

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

LAKE COUNTY ZONING BOARD  
January 4, 2012



BOARD OF COUNTY COMMISSIONERS  
January 24, 2012

<b>Case Number: PH #2-12-2</b> Johns Lake Landing PUD Amendment	<b>Case Manager:</b> Rick Hartenstein, AICP, Senior Planner	<b>Agenda Item # 4-2</b>
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**Owner:** Johns' Lake, LLC (the "Owner")

**Applicant:** Johns' Lake LLC/James H. Fant (the "Applicant")

**Requested Action:** Amend Ord. #2005-95 to add a 71 Unit Assisted Living Facility-ALF as a community facility use, remove the age-restricted development requirement, and reduce the number of dwelling units in the Planned Unit Development.

### - 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>	1648106, 2942266, 2664754, 1592330, 1648149, 1037425, 1707269, 1037417, 1593115, and 1029139	
<b>Future Land Use</b>	Urban Low Density	
	<b>Existing</b>	<b>Proposed</b>
<b>Zoning District</b>	Planned Unit Development (PUD)	PUD
<b>Density</b>	4 DU/Acre (845 DU)	3.8 DU/Net Acre (788 DU)
<b>Floor Area Ratio (FAR)</b>	0.22 (425,000 SF) Max. 0.25	0.22 (425,000 SF) Max. 0.25
<b>Impervious Surface Ratio (ISR)</b>	0.60 (0.60 max.)	0.60 (0.60 max.)
<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:** December 20, 2011

**Signs Posted:** December 20, 2011 (5)

Table 1: Land Use Table

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Regional Commercial	PUD	Commercial & Clay Mine	Plaza Collina/CUP#174C-3
South	Urban Low Density/Rural Transition	PUD & A	Wetlands/Johns' Lake & Residential	Magnolia Bay S.D. and Magnolia Island S.D.
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

**STAFF RECOMMENDATION:** Staff recommends **approval** of the proposed PUD rezoning amendment with conditions, as specified in the proposed ordinance.

**ZONING BOARD RECOMMENDATION:** The Zoning Board recommended 4-0 for **Approval** in accordance with the conditions contained in the attached Ordinance.

**- Summary of Staff Determination -**

The Applicant is requesting to amend Ordinance #2005-95 to modify a mixed use development for the Johns' Lake Landing Planned Unit Development (PUD). The PUD is currently approved for:

- 517 single-family residential dwelling units (SFDU),
- 328 multi-family residential dwelling units (MFDU), and up to 425,000 SF of commercial uses

The Applicant wishes to add a 71 room Assisted Living Facility (ALF) as a community facility use on approximately 5-acres (Tract "P" of attached Concept Plan, Exhibit "B"), remove the age-restricted development requirement, and reduce the number of residential units from 845 to 788.

The proposed ordinance would allow Tract P to be developed as residential in the event the ALF is not developed. By reducing the single-family residential units the proposed reduction will accommodate the ALF and will result in a reduction of density.

The application also proposes to remove the age-restricted community requirement. The analysis provided by the Lake County School Board Growth Management Staff indicates that all the impacted schools are over capacity. The development will be required to demonstrate school concurrency through the Lake County School Board in accordance with the Land Development Regulations for any single-family or multi-family development prior to approval of the final plat. In the event that school concurrency is unable to be met at the time of the development application, the developer has the option to designate the residential development as an age-restricted community. Conditions have been placed in the attached Ordinance to address these options. The application is consistent with the Urban Low Density Future Land Use Category (FLUC).

**- 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;**

**Density**

The application proposes 460 SFDUs and 328 MFDUs on approximately 208.22 +/- acres for a total of 788 dwelling units (DU) at a density of 3.8 DU per net acre. This request is consistent with Section 3.00.03, *Land Use – Zoning District Matrix*, of the Land Development Regulations (LDRs) that permits PUD zoning with mixed uses in the Urban Low Density FLUC.



### **Open Space - Residential**

Section 4.03.04 (C) (1), LDR specifies for a minimum of 25% of the Base Site Area (gross site area minus the land devoted to waters of the state and open water) is to be set aside as open space within the residential element of the PUD. The Base Site Area for the residential portion of the development is approximately 208.22 acres, which would require 52.06 acres of open space for the residential portion of the development. The Concept Plan (Exhibit "B") designates 52.06 acres as common open space in the form of buffers, common areas, retention areas, conservation areas, and recreation, thus demonstrating consistency with this LDR requirement.

### **Open Space - Commercial**

Section 4.03.05 (A), LDR, requires a minimum of 20% of the Base Site Area be set aside as open space within the commercial portion of the PUD. The Base Site Area for the commercial element is approximately 44.9 acres, thus the minimum 20% open space required is 8.98 acres for the commercial element as shown on the Concept Plan (Exhibit "B"), thus demonstrating consistency with this requirement.

