

# LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS PETITION TO REZONE PROPERTY

**LAKE COUNTY ZONING BOARD**  
October 29, 2014(Continued)  
November 26, 2014 Continued  
January 7, 2015



**BOARD OF COUNTY COMMISSIONERS**  
November 18, 2014  
December 16, 2014  
January 27, 2015

<b>Case Number: PH #17-14-2</b> Johns Lake Landing PUD Amendment	<b>Case Manager:</b> Rick Hartenstein, AICP, Senior Planner	<b>Agenda Item # 5</b>
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**Owner:** CRA-MAR Groves—Mark W. Griffith, John’s Lake LLC-Jim Fant, Crystal D. Guesman, David E. Warren, Jr., Margaret Ann Warren, Rhonda McKinley, Weekly Homes, LLC, and Clermont SLP, LLC (the “Owners”)

**Applicant:** Christopher Wrenn, KB Homes Central Florida (the “Applicant”)

**Requested Action:** Amend Planned Unit Development (PUD) Ordinance #2014-9 by decreasing the commercial acreage and increasing the number of residential units.

### - Site Location & Information –

Approximate site location outlined in red



<b>Size</b>	309.88 +/- acres	
<b>Location</b>	Clermont area –SR 50, on Hartle Rd	
<b>Alternate Key</b>	Multiple	
<b>Future Land Use</b>	Urban Low Density (4 du/net acre)	
	<b>Existing</b>	<b>Proposed</b>
<b>Zoning District</b>	Planned Unit Development (PUD)	Planned Unit Development (PUD)
<b>Density</b>	3.5 DU/Acre (788 DU)	3.7 DU/Net Acre (832 DU)
<b>Floor Area Ratio (FAR)</b>	(425,000 SF) Max. 0.25	(274,000 SF) Max. 0.25
<b>Impervious Surface Ratio (ISR)</b>	0.60 maximum	0.60 maximum
<b>Joint Planning Area</b>	Clermont	
<b>Utility Area:</b>	Clermont	
<b>Site Utilities</b>	Central Water & Sewer	
<b>Road Classification</b>	SR 50 - Rural Minor Arterial & Hartle Road – Urban Collector	
<b>Flood Zone/ FIRM Panel</b>	X – outside 500-Year Panel - 12069C0570D AE – 100-year (100’ BFE)	
<b>Commissioner District</b>	2 – Parks	

**Site Visit:** October 20, 2014

**Signs Posted:** October 20, 2014 (5)

Table 1: Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Regional Commercial	PUD	Commercial & Clay Mine	Plaza Collina DRI (north of SR 50) and CUP#174C-3 (north of SR 50)
South	Urban Low Density/Rural Transition	PUD & A	Wetlands/Johns' Lake & Residential	Magnolia Bay subdivision and Magnolia Island subdivision
East	Regional Commercial/Urban Low Density	PUD, R-2, & A	Commercial & Residential	Magnolia Retail & Office Park and Magnolia Pointe PUD
West	Urban Low Density	PUD & A	Residential & Vacant Land	Hartle Grove PUD (mixed use development)

**STAFF RECOMMENDATION:** Staff recommends **APPROVAL** of the proposed PUD Ordinance amendment, with conditions, as set forth in the attached Ordinance.

**PLANNING & ZONING BOARD (PZB) RECOMMENDATION:**

**- Summary of Staff Determination -**

The Applicant is requesting an amendment to the John's Lake Landing PUD Ordinance #2014-9 to decrease the commercial acreage from 44.54 acres to 29 +/- acres, reduce the allotted commercial square footage from 425,000 to 274,000 square feet and increase the number of dwelling units from 788 to 832 (3.7 Dwelling Units (DU) / Net Acre) within the Planned Unit Development (PUD). There is a proposal to delete a previous ordinance condition for Tract P regarding residential lot size and setbacks since this has been developed under site plan as an Adult Living Facility (ALF). Additionally, the Recreation Vehicle/Boat Storage for Tracts I, J, & K are changing to a mix of commercial and residential.

The property is located within a Major Commercial Corridor Overlay District along State Road 50 as depicted on the Future Land Use Map (FLUM) for Lake County and is located within the Urban Low Density FLUC as shown on Staff Exhibit 1 (Zoning/FLU Map) and is governed by the Urban Low FLUC policies related to commercial development and residential density.

Access to the project will be from State Road 50 and Magnolia Pointe Blvd. as depicted in Exhibit "B" – Conceptual Plan and Exhibit "C" – Conceptual Detail. The proposed access points are subject to the Florida Department of Transportation (FDOT) and/or Lake County access management criteria. This will be discussed in detail during the review and permitting stage of the development process. Based on the analysis and findings of fact, staff recommends approval subject to the conditions established in the associated Ordinance.

**- STANDARDS OF REVIEW & ANALYSIS -**  
(Land Development Regulation, Section 14.03.03)

**A. Whether the proposed rezoning is in conflict with any applicable provisions of these Regulations;**

The PUD was previously approved consistent with *Comprehensive Plan Policy I-1.3.2, Urban Low Density Future Land Use Category*, which allows a maximum density of 4 DUs to the net acre and LDR Table 3.00.03, Land Use-Zoning District Matrix, which permits PUD zoning within the Urban Expansion (name changed by the 2030 Comprehensive Plan) to Urban Low Density FLUC. This

amendment proposes 832 dwelling units (du) at a density of 3.7 du's to the net acre, consistent with the maximum density requirements of the Urban Low Density Future Land Use.

**B. Whether the proposed rezoning is consistent with all elements of the Lake County Comprehensive Plan;**

The PUD was previously approved consistent with the Comprehensive Plan and Land Development Regulations. The proposed increase in density from 788 to 832 dwelling units (3.7 du / per net acre) is consistent with Policy I-1.3.2, *Urban Low Density FLUC*. The reduction in the commercial acreage together with the commercial square footage is consistent with the 0.25 maximum intensity addressed in Comprehensive Plan Policy I-1.3.2 and Table FLUE 2 – Future Land Use Categories Table.

Comprehensive Plan Policy I-3.10.6 establishes the criteria for commercial corridors. The proposed commercial element of the PUD is located within a designated Major Commercial Corridor consistent with this policy.

**C. Whether and the extent to which the proposed rezoning is inconsistent with existing and proposed land uses;**

There is a mix of agriculture, PUD, commercial, and industrial zoned properties to the north, west, and east of the proposed project property and residential zoning to the south of the proposed development.

To mitigate any potential future conflicts between the existing uses and the proposed residential and commercial uses, screening and buffering will be required as a condition of the proposed ordinance along all boundaries of the PUD. The screening and buffering proposed are landscape buffers in accordance with the landscape requirements contained in the LDR, as amended, to mitigate incompatibilities such as noise. In addition, a wall was required between the proposed commercial development of John's Lake Landing and the residential portion of the Magnolia Pointe development. The wall requirement is a condition carried over from previous PUD approvals and included with the new Ordinance. The buffer will help minimize any impacts the proposed commercial may have on the existing residential development, thus reducing the potential for complaints from residents in the future.

Given the proximity of the rezoning to SR 50 (principal arterial) and existing Regional Commercial land use, the proposed use is consistent with the area's existing land uses.

**D. Whether there have been changed conditions that require a rezoning;**

The Applicant has indicated the changing economy and market demands are the changing factors behind this rezoning request which makes the request desirable rather than required. There is no evidence that any conditions have changed that would require the rezoning.

**E. Whether and the extent to which the proposed rezoning would result in demands on public facilities, and whether or to the extent to which the proposed rezoning would exceed the capacity of such public facilities, including, but not limited to roads, sewage, water supply, drainage, solid waste, parks and recreation, schools and emergency medical facilities;**

**Transportation – Roads**

The standard Level of Service (LOS) for the impacted roadway of SR 50 is "D" with a capacity of 3,200. Currently the SR 50 segment of roadway from CR 455 to the Orange County Line is

operating at ninety seven (97%) percent of the roadway capacity. This project will be generating one thousand and eighty four (1,084) directional pm peak hour trips.

