

LAKE COUNTY PLANNING AND ZONING DIVISION
VARIANCE STAFF REPORT



Board of Adjustment

LAKE COUNTY
FLORIDA

March 9, 2017

VAR-17-07-1 Chick-fil-A, Inc.	Commission District 1 Sullivan	Agenda Item #7
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Requested Action: A variance from Lake County Land Development Regulations Section 9.03.06, *Parking Requirements*, to allow a Chick-fil-A restaurant to provide forty-seven (47) parking spaces in lieu of the required sixty one (61) parking spaces.

Owner(s): John H. McClesky, Chick-fil-A, Inc.

Applicant(s): Kristen Ferretti, Corporate Property Services

- Site Location & Information -

Size	1.38 +/- acres
Property Address	644 US Highway 27, Cagan Crossings
Location	Generally located north of Cagan Crossings Boulevard and adjacent to US Highway 27 on the west and adjacent to Cagan View Road on the east in the Four Corners area.
Alternate Key No.	3864027
Future Land Use	Cagan Crossings
Zoning District	Planned Unit Development (PUD)
Overlay Districts	NA
Joint Planning Area/ISBA Area	NA

- Land Use Table -

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Cagan Crossings	Planned Unit Development (PUD)	Commercial	Adjacent to road.
South	Cagan Crossings	Planned Unit Development (PUD)	Commercial	Adjacent to shared access road
East	Cagan Crossings	Planned Unit Development (PUD)	Commercial	Adjacent to Cagan View Road
West	Cagan Crossings	Planned Unit Development (PUD)	Commercial	Adjacent to US Highway 27

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of a variance from Lake County Land Development Regulations (LDR) Section 9.03.06 to allow a Chick-fil-A restaurant to provide forty-seven (47) parking spaces in lieu of the required sixty-one (61) parking spaces.

- Staff Analysis -

The subject property is 1.38+/- acres in size and is generally located north of Cagan Crossings Boulevard and adjacent to US Highway 27 on the west and adjacent to Cagan View Road on the east in the Four Corners area. The property is zoned Planned Unit Development (PUD) by Ordinance #2003-94 and is located within the Cagan Crossings Future Land Use Category. The property lies within the US 27 CR 474 to Polk County Line Major Commercial Corridor. Lake County Geographic Information Services (GIS) wetland map does not indicate the presence of wetlands on the property. According to the 2012 Federal Emergency Management Agency (FEMA) maps, no portion of the lot lies within the 100-year flood zone. The property is currently vacant.

A Major Site Plan Application (Project #2016100003/AR #3032) is under review for the construction of a Chick-fil-A fast food restaurant on the subject property. The Major Site Plan Application for the Chick-fil-A fast food restaurant is consistent with LDR Section 14.09.00, *Site Plans*, but is not consistent with LDR Section 9.03.06, *Parking Requirements*.

The Site Plan currently proposes forty-seven (47) parking spaces for the Chick-fil-A fast food restaurant. LDR Section 9.03.06, *Parking Requirements*, states that fast food restaurants and general restaurants with a customer service or dining area must provide one (1) space per seventy-five (75) square feet of gross leasable area. The formula requires the Applicant to provide sixty-one (61) parking spaces to accommodate a 4,163 square foot fast food restaurant. During site plan review the Applicant was informed that per LDR Section 9.03.06, *Parking Requirements*, the proposed Chick-fil-A fast food restaurant must provide sixty one (61) parking spaces. The Applicant is requesting a variance to LDR Section 9.03.06 in order to allow the proposed Chick-fil-A restaurant to provide forty-seven (47) parking spaces in lieu of the required sixty-one (61) parking spaces.

The LDRs do not differentiate between the parking demands for general restaurants and fast food restaurants. General Restaurants, as defined in LDR Section 3.01.02.C.16, consists of sit-down restaurants and cafeterias where the patron consumes the food on premises. Fast Food Restaurants, defined by LDR Section 3.01.02.C.15, is an establishment where the principal business is the sale of food and non-alcoholic beverages to the consumer in a ready-to-consume state and where the design or principal method of operation is that of a fast-food or drive-in restaurant offering quick food service, where orders are generally not taken at the customer's table, where food is generally served in disposable wrapping or containers, and where food and beverages may be served directly to the consumer in a motor vehicle. The different business operations for these uses has a direct relationship to the parking requirements. Fast food restaurants may require less parking spaces due to patrons using the drive-thru rather than parking and eating inside the restaurant.

