached legal description and depicted in the Bubble Plan attached hereto as Exhibit "C". This property is described in the legal description and is currently zoned Light Commercial pursuant to the zoning ordinances and Land Development Regulations of the Town.

3. The property described in the legal description and depicted in the attached map as Exhibit "C" and hereinafter referred to as the "Property."

4. The applicant wishes to rezone the real property as described in the legal description and depicted in Exhibit "C" to PUD Mixed Use.

5. At this time the parties wish to enter into a Memorandum of Agreement pursuant to the provisions of Chapter 5, Section 4(o)(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 proposed PUD, Mixed Use zoning for the Property:

1. Permitted Uses: Those uses permitted by the Town's Land Development Regulations consistent with a PUD, Mixed Use zoning as stated and depicted on Exhibit "C".

2. Uses Expressly Prohibited: All uses other than Permitted Uses described above.

3. Design, Development, and Setback Standards: The Property and portions of the Property may be developed and sold as single lots or as multiple lot parcels without the necessity of platting according to the following standards:

(a) No minimum lot size is required.

(b) No minimum lot width is required.

(c) Maximum building height shall be thirty-five (35) feet, unless adequate fire protection measures are provided. Uninhabitable architectural features are not limited by this height restriction and are not required to meet the fire protection measures.

(d) Parking requirements will be in accordance with Chapter 7 of the Town's Land Development Regulations for the specified use at the time of site plan approval.

(e) The maximum impervious surface ratio for the entire Property shall be limited to eighty (80) percent, including building coverage. Individual site plans with an impervious surface ratio exceeding eighty (80) percent shall be approved, so long as the impervious surface ratio for the entire Property does not exceed eighty (80) percent.

(f) Property Setbacks:

(i) All structures erected on the Property shall have zero (0) foot lot setback lines from lot lines located within the Property.

(ii) All structures erected on the Property shall have a ten (10) foot minimum setback from contiguous property not zoned residential.

(iii) All structures erected on the Property shall have a twenty (20) foot minimum setback from contiguous property zoned residential.

(iv) All structures erected on the Property shall have a minimum fifty (50) foot setback from the right of way for U.S. Highway 441/27. This setback does not apply to walls, signage and signage structures, so long as they are uninhabitable.

(v) All structures erected on the Property shall have a minimum thirty-five (35) foot setback from the right of way for Lake Ella Road. This setback does not apply to walls, signage and signage structures, so long as they are uninhabitable.

(vi) No greater setbacks or separations than those described above shall be imposed by the Town's Code of Ordinances, Land Development Regulations, or zoning ordinances, except as required by the Town's Life Safety Code.

(g) It shall be unlawful to operate a bar, lounge or night club within 200 feet of property owned or used by a church or school. Measurement shall be from the structure of the establishment to the nearest property line of the church or school.

4. Site plan approval for proposed structures on the Property shall be contingent upon compliance with Chapter 7 of the Town's Land Development Regulations and will require the certification of a professional engineer that the proposed drainage system will handle the runoff as required by Chapter 13 of the Land Development Regulations.

5. All proposed structures will be permitted by the Town only when shown to be compliant to submitted site plans. Owners shall complete all required site improvements prior to the Town issuing a Certificate of Occupancy.

6. The final Site Development Plan pursuant to the Town's Land Development Regulations [Chapter 5, Section(c)(5)(A)(1)] may be submitted in phases.

7. All structures must be permitted by the Town pursuant to site plans submitted and the owners shall install and complete all required site improvements prior to the Town issuing a Certificate of Occupancy for any permitted structure. Site plan approval shall be based upon adherence to Chapter 7 of the Town's Land Development Regulations, provided certification of a professional engineer is given certifying that the

drainage system will handle the runoff as required by Chapter 13 of the Land Development Regulations.