The PUD amendment request dated 10/31/2011, revised the trip generation for the total project density requested. The County updated the capacity reservation based on the total number of units already paid by the Applicant. Per the Lake Sumter Metropolitan Planning Organization (LSMPO) the trips for 488 of the proposed 832 residential units have been reserved in the Transportation Management System (TMS) for the John Lakes Landing PUD. Hence, the Applicant will be required to complete a Tier 3 traffic study prior to site plan and/or preliminary plat approval and make reservation for the remaining 344 residential units.

### **Utilities – Water & Sewer**

The City of Clermont is the service provider for water and sewer. The Utility Service Agreement may require modification. This will be determined during the development review process for upcoming site plan and/or preliminary plat reviews.

### **Stormwater**

The proposed site for the PUD contains Flood Zone A and Flood Zone X. The development will have to adhere to and submit plans consistent with stormwater regulations.

### **Solid Waste**

Service can be provided to the property and impacts for the development will be assessed at construction plan or site plan review, if this rezoning is approved.

### **Parks and Recreation**

The project will be subject to concurrency in accordance with the Comprehensive Plan and LDRs, as amended. Any impacts will be addressed during the development review process if this rezoning amendment is approved.

### **Schools**

The proposed residential element of the PUD will be subject to all applicable objectives, goals, and policies contained in the Public Facilities Element-Public School Facilities of the Comprehensive Plan, as amended, prior to site plan, construction plan, or final plat, as directed by policy and/or regulation.

The Lake County School Board Growth Impact Letter and Report (Staff Exhibit 2) states the rezoning will have an adverse impact on Lake County Public Schools, particularly Grassy Lake Elementary School which is 2% over capacity and Windy Hill Middle School which is 18% over capacity. Currently the East Ridge High School is 9% under capacity.

The final plat for Phase 2 consisting of 94 single-family dwelling units received a school concurrency review and reservation prior to the recording of the final plat on Dec. 19, 2013, as stated in the Lake County School Board Growth Impact Letter and Report (Staff Exhibit 2). Based on this information, the PUD will be required to meet school concurrency for 738 of the 832 DUs proposed for the development as set forth in the school concurrency requirements of the Comprehensive Plan and LDRs, unless the development is otherwise exempt from school concurrency requirements. If this rezoning amendment is approved, the project will be subject to school concurrency in accordance with the Comprehensive Plan and LDRs, as amended. Conditions have been placed in the proposed Ordinance addressing this.

### Fire & Emergency Services

Lake County Station #90 is located approximately 2.5 miles northwest of the property and will be providing fire and emergency services.

**F. Whether and the extent to which the proposed rezoning would result in significant adverse impacts on the natural environment;**

An environmental assessment will be required at the preliminary plat/site plan review stage. All necessary permits from the state & federal governments in regard to any protected species discovered onsite shall be required prior to construction plan approval. This is proposed as conditions in the associated ordinance.

**G. Whether and the extent to which the proposed rezoning would adversely affect the property values in the area;**

The application does not contain any information regarding any effect on property values in the area.

**H. Whether and the extent to which the proposed rezoning would result in an orderly and logical development pattern, specifically identifying any negative effects on such patterns;**

The proposed amendment continues the orderly and logical development pattern for the area.

**I. Whether the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these Regulations; and**

Rezoning the property is in harmony with the general intent of the LDR and Comprehensive Plan because the application meets the location criteria for residential and commercial development. Additionally, there is sufficient infrastructure to support the request.

**J. Any other matters that may be deemed appropriate by the Lake County Zoning Board or the Board of County Commissioners in review and consideration of the proposed rezoning.**

The property is within the Clermont Joint Planning Area (JPA) and will be developed consistent with the development standards specified in the Clermont JPA. The City of Clermont has raised no issues with the approval of the PUD amendment. A revised Utility Service Agreement and plan to support the amended agreement will be required prior to preliminary plat or site plan approval.

**FINDINGS OF FACT:** Staff has reviewed the application for the proposed rezoning and found:

1. The application is consistent with Comp Plan Policy I-1.3.2 regarding density and allowable uses within the Urban Low Density Future Land Use Category.
2. The application is consistent with Policy I-3.10.6 regarding commercial development within a designated Major Commercial Corridor.
3. The application is consistent with Section 4.03.04 (C) (1), LDR regarding the provision for a minimum of 25% open space within residential PUDs.
4. The application is consistent with Section 4.03.05 (A), LDR regarding the provision for a minimum of 20% open space within commercial PUDs.

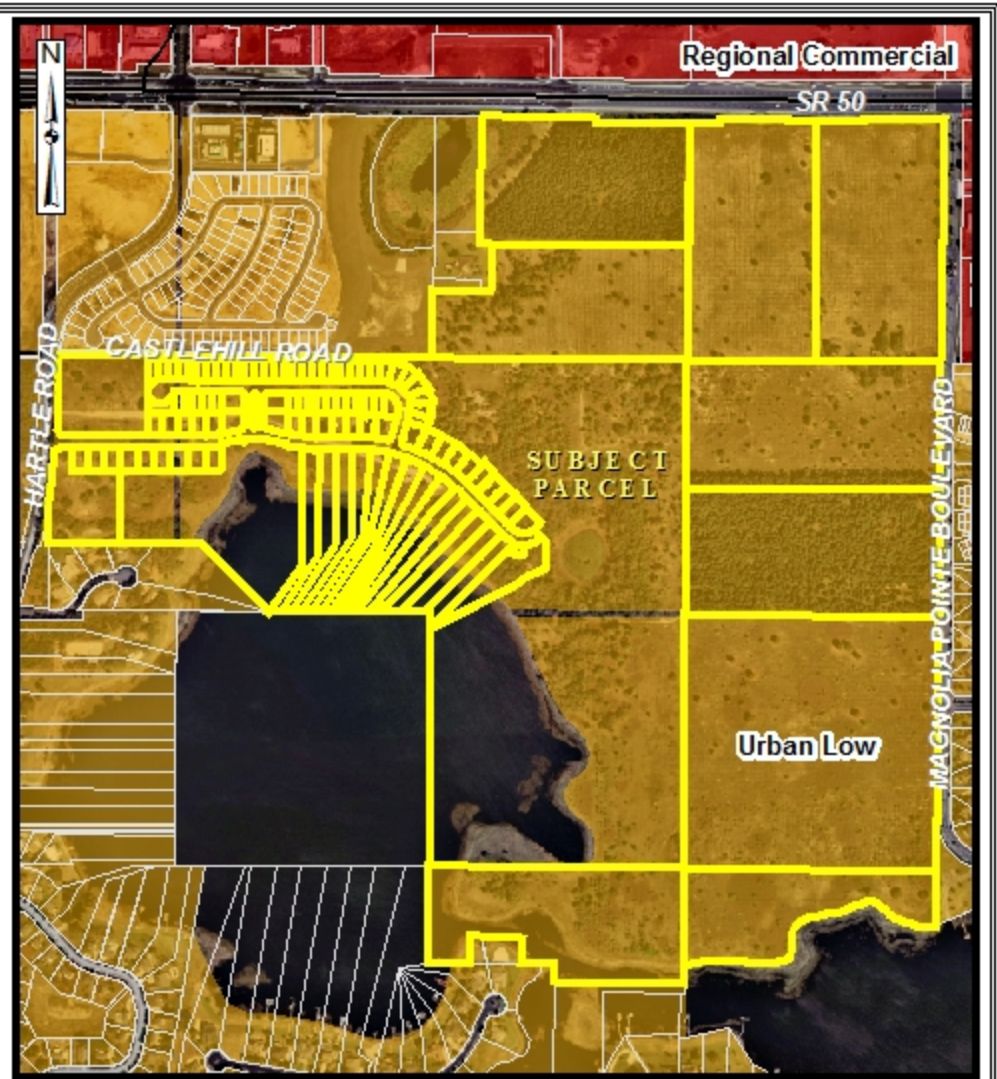
Therefore, based on these Findings of Fact, staff recommends **APPROVAL**, with conditions contained in the proposed Ordinance.

