

ORDINANCE NO. 2005-07

AN ORDINANCE OF THE TOWN COMMISSION OF LADY LAKE, FLORIDA, ADOPTING A SIXTH AMENDMENT TO THE AMENDED DEVELOPMENT ORDER FOR THE TRI-COUNTY VILLAGES DEVELOPMENT OF REGIONAL IMPACT; PROVIDING FINDINGS OF FACT; ADOPTING CONCLUSIONS OF LAW; APPROVING CONDITIONS OF DEVELOPMENT; ADOPTING A REVISED DEVELOPMENT PLAN; PROVIDING A FINAL ORDER; PROVIDING DEFINITIONS; PROVIDING ASSIGNABILITY, SEVERABILITY, RECORDATION OF NOTICE OF ADOPTION; RESTRICTING DENSITY AND INTENSITY REDUCTION; PROVIDING FOR EXPIRATION OF AMENDMENT; ASSURING PAYMENT OF IMPACT FEES; PROVIDING FOR TRANSMITTAL OF AMENDMENT AND PROVIDING AN EFFECTIVE DATE.

**BE IT ORDAINED BY THE TOWN COMMISSION
P OF THE TOWN OF LADY LAKE, FLORIDA:**

WHEREAS, on January 18, 1988, a DRI known as Orange Blossom Gardens-South (OBGS) was approved by the Town of Lady Lake in Ordinance 88-1. A substantial deviation to the OBG-South DRI was approved on May 7, 1990 by Town of Lady Lake Ordinance 90-12. A second substantial deviation was approved as the Orange Blossom Gardens-West (OBGW) DRI on May 29, 1990 by the Sumter County Board of County Commissioners and on May 7, 1990 by the Town of Lady Lake. The OBGW DRI Development Order was amended on August 14, 1990 and again on February 16, 1993. On September 20, 1994 and October 12, 1994 Sumter County and Lady Lake respectively approved a substantial deviation to the OBGS and OBGW DRI development orders, combining them and referring to the development collectively as the Tri-County Villages DRI. A first revision to the Sumter Tri-County Villages development order was approved by the Sumter County Commission on October 29, 1996. On August 3, 1998 a first revision to the Lady Lake Tri-County Villages development order was approved by Town of Lady Lake Ordinance 98-13. A second revision to the Sumter Tri-County Villages development order was approved by the Sumter County Commission on September 15, 1998. On May 15, 2000 a third revision to the Sumter Tri-County Villages development order was approved by the Sumter County Commission. A fourth revision to the Sumter Tri-County Villages development order was approved by the Sumter County Commission on September 12, 2001. A fifth revision to the Sumter Tri-County Villages development order was approved by the Sumter County

Commission on May 15, 2002. A sixth revision to the Sumter Tri-County Villages development order was approved by the Sumter County Commission on April 22, 2003. On October 18, 1999 a second revision to the Lady Lake Tri-County Villages development order was approved by Town of Lady Lake Ordinance 99-37. On May 8, 2000 a third revision to the Lady Lake Tri-County Villages development order was approved by Town of Lady Lake Ordinance 2000-20. A fourth revision to the Lady Lake Tri-County Villages development order was approved on May 15, 2003 by Town of Lady Lake Ordinance 2003-07. A seventh sixth revision to the Sumter Tri-County Villages development order was approved by the Sumter County Commission on March 16, 2004. On August 2, 2004 a fifth revision to the Lady Lake Tri-County Villages development order was approved on August 2, 2004 by Town of Lady Lake Ordinance 2004-6; and

WHEREAS, on December 30, 2004 The Villages of Lake-Sumter, Inc. submitted its Notice of Proposed Change (NOPC) pursuant to 380.06 (19), Florida Statutes (F.S.), to the Town of Lady Lake to amend the Tri-County Villages Development of Regional Impact (DRI) Amended Development Order, (the ADO); and

WHEREAS, the Developer proposes through this NOPC to revise Maps H and H-1 of the Tri-County Villages DRI to convert 1.4 acres and 29,000 square feet of Town Center Commercial floor area in the DRI to Hotel use. No change in the number of dwelling units within the Tri-County Villages (TCV) DRI is proposed. No land uses currently included in the TCV plan of development will be eliminated nor will a new use be added; and

WHEREAS, the Town of Lady Lake (Lady Lake), as governing body of the local government having jurisdiction, is authorized and empowered to consider DRIs; and

WHEREAS, for DRI purposes, the public notice requirements of Lady Lake and Section 380.06 (11), F.S., have been satisfied and notice has been published on February 17, 2005 and February 24, 2005; and

WHEREAS, Lady Lake has reviewed the NOPC, as well as all related testimony and evidence submitted by each party and members of the general public; and

WHEREAS, Lady Lake has conducted advertised public hearings on March 3, 2005 and March 17, 2005 for the purpose of receiving public comment and determining whether the proposed changes constitute a substantial deviation to the approved development order.