8. Any amendments to this Memorandum of Agreement are binding only upon execution by all parties affected.

The Town of Lady Lake, Florida

BY: _____
William L. Hendry

BY: _____
Print Name: MAX Fullen
Title: Mayor

BY: _____
Katherine R. Hendry

ATTEST: _____
Print Name: Sue Gay
Title: Town Clerk

BY: _____
Todd Chapman

APPROVED AS TO FORM:
_____
Print Name: _____
Title: Town Attorney

BY _____
Lisa Chapman

Hendry Rezoning
Lake Ella Road

LEGAL DESCRIPTION

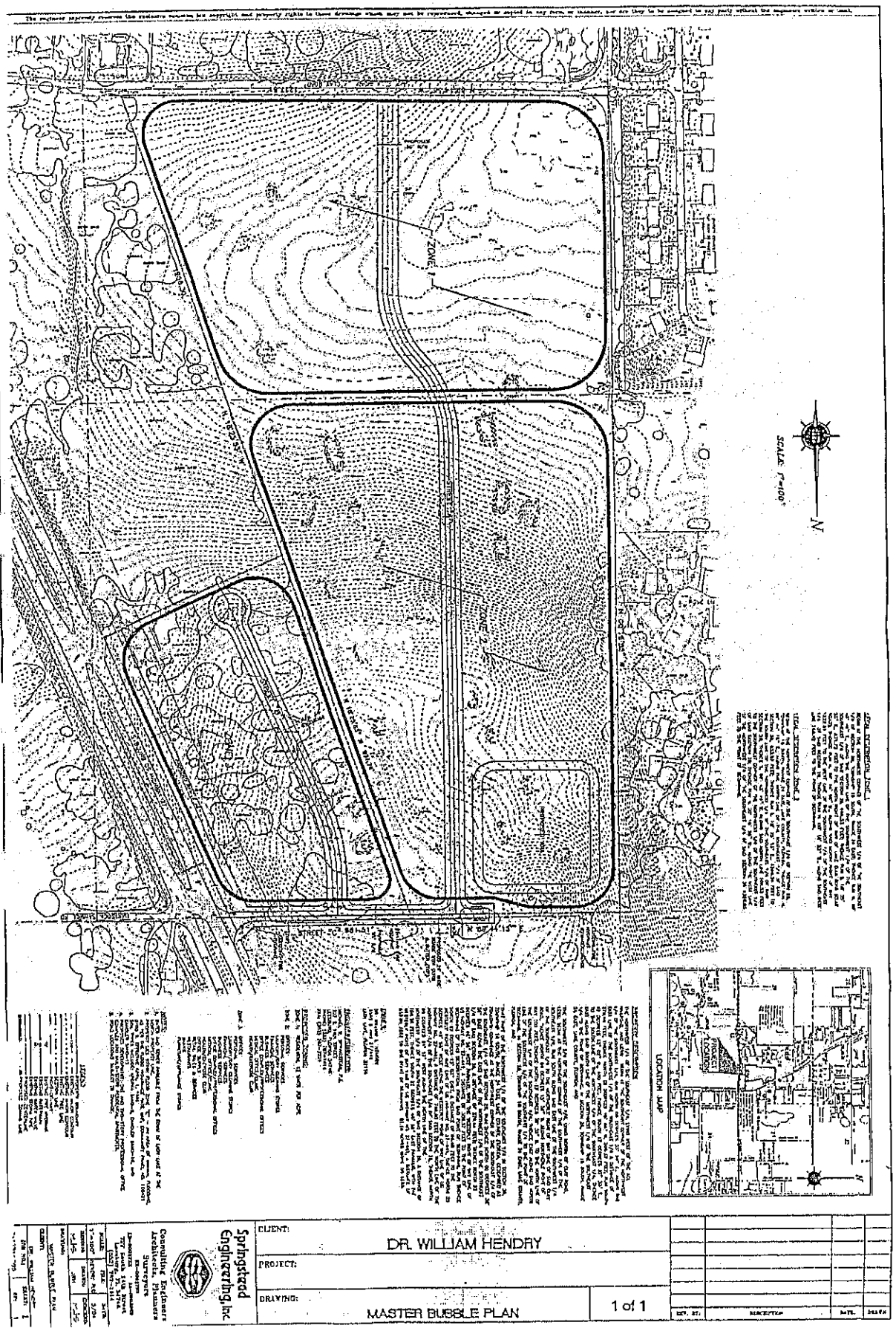
THE NORTHWEST ¼ OF THE SOUTHEAST ¼, LYING WEST OF THE ACL RAILROAD, AND LESS: BEGIN AT THE SOUTHEAST CORNER OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼, RUN NORTH 00°38'56" E., ALONG THE EAST LINE OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ A DISTANCE OF 279.44 FEET, THENCE NORTH 22°46'58" W. 308.37 FEET, RUN SOUTH 67°13'02" W., 400 FEET, THENCE SOUTH 17°30'30" E., TO THE SOUTH LINE OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼, THENCE EAST ALONG SAID SOUTH LINE OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ TO THE POINT OF BEGINNING, IN SECTION 28, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND

THE SOUTHWEST ¼ OF THE SOUTHEAST ¼, LYING NORTH OF CLAY ROAD, LESS BEGIN AT THE NORTHEAST CORNER OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼, RUN SOUTH ALONG SAID EAST LINE OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼, TO THE NORTHERLY RIGHT OF WAY LINE OF SAID CLAY ROAD, THENCE NORTH 84°15'56" W. ALONG NORTHERLY RIGHT OF WAY 100 FEET, THENCE NORTH 17°30'30" W. TO THE NORTH LINE OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼, THENCE EAST ALONG SAID NORTH LINE OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ TO THE POINT OF BEGINNING, IN SECTION 28, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, AND

THAT PART OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ IN SECTION 28, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SAID SECTION 28, RUN THENCE NORTH 00°38'56" EAST ALONG THE EAST LINE OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ OF SAID SECTION 28, A DISTANCE OF 279.44 FEET; THENCE NORTH 22°46'58" WEST PARALLEL WITH THE WESTERLY RIGHT OF WAY LINE OF US HIGHWAY NO. 27-441, A DISTANCE OF 308.37 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION: FROM SAID POINT OF BEGINNING, RUN THENCE NORTH 67°13'02" EAST, A DISTANCE OF 99.48 FEET TO THE WESTERLY RIGHT OF WAY LINE OF US HIGHWAY NO. 27-441, THENCE NORTH 22°46'58" WEST ALONG THE WESTERLY RIGHT OF WAY LINE OF US HIGHWAY NO. 27-441, A DISTANCE OF 789.80 FEET TO THE NORTH LINE OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ OF SAID SECTION 28, THENCE NORTH 89°24'17" WEST ALONG THE NORTH LINE OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ OF SAID SECTION 28, A DISTANCE OF 108.38 FEET, THENCE SOUTH 22°46'58" EAST PARALLEL WITH THE WESTERLY RIGHT OF WAY LINE OF US HIGHWAY NO. 27-441, A DISTANCE OF 832.80 FEET TO THE POINT OF BEGINNING.

EXHIBIT "C"

The quality of this image is equivalent to the quality of the original document.



PLANNING & ZONING BOARD AGENDA ITEM

REQUESTED BOARD MEETING DATE: September 14, 2015

SUBJECT: **Ordinance 2015-11 - David Springstead - Rezoning 49 +/- Acres of Land Owned By Elijah Bailey, Jr., from Heavy Commercial (HC) To Planned Unit Development (PUD) - Located north of Lake Ella Road, and west of Hwy 27/441 (Alternate Key Numbers #1282594, #1282608, #3374916).**

DEPARTMENT: **GROWTH MANAGEMENT**

STAFF RECOMMENDED MOTIONS:

1. **Motion to forward Ordinance No. 2015-11, Rezoning 49 +/- Acres of Land Owned by Elijah Bailey, Jr., from Heavy Commercial (HC) To Planned Unit Development (PUD) to the Town Commission with the recommendation of approval.**

2. **Motion to forward Ordinance No. 2015-11, Rezoning 49 +/- Acres of Land Owned by Elijah Bailey, Jr., from Heavy Commercial (HC) To Planned Unit Development (PUD) to the Town Commission with the recommendation of denial.**

Staff is in support of Motion Number 1

Applicant, David Springstead, on behalf of the property owner Elijah Bailey, Jr., has filed an application to amend the zoning designation for being 49 +/- acres located north of Lake Ella Road, and west of Hwy 27/441, referenced by Alternate Key Numbers #1282594, #1282608, #3374916.