**WRITTEN COMMENTS FILED: Support: -0- Concern: -1 See Attached- Opposition: -0-**





**CURRENT ZONING**  
**PLANNED UNIT DEVELOPMENT (PUD)**



**CURRENT 2030 FUTURE LAND USE**  
**URBAN LOW DENSITY**

**JOHN'S LAKE LANDING  
 PUD AMENDMENT  
 STAFF EXHIBIT 1**

**CASE NO.**  
 PH# 17-14-2

**CASE LOCATION:**  
 26-22S-26E

**REQUESTING:**  
 Amend PUD Ord#2014-9 to  
 Decrease Commercial & Increase Residential Units

**ZONING**  
**LAND USE**  
**SUBJECT PARCEL**

**DATASOURCES:**  
 Lake County GIS Department PlanMetrics, 2009 aerial image,  
 Data Compilation and Map production compliments of the  
 Growth Management Department, Planning and Community Design.

**MAP COMPOSITION:**  
 SEPTEMBER, 2014

This map product was prepared from a Geographic Information System established by the Lake County Board of County Commissioners, its employees, agents and personnel, make no warranty as to its accuracy and in particular its accuracy as to labeling, dimensions, contours, property boundaries, or placement or location of any map features thereon. The Lake County Board of County Commissioners, its employees, agents and personnel MAKE NO WARRANTY OF MERCHANTABILITY OR WARRANTY FOR FITNESS OF USE FOR A PARTICULAR PURPOSE EXPRESS OR IMPLIED WITH RESPECT TO THIS MAP PRODUCT. Independent verification of all data contained on this map product should be obtained by any user of this map.

**FOCUS AREA**

**LAKE COUNTY  
 TEXAS**



**ORDINANCE NO. #2015-XX**  
**PH #17-14-2 (Johns' Lake Landing PUD Amendment)**

**WHEREAS**, the Board of County Commissioners reviewed said petition, the recommendations of the Lake County Zoning Board, Staff Report and any comments, favorable or unfavorable, from the Public and surrounding property owners at a Public Hearing duly advertised, and

**WHEREAS**, upon review, certain terms pertaining to the development of the above described property have been duly approved, and

**NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake County, Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they pertain to the above tracts of land, as described in Exhibit "A", subject to the following terms:

**Section 1.** Terms: The County Manager or designee shall amend the Zoning Map in accordance with this Ordinance. The uses of the property shall be limited to the uses specified in this Ordinance generally consistent with the Conceptual Plan attached hereto as Exhibit 'B' and Conceptual Detail Plan as Exhibit "C". The passage of this Ordinance shall supersede and replace any and all previous ordinances, specifically Ordinance #2012-7 2014-9.

A. Land Use and Design:

1. Residential:

a. Density & Type of Residential Units:

- i. ~~460~~504 single-family residential.
- ii. 328 multi-family or townhome units.
- iii. The overall density shall not exceed four (4) dwelling units to the net acre.
- iv. A total of ~~788~~832 residential units shall be permitted.
- v. A wall shall be constructed between the residential portion of the John's Lake Landing development and the residential portion of Magnolia Pointe development in accordance with the conditions specified in Exhibit "GD" (Acknowledgment and Understanding) and Exhibit "DE" (Phasing Plan) of this Ordinance.
- vi. Lake front lots shall have a minimum width of 85 feet and a minimum size of one-half (1/2) acre.

b. Setbacks for 50-foot Lots (Single-Family Residential)

Front	20 feet from the property line
Secondary Front	15 feet from the property line
Side	5 feet from the property line
Rear	20 feet from the property line (5 feet for accessory structures)
Between Buildings	10 feet

c. Setbacks for 75 to 85-foot Lots (Single-Family Residential)

Front	25 feet from the property line
Secondary Front	15 feet from the property line
Side	7.5 feet from the property line
Rear	20 feet from the property line (5 feet for accessory structures)
Between Buildings	15 feet



1 d. Setbacks for Multi-family Residential

Front	20 feet from the property line
Secondary Front	15 feet from the property line
Side	0 feet from the property line
Rear	20 feet from the property line (5 feet for accessory structures)
Between Buildings	20 feet plus 15 feet for each story in excess of two

2  
 3 e. The multi-family development shall provide internal connections for pedestrian access to the  
 4 commercial portions of the development.

5 2. Commercial:

6 a. Commercial activities shall be permitted on ~~the 25.09 acre and 19.45 acre parcels~~ Tract L1  
 7 (98,500 SF), Tract L2 (77,500 SF) and Tract K (98,000 SF) as identified as Tracts L and M,  
 8 respectively, on Exhibit "B" – Conceptual Plan and Conceptual Detail Plan as Exhibit "C", the PUD  
 9 rezoning plan. Total gross leasable area for the ~~two~~ three parcels shall be limited to 274,425,000  
 10 square feet. All C-1 (Neighborhood Commercial) and C-2 (Community Commercial) uses shall be  
 11 permitted on the commercial parcels.

12 Setbacks: The following setbacks shall apply to the commercial area.

Front	50 feet from the right-of-way of State Road 50, 25 feet from the right-of-way of any local road or easement
Side/Rear	15 feet from the property line (based on the 15-foot Type B landscape buffer requirement)

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 15 b. The developer shall attempt to orientate the buildings so that the rear of the building does not  
 16 face Magnolia Pointe Blvd. If the rear of the building must face Magnolia Pointe Blvd, the  
 17 developer shall extend the wall accordingly.

18 c. The developer shall follow architectural standards of development which compliment Plaza  
 19 Collina and the Joint Planning Area with the City of Clermont.

20 3. Assisted Living Facility (ALF):

21 a. The 71 room ALF shall be permitted on Tract P as shown on Exhibit "B" - Concept Plan. In the  
 22 event the ALF is not developed, the Developer has the option to develop Tract "P" for residential  
 23 purposes with no increase in density.

24 b. Commercial setbacks shall apply for the ALF.

25 ~~c. Minimum residential lot size for Tract "P" shall be 50' x 110'. Setbacks for 50' residential lots shall~~  
 26 ~~apply.~~

27 4. ~~Recreational Vehicle/Boat Storage: Recreational Vehicle (RV) and boat storage shall be allowed on~~  
 28 ~~Tracts I, J, and K of the PUD and limited to the residents of the development and their guests only. No~~  
 29 ~~commercial storage is allowed.~~



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- 1           2. A jurisdictional wetland line and designated species habitat delineation shall be established and included  
2           on any site plan or plat.
- 3           3. Wetlands and wetland buffers shall be placed in conservation easements in accordance with the  
4           Comprehensive Plan and LDRs, as amended.
- 5 F.       Utilities: A revised Utility Service Agreement for water and sewer with the City of Clermont shall be required  
6       prior to preliminary plat or site plan approval. Connection to central water and wastewater treatment is  
7       required and shall comply with all applicable State, Regional, and Lake County policies and regulations, as  
8       amended.
- 9 G.       Storm Water and Drainage Requirements:
- 10       1. The storm water management system shall be designed in accordance with all applicable Lake County  
11       and St. Johns River Water Management District (SJRWMD) requirements, as amended.
- 12       2. The storm water management system shall demonstrate that each phase is able to exist as an  
13       independent stable unit for drainage purposes. The natural pre-development drainage pattern shall be  
14       maintained to the maximum extent possible.
- 15 H.       External Lighting Standards and Requirements:
- 16       1. Exterior lighting shall comply with the Land Development Regulations, as amended.
- 17       2. All light fixtures, including security lighting, shall be limited to cutoff type fixtures and shall be incorporated  
18       as an integral design element that complements the design of the development through style, material,  
19       and color. Luminaries shall not be tilted. Floodlights or lighting types featuring sag, convex, or drop lenses  
20       shall be prohibited.
- 21       3. The height of lighting fixtures inclusive of supporting pole, the lighting source, and fixture shall not exceed  
22       thirty (30') feet within parking areas and fifteen (15') feet otherwise. Such height shall be measured from  
23       finished grade to the top of the light fixture.
- 24       4. An exterior lighting plan prepared and certified by a licensed engineer qualified in such field shall be  
25       submitted with any site plan or construction plan application. Such plan shall consist of a photometric plan  
26       of the developed area of the site with accompanying data tables and product design details addressing  
27       support poles, lamp fixtures and lenses.
- 28 I.       Development Review:
- 29       1. Development Review and Approval: Prior to the issuance of any permits, the Applicant shall be required  
30       to submit a formal site plan (multi-family development and community facility development) or a  
31       preliminary plat, construction plans, and final plat (single-family/townhomes), for review and approval to  
32       Lake County. The site plan or preliminary plat, construction plans, and final plat shall meet all submittal  
33       requirements and comply with all County codes and ordinances, as amended.
- 34 J.       Concurrency Management:
- 35       1. The Owner shall comply with concurrency management regulations and shall be subject to all applicable  
36       concurrency requirements as set forth in the LDRs.
- 37       2. School Concurrency. If the developer should propose an age-restricted community, prior to construction  
38       plan approval, deeds and covenants shall be recorded to restrict occupancy to individuals eighteen years  
39       of age or older, and the project must comply with the Federal and State Fair Housing Acts. If, at a future  
40       date, the developer wishes to eliminate the age-restricted status for any portion of the residential