### **Previously Approved Waivers**

On November 22, 2005, the Board approved the Johns' Lake Landing PUD (PH#48-05-2) Ordinance #2005-95 and the Johns' Lake Landing PUD Rezoning Plan, dated October 31, 2005 ("the Plan"). Associated with the approval was the granting of the following waivers indentified on the face of the Plan:

1. Building setback waiver for rear lot lines to allow for pools, pool decks, pool enclosures, storage sheds, and other similar ancillary structures to be within 5 feet of rear lot lines.
2. A waiver to allow greater than 15 feet cut/fill for the purpose of development to interface with existing and proposed Highway 50, existing lakes, and selected stormwater ponds.
3. A waiver to allow RV/Boat storage in Tracts I, J, and K only.
4. Compensating storage waiver in the 100-year flood zone in Tracts G and H for the purpose of road improvement for ingress/egress.

These waivers have been carried forward with this current application and have been included as conditions of the proposed Ordinance to ensure clarity.

### **School Concurrency**

The Applicant is also requesting removal of the age-restriction condition in Ord. #2005-95 by proposing an option of either meeting school concurrency at the time of a development approval or if unable to meet school concurrency, file the appropriate documentation to be designated an age-restricted community prior to residential development approval. Any future residential development shall be subject to school concurrency requirements as set forth in the LDRs subject to meeting concurrency through the Lake County School Board. Conditions are contained in the associated Ordinance addressing both scenarios. The School Board comments identify the following schools that will be impacted by this development (Attachment 1).

Schools	Projected 5-Year Capacity	Development Impacts
Grassy Lake Elementary School	5% Under Capacity	6% Over Capacity
Windy Hill Middle School	1% Over Capacity	7% Over Capacity
East Ridge High School	2% Under Capacity	2% Over Capacity

The School Board Growth Impact Report (GIR) states this project will adversely impact area schools that are already over or nearly over capacity.

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

Policy I-1.3.2, Comprehensive Plan permits mixed use development within the Urban Low Density FLUC including residential, nursing and personal care services (ALF), and commercial uses (including services, retail, finance, insurance, and real estate). This policy establishes the open space at 25% of the net buildable area, density at 4 DU/net acre, intensity (FAR) at 25%, and ISR at 60%. As demonstrated in Exhibit "B", the proposed project meets or exceeds these requirements and is consistent with this policy.

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.

The Applicant has requested the age-restricted community requirement be removed from the PUD and be granted the option to develop as an unrestricted age community or an age-restricted community; to be determined at the time a development application is submitted. If the Board should choose to approve this request, 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, whichever comes first.

**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 residential uses and the existing residential, commercial, and industrial areas and 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. These buffers will help minimize any impacts the adjacent industrial zoning might have on the proposed residential use thus reducing the potential for complaints from the future residents.

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;**

Recent rezoning request within the area have shown a trend for reducing the SFR and either keeping the proposed multi-family units or increasing them in response to market demands. In addition, with an aging population in the Central Florida area, the application is proposing to develop an ALF within the proposed development to assist in meeting the demand for services for the elderly and disabled.

**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;**

Schools – The PUD is required to meet school concurrency for the 788 DUs proposed for the development as set forth in the school concurrency requirements of the Comprehensive Plan and LDRs. In the event school concurrency is unable to be met at the time residential development is proposed, the Applicant has the option of submitting the appropriate documentation designating the residential development as an age-restricted community. (Attachment 1)

Water and Sewage – The City of Clermont (Attachment 2) has indicated that it has available capacity. A revised and executed Utility Service Agreement between the Developer and the City of Clermont will be required prior to Construction Plan or site plan approval. This is required pursuant to Section 5.03.02 (B), LDR.

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.

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.

Transportation – The standard Level of Service (LOS) for the impacted roadway of SR 50 is "D" with a capacity of 3200 trips. Currently the SR 50 segment from CR 455 to the Orange County Line of roadway is operating at 96% of its capacity. This project will be generating forty six (46) directional pm peak hour trips with a change in volume to capacity (v/c) ratio to ninety nine (99) percent.

The Lake/Sumter Metropolitan Planning Organization (LSMPO) has indicated that no trips have been reserved in the Transportation Management System (TMS) for the John Lakes Landing PUD. Therefore a Tier 2 traffic study is required prior to issuance of a final development order. To avoid any delays in the review, it is recommended the traffic study be submitted with the development order application.

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. Conditions have been placed in the ordinance for this provision.

**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.

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

No information has been submitted to indicate that the proposed rezoning would adversely affect the 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 rezoning creates an orderly and logical development pattern.

**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 it meets location criteria for residential development, has sufficient infrastructure to support the request, and proposes a residential density consistent with the Urban Area Residential Density Chart.