The subject property is currently vacant and the applicant is requesting to rezone the properties to Planned Unit Development (PUD) to allow the following uses; General Retail, Office Use, Restaurants, Apartments, Condominiums, Hotels, Restaurant with Bar, and Medical Treatment Use. Attached is Exhibit "C", detailing the proposed uses and buildings in their foreseen locations on the property.

The property was formerly zoned Planned Unit Development (PUD) under Ordinance 2005-20, which provided entitlements for many of the same uses as provided by the current Heavy Commercial zoning under Ordinance 2011-19. The intent of Ordinance 2011-19, was to rezone the property in a manner that would allow it to be subdivided and marketed in a more flexible manner, as potential developers would have had to adhere to the PUD Ordinance 2005-20. At this time, the property owner has a potential buyer who would like to establish a variety of uses on the property, including apartments,

which was removed as an approved use under the Heavy Commercial rezoning of Ordinance 201-19. The Future Land Use designation of Commercial General – Retail Sales and Services (RET) is the appropriate designation for what the applicant is seeking by this rezoning request; therefore, a future land use map amendment is not needed. The zoning designation of the subject property and the adjacent property is as follows:

Zoning Designations

Subject Properties	Lady Lake - Heavy Commercial (HC)
Future Land Use of Adjacent Properties	
West	Lady Lake- Commercial Residential Single Family (RS-6)
East	Lady Lake – Heavy Commercial (HC)
North	Lady Lake – Heavy Commercial (HC)
South	Fruitland Park – Neighborhood Commercial (C-1)

Notices to inform the surrounding property owners (26) within 150' of the property of the proposed rezoning were mailed by certified mail return receipt on Monday, August 31, 2015. The property was also posted Monday, August 31, 2015.

Comments:

- The PUD may be developed is phases; however, parking, stormwater, and all other requirements of the site plan must be in place for each phase to stand alone.
- Site Plans will be required for each phase of the development.
- All development on the property will be served by Town Utilities.

Past Actions:

The **Technical Review Committee (TRC)** members individually reviewed application for Ordinance 2015-11, provided on September 1, 2015, and determined the application to be complete and ready for transmittal to the P&Z Board.

Public Hearings

The **Town Commission** is scheduled to consider Ordinance 2015-11 for first reading on Monday, October 5, 2015 at 6:00 p.m. The second and final reading will be held on Monday, October 19, 2015 at 6:00 p.m.

FISCAL IMPACT: $_____

[ ] Capital Budget **[ ] Operating** **[ ] Other**

ATTACHMENTS: **[X] Ordinance(s)** **[ ] Resolution** **[ ] Budget Resolution**

[ ] Other

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

9-8-15

DEPARTMENT HEAD **Submitted** 9/8/15 **Date**

FINANCE DEPARTMENT **Approved as to Budget Requirements** **Date**

TOWN ATTORNEY **Approved as to Form and Legality** **Date**

TOWN MANAGER **Approved Agenda Item for:** 9/14/15 **Date** 9/8/L

BOARD ACTION: **[✓] Approved as Recommended** SUL/MONT 3-0 **[ ] Disapproved**

[ ] Tabled Indefinitely **[ ] Continued to Date Certain**

[ ] Approved with Modification

cc: THAD - G.M.

TOWN COMMISSION AGENDA ITEM

REQUESTED COMMISSION MEETING DATE: OCTOBER 5, 2015-FIRST READING

SUBJECT: **Ordinance 2015-11 - David Springstead - Rezoning 49 +/- Acres of Land Owned By Elijah Bailey, Jr., from Heavy Commercial (HC) To Planned Unit Development (PUD) - Located north of Lake Ella Road, and west of Hwy 27/441 (Alternate Key Numbers #1282594, #1282608, #3374916).**

DEPARTMENT: **GROWTH MANAGEMENT**

STAFF RECOMMENDED MOTION:

Staff recommends approval of Ordinance No. 2015-11, Rezoning 49 +/- Acres of Land Owned by Elijah Bailey, Jr., from Heavy Commercial (HC) To Planned Unit Development (PUD).

Applicant, David Springstead, has filed an application on behalf of the property owner Elijah Bailey, Jr., to amend the zoning designation of property being 49 +/- acres located north of Lake Ella Road, and west of Hwy 27/441, referenced by Alternate Key Numbers #1282594, #1282608, #3374916.

The subject property is currently vacant and the applicant is requesting to rezone the properties to Planned Unit Development (PUD) to allow the following uses; General Retail, Office Use, Restaurants, Apartments, Condominiums, Hotels, Restaurant with Bar, and Medical Treatment Use. Attached is Exhibit "C", detailing the proposed uses and buildings in their foreseen locations on the property.

The property was formerly zoned Planned Unit Development (PUD) under Ordinance 2005-20, which provided entitlements for many of the same uses as provided by the current Heavy Commercial zoning under Ordinance 2011-19. The intent of Ordinance 2011-19, was to rezone the property in a manner that would allow it to be subdivided and marketed in a more flexible manner, as potential developers would have had to adhere to the PUD Ordinance 2005-20. At this time, the property owner has a potential buyer who would like to establish a variety of uses on the property, including apartments, which was removed as an approved use under the Heavy Commercial rezoning of Ordinance 201-19. The Future Land Use designation of Commercial General – Retail Sales and Services (RET) is the appropriate designation for what the applicant is seeking by this rezoning request; therefore, a future land use map amendment is not needed. The zoning designation of the subject property and the adjacent property is as follows:

Zoning Designations

Subject Properties	Lady Lake - Heavy Commercial (HC)
Future Land Use of Adjacent Properties	
West	Lady Lake- Commercial Residential Single Family (RS-6)
East	Lady Lake – Heavy Commercial (HC)
North	Lady Lake – Heavy Commercial (HC)
South	Fruitland Park – Neighborhood Commercial (C-1)

Notices to inform the surrounding property owners (26) within 150' of the property of the proposed rezoning were mailed by certified mail return receipt on Monday, August 31, 2015. The property was also posted Monday, August 31, 2015.