The applicant indicated in the application that most of Chick-fil-A's customers utilize the drive through and the proposed Fast Food Restaurant contains two (2) separate kitchens, one for walk-in customers and one for drive-thru customers, to address the market demand for the drive-thru (Attachment A). The Site Plan depicts two (2) drive-thru lanes, each with its own ordering board, to facilitate use of the drive-thru (Attachment B). The applicant indicated that during peak hours, "employees will be taking orders (in addition to ordering at the two menu boards) and receiving payments in the drive-thru, so that the orders are in the kitchen quicker and the only transaction at the pick-up window will be picking up the order (Attachment A)." The applicant indicated that this transaction method, coupled with an efficiently designed site layout, move the customer in and out as quickly as possible and do not cause any traffic back up or overflow.

The applicant has provided a parking justification statement (Attachment B) based on the "Institute of Transportation Engineers Parking Generation" (ITE) Manual. The ITE manual provides nationwide parking study data to evaluate the parking demands for specific uses. Land Use Section 934 of the ITE manual addresses fast food restaurants with drive through pickup windows and states that the average peak period demand parking ratio is 9.98 vehicles per 1,000 square feet of gross floor area. Since Chick-fil-A is proposed a 4,613 square foot store, the ITE manual concludes that 46.06 parking spaces are required to meet peak period parking demand ($4,613 \text{ square feet} / 1,000 \text{ square feet} \times 9.98 = 46.04$). The site plan is proposed to provide 47 parking spaces to accommodate the peak period parking demand.

The **intent of the Code**, LDR Section 9.03.06, Parking Requirements, is to ensure that all buildings and uses shall provide adequate off-street parking facilities for use by the owner, occupants, employees, visitors, customers and patrons, in conformance with the requirements of this Section, in order to lessen congestion in the streets.

To ensure the proposed Chick-fil-A will provide adequate off-street parking facilities, consistent with the intent of the code, the applicant has provided a site plan illustrating how the off-street parking will be provided on the site (Attachment C). The site plan illustrates that in addition to providing 47 off-street parking spaces, the double drive through lanes accommodate 22 idling vehicles. This makes the total number of off-street parking facilities 69, which accommodates 13% more vehicles than the number of parking spaces required by LDR Section 9.03.06. Providing two (2) drive through lanes which can accommodate an additional 22 vehicles is consistent with the intent of the code.

The applicant submitted the following reasons as proof of **meeting the intent of the Code**:

"The purpose of the LDR is to provide adequate parking for the proposed restaurant's staff and customers. Most of Chick-fil-A's customers use the drive-thru and, therefore, the code required number of parking spaces exceeds what is needed to adequately serve the Chick-fil-A customers."

The Applicant has submitted additional details about the business operations (Attachment A) and a parking Justification Statement (Attachment B) which states that based on the ITE manual, fast food restaurants with drive through pickup windows only require 46 parking spaces to meet the peak period parking demand. The applicant has proposed to provide 47 parking spaces. The Applicant has also submitted a Site Plan Illustrating Off-Street Parking Capacity (Attachment C) which shows that a total of 69 vehicles can be accommodated on site between the drive-thru and the provided parking spaces. The 69 vehicles which can be accommodated exceeds the required 61 parking spaces.

The applicant submitted the following as proof that the application of the Land Development Regulations would create a **substantial hardship or would violate principles of fairness**:

“LDR Section 9.03.06 states that the formula for calculating the required number of parking spaces for a restaurant is one space per 75 SF of gross leasable area. However, this formula is for both sit-down and fast food restaurants. Typically, a fast food restaurants require less parking spaces than a sit-down restaurant. Since this specific code requirement does not differentiate between the two uses, it causes a substantial hardship for the proposed Chick-fil-A.”

FINDINGS OF FACT: Staff has reviewed the application for this variance request and found:

1. This request is consistent with the standards found in 14.09.00, *Site Plans*; and
2. The LDRs do not take into consideration the different parking needs for Fast Food Restaurants and General Restaurants; and
3. The Parking Justification Statement explains that the 4,613 square foot Chick-fil-A restaurant needs 46 parking spaces to meet peak hour demand and the site plan proposes 47 parking spaces; and
4. Attachment C illustrates that a total of 69 vehicles can be accommodated on the site. The drive-thru can accommodate 22 vehicles and the proposed parking spaces can accommodate 47 vehicles. The maximum number of vehicles that can be accommodated on site, vehicles in the drive-thru and the reduced number of parking spaces, exceeds the number of parking spaces required by the LDRs.

The owner and applicant have submitted proof of meeting the intent of the Code and have shown proof of a substantial hardship or that the application of the Code would violate principles of fairness. Based on the Findings of Fact and Analysis stated above, Staff recommends **Approval** of the variance to Land Development Regulation (LDR) Section 9.03.06 to allow a Chick-fil-A restaurant to provide forty-seven (47) parking spaces in lieu of the required sixty one (61) parking spaces.