NOW, THEREFORE BE IT RESOLVED BY THE LADY LAKE TOWN COMMISSION, IN PUBLIC MEETING DULY CONSTITUTED AND ASSEMBLED THIS 17th DAY OF MARCH 2005, THAT THE TRI-COUNTY VILLAGES OF LAKE DRI IS HEREBY APPROVED, EFFECTIVE AS SPECIFIED HEREIN, BASED UPON AND SUBJECT TO THE FOLLOWING FINDINGS OF FACT, CONCLUSIONS OF LAW AND CONDITIONS/RESTRICTIONS:

SECTION 1. Findings of Fact. Based on the documentation and testimony received at the public hearing, the Board hereby finds as fact as follows:

1. The Tri-County Villages DRI is a mixed-use retirement community Development of Regional Impact located in northwestern Lake County/Lady Lake and in northeastern Sumter County.
2. On December 30, 2004, the Developer submitted a NOPC to a previously approved DRI pursuant to Section 380.06 (19), F.S., and Rule 9J-2.025 (11), F.A.C., to amend the DRI in Lady Lake as follows:
 - Convert 29,000 square feet of Town Center Commercial floor area to 125 hotel rooms;
 - Convert 1.4 acres from Town Center Commercial to Hotel;
 - Update The Tri-County Villages Map H, H-1 and H-2;
3. Duly noticed public hearings were conducted on the NOPC by The Town of Lady Lake on March 3, 2005 and March 17, 2005 and all interested parties and members of the public were similarly afforded the opportunity to participate.
4. The NOPC submitted by the Developer proposes a revised Master Plan of Development for the property as reflected in the attached **EXHIBIT 1** which includes the changes to the DRI in Lady Lake as proposed by the NOPC.

SECTION 2. Conclusions of Law. Based on the findings of fact adopted above, Lady Lake hereby adopts the following conclusions of law:

1. The Town of Lady Lake is the governing body having jurisdiction over the review and approval of the NOPC, pursuant to Chapter 380, F.S., and is authorized and empowered to issue this sixth amendment to the Tri-County Villages DRI ADO.
2. The property does not lie within an Area of Critical State Concern as designated pursuant to Chapter 380.05, F.S.
3. The proposed development is consistent with the applicable local comprehensive plan and is consistent with the applicable local land development regulations.
4. The proposed development is consistent with the East Central Florida Strategic Regional Policy Plan.
6. The provisions of this amendment to the ADO shall not be construed as a waiver of or exception to any local, state or federal law or regulation.
7. The impacts of this development, as conditioned by this Sixth Amendment to the ADO, are adequately addressed pursuant to the requirements of Chapter 380, F.S., and the changes as approved by the Town of Lady Lake do not constitute a substantial deviation to the original DRI Development Order or subsequent amendments or create additional local impacts.
8. To the extent that the application for development approval (ADA) or NOPC, or any other document is inconsistent with the terms and conditions of this amendment to the ADO, this amendment to the ADO shall prevail.

SECTION 3. General Conditions. The Town of Lady Lake, having made the aforementioned Findings of Fact and Conclusions of Law, hereby approves the proposed changes contained in the NOPC and subsequent addendum submittals and incorporated by reference herein, subject to the following modifications and conditions of development set forth in this amendment to the ADO:

1. Revisions to Development Order

Revised Master Development Plan. A revised Master Development Plan, Map H, H-1 and H-2 (revised October, 2004) including a Land Use Allocation Table and Phasing Chart is hereby adopted for the Tri-County Villages DRI and a copy is attached and incorporated herein as EXHIBIT 1. Specifically, the revised Master Development Plan, Land Use Allocation Table and Phasing Chart converts 1.4 acres of Town Center Commercial land and 29,000 square feet of Town Center Floor Area to hotel use within the Town Center.

2. Final Order. That this amendment to the ADO shall constitute the final order of the Town of Lady Lake in response to the DRI NOPC filed by the Developer.

3. Definitions. That the definitions found in Chapter 380, F.S. (2003) shall apply to this amendment to the ADO.

4. Assignability; Persons Bound. That this amendment to the ADO shall be binding upon the Developer and its heirs, assignees, or successors in interest.

5. Severability. That in the event any portion or section of this amendment to the ADO is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this amendment to the ADO, which shall remain in full force and effect.

6. Recordation of Notice of Adoption. That within sixty (60) days of the issuance of this amendment to the ADO, The Villages of Lake-Sumter, Inc. shall cause a Notice of Adoption of this amendment to be recorded among the Public Records of Lake County in accordance with Section 380.06 (15), F.S., and shall provide a copy of the recorded Notice to the Town of Lady Lake, Sumter County, the ECFRPC, the WRPC and the DCA.