Comments:

- The PUD may be developed is phases; however, parking, stormwater, and all other requirements of the site plan must be in place for each phase to stand alone.
- Site Plans will be required for each phase of the development.
- All development on the property will be served by Town Utilities.

Past Actions:

The **Technical Review Committee (TRC)** members individually reviewed application for Ordinance 2015-11, provided on September 1, 2015, and determined the application to be complete and ready for transmittal to the P&Z Board.

At the September 12, 205 meeting, the **Planning & Zoning Board** voted 3-0 to forward Ordinance 2015-11 to the Town Commission with the recommendation of approval.

The **Town Commission** is scheduled to consider Ordinance 2015-11 for second and final reading on Monday, October 19, 2015 at 6:00 p.m.

FISCAL IMPACT: $ _____

[ ] Capital Budget [ ] Operating [ ] Other

ATTACHMENTS: [X] Ordinance(s) [ ] Resolution [ ] Budget Resolution

[ ] Other

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

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DEPARTMENT HEAD Submitted 9/24/15 Date

9-24-15 FINANCE DEPARTMENT Approved as to Budget Requirements Date

TOWN ATTORNEY Approved as to Form and Legality Date

TOWN MANAGER Approved Agenda Item for: 10/5/15 Date 9/24/15

BOARD ACTION: [✓] Approved as Recommended [ ] Disapproved

RIC/VIN 4-0

[ ] Tabled Indefinitely [ ] Continued to Date Certain

[ ] Approved with Modification

CC: THAD - G.M.

~~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.~~

~~The subject property lies in Section 08, Township 18, Range 24, in Lady Lake, Florida. The property is zoned "PUD" Planned Unit Development, which permits the development in existence. The Future Land Use Map designation for the site is RET (Commercial General Retail Sales and Services). The requested use is consistent with the adopted Memorandum of Agreement of Ordinance No. 2006-04 for the Lady Lake Crossing Plaza and the directives of the Comprehensive Plan and adopted Land Development Regulations.~~

~~Ms. Then reported that notices to inform the surrounding property owners (3) within 150' of the subject property of the proposed variance were mailed by certified mail return receipt on Monday, August 31, 2015 and the property was also posted on this date.~~

~~Ms. Then reported that the Technical Review Committee (TRC) members individually reviewed the application for Resolution No. 2015-111 and provided comments on September 4, 2015 that determined the application complete and ready for transmittal to the Planning and Zoning Board and Town Commission. The Town Commission is scheduled to consider the application for Resolution No. 2015-111 for first/final reading at their regular meeting on Monday, October 5, 2015.~~

~~Chairperson Gauder asked if there were any comments or questions from the Board members and the audience.~~

~~Vice Chairperson Sigurdson commented that this request for signage large enough to be viewed from the road is understandable.~~

~~***Upon a motion by Member Monteleone and a second by Member Sigurdson, the Planning and Zoning Board recommended transmittal and approval of Resolution No. 2015-111 to the Town Commission for consideration by the following roll call vote:***~~

~~***MONTELEONE***~~	~~***YES***~~
~~***SIGURDSON***~~	~~***YES***~~
~~***GAUDER***~~	~~***YES***~~

7. Ordinance No. 2015-11 – David Springstead – Rezoning 49 +/- Acres of Land Owned by Elijah Bailey, Jr., from Heavy Commercial (HC) To Planned Unit Development (PUD) – Located North of Lake Ella Road, and West of Hwy 27/441 (Alt. Key #1282594, #1282608, #3374916) (Wendy Then)

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Wendy Then, Town Planner, presented the background summary for this agenda item (on file in the Clerk's Office) and read the ordinance by title. She stated that the applicant, David Springstead, on behalf of the property owner Elijah Bailey, Jr., has filed an application to amend the zoning designation for property being 49 +/- acres, located north of Lake Ella Road and west of Hwy 27/441, referenced by Alternate Key #1282594, #1282608, and #3374916.

Ms. Then stated the subject property is currently vacant and the applicant is requesting to rezone the property to Planned Unit Development (PUD) to allow the following uses: General Retail, Office Use, Restaurants, Apartments, Condominiums, Hotels, Restaurant with Bar, and Medical Treatment Use. Exhibit "C" was included in the packet and detailed the proposed uses and buildings in their foreseen locations on the property. She stated the property was formerly zoned Planned Unit Development (PUD) under Ordinance No. 2005-20, which provided entitlements for many of the same uses as provided by the current Heavy Commercial zoning under Ordinance No. 2011-19. The intent of Ordinance No. 2011-19 was to rezone the property in a manner that would allow it to be subdivided and marketed in a more flexible manner as potential developers would have had to adhere to the PUD Ordinance No. 2005-20.

Ms. Then stated that at this time, the property owner has a potential buyer who would like to establish a variety of uses on the property, including apartments, which was removed as an approved use under the Heavy Commercial rezoning of Ordinance 2011-19. She stated that staff recommends approval of this ordinance.

The Future Land Use designation of Commercial General – Retail Sales and Services (RET) is the appropriate designation for what the applicant is seeking by this rezoning request; therefore, a future land use map amendment is not needed. The zoning designation of the subject property and the adjacent property was reviewed as follows:

Zoning Designations

Subject Properties	Lady Lake - Heavy Commercial (HC)
Future Land Use of Adjacent Properties	
West	Lady Lake- Commercial Residential Single Family (RS-6)
East	Lady Lake – Heavy Commercial (HC)
North	Lady Lake – Heavy Commercial (HC)
South	Fruitland Park – Neighborhood Commercial (C-1)

Photos and aerial views of the property were shown with an overlay of current and proposed zoning maps.