WRITTEN COMMENTS FILED:

Support: -0-

Questions: -0-

Opposition: -0-

Case Manager: Christine R. Rock, Planner

Attachment A – Justification Statement from Applicant (1 Page)

From: Kristen Ferretti
To: [Rice, Christine](#)
Cc: [Janiszewski, Michele](#)
Subject: RE: Chick-fil-A Variance - VAR-17-07-1
Date: Thursday, January 26, 2017 9:59:24 AM
Attachments: [image001.png](#)

Good morning Christine,

Hope all is well.

Unfortunately, there is no shared parking within this development.

Chick-fil-A has the fastest drive-thru service times in the nation. They have 2 separate kitchen areas ... one that prepares orders to serve their walk-in customers and the other one prepares orders specifically to serve their drive-thru customers. CFA has also implemented call ahead ordering for curbside pick-up to serve its customers even faster. Also, during peak hours, a CFA employee or employees will be taking orders (in addition to ordering at the two menu boards) and receiving payments in the drive-thru, so that the orders are in the kitchen quicker and the only transaction at the pick-up window will be picking up the order. The proposed site layout has been designed to effectively move the CFA customer in and out as quickly as possible and not cause any traffic back up or overflow. This process has been very successful for CFA across the country.

My engineer is preparing a Parking Justification Statement using the ITE Parking Generation manual. According to a quick calculation he did this morning based on the ITE Parking Generation requirements, this site is required to provide 46 parking spaces and we are providing 47. I will forward the Parking Justification Statement from my engineer to you upon receipt.

Thank you,
Kristen

Kristen Ferretti | Planning Manager



CORPORATE PROPERTY SERVICES

1239 E. Newport Center Drive, Suite 113 Deerfield Beach, FL 33442

Office: (954) 426-5144 | Facsimile: (954) 570-3391 | Cell: (954) 294-3232

Email: kristen@corporatepropertyservices.net

Attachment B – Parking Reduction Justification Statement (3 Pages)



Parking Justification Statement
Lake County Chick-fil-A

Parking Reduction Justification Statement

There are site limitations that prohibit the Applicant from providing the necessary parking count required by the Lake County Land Development Code. The proposed development will consist of a 4,613 s.f. Chick-fil-A with 47 parking spaces. County code requires 61 parking spaces.

The “Institute of Transportation Engineers Parking Generation” (ITE) Manual provides nationwide parking study data to evaluate the parking demands for specific uses. ITE Land Use section 934 addresses fast food restaurants with drive through pickup windows. Data from 51 parking studies were evaluated to develop the peak hour demand for this use. Please see the attached Section 934 of the ITE Manual for your reference. Based on this data, the 4,613 s.f. Chick-fil-A needs 46 parking spaces to meet peak hour demand. 47 parking spaces have been provided. Below are the peak period parking calculations based on ITE Section 934:

ITE Land Use 934 – Fast-Food Restaurant with Drive-Through Window

- Peak Hour: 12:00 – 3:00 p.m and 6:00 – 7:00 p.m. – Weekdays
- Average Peak Period Parking Demand Ratio: 9.98 vehicles per 1,000 s.f. GFA
- Chick-fil-A Peak Period Parking Demand = 4,613 s.f./1,000 s.f. x 9.98 = 46.04 parking spaces

If you have any questions or would like additional information, please give me a call at (954) 712-4782.

Sincerely,

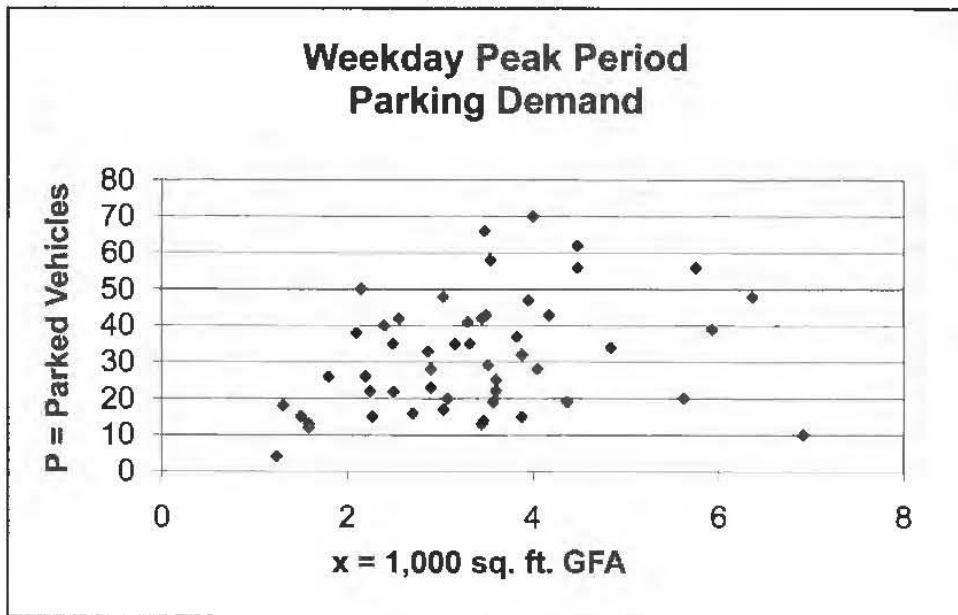
Bill Pfeffer, PE | VP/Branch Manager
Bowman Consulting