**ORDINANCE NO. #2015-XX**  
**PH #17-14-2 (Johns' Lake Landing PUD Amendment)**

1 development, that portion shall be required to meet school concurrency prior to final plat approval and  
2 recording in accordance with the Comprehensive Plan and LDR, as amended.

- 3 3. Future Amendments to Statutes, Code, Plan, and/or Regulations: The specific references in this  
4 Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan, and  
5 Lake County Land Development Regulations are inclusive of any future amendments to the Statutes,  
6 Code, Plan, and/or Regulations.

7 **SECTION 2.** Conditions as altered and amended which pertain to the above tract of land shall be as follows:

- 8 A. After establishment of the facilities as provided herein, the aforementioned property shall only  
9 be used for the purposes named in this Ordinance.
- 10 B. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove, improve,  
11 move, convert, or demolish any building structure, or alter the land in any manner (except for  
12 normal maintenance activities – i.e. painting screening, etc.) within the boundaries of the  
13 above described land without first submitting the necessary plans in accordance with  
14 requirements of Lake County, and obtaining the permits required from the other appropriate  
15 governmental agencies.
- 16 C. This Ordinance shall inure to the benefit of, and shall constitute a covenant running with the  
17 land and the terms, conditions, and provisions hereof, and shall be binding upon the present  
18 owner and any successor, and shall be subject to each and every condition herein set out.
- 19 D. The transfer of ownership or lease of any or all of the property described in this Ordinance  
20 shall include in the transfer or lease agreement, a provision that the purchaser or lessee is  
21 made good and aware of the conditions pertaining to this Ordinance and agrees to be bound  
22 by these conditions. The purchaser or lessee may request a change from the existing plans  
23 and conditions by following procedures as contained in the Lake County Land Development  
24 Regulations, as amended.
- 25 E. **Action by the Lake County Code Enforcement Special Master.** The Lake County Code  
26 Enforcement Special Master shall have the authority to enforce the terms and conditions set  
27 forth in this Ordinance and to recommend that the Ordinance be revoked.

28 **SECTION 3.** **Severability:** If any section, clause or phrase of this Ordinance is held to be invalid or  
29 unconstitutional by any court of competent jurisdiction, then said holding shall in no way  
30 affect the validity of the remaining portions of this Ordinance.

31 **SECTION 4.** **Filing with the Department of State.** The clerk shall be and is hereby directed forthwith to  
32 send a copy of this Ordinance to the Secretary of State for the State of Florida in accordance  
33 with Section 125.66, Florida Statutes.

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**SECTION 5. Effective Date.** This Ordinance shall become effective as provided by law.

ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

FILED with the Secretary of State \_\_\_\_\_, 2015.

EFFECTIVE \_\_\_\_\_, 2015.

**BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA**

\_\_\_\_\_  
**JIMMY CONNER, Chairman**

**ATTEST:**

**APPROVED AS TO FORM AND LEGALITY**

\_\_\_\_\_  
**NEIL KELLY, Clerk of the  
Board of County Commissioners  
Lake County, Florida**

\_\_\_\_\_  
**SANFORD A. MINKOFF, County Attorney**



**EXHIBIT "A"**  
(Legal Description)

That part of Sections 25, 26, 35 and 36, Township 22 South, Range 26 East, Lake County, Florida, described as follows:

Begin at an iron axle found at the center of said Section 26, thence S89°34'53"E along the North line of the Southeast 1/4 of said Section 26 for a distance of 1324.37 feet to the Southwest corner of the Southeast 1/4 of the Northeast 1/4 of said Section 26; thence N00°35'22"E, along the West line of said Southeast 1/4 of the Northeast 1/4 for a distance of 353.50 feet; thence S89°34'53"E along the North line of the South 353.50 feet of said Southeast 1/4 of the Northeast 1/4 for a distance of 300.00 feet; thence N00°35'22"E, along the East line of the West 300.00 feet of said Southeast 1/4 of the Northeast 1/4 for a distance of 243.00 feet; thence run N89°34'53"W along the North line of the South 596.50 feet of said Southeast 1/4 of the Northeast 1/4 for a distance of 57.00 feet; thence N00°35'22"E along the East line of the West 243.00 feet of said Southeast 1/4 of the Northeast 1/4 for a distance of 665.38 feet to the Southerly right-of-way line of State Road No. 50 as shown on Florida Department of Transportation Maps for Section 11070-2505; thence run the following courses along said right-of-way line: S89°06'32"E, 604.68 feet; thence S00°53'28"W, 25.00 feet; thence S89°06'32"E, 650.00 feet; thence N00°53'28"E, 25.00 feet; thence S89°06'32"E, 350.00 feet; thence S00°53'28"W, 10.00 feet; thence S89°06'32"E, 300.11 feet; thence N89°59'09"E, 99.90 feet; thence N00°00'51"W, 10.00 feet; thence N89°59'09"E, 408.78 feet; thence departing said right-of-way line, run S00°47'59"W along the East line of the Southwest 1/4 of the Northwest 1/4 of said Section 25, and the East line of a Boundary Line Agreement, Landscape and Underground Utility Easement Agreement as described in Official Records Book 3311, Page 1189, of the Public Records of Lake County Florida, 1252.29 feet to the Northeast corner of Northwest 1/4 of the Southwest 1/4 of said Section 25; thence S00°39'11"W along the East line of the West 1/2 of the Southwest 1/4 of said Section 25, and the East line of said Boundary Line Agreement, Landscape and Underground Utility Easement Agreement, a distance of 2649.86 feet to the Southeast corner of the Southwest 1/4 of the Southwest 1/4 of said Section 25; thence S00°39'11"W along the East line of Government Lot 3 of said Section 36 for a distance of 275.22 feet; thence leaving said East line run westerly along the South line of that part of said Government Lot 3 lying North of John's Lake the following courses: N74°01'09"W, 97.20 feet; thence N67°29'55"W, 245.69 feet; thence S89°06'28"W, 53.27 feet; thence S78°08'59"W, 49.32 feet; thence S70°36'07"W, 71.73 feet; thence S73°26'33"W, 83.71 feet; thence N80°47'13"W, 50.08 feet; thence S76°40'08"W, 73.87 feet; thence S48°13'59"W, 101.76 feet; thence S01°43'21"E, 80.48 feet; thence S23°45'45"W, 76.19 feet; thence S80°02'44"W, 55.95 feet; thence N89°09'52"W, 163.94 feet; thence N85°31'43"W, 60.92 feet; thence S82°46'22"W, 254.46 feet to a point on the West line of said Government Lot 3; thence S00°51'49"W along said West line for a distance of 114.72 feet; thence N89°35'14"W along the South line of the North 600.00 feet of the Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4 of said Section 35 for a distance of 657.86 feet; thence N00°31'50"E along the West line of the Northeast 1/4 of the Northeast 1/4 of said Section 35, for a distance of 100.00 feet; thence N89°35'14"W along the South line of the North 500 feet of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of said Section 35, for a distance of 170.00 feet; thence N00°31'50"E along the West line of the East 170.00 feet of said Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 for a distance of 140.00 feet; thence N89°35'14"W along the South line of the North 360.00 feet of said Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 for a distance of 269.22 feet; thence S00°11'33"W along the East line of the West 220.00 feet of said Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 for a distance of 140.00 feet; thence N89°35'14"W along aforesaid South line of the North 500 feet of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 for a distance of 220.00 feet; thence N00°11'33"E along the West line of said Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 for a distance of 500.00 feet; thence N00°31'58"E along the West line of the Southeast 1/4 of the Southeast 1/4 of said Section 26 for a distance of