Ms. Then reviewed the highlights of the proposed changes to include property setbacks as follows:

- All structures erected on the Property shall have zero (0) foot lot setback lines from lot lines located within the Property.
- All structures erected on the Property shall have a ten (10) foot minimum setback from contiguous property not zoned residential.
- All structures erected on the Property shall have a twenty (20) foot minimum setback from contiguous property zoned residential.
- All structures erected on the Property shall have a minimum fifty (50) foot setback from the right of way for U.S. Highway 441/27. This setback does not apply to walls, signage and signage structures, so long as they are uninhabitable.

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- All structures erected on the Property shall have a minimum thirty-five (35) foot setback from the right of way for Lake Ella Road. This setback does not apply to walls, signage and signage structures, so long as they are uninhabitable.
- No greater setbacks or separations than those described above shall be imposed by the Town's Code of Ordinances, Land Development Regulations, or zoning ordinances, except as required by the Town's Life Safety Code.

A rendering of the proposed master plan for the site was shown.

Ms. Then reported that notices to inform the surrounding property owners (26) within 150' of the property of the proposed rezoning were mailed by certified mail return receipt on Monday, August 31, 2015 and the property was also posted this same day. She stated that 24 of the 26 notices have been returned as received and no objections or letters of support have been received, although there have been three general inquiries about the proposal.

Ms. Then noted the following comments:

- The PUD may be developed in phases; however, parking, stormwater, and all other requirements of the site plan must be in place for each phase to stand alone.
- Site Plans will be required for each phase of the development.
- All development on the property will be served by Town Utilities.

Ms. Then reported that the Technical Review Committee (TRC) members individually reviewed application for Ordinance No. 2015-11, provided comments on September 1, 2015, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. The Town Commission is scheduled to consider Ordinance No. 2015-11 for first reading on Monday, October 5, 2015 at 6:00 p.m. The second and final reading will be held on Monday, October 19, 2015 at 6:00 p.m.

Chairperson Gauder asked if there were any comments or questions from the Board members and the audience.

Upon a motion by Member Sigurdson and a second by Member Monteleone, the Planning and Zoning Board recommended transmittal and approval of Ordinance No. 2015-11 to the Town Commission for consideration by the following roll call vote:

MONTELEONE	***YES***
SIGURDSON	***YES***
GAUDER	***YES***

~~**8. Ordinance No. 2015-13 – Amending the Text of Policy 1-10.1, F) of the Future Land Use Element of the Lady Lake Comprehensive Plan 2030 – Allowing for the Construction of Individual Single Family Dwelling Units on Lots of Record Existing as of September 21, 2006, in the Manufactured Home High Density (MH-HD) Future Land Use Designation (Wendy Then)**~~

~~Wendy Then, Town Planner, presented the background summary for this agenda item (on file in the Clerk's Office) and read the ordinance by title. She stated that this is a housekeeping item that staff~~

24. Ordinance No. 2015-11 – First Reading – David Springstead – Rezoning 49 +/- Acres of Land Owned by Elijah Bailey, Jr., from Heavy Commercial (HC) to Planned Unit Development (PUD) – Located North of Lake Ella Road, and West of Hwy 27/441 (Thad Carroll)

Town Attorney Derek Schroth read the ordinance by title.

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk's office). He stated that the applicant, David Springstead, has filed an application on behalf of the property owner, Elijah Bailey, Jr., to amend the zoning designation of property being 49 +/- acres, located north of Lake Ella Road and west of Hwy 27/441, referenced by Alternate Key #1282594, #1282608, and #3374916.

Mr. Carroll showed aerial views of the subject property and stated it is currently vacant. The applicant is requesting to rezone the properties to Planned Unit Development (PUD) to allow the following uses: General Retail, Office Use, Restaurants, Apartments, Condominiums, Hotels, Restaurant with Bar, and Medical Treatment Use. Attached is Exhibit "C", detailing the proposed uses and buildings in their foreseen locations on the property. He stated staff recommends approval of this ordinance. The existing and proposed zoning maps of this property were shown.

Mr. Carroll reported that the property was formerly zoned Planned Unit Development (PUD) under Ordinance 2005-20, which provided entitlements for many of the same uses as provided by the current Heavy Commercial zoning under Ordinance No. 2011-19. The intent of Ordinance No. 2011-19 was to rezone the property in a manner that would allow it to be subdivided and marketed in a more flexible manner, as potential developers would have had to adhere to the PUD Ordinance 2005-20. At this time, the property owner has a potential buyer who would like to establish a variety of uses on the property, including apartments, which was removed as an approved use under the Heavy Commercial rezoning of Ordinance 2011-19. The Future Land Use designation of Commercial General – Retail Sales and Services (RET) is the appropriate designation for what the applicant is seeking by this rezoning request; therefore, a future land use map amendment is not needed. The zoning designation of the subject property and the adjacent property is as follows:

Zoning Designations

Subject Properties	Lady Lake - Heavy Commercial (HC)
Future Land Use of Adjacent Properties	
West	Lady Lake- Commercial Residential Single Family (RS-6)
East	Lady Lake – Heavy Commercial (HC)
North	Lady Lake – Heavy Commercial (HC)
South	Fruitland Park – Neighborhood Commercial (C-1)

Photos of the property and the posting was shown, as was the conceptual plan for the development. Mr. Carroll stated apartments are planned to abut the Lake Ella Road side and there will be access to the north and the south from Hwy 27/441 and Lake Ella Road, and access may come across to Hartsock Sawmill Road in the future.

Mr. Carroll reported that notices to inform the surrounding property owners (26) within 150' of the property of the proposed rezoning were mailed by certified mail return receipt on Monday, August 31, 2015; the property was also posted the same day and again on September 28, 2015. He stated there have been no objections received to date, although there have been inquiries, including concern over

the impact apartments would have in the area. Mr. Carroll stated that staff can support the need for the apartments per occupancy rates in the area.

Comments:

- The PUD may be developed is phases; however, parking, stormwater, and all other requirements of the site plan must be in place for each phase to stand alone.

- Site Plans will be required for each phase of the development.

- All development on the property will be served by Town Utilities.

Mr. Carroll reported the Technical Review Committee (TRC) members individually reviewed application for Ordinance No. 2015-11, provided on September 1, 2015, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the September 12, 2015 meeting, the Planning and Zoning Board voted 3-0 to forward Ordinance No. 2015-11 to the Town Commission with the recommendation of approval. The Town Commission is scheduled to consider Ordinance No. 2015-11 for second and final reading on Monday, October 19, 2015 at 6:00 p.m.