401 E. Las Olas Blvd. Suite 1400, Ft. Lauderdale, FL 33301
Office: 954-712-7482 | mobile: 772.341.6223
bpfeffer@bowmanconsulting.com | bowmanconsulting.com

Land Use: 934 Fast-Food Restaurant with Drive-Through Window

Average Peak Period Parking Demand vs. 1,000 sq. ft. GFA On a Weekday

Statistic	Peak Period Demand
Peak Period	12:00–3:00 p.m.; 6:00–7:00 p.m.
Number of Study Sites	51
Average Size of Study Sites	3,400 sq. ft. GFA
Average Peak Period Parking Demand	9.98 vehicles per 1,000 sq. ft. GFA
Standard Deviation	4.70
Coefficient of Variation	47%
95% Confidence Interval	8.69–11.27 vehicles per 1,000 sq. ft. GFA
Range	1.45–23.26 vehicles per 1,000 sq. ft. GFA
85th Percentile	15.13 vehicles per 1,000 sq. ft. GFA
33rd Percentile	7.28 vehicles per 1,000 sq. ft. GFA

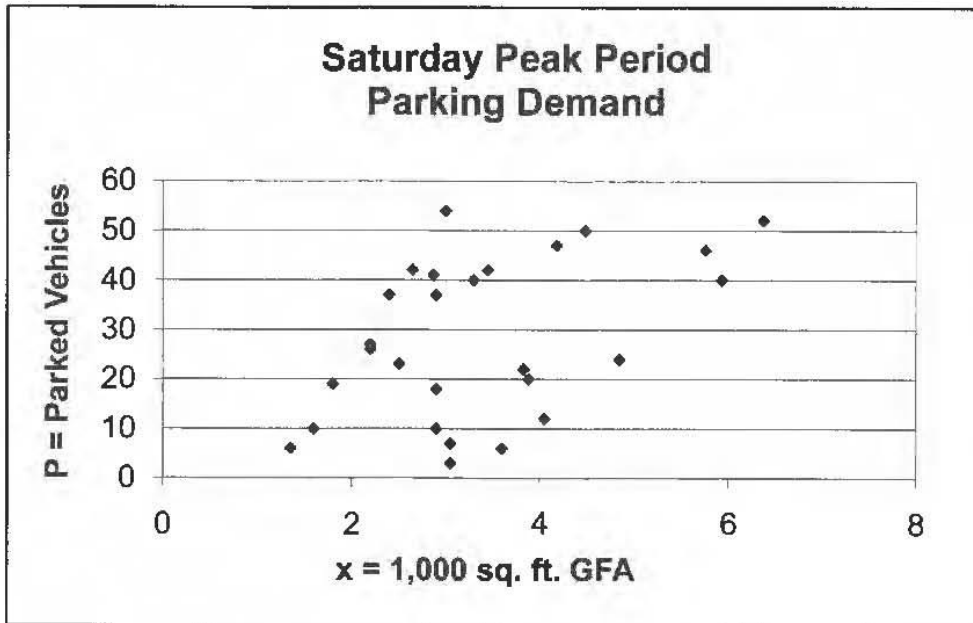


◆ Actual Data Points

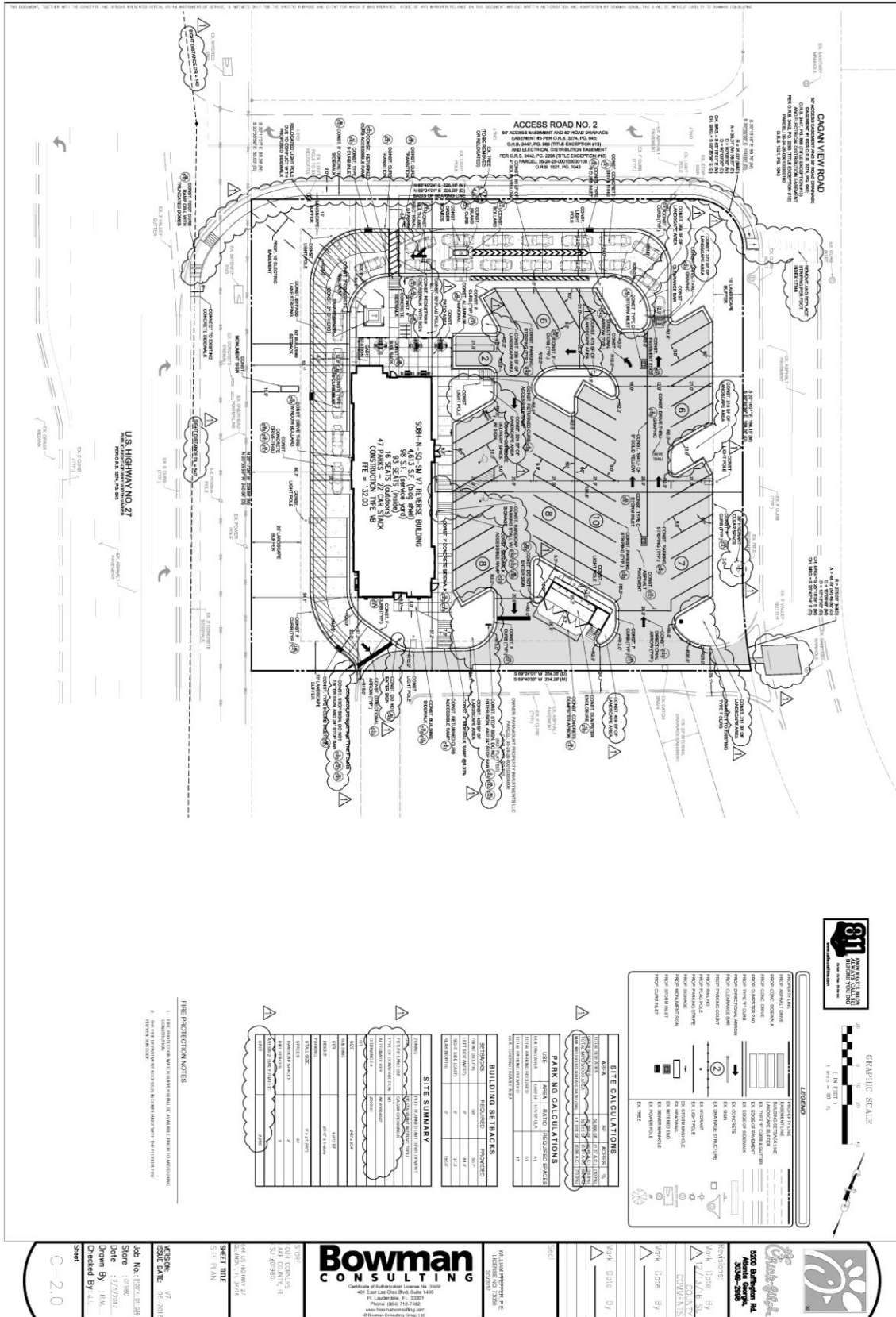
Land Use: 934 Fast-Food Restaurant with Drive-Through Window

Average Peak Period Parking Demand vs. 1,000 sq. ft. GFA On a: Saturday

Statistic	Peak Period Demand
Peak Period	12:00–2:00 p.m.
Number of Study Sites	27
Average Size of Study Sites	3,400 sq. ft. GFA
Average Peak Period Parking Demand	8.70 vehicles per 1,000 sq. ft. GFA
Standard Deviation	4.70
Coefficient of Variation	54%
95% Confidence Interval	6.89–10.43 vehicles per 1,000 sq. ft. GFA
Range	0.98–18.00 vehicles per 1,000 sq. ft. GFA
85th Percentile	12.90 vehicles per 1,000 sq. ft. GFA
33rd Percentile	6.01 vehicles per 1,000 sq. ft. GFA



Attachment C – Site Plan Illustrating Off-Street Parking Capacity (2 Pages)



811
CALL BEFORE YOU DIG
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www.811.com

U.S. HIGHWAY NO. 27
CHICK-FIL-A, INC.
18 SEASONS (SOLDIER) CONSTRUCTION THE 18
1835 S. W. REVERSE BUILDING
478 W. 1835 S. W. REVERSE BUILDING
478 W. 1835 S. W. REVERSE BUILDING

DATE: 07/11/2017
BY: [Signature]

