

DRAFT ORDINANCE 2018-48
TOWN OF LADY LAKE, FLORIDA

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LADY LAKE, FLORIDA;
WITH PROVISIONS HEREINAFTER SET FORTH, GRANTING A SPECIAL EXCEPTION USE ON
CERTAIN PROPERTY BEING APPROXIMATELY 1.405 ACRES LOCATED AT THE
NORTHWEST CORNER OF THE INTERSECTION OF HIGHWAY 466 AND ROLLING ACRES
ROAD, REFERENCED BY ALTERNATE KEY 1770611, WITHIN THE TOWN OF LADY LAKE,
FLORIDA, REQUESTING TO INCORPORATE THE CONVENIENCE STORE WITH FUEL
OPERATIONS LAND USE WITHIN THE HEAVY COMMERCIAL (HC) ZONING
CLASSIFICATION; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE.**

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

SECTION 1

Based upon the petition of a certain landowner of the property located in the town limits of the Town of Lady Lake, Florida, the Town grants a Special Exception Use for the property described in the attached Exhibit "A," zoned Heavy Commercial (HC). Said property is hereinafter referenced as the "Property".

SECTION 2

The Special Exception use for the Property is governed by the following:

1. This Special Exception Use shall apply to the real estate identified on Exhibit "A" attached hereto.
2. The proposed project site contains 1.405 acres, which exceeds the minimum requirement of one half acre to establish such use.
3. Class "A" and "B" Buffers, as required by Chapter 10 — Landscaping and Tree Protection, Town of Lady Lake Land Development Regulations, shall be provided along the Highway 466 and Rolling Acres Road frontages and the adjacent properties to the north and west.
4. All setbacks must comply in accordance with the Town of Lady Lake Land Development Regulations, Chapter 20, Section 20-4D).1).B).
5. Permitted use of the site shall be limited to a 3,485 gross square foot (GSF) convenience store with fuel operations and a 980 gross square foot (GSF) car wash. The convenience store may include, but is not limited to, the retail sale of fresh prepared sandwiches, breakfasts, and other meals, coffee and other specialty drinks, groceries, tobacco products, beer and wine, car care products, sundries, pre-packages food items, lottery tickets, surcharge free ATM services, outdoor propane tank storage and sales, and a maximum of eight dispenser

1 islands with a total of 16 fueling positions for regular, plus, premium, ethanol free gasoline,
2 and diesel fuel.

3 6. Hours of Operation: Permitted to be open 24 hours a day, seven days a week.

4 7. Accessory uses shall only be permitted in compliance with Chapter 9, Section 2, Town of
5 Lady Lake Land Development Regulations.

6 8. A concept plan for development of the Property is attached hereto as Exhibit "C".

7 However, the property shall be developed in substantial accordance with an approved site
8 development plan incorporating all conditions of this ordinance and all testimony and
9 exhibits presented at the hearing. Such plans shall be submitted for review and approval of
10 the Technical Review Committee and Town Commission prior to authorization and issuance
11 of a development order.

12 9. All lighting for the proposed facilities shall be designed and located such that either light
13 or glare shall be directed upon the Property only, and approved by the Town of Lady Lake.

14 10. All signage, current and proposed, must be in compliance with the Town of Lady Lake
15 Land Development Regulations and Town of Lady Lake Code of Ordinances, and approved
16 by the Town of Lady Lake.

17 11. The Applicant shall be responsible for all costs associated with obtaining concurrency.

18 12. In the event of failure of the Applicant to fulfill development in substantial accordance
19 with the plans submitted to Town Commission; to comply with the codes of the
20 governmental agencies having lawful and appropriate jurisdiction thereon; or to violate any
21 terms of the Special Exception Use, the permit may be revoked after due public hearing
22 before the Town Commission.

23 13. The Special Exception Use shall inure to the benefit of, and shall constitute a covenant
24 running with the land, and the purpose, terms, and conditions contained herein shall be
25 binding upon any successor in his interest hereto.