Mr. Carroll stated that David Springstead is present to answer any questions.

Commissioner Holden asked if the street shown in front of Building H on the conceptual plan is being laid out as a possible extension to development of property to that side in the future.

Mr. Springstead replied that it has been laid out that way behind the pond to provide a cross connection to the property to the north in case of development, and with the idea that the intersection will be signalized in the future.

Mayor Kussard asked if there was any public comment on Ordinance No. 2015-11, and hearing none, asked for a motion.

Upon a motion by Commissioner Richards and seconded by Commissioner Vincent, the Commission approved Ordinance No. 2015-11 – First Reading – Rezoning 49 +/- Acres of Land Owned by Elijah Bailey, Jr., from Heavy Commercial (HC) to Planned Unit Development (PUD) – Located North of Lake Ella Road, and West of Hwy 27/441, by the following roll call vote:

HOLDEN	***YES***
VINCENT	***YES***
RICHARDS	***YES***
KUSSARD	***YES***

~~**M. TOWN MANAGER'S REPORT:**~~

~~Town Manager Kris Kollgaard stated she wanted to check with the Commissioners to see how they would feel about renewing the lease agreements every three years instead of every year, as it would save staff time and review by the Town Attorney each year. She stated the lease agreements include the 60 day termination notice where either party can opt out.~~

~~Commissioner Richards commented that they are all worthy groups and he would be in favor of three year lease terms.~~

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K-7

TOWN COMMISSION AGENDA ITEM

REQUESTED COMMISSION MEETING DATE: October 19, 2015

SUBJECT: **Ordinance No. 2015-14 – Second/Final Reading** – An Ordinance Amending the Town of Lady Lake's Code of Ordinances Chapter 10.5, Pensions and Retirements, Article III, Police Officers' Retirement Trust Fund; by Amending Section 10.5-34, Finances & Fund Management – Establishment and Operation of Fund

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DEPARTMENT: Town Manager/Town Clerk

STAFF RECOMMENDED MOTION: Approval of **Ordinance No. 2015-14 – Second/Final Reading** – An Ordinance Amending the Town of Lady Lake's Code of Ordinances Chapter 10.5, Pensions and Retirements, Article III, Police Officers' Retirement Trust Fund; by Amending Section 10.5-34, Finances & Fund Management – Establishment and Operation of Fund

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SUMMARY:

At the June 10, 2015 Police Pension Board meeting, the Board considered a recommendation by The Bogdahn Group to broaden the asset allocation percentages to include real estate investments (not to exceed 15%), and authorized the Board attorney to draft an ordinance to that effect. At the September 9, 2015 Police Pension Board meeting, Scott Christiansen, Board Attorney, proposed the attached draft ordinance for the Board's approval. This ordinance amends Section 10.5-34, Finances and Management – Establishment and Operation of Fund and allows a modification of the investment allocation percentages as discussed. Excerpts of the minutes of both meetings are attached. The Town Commission approved this ordinance at first reading on October 5, 2015 with a vote of 4-0.

FISCAL IMPACT: -0-

[ ] Capital Budget
[ ] Operating
[ ] Other

ATTACHMENTS: [X] Ordinance [ ] Resolution [ ] Budget Resolution
[ ] Other
[ ] Support Documents/Contracts

DEPARTMENT HEAD	**Submitted** For KK	**Date** 10-13-15
FINANCE DEPARTMENT	**Approved as to Budget Requirements**	**Date**
HR	**Approved as to Form**	**Date**
TOWN MANAGER	**Approved Agenda Item for:** 10-19-15	**Date** 10-13-15

COMMISSION ACTION:

[ ] Approved as Recommended **[ ] Disapproved** **[ ] Tabled Indefinitely**

[ ] Continued to Date Certain **[ ] Approved with Modification**

ORDINANCE NO. 2015-14

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LADY LAKE, FLORIDA, AMENDING CHAPTER 10.5, PENSIONS AND RETIREMENT, ARTICLE III, POLICE OFFICERS' RETIREMENT TRUST FUND, OF THE CODE OF ORDINANCES OF THE TOWN OF LADY LAKE, BY AMENDING SECTION 10.5-34, FINANCES AND FUND MANAGEMENT – ESTABLISHMENT AND OPERATION OF FUND; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LADY LAKE, FLORIDA:

SECTION 1: That Chapter 10.5, Pensions and Retirement, Article III, Police Officers' Retirement Trust Fund, of the Code of Ordinances of the Town of Lady Lake, is hereby amended by amending Section 10.5-34, Finances and Fund Management – Establishment and Operation of Fund, subsection (6)(b), to read as follows:

(6)(b) All monies paid into or held in the fund shall be invested and reinvested by the board and the investment of all or any part of such funds shall be limited to:

1. Annuity and life insurance contracts with life insurance companies in amounts sufficient to provide, in whole or in part, the benefits to which all of the members in the fund shall be entitled under the provisions of this system and pay the initial and subsequent premium thereon.

2. Time or savings accounts of a national bank, a state bank insured by the Bank Insurance Fund or a savings/building and loan association insured by the Savings Association Insurance Fund which is administered by the Federal Deposit Insurance Corporation or a state or federal chartered credit union whose share accounts are insured by the National Credit Union Share Insurance Fund.

3. Obligations of the United States or obligations guaranteed as to principal and interest by the government of the United States or by an agency of the government of the United States.

4. Bonds issued by the State of Israel.

5. Stocks, commingled funds ~~administered by national or state banks~~, mutual funds <u>or other investment vehicles approved by the board</u> and bonds or other evidences of indebtedness, provided that:

   a. Except as provided in subparagraph b., all individually held securities and all securities in a commingled or mutual fund <u>or other investment vehicle approved by the board</u> must be issued or guaranteed by a corporation organized under the laws of the United States, any state or organized territory of the United States, or the District of Columbia.

   b. Up to twenty-five (25) percent of the assets of the fund at market value may be invested in foreign securities.

   c. ~~The board shall not invest more than five (5) percent of its assets in the common stock, capital stock, or convertible securities of any one (1) issuing company, nor shall t~~ <u>The</u> aggregate investment in any one issuing company <u>shall</u>

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not exceed five (5) percent of the outstanding capital stock of that company; nor shall the aggregate of its investments in common stock, capital stock and convertible securities at market exceed sixty-five (65) percent of the assets of the fund.