SCALE: 1/4" = 1' 0"

SITE CALCULATIONS

ITEM	UNIT	AREA	PERCENTAGE
TOTAL SITE AREA	SF	30,000	100%
BUILDING FOOTPRINT	SF	4,500	15%
DRIVEWAY	SF	2,000	7%
LANDSCAPE	SF	1,500	5%
UTILITIES	SF	1,000	3%
OTHER	SF	1,000	3%
AVAILABLE FOR PARKING	SF	20,000	67%

PARKING CALCULATIONS

TYPE	SIZE	COUNT	TOTAL AREA	CAPACITY
STANDARD	8' x 20'	100	16,000 SF	100
COMPACT	5' x 10'	50	2,500 SF	50
TOTAL		150	18,500 SF	150

BUILDING SIZES

TYPE	SIZE	COUNT	TOTAL AREA
STANDARD	40' x 50'	1	2,000 SF
COMPACT	30' x 40'	1	1,200 SF
TOTAL		2	3,200 SF

SITE SUMMARY

ITEM	VALUE
TOTAL SITE AREA	30,000 SF
BUILDING FOOTPRINT	3,200 SF
DRIVEWAY	2,000 SF
LANDSCAPE	1,500 SF
UTILITIES	1,000 SF
OTHER	1,000 SF
AVAILABLE FOR PARKING	20,000 SF

THE PROTECTION NOTES

- THE PROTECTION SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
- IF THE PROTECTION IS DAMAGED OR REMOVED, THE CONTRACTOR SHALL REPAIR OR REPLACE IT AT HIS OWN COST.
- THE PROTECTION SHALL BE MAINTAINED AT ALL TIMES.

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CALL BEFORE YOU DIG
TOLL FREE 1-800-487-4811
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U.S. HIGHWAY NO. 27
CHICK-FIL-A, INC.
18 SEASONS (SOLDIER) CONSTRUCTION THE 18
1835 S. W. REVERSE BUILDING
478 W. 1835 S. W. REVERSE BUILDING
478 W. 1835 S. W. REVERSE BUILDING

DATE: 07/11/2017
BY: [Signature]

SCALE: 1/4" = 1' 0"