26 14. This Special Exception Use shall be reviewed and renewed should the Applicant request
27 additional uses or a revision of the terms contained herein.

28 15. In addition to any other remedy by law, any breach in any terms or conditions of this
29 permit or in default of the Applicant or his successor in interest shall be deemed a material
30 breach hereof and this Special Exception Use may be cancelled or revoked. Cancellation or
31 revocation of this Special Exception Use may be instituted by the Town Commission. The
32 Town Clerk shall set this matter for public hearing, giving the same notice as provided in the
33 Lady Lake Zoning Regulations, as amended, and presented to the Town Commission for
34 appropriate action.

SECTION 3. Severability.

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

SECTION 4. Effective Date.

This Ordinance shall become effective upon its adoption by the Lady Lake Town Commission.

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

PASSED AND ADOPTED by the Town Commission of the Town of Lady Lake, Florida on this 3rd day of **December, 2018**.

Town of Lady Lake, Florida

Jim Richards, Mayor

Attest:

Kristen Kollgaard, Town Clerk

Approved as to form:

Derek Schroth, Town Attorney

1 **ACKNOWLEDGED:** The undersigned representative of the land owners by the execution hereof
2 agrees to comply with the conditions of the special exception use as established herein.

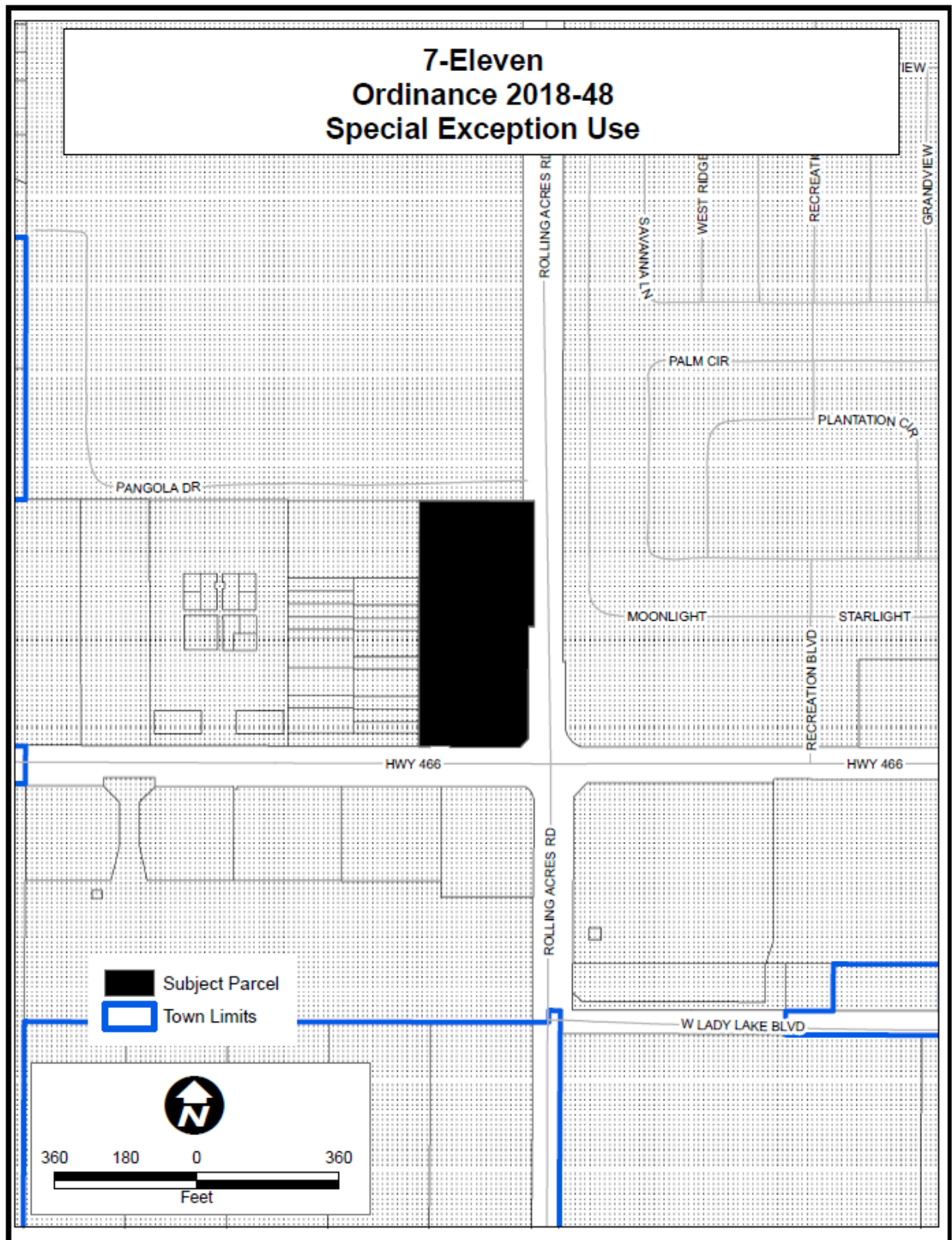
3 _____
4 Grayson Brent Evans, Applicant & Representative
5 Creighton Companies, LLC