6. Real estate investments in an amount not to exceed fifteen percent (15%) at market value of the assets of the fund. The Board may invest in real estate directly or through an investment vehicle approved by the Board.

7. In addition, the Board may, upon recommendation by the board's investment consultant, make investments in group trusts meeting the requirements of Internal Revenue Service Revenue Ruling 81-100, Revenue Ruling 2011-1, IRS Notice 2012-6 and Revenue Ruling 2014-24 or successor rulings or guidance of similar import, and operated or maintained exclusively for the commingling and collective investment of monies, provided that the funds in the group trust consist exclusively of trust assets held under plans qualified under section 401(a) of the code, individual retirement accounts that are exempt under section 408(e) of the code, eligible governmental plans that meet the requirements of section 457(b) of the code, and governmental plans under 401(a)(24) of the code. For this purpose, a trust includes a custodial account or a separate tax favored account maintained by an insurance company that is treated as a trust under section 401(f) or under section 457(g)(3) of the code. While any portion of the assets of the fund are invested in such a group trust, such group trust is itself adopted as a part of the system or plan.

   a. Any collective or common group trust to which assets of the fund are transferred pursuant to subsection c. shall be adopted by the Board as part of the plan by executing appropriate participation, adoption agreements, and/or trust agreements with the group trust's trustee.

   b. The separate account maintained by the group trust for the plan pursuant to subsection c. shall not be used for, or diverted to, any purpose other than for the exclusive benefit of the Members and Beneficiaries of the plan.

   c. For purposes of valuation, the value of the separate account maintained by the group trust for the plan shall be the fair market value of the portion of the group trust held for the plan, determined in accordance with generally recognized valuation procedures.

SECTION 2: Incorporation into the Code. Specific authority is hereby granted to codify and incorporate this Ordinance in the existing Code of Ordinances of the Town of Lady Lake.

SECTION 3: Repeal of Prior Inconsistent Ordinances and Resolutions. All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4: Severability. If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

SECTION 5: Effective Date. That this Ordinance shall become effective upon its adoption.

PASSED AND ORDAINED this __ day of _____, 2015, in the regular session of the Town Commission of the Town of Lady Lake, Lake County, Florida, upon the second and final reading.

TOWN OF LADY LAKE, FLORIDA

Ruth Kussard, Mayor

ATTEST:

Kristen Kollgaard, Town Clerk

APPROVED AS TO FORM:

Derek Schroth, Town Attorney

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MINUTES OF THE LADY LAKE
REGULAR POLICE PENSION BOARD MEETING
LADY LAKE, FLORIDA
June 10, 2015

The Police Pension Board Meeting was held in the Town Hall Commission Chambers at 409 Fennell Blvd., Lady Lake, Florida.

A. CALL TO ORDER: Member Lt. Tempesta called the meeting to order at 1:30 p.m.

MEMBERS PRESENT: Member Lt. Robert Tempesta, Member Lt. Jason Brough; Member John Schmied and Member Pete Chiasson

TOWN STAFF PRESENT: Jeannine Michaud, Finance Director; Chris McKinstry, Police Chief; and Nancy Slaton, Deputy Town Clerk

ALSO IN ATTENDANCE: Scott Christiansen of Christiansen & Dehner, P.A.; David West of Bogdahn Consulting, LLC; Mayor Ruth Kussard; Officer Vernon Wherry; and Dee Dee Rountree

B. PUBLIC COMMENT

Member Tempesta asked if anyone in the audience had any comments or questions. There were no questions or comments.

C. OLD BUSINESS

1. Approval of Minutes: Regular Meeting – March 11, 2015

Upon a motion by Member Schmied and seconded by Member Lt. Brough, the Board approved the meeting minutes of March 11, 2015, as presented, by a vote of 4-0.

2. Consideration/Discussion of a Recommendation to Change the Asset Allocation (David West of The Bogdahn Group)

David West of The Bogdahn Group passed out a copy of the Investment Policy Statement that has been revised with recommended changes. He explained to the two new members that his company is the investment consultant for the plan and assists in the engineering of the investments, and works with the actuary to make sure the documents meet actuarial requirements. He stated their objective is to construct the investments to preserve the assets and meet actuarial rates, and that they monitor the performance of the managers of the plan.

Mr. West stated that this recommendation to broaden asset allocations has been discussed previously and was most recently brought up at the last meeting. He stated that they are governed by statutory requirements and local ordinance, and those restrictions are used in the drafting of the investment policy statement. He stated the current asset allocations are fairly restricted by the local ordinance at this time. Mr. West stated that he and Mr. Christiansen had worked together to revise an ordinance for another nearby municipality and some of the language from that ordinance was used in the suggested revisions to the Town's local ordinance as

presented in the handout. He stated the Town Commission would have to approve a revised ordinance as the first step in changing asset allocations.

Mr. West reviewed the suggested changes to target allocations as follows:

Asset Class	Current Target	Proposed Target	Proposed Range	Benchmark Index
Domestic Equity	50%	45%	40-50%	Russell 3000
International Equity	10%	15%	10-20%	MSCI-ACWIxUS
Broad Market Fixed Income	40%	25%	25-35%	Barclay's Aggregate
Global Fixed Income	0%	5%	0-7%	B of A ML GlobalxUS
TIPS	0%	0%	0-7%	Barclays Int. TIPS
Real Estate	0%	10%	0-15%	ODCE Property Index

Member Chiasson clarified that the proposed asset allocations are to broaden the types of investments the plan can make to include more global fixed income investments and real estate which will decrease the percentages of other asset types in order to expand into those markets.