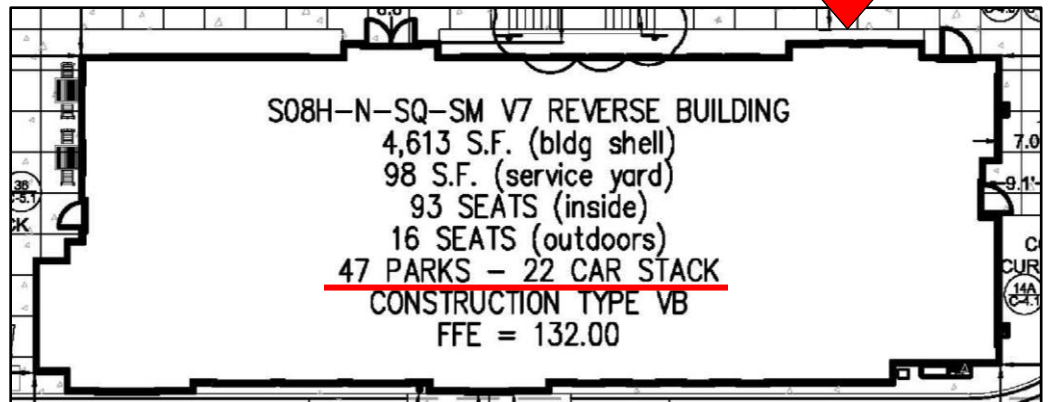
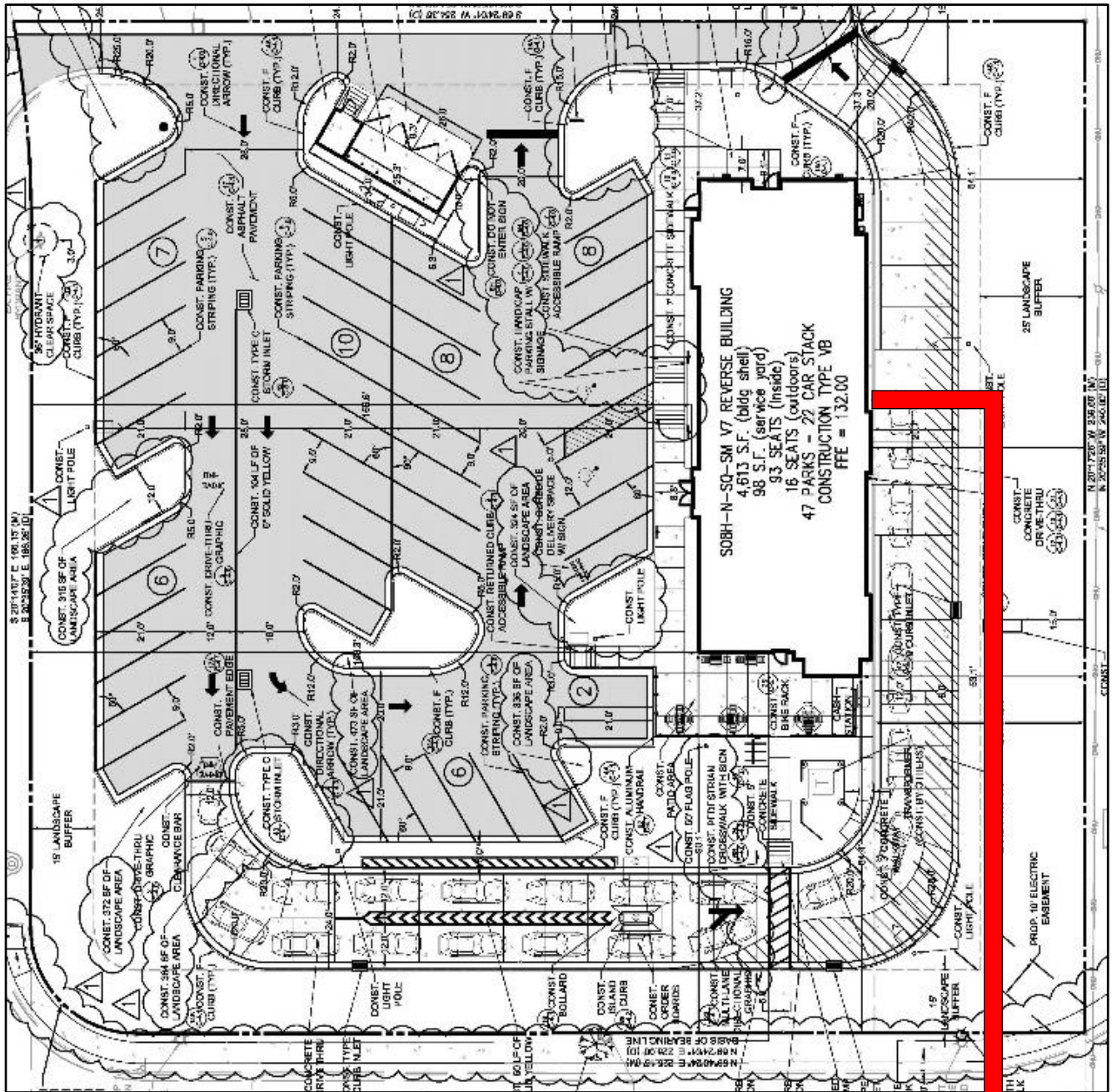
Job No.: 02-02-001
Date: 07/11/2017
Drawn By: JAK
Checked By: [Signature]

Bowman CONSULTING
Consulting and Professional Services
4000 Peachtree Dunwoody Road, Suite 100
Atlanta, Georgia 30341
Phone: 404.278.1100
Fax: 404.278.1101
www.bowmanconsulting.com

VP: [Signature]
SVP: [Signature]
SVP: [Signature]
SVP: [Signature]
SVP: [Signature]
SVP: [Signature]

Chick-fil-A
3000 Peachtree Dunwoody Rd, Suite 100
Atlanta, Georgia 30341
www.chick-fil-a.com

VP: [Signature]
SVP: [Signature]
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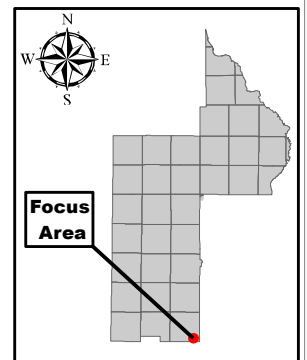




FUTURE LAND USE LEGEND

- | | | | |
|--------------------------------|--|---------------------|----------------------|
| Bella Collina | Heavy Industrial | Recreation | Urban High Density |
| Cagan Crossings | Mt Plymouth-Sorrento Main Street District | Regional Commercial | Urban Low Density |
| Conservation | Mt Plymouth-Sorrento Neighborhood | Rural | Urban Medium Density |
| Green Swamp Core Conservation | Mt Plymouth-Sorrento Receiving Area | Rural Transition | |
| Green Swamp Ridge | Regional Office | Sending Area A-1-20 | |
| Green Swamp Rural | Public Service Facility and Infrastructure | Sending Area A-1-40 | |
| Green Swamp Rural Conservation | Receiving Area A-1-20 | Summer Bay | |