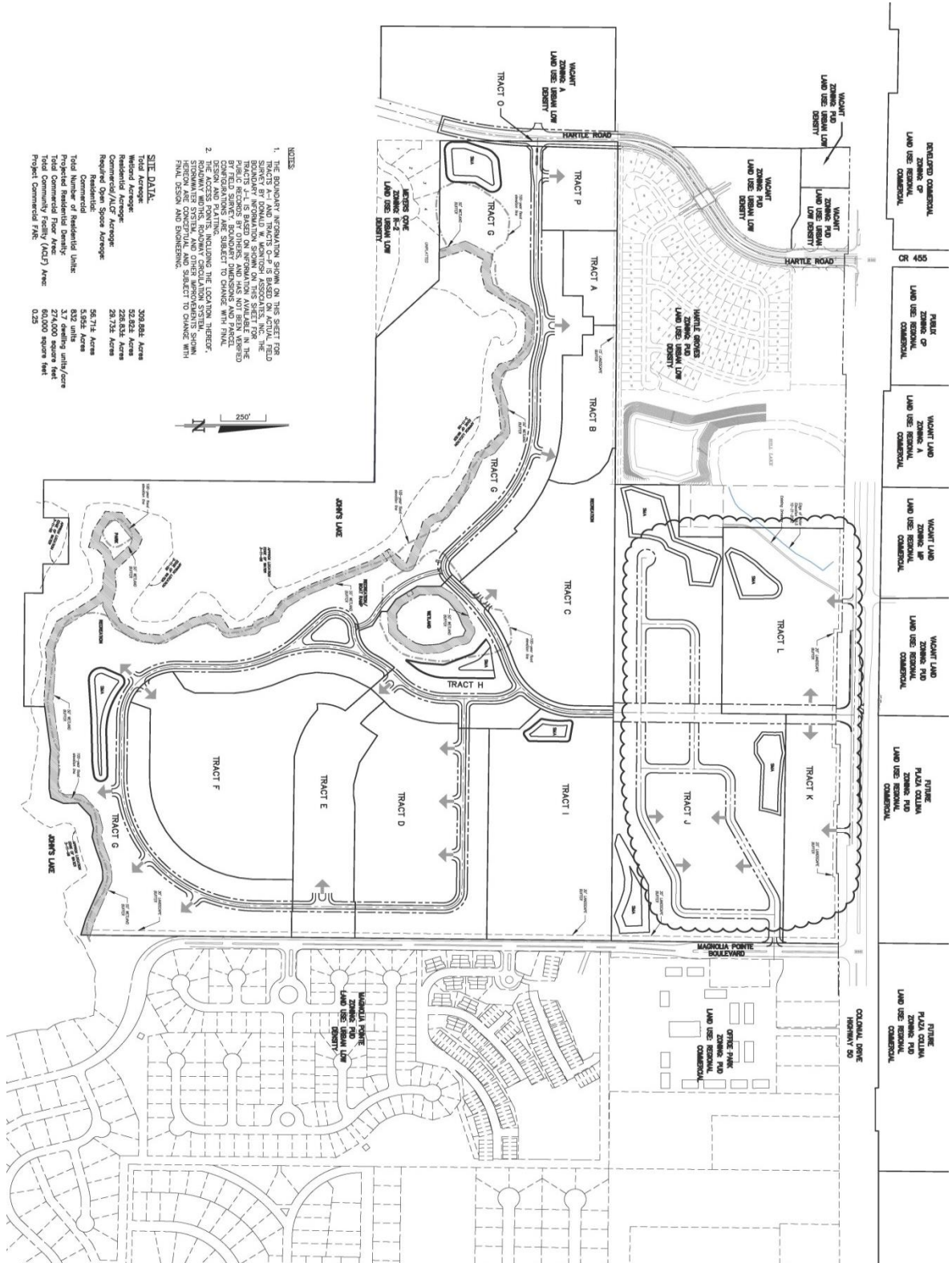
**ORDINANCE NO. #2015-XX**  
**PH #17-14-2 (Johns' Lake Landing PUD Amendment)**

1 1325.61 feet to the Northwest corner of the Southeast 1/4 of the Southeast 1/4 of said Section 26; thence  
2 N89°35'03"W along the South line of the North 1/2 of the Southeast 1/4 of said Section 26 for a distance of 838.89  
3 feet; thence leaving said South line run N43°57'39"W along the Northeasterly line of lands described in Official  
4 Records Book 1561, Page 1157, of the Public Records of Lake County, Florida, for a distance of 483.74 feet; thence  
5 N89°34'19"W along the North line of MEYERS COVE, according to the plat thereof, as recorded in Plat Book 29, Page  
6 38, of the Public Records of Lake County, Florida, and the Easterly prolongation thereof, 809.00 feet to a point on the  
7 West line of the East 1/2 of the Northeast 1/4 of the Southwest 1/4 of said Section 26; thence N00°22'13"E along said  
8 West line 980.04 feet to the Northwest corner of said East 1/2 of the Northeast 1/4 of the Southwest 1/4; thence  
9 S89°33'31"E along the North line of the Southwest 1/4 of said Section 26 for a distance of 665.32 feet to the POINT  
10 OF BEGINNING.

11  
12 Containing 309.88 acres more or less and being subject to any rights-of-way, restrictions and easements of record.  
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EXHIBIT "B"  
(Conceptual Plan)

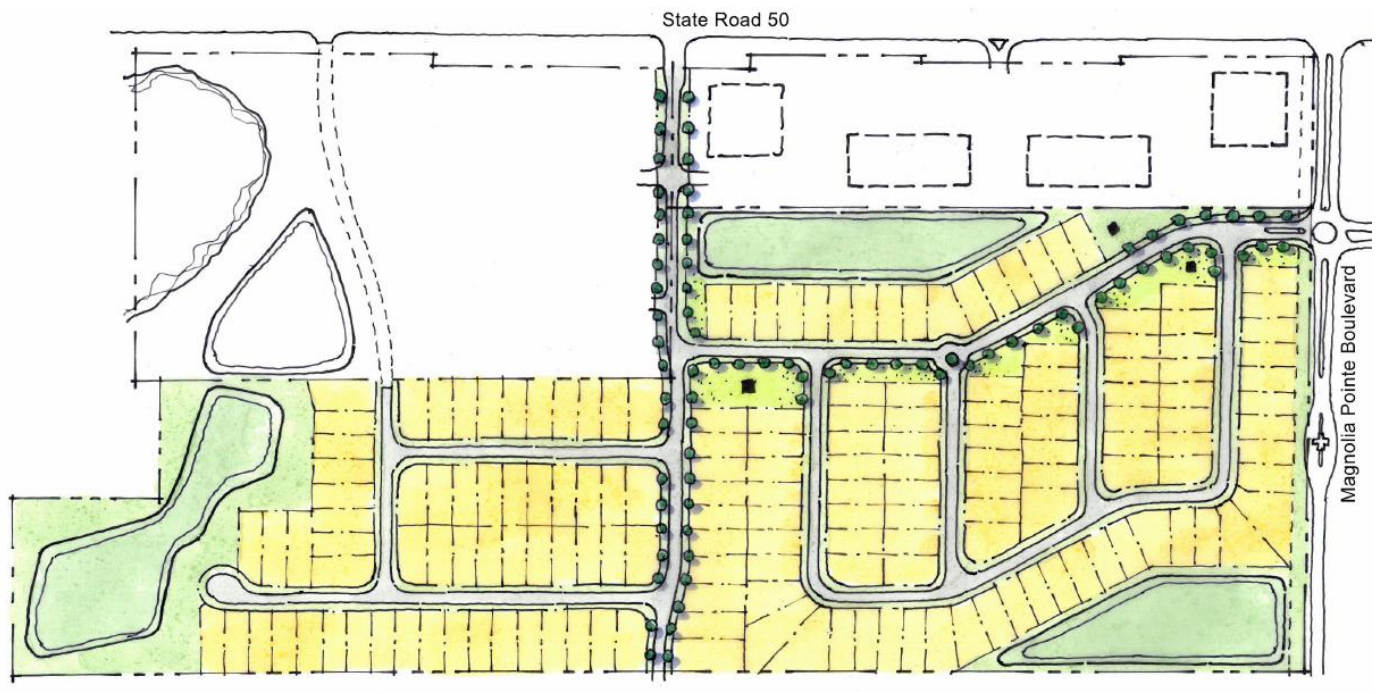
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**EXHIBIT "C"**  
**(Agreement)**  
**(Conceptual Detail Plan)**