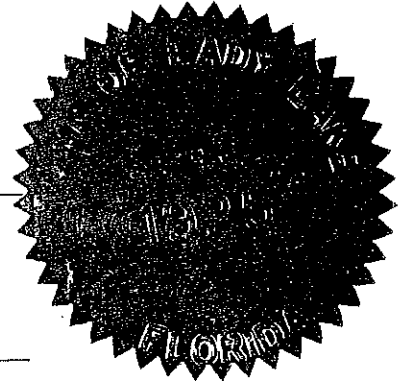
7. Restriction on Downzoning, Density Reduction or Intensity Reduction. That the Town of Lady Lake agrees that the approved DRI shall not be subject to down zoning, density reduction, or intensity reduction after the effective date of this amendment to the ADO, unless the Town of Lady Lake can demonstrate that substantial changes in the conditions underlying the approval of the amendment to the ADO have occurred, or that the amendment to the ADO was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by the Town of Lady Lake to be essential to the public health, safety or welfare.
8. Expiration. That this amendment to the ADO will expire on January 1, 2020, unless extended by the Town of Lady Lake upon a showing by the Developer that the completed and remaining portions of the development comply with the conditions of this ADO and the provisions of Section 380.06, F.S.
9. Impact Fees. That approval of this amendment to the ADO shall not exempt any portion or unit of the Tri-County Villages of Lake development from any future impact fees imposed by the Town of Lady Lake. Developer credit for applicable improvements paid for by it pursuant to the requirements of this amendment to the ADO shall be given as provided for by Section 380.06(16), F.S.
10. Effective Date. That upon adoption, this Amendment to the ADO shall be transmitted to the ECFRPC, the FDCA and the Developer and shall become effective upon rendering of this Development Order by the Town of Lady Lake.
11. Transmittal of Amendment. That certified copies of this amendment to the ADO shall be transmitted immediately by certified mail to ECFRPC, DCA and the Developer, by the Town of Lady Lake.

PASSED AND ORDAINED, by the Town Commission for the Town of Lady Lake, Florida this

17th day of March 2005.

TOWN OF LADY LAKE, FLORIDA


Max Pullen, Mayor




PASSED on First Reading (TOWN COMMISSION) 3-3-05

PASSED on Second Reading (TOWN COMMISSION) 3-17-05

Approved as to form:


By: TOWN CLERK


LESLIE CAMPIONE
Town Attorney

ATTACHMENTS

EXHIBIT 1 Master Development Plan, Map H and H-1, Land Use Allocation Table and Phasing Chart and Map H-2 Enlargement of Amendment Area (Revised December 2004)

EXHIBIT 1

MASTER DEVELOPMENT PLAN,
MAPS H, H-1 AND H-2
(REVISED DECEMBER 2004)

ORDINANCE NO. 2004 - 21

AN ORDINANCE OF THE COMMISSION OF THE TOWN OF LADY LAKE, LAKE COUNTY, FLORIDA: EXPANDING THE BOUNDARIES OF THE VILLAGE CENTER COMMUNITY DEVELOPMENT DISTRICT, BY 32.42 ACRES, PURSUANT TO SECTION 190.046 FLORIDA STATUTES, PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Lady Lake established by Ordinance the Village Center Community District (the "District"); pursuant to Chapter 190, Florida Statutes, and

WHEREAS, the District has petitioned as stated in Exhibit "C" to expand the boundaries of the District by 32.42 acres pursuant to Section 190.046 Florida Statutes, and

WHEREAS, the Town of Lady Lake has considered the record of the public hearing and the factors set forth in Section 190.005(1)(e) Florida Statutes, and

BE IT ORDAINED and enacted by the Town Commission of Lady Lake, Lake County, Florida:

SECTION 1. Recitals. The recitals set forth above are true and accurate, and are hereby incorporated herein.

SECTION 2. Expanded Area. Pursuant to Section 190.046 Florida Statutes, approximately 32.42 acres of land as more particularly described in Exhibit "A" are hereby added and included within the boundaries of the

SECTION 3. District Boundaries. District boundaries are expanded by 32.42 acres as more accurately described in Exhibit "A".

SECTION 4. Severability. Should any provision of this Ordinance be declared by any court to be invalid, such decision shall not affect the validity of the other provisions thereof, other than the part so declared to be unconstitutional.

SECTION 5. Effective Date. This Ordinance shall take effect upon its adoption.

PASSED, ORDAINED, AND ENACTED by the Town Commission of the Town of Lady Lake

ATTEST:

Sue Gay
SUE GAY, Town Clerk

TOWN OF LADY LAKE

Henryka Presinzano
HENRYKA PRESINZANO, Mayor

APPROVED as to Form and Legality:

Leslie Campione
LESLIE CAMPIONE, Town Attorney