NAME: CHICK-FIL-A
CASE NUMBER: VAR-17-07-1
LOCATION (S-T-R): 35-24-26
REQUEST: PARKING SPACE ADJUSTMENT

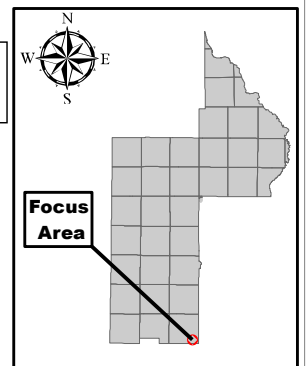




ZONING LEGEND

A	RA	R-2	R-4	R-7	RMRP	RV	C-2	LM	MP	PUD
AR	R-1	R-3	R-6	RP	RM	C-1	CP	HM	CFD	

NAME: CHICK-FIL-A
CASE NUMBER: VAR-17-07-1
LOCATION (S-T-R): 35-24-26
REQUEST: PARKING SPACE ADJUSTMENT



Final Development Order
Chick-fil-A, Inc.
VAR-17-07-1

A VARIANCE OF THE LAKE COUNTY BOARD OF ADJUSTMENT AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Kristen Ferretti (the "Applicant") and John H. McClesky, the registered agent for Chick-fil-A, Inc. ("the Owner") requested a variance from Land Development Regulations (LDR) Section 9.03.06, *Parking Requirements*, to allow a Chick-fil-A restaurant to provide forty-seven (47) parking spaces in lieu of the required sixty-one (61) parking spaces; and

WHEREAS, the subject property consists of 1.38 +/- acres and is generally located north of Cagan Crossings Boulevard and adjacent to US Highway 27 on the west and adjacent to Cagan View Road on the east in the Four Corners area, and having Alternate Key Numbers 3864027; and more particularly described as:

THAT PART OF SECTION 35, TOWNSHIP 24 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST COMER OF THE NORTHEAST ¼ OF SECTION 35, TOWNSHIP 24 SOUTH, RANGE 26 EAST, AND RUN N89° 42' 18" E ALONG THE NORTH LINE OF SAID NORTHEAST ¼ FOR A DISTANCE OF 616.52 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 27; THENCE S20° 35' 59" E ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 1642.46 FEET; THENCE N69° 24' 01" E, 212.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY NO. 27; THEN RUN S20° 35' 59" E ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE RUN N69° 24' 01" E FOR A DISTANCE OF 225.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 25.00 FEET AND A CHORD BEARING OF S65° 35' 59" E THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90° 00' 00" FOR AN ARC DISTANCE OF 39.27 FEET TO THE POINT OF TANGENCY; THENCE RUN S20° 35' 59" E FOR A DISTANCE OF 166.26 FEET, TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 275.00 FEET AND A CHORD BEARING OF S25° 42' 14" E; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH CENTRAL ANGLE OF 10° 12' 30" FOR AN ARC DISTANCE OF 49.00 FEET TO THE POINT OF NON TANGENCY; THEN RUN S69° 24' 01" W FOR A DISTANCE OF 254.35 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY 27; THENCE RUN N20° 35' 59" W ALONG SAID EASTERLY RIGHT-OF WAY FOR A DISTANCE OF 240.00 FEET TO THE POINT OF BEGINNING.

WHEREAS, after giving Notice of Hearing on petition for a variance to the Lake County Land Development Regulations, including notice that said variance would be presented to the Board of Adjustment of Lake County, Florida, on March 9, 2017; and

WHEREAS, the Board of Adjustment reviewed said petition, staff report and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised; and

WHEREAS, on March 9, 2017, the Lake County Board of Adjustment approved the variance for the above property; and

NOW THEREFORE, BE IT ORDAINED by the Board of Adjustment of Lake County, Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they pertain to the above subject property, subject to the following terms:

Section 1. Terms: The County Manager or designee shall amend the Official Zoning Map to reflect the approval of VAR-17-07-1 from Land Development Regulations Section 9.03.06, *Parking Requirements*, to allow a Chick-fil-A fast food restaurant to provide forty-seven (47) parking spaces in lieu of the required sixty-one (61) parking spaces.

Section 2. Severability: If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 3. Effective Date. This Ordinance shall become effective as provided by law.

ENACTED March 9, 2017.

EFFECTIVE March 9, 2017.

BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA

Chairman

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, who is personally known to me or who has produced _____, as identification and who did _____ or did not _____ take an oath.

(SEAL)

Signature of Acknowledger