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**EXHIBIT "GD"  
(Agreement)**

**ACKNOWLEDGMENT AND UNDERSTANDING**

The undersigned acknowledge and confirm the following as of this 6<sup>th</sup> day of November, 2013:

The construction obligation of John's Lake LLC to construct the wall between the *John's Lake, LLC* residential lands and the residential portion of *Magnolia Pointe* subdivision, which construction obligation is set forth in that certain Planned Unit Development Ordinance -2012-7 Section A.1.a.v. is hereby extended. The current construction obligation, which requires that the wall "... shall be established prior to initiation of Phase 1 residential construction ... ." shall be revised to require that the wall "... shall be established prior to the earlier to occur of November 6, 2015 or at the time John's Lake, LLC commences residential development of either Phase 4 or Phase 5 of the John's Lake Landing residential subdivision."

A performance bond for the wall in the amount of one hundred ten percent (110%) of the cost of the construction (the approximate amount of One Hundred Seventy-Two Thousand and No/100 Dollars (\$172,000.00) based on an estimated cost of approximately One Hundred Fifty-Seven Thousand and No/100 Dollars (\$157,000.00)), shall be posted by John's Lake, LLC with Lake County in accordance with the Lake County requirements and procedures associated with performance bonds.

The wall material and design is attached hereto as **Exhibit A.**

The wall shall be established earlier than the dates set forth above upon the written request of Magnolia Pointe if the Magnolia Pointe subdivision experiences trespassers or other encroachments and the Board of same sends written notice of the trespass and/or encroachments to John's Lake, LLC. Upon John's Lake, LLC's receipt of said written notice, then John's Lake, LLC hereby agrees to commence construction within ninety (90) days of the notice from Magnolia Pointe.

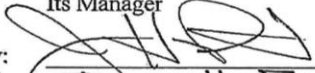
The wall may be constructed by John's Lake, LLC, at its own election, earlier than the time periods set forth above.

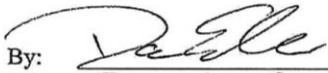
**IN WITNESS WHEREOF**, the parties hereto have executed this instrument as of the day and year first above written.

JOHN'S LAKE, LLC,  
A Florida limited liability company

MAGNOLIA POINTE MASTER  
HOMEOWNER'S ASSOCIATION, INC.,  
A Florida corporation not-for-profit

By: BDC JOHN'S LAKE, LLC,  
A Florida limited liability company  
Its Manager

By:   
Print: JAMES H. FANT  
Its: MANAGER

By:   
Print: DAVE ELLIS  
Its: MPMHOA, PRESIDENT

ORLDOCS 13174734 2

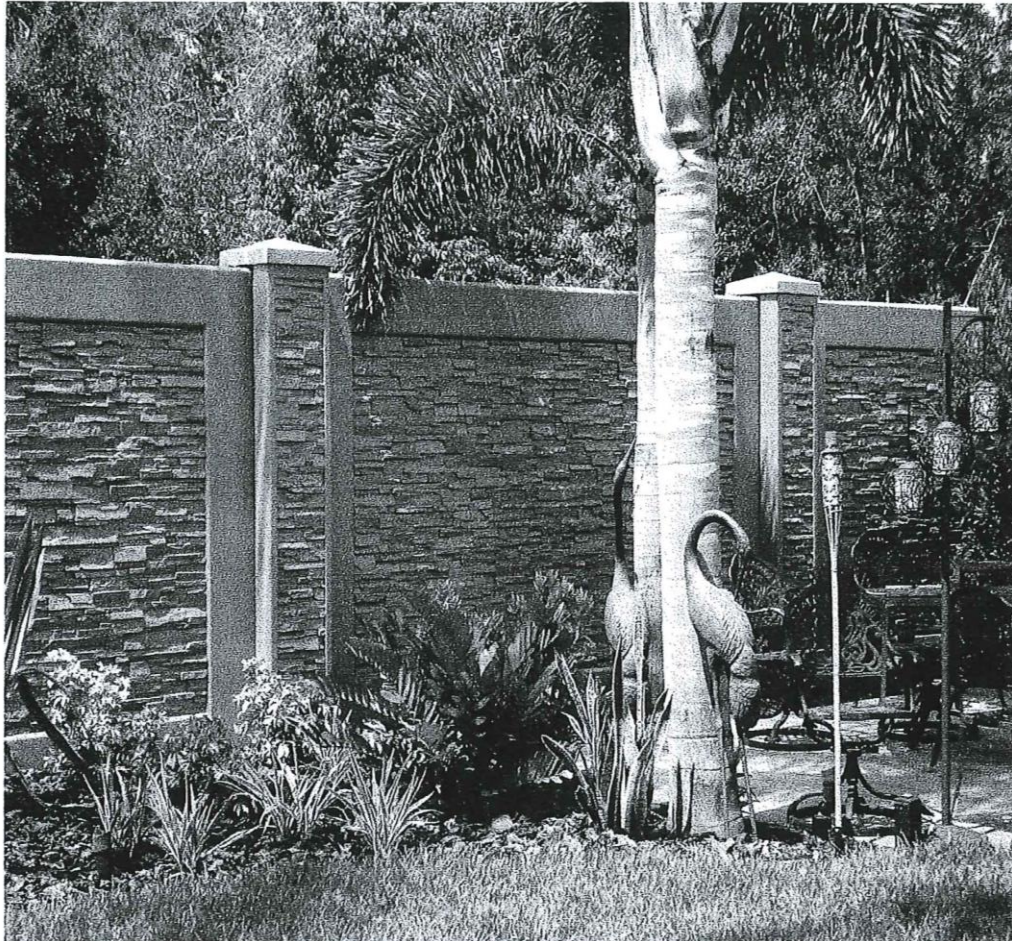
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**EXHIBIT "CD" (Continued)**  
**(Exhibit "A" to Agreement)**  
**(Page 1)**