Mr. West agreed and continued to explain the investment possibilities for the proposed changes to include real estate, which should consist of brick and mortar commercial leases, and global bond markets. He stated that they have added a whole new level of screening for any new managers for these proposed asset additions to insure inherent safety mechanisms are in place. Mr. West stated if the asset allocations are changed, he will arrange an educational session for the Board regarding real estate and global bond investments.

Member Chiasson asked if the size of this fund (currently at $6.6 million) will restrict real estate investments to one or two instruments.

Mr. West replied that this fund is small compared to some others in the state and it will restrict investments, although there are a couple of vetted managers who will accept this size of an investment to manage. He stated Real Estate Operating Funds (REOPs) are another way to utilize real estate investments, although he does not recommend it as it is essentially an equity.

Mr. West stated that his company cannot do anything until the Board makes a recommendation for the change, which must then be approved by the Town Commission by local ordinance. He stated that the Investment Policy Statement would then be changed as well, and it must be publically noticed for 31 days to allow for any objections or issues to be noted before it is official.

Member Lt. Tempesta asked Mr. Christiansen what the Board's next step should be.

Mr. Christiansen replied that the Board would need to make a recommendation for the asset allocation change, then it would be considered by the Town Commission by ordinance change before the Investment Policy Statement is changed. He stated that previous comments by Town staff have been on the conservative side in regard to changes.

Member Lt. Brough commented that one of the Commissioners suggested this change at the last meeting according to the minutes.

Mr. Christiansen agreed, stating that the Commissioner was bothered by the fact there was so much invested in bonds. He suggested that perhaps a Town Commission workshop or meeting can be held if he drafts an ordinance and Mr. West could attend to explain the reasoning for the changes.

After further discussion, Mr. Christiansen stated that even if the Town agrees to change the ordinance to allow the Board leeway to invest in other areas, the Board will still make the decision as to whether they want to or not.

Members of the Board agreed with Mr. Christiansen's suggestion that the language of the new ordinance should be conservative enough to allow for the suggested changes in asset allocation, which could be the basis for discussion at a workshop and the proposed revisions to the Investment Policy Statement.

Upon a motion by Member Schmied and a second by Member Lt. Brough, the Board authorized Mr. Christiansen, Board Attorney, to draft an ordinance based on the recommended changes to the Investment Policy Statement regarding asset allocations, by a vote of 4-0.

As an addendum to this motion, the Board agreed that a workshop may need to be scheduled for the Town Commission to review the newly drafted ordinance and that Mr. West may need to be in attendance to discuss the ordinance revision (at no additional cost to the Town).

D. NEW BUSINESS

Board Attorney Scott Christiansen stated that outgoing members Officer Vernon Wherry and Dee Dee Rountree are present at this meeting. He thanked them for their many years of service on the Board and stated he enjoyed working with them, as did the members of the Board.

3. Introduction of New Commission Appointed Board Member – Pete Chiasson

Member Lt. Tempesta introduced Pete Chiasson as a new Police Pension Board member appointed by the Town Commission at their meeting of May 18, 2015 to replace Member Van Reynolds who resigned in May. He asked Mr. Chiasson to tell the Board a little about himself.

Member Chiasson stated his business expertise has largely been in the marketing and management areas, and that he has some experience in investing on a personal level. He commented that he is glad to be on the Board and looks forward to working with everyone.

4. Acknowledgement of the Police Officer Reappointment of Member Lt. Robert Tempesta and the Police Officer Appointment of Lt. Jason Brough

Board Attorney Scott Christiansen stated that every two years, two board positions for the Town of Lady Lake Police Pension Board are up for renewal. He stated that these positions were filled by Officer Wherry and Lt. Robert Tempesta, and since Officer Wherry relinquished his position, the membership elected Lt. Robert Tempesta and Lt. Jason Brough. They have agreed to serve on this board for the next two years.

5. Consideration of a Board Selected Appointment to the Police Pension Board to Replace Member Rountree

Mr. Christiansen reported that the Board has received State monies in the amount of $98,306, and confirmed with the Finance Director that the money has been deposited into the plan's account.

Mr. Christiansen confirmed that the reports from Foster & Foster are being put on the Town's website as a compliance requirement.

Mr. Christiansen reported further on Senate Bill 172 regarding the shared contribution component, which this plan is not required to have in place until 2017. He stated that the Division of Retirement has answered questions by some of the plans and has posted these on their website.

a) Draft Ordinance No. 2015-14 - Modification of Investment Allocation

Mr. Christiansen stated that he prepared a draft ordinance to allow for changes in the investment parameters to include real estate investments up to a max of 15%, and to allow the Board to invest in an investment vehicle called a group trust, as directed by the Board at the last meeting.

Member Chiasson asked for clarification on the wording in the ordinance regarding investments not exceeding 5% and aggregate investments not exceeding 65%.

Mr. Christiansen explained that the first limitation is that the plan cannot invest in more than 5% in any one company, and the second limitation is that all of the plan's total portfolio cannot exceed 65% of the fund.

After further discussion, and upon a motion by Member Schmied, and a second by Member Tempesta, the Board approved sending this draft ordinance to the Town Commission with a recommendation that they approve it.

Town Manager Kris Kollgaard commented that the Board recommended a workshop meeting for the Commission regarding this ordinance at the last meeting, and asked if the Board still wanted to hold a workshop.

Mr. Christiansen stated that he would leave it up to the Town Manager. He said the issue is to convince the Commission that this is a good thing to do, and perhaps a representative from the Bogdahn Group could attend the Commission meeting to answer any questions.

Ms. Kollgaard recommended that this ordinance go before the Town Commission for first reading at their meeting on October 5th, and for second/final reading on October 19th. She agreed it would be helpful to have someone from the Bogdahn Group in attendance to answer any questions by the Commission.

Mr. West of the Bogdahn Group stated that he would not be able to attend on October 5th, but that he could schedule a colleague to attend the meeting to answer any questions.

It was the consensus of the Board that this ordinance go directly on the agenda of the October 5th Commission meeting with a representative from the Bogdahn Group attending to answer any questions; with no workshop necessary.

Proposed 2016 Meeting Dates