EXHIBIT A — Legal Description

A PORTION OF THE EAST $\frac{1}{2}$ OF THE SOUTHEAST $\frac{1}{4}$ OF THE SOUTH $\frac{1}{2}$ OF GOVERNMENT LOT 8, IN SECTION 18, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 18, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; THENCE RUN NORTH $89^{\circ}51'17''$ WEST ALONG THE CENTERLINE OF COUNTY ROAD 466 PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 11560-2601, DATED 12-20-63, RECORDED IN ROAD PLAT BOOK 6, PAGE 55, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA AND BEING THE SOUTH LINE GOVERNMENT LOT 8 AND THE SOUTH LINE OF THE SOUTHEAST $\frac{1}{4}$ OF SAID SECTION 18, LAKE COUNTY, FLORIDA, A DISTANCE OF 40.05 FEET; THENCE RUN NORTH $00^{\circ}08'43''$ EAST FOR A DISTANCE OF 40.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF SAID COUNTY ROAD 466, ALSO BEING IN THE EAST LINE OF THAT CERTAIN DESCRIBED PROPERTY PER OFFICIAL RECORDS BOOK 1914, PAGE 1779, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE RUN NORTH $89^{\circ}51'17''$ WEST, ALONG SAID NORTH RIGHT OF WAY LINE FOR A DISTANCE OF 35.20 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE N $89^{\circ}51'17''$ W ALONG SAID NORTH RIGHT OF WAY LINE A DISTANCE OF 178.74 FEET; THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING (4 COURSES AND DISTANCES) N $00^{\circ}08'43''$ E A DISTANCE OF 2.75 FEET; THENCE N $89^{\circ}51'17''$ W A DISTANCE OF 49.54 FEET; THENCE S $00^{\circ}08'43''$ W A DISTANCE OF 2.75 FEET; THENCE N $89^{\circ}51'17''$ W A DISTANCE OF 28.780 FEET TO A POINT ON THE EAST LINE OF SUMMIT MEDICAL PARK AS RECORDED IN PLAT BOOK 63, PAGES 84 AND 85 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE N $00^{\circ}04'05''$ E ALONG SAID EAST LINE A DISTANCE OF 222.00 FEET; THENCE S $89^{\circ}51'17''$ E A DISTANCE OF 277.79 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF ROLLING ACRES ROAD PER OFFICIAL RECORDS BOOK 1914, PAGE 1779, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE S $00^{\circ}04'03''$ W ALONG SAID WEST RIGHT OF WAY LINE A DISTANCE OF 200.91 FEET; THENCE S $43^{\circ}52'17''$ W A DISTANCE OF 29.19 FEET TO THE POINT OF BEGINNING. CONTAINS: 61,186 SQUARE FEET OR 1.4046 ACRES MORE OR LESS.

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EXHIBIT "B" — Property Location Map



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