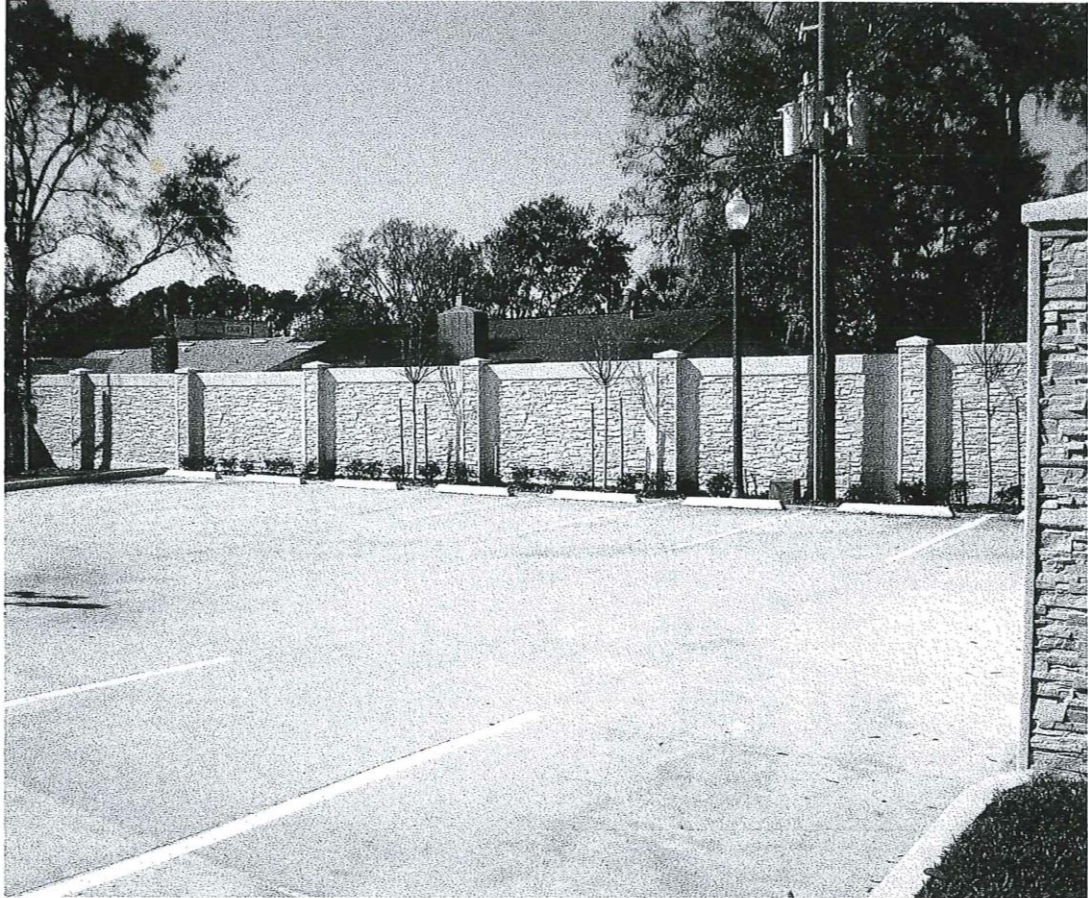


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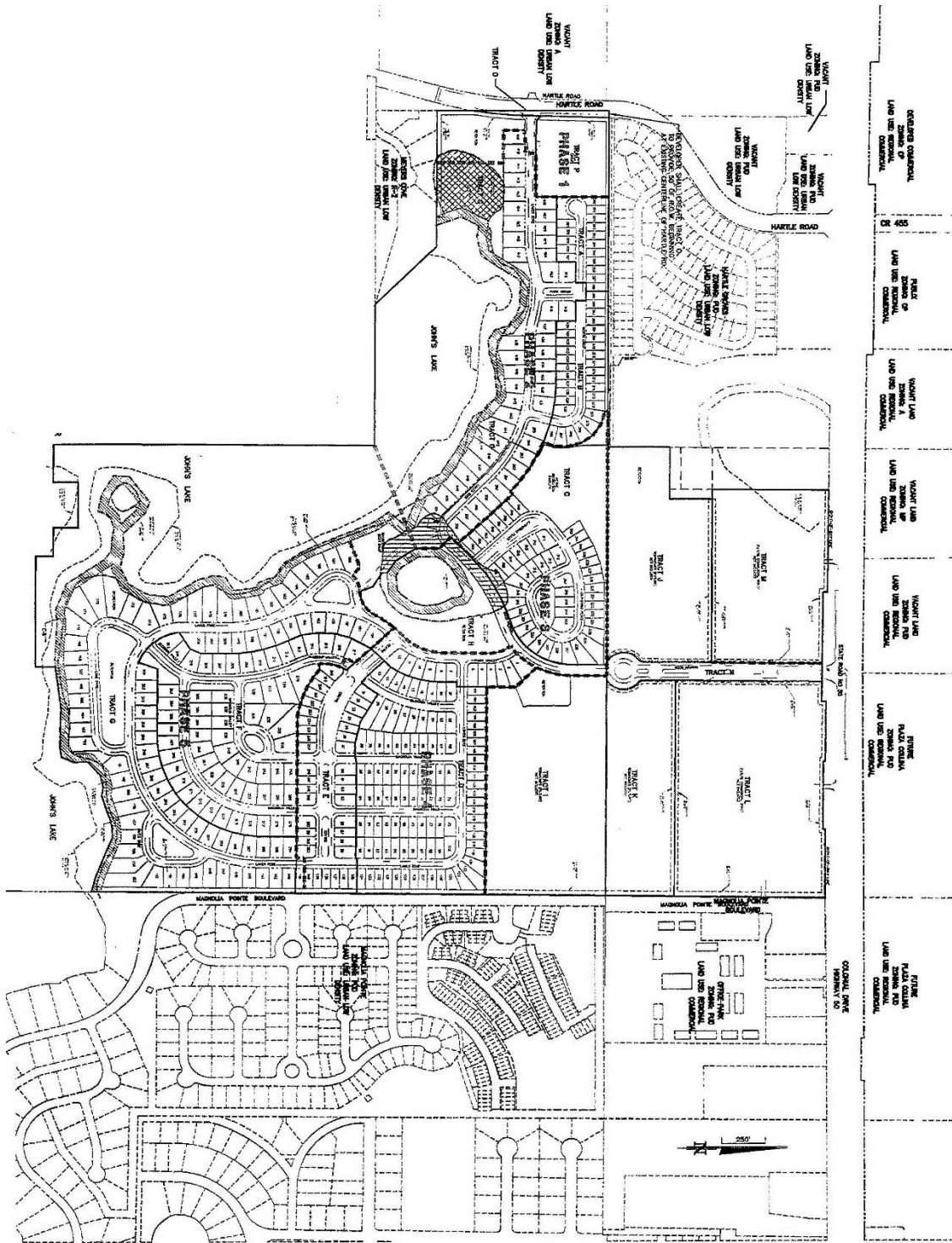
**EXHIBIT "CD" (Continued)**  
**(Exhibit "A" to Agreement)**  
**(Page 2)**



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**EXHIBIT "DE"**  
**(Phasing Plan)**



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***Leading our Children to Success***

201 West Burleigh Boulevard · Tavares · FL 32778-2496  
(352) 253-6500 · Fax: (352) 343-0198 · [www.lake.k12.fl.us](http://www.lake.k12.fl.us)

**Superintendent:**  
Susan Moxley, Ed.D.

**School Board Members:**  
*District 1*  
Bill Mathias  
*District 2*  
Rosanne Brandenburg  
*District 3*  
Tod Howard  
*District 4*  
Debbie Stivender  
*District 5*  
Kyleen Fischer

September 10, 2014

Mr. Chris Schmidt, Planning Manager  
Division of Planning and Community Design  
Growth Management Department  
Lake County  
Post Office Box 7800  
Tavares, Florida 32778-7800

PH#17-14-2  
Staff Exhibit 2

RE: Johns Lake Landing Planned Unit Development Rezoning Case (Lake County Project #2005100006, AR#2483)

Dear Mr. Schmidt:

The County is currently reviewing an amendment to an existing Planned Unit Development (PUD). The applicant proposes 832 new residential dwelling units (504 single-family dwelling units, 328 multi-family dwelling units) on 309.88 acres.

As the School Board of Lake County's authorized representative, I am forwarding the School Board's comments to your attention so they can be included with your planning report. The School Board of Lake County Florida believes the rezoning will have an adverse impact on Lake County Public Schools. The following School Board comments reflect projected enrollment data from the District's Five-Year Facilities Master Plan, FY 2014-2018, and student generation rates from the Impact Fee Study.

The proposed rezoning has the potential to add 832 new dwelling units that will contribute 267 new students to the Lake County School system. Based on current school attendance zones, schools that will be adversely affected by the proposed rezoning and their projected five-year capacity status are as follows:

- **Grassy Lake Elementary School**                      **2% Over Capacity**
- **Windy Hill Middle School**                              **18% Over Capacity**
- **East Ridge High School**                                      **9% Under Capacity**

Please see the attached District Growth Impact Report, which indicates the potential impact of the proposed rezoning on the public schools which currently serve the area under consideration. Should you have any questions or need additional information please contact me at (352)253-6694.

Sincerely,

Dawn McDonald, Senior Planner  
Growth Planning Department

Enclosure



RECEIVED

October 24, 2014

OCT 27 2014

Re: Case number 17-4-2

Planning & Community Design

Dear Planning and Zoning Board members,

This past Monday it came to our attention that there was an item on your Agenda for next Wednesday for the Johns Lake Landing PUD Amendment. I have lived in Magnolia Pointe for 15 years and have been a very active member of our community. I have served on the Master Homeowners Association as Vice President and President.

I was on the Planning and Zoning Board in 2005 when the original Warren Cra-Mar PUD was approved. We worked with the property owners on several issues that included a wall along MP Blvd., lot sizes, and location of townhomes, so they would not be directly on MP Blvd, elevations on the commercial property as well as allowable uses in the commercial. At this time it was approved for age restricted and the Magnolia Pointe community was supportive.

In 2012, the applicant came before you to amend the PUD to allow for an Assisted Living Facility, and the removal of the age restriction. While our community knew of the request to add the ALF, the removal of the age restricted snuck by us.

In 2014, the applicant came back before to amend the wall requirement for MP Blvd., to correspond with development in that area. We worked with the developer and supported their request.

Now before you, there is another amendment that significantly changes the scope of this PUD by altering the major highway 50 ingress/egress to the property and also adding another neighborhood by KB Homes. This request to eliminate commercial and add residential is not supported by our community. The main concern is traffic and the amount of traffic this amendment, with the alteration to the main ingress/egress on Hwy 50, would cause. The amendment would flow traffic onto MP Blvd., for not only the KB homes portion of the development, but also arguably half of the other 700 plus homes. They told us they have completed a traffic study and would send to us, but as of this time and date, we have not received it. We also have no information on what the community will look like, or what amenities that will offer their residents. We cannot determine with the very limited information we have on how this new amendment will affect our property values.

We have issues today on MP Blvd with accidents and periodic congestion, and the area that impacts MP Blvd., is only about 40% built out. If you look at the near future at build out, you have Magnolia Pointe with 481 homes, the current John's Lake Landing PUD at a total of 832 units, plus up to 425,000 square feet of commercial to the west of MP Blvd, and the several hundred thousand square feet retail and professional office to the east of MP Blvd., that has significant impact on



our road, traffic, safety and our community. And you can't forget the almost 1,000,000 square feet of mixed use in the development formerly known as Plaza Collina, which is directly across the street, and the impact of that development.

With just over 1 weeks notice on the PUD Amendment, as of 3:00 today, we have not received any information that we requested from the applicant. With that short notice, we simply do not have the time to address the substantial issues regarding this amendment request. Our community has been greatly involved in the development to the north, east and west of Magnolia Pointe for over 15 years, and has worked well with the adjacent property owners. Unfortunately, I will be out of town next Wednesday and will not be able to speak with you directly, thus the reason for this letter.

My request to you is to postpone this hearing for 90 days, and allow the residents of Magnolia Pointe and the surrounding commercial landowners and tenants to address some very significant concerns with this request.

Sincerely,

Scott Blankenship

LAKE COUNTY PUBLIC SCHOOLS RESIDENTIAL GROWTH IMPACT REPORT

**REVIEWING AUTHORITY NAME / CASE NUMBER** Lake County Division of Planning and Community Design  
**DEVELOPER/OWNER** Johns Lake Landing / Lake County Project #2005100006, AR#2483  
 David Warren, CRA-MAR Groves, Inc., Rhonda McKinley, John's Lake LLC, John's Lake Property Owner's Association

**ITEM DESCRIPTION** The County is currently reviewing an amendment to an existing Planned Unit Development (PUD). The applicant proposes 832 new residential dwelling units (504 single-family dwelling units, 328 multi-family dwelling units) on 309.88 acres.

**LOCATION** Sections 25, 26, 35 & 36; Township 22, Range 26  
 Located north of Johns Lake Road, south of State Road 50, east of Hartle Road, and west of Magnolia Point Boulevard

**CURRENT ZONING** Lake County Planned Unit Development (PUD)  
**PROPOSED ZONING** Lake County Planned Unit Development (PUD)

**NEW DU IMPACT STUDENT GENERATION**

	SF-DU	MF-DU	Mobile	SF Impacts	MF Impacts	Totals	DUs
				<b>504</b>	<b>328</b>	<b>832</b>	
Elementary School	0.374	0.235	0.126	189	78	<b>267</b>	
Middle School	0.172	0.133	0.065	87	44	<b>131</b>	
High School	0.085	0.051	0.029	43	17	<b>60</b>	
	0.117	0.051	0.032	59	17	<b>76</b>	

**SCHOOL NAME**

Grassy Lake Elementary  
 Windy Hill Middle  
 East Ridge High

	Projected Enrollment 2017-2018*	Permanent Student Capacity*	Projected Five-Year Capacity %	Student Enrollment w/ Impact	% of Perm. Capacity w/ Impact	Planned Capacity On Site
Grassy Lake Elementary	1,072	1,175	91%	1,203	102%	No
Windy Hill Middle	1,295	1,149	113%	1,355	118%	No
East Ridge High	2,332	2,648	88%	2,408	91%	No

\*Lake County School District Five-Year Facilities Master Plan, Fiscal Year 2014-2018

**CSA 12**

Elementary School  
 Middle School  
 High School

	Student Enrollment 2017-2018*	Permanent Student Capacity*	% of Permanent Capacity
Elementary School	4,298	4,928	87%
Middle School	1,848	2,501	74%
High School	4,491	4,483	100%

\*Lake County School District Five-Year Facilities Master Plan, Fiscal Year 2014-2018

**COMMENTS:**

The applicant proposes 832 new residential dwelling units (504 single-family dwelling units, 328 multi-family dwelling units), which will adversely impact area schools that are already over or nearly over capacity. *Note: Final plats were recorded 12/19/2013 for Phase 1, which includes an Adult Congregate Living Facility that does not impact schools. In addition, a final plat was recorded 12/19/2013 for Phase 2, which includes 94 single-family dwelling units. Phase 2 received a school concurrency review and reservation prior to final plat approval and as such the reservation of capacity will be valid for the life of the project (Phase 2 final plat).*

*School Concurrency became effective in Lake County on June 1, 2008. Subsequent development orders, including but not limited to, site plans and subdivisions are subject to the school concurrency process. This Growth Impact Report (adequate public facilities analysis) is not intended to be an approval of, or an exemption from, any school concurrency regulations, including the school concurrency requirements in the Lake County School Concurrency Interlocal Agreement.*

**Tab 7 – PH#17-14-2 – Johns Lake Landing PUD Amendment**

Mr. Rick Hartenstein, Senior Planner, related that staff is requesting a 30-day continuance to the January P&Z meeting to allow sufficient time to review a revised conceptual plan that was submitted by the applicant, and they also have received an email from the City of Clermont requesting this continuance so that their City Council could hear it on December 9. He noted that his discussions with the applicant and the opposition indicated that they are all in agreement with this continuance.

Mr. Bryan pointed out that there were several cards submitted by people who wanted to speak on this case, and he asked if there were any who wished to speak in regard to the 30-day continuance; however, no one wished to speak at that time.

**MOTION by Tim Morris, seconded by Kathryn McKeeby to APPROVE a 30-day continuance in Case PH#17-14-2, Johns Lake Landing PUD Amendment.**

**FOR: Morris, Gonzalez, Bryan, McKeeby**

**AGAINST: None**

**MOTION CARRIED: 4-0**

DRAFT