**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 no issue with the approval of the PUD amendment. A revised Utility Service Agreement and subsequent plan to support the amended agreement will be required prior to preliminary plat or site plan approval (Attachment 2). Conditions have been placed in the attached Ordinance addressing this.

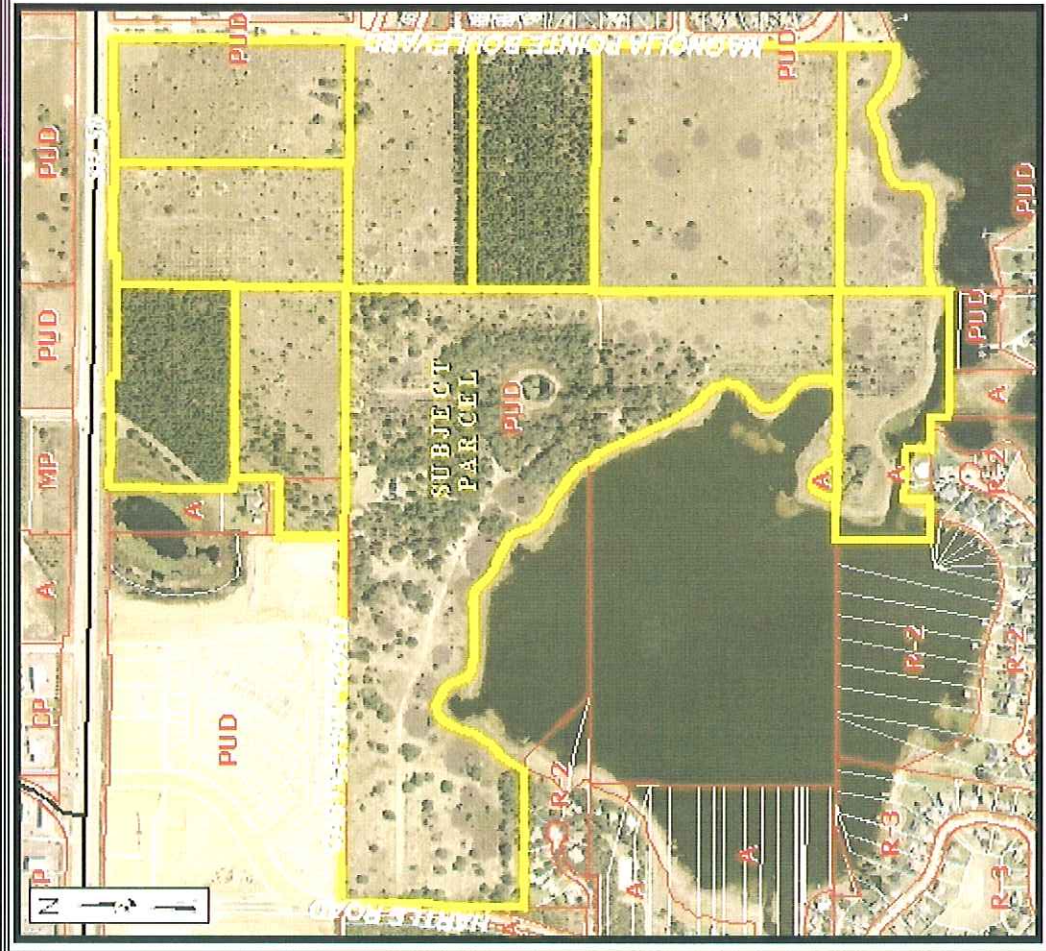
**FINDINGS OF FACT:** Staff has reviewed the application for the proposed rezoning and found:

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: -0- Opposition: -0-**





**CURRENT ZONING**

**PLANNED UNIT DEVELOPMENT (PUD)**

**CASE NO.**  
PH# 2-12-2

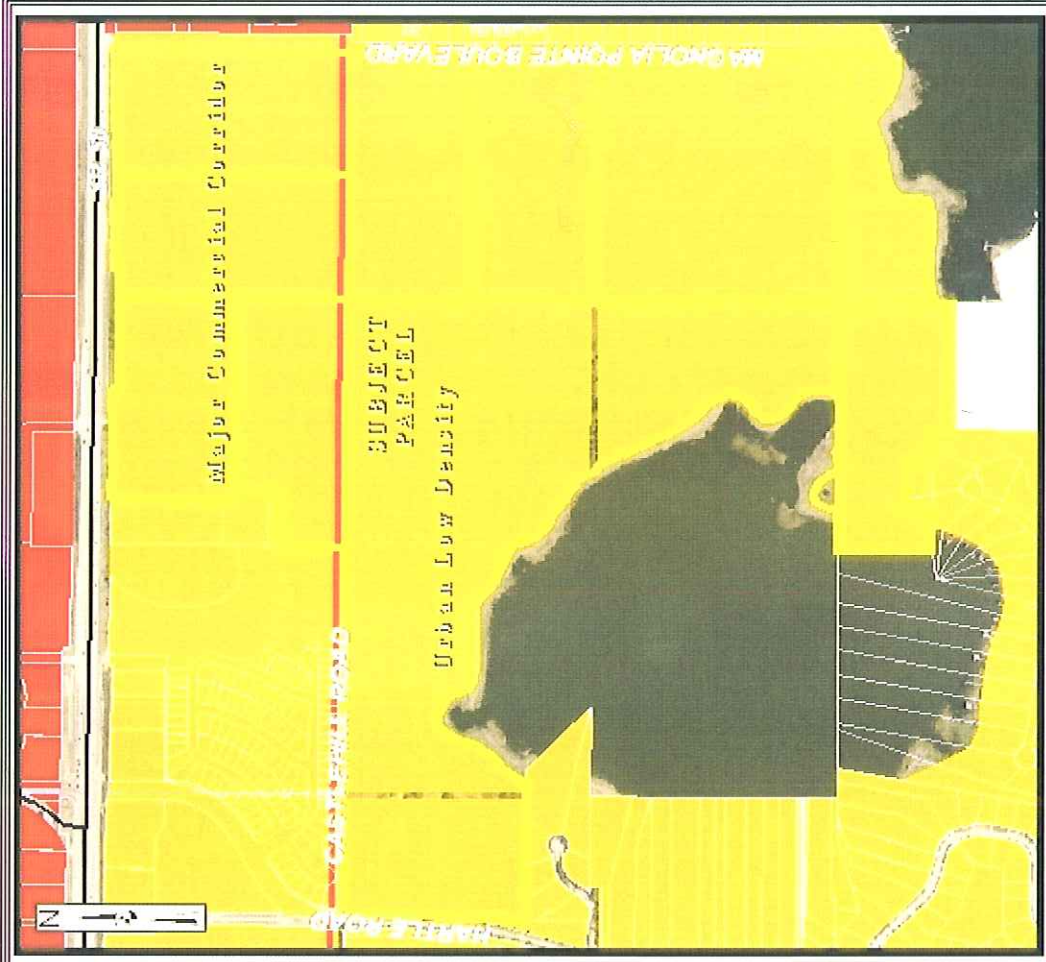
**CASE LOCATION:**  
25/26/35/36-22S-26E

**RE QUESTING:**  
Amend PUD Ord. #2005-95 to add Community Facility Use (71 Unit Assisted Living Facility)

**ZONING**

**LAND USE**

**SUBJECT PARCEL**



**ADOPTED FUTURE LAND USE**

**URBAN LOW DENSITY**

**MAP COORDINATE TO SHEET 301**

**FOCUS AREA**

**LAKE COUNTY**

**JOHNS' LAKE LANDING  
PUD AMENDMENT**



**ORDINANCE #2012-  
Johns' Lake LLC  
JohnsLake Landing PUD  
PH #2-12-2**

**AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, James H. Fant, Manager (the "Applicant") on behalf of Johns' Lake, LLC (the "Owner") requested an amendment to Planned Unit Development (PUD) Ord. #2005-95 to modify a mixed use development by adding a community facility use (71 Unit Assisted Living Facility) and reducing the dwelling units for the SFR on approximately 309 +/- acres; and

**WHEREAS**, the subject Planned Unit Development property consists of 309 +/- acres located in the East Clermont area to the southeast of the intersection of SR 50 and Hartle Road, situated in Section 26 - Township 22S - Range 26E, and having Alternate Keys # 1648106, 2942266, 2664754, 1592330, 1648149, 1037425, 1707269, 1037417, 1593115, and 1029139, and more particularly described as:

LEGAL DESCRIPTION: [EXHIBIT "A" – ATTACHED]

**WHEREAS**, the property is located within the Urban Low Density Future Land Use Category; and

**WHEREAS**, on the 22<sup>nd</sup> day of November, 2005, the Board of County Commissioners approved the Johns' Lake Landing PUD (Ordinance #2005-95) on 309 +/- acres consisting of 845 age restricted residential units (517 single-family units and 328 multi-family units) and 425,000 square feet of commercial uses; and

**WHEREAS**, the Lake County Zoning Board did, on the 4<sup>th</sup> day of January, 2012, review Petition PH #2-12-2; after giving Notice of Hearing on petition for a change in the use of land, including notice that said Ordinance would be presented to the Board of County Commissioners of Lake County, Florida, on the 24<sup>th</sup> day of January, 2012; and

**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 tract 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'. The passage of this Ordinance shall supersede and replace any and all previous ordinances, specifically Ordinance #2005-95



A. Land Use and Design:

1. Residential:

a. Density & Type of Residential Units:

- i. 460 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 residential units shall be permitted.
- v. A wall between the residential portion of the development and the residential portion of Magnolia Pointe shall be established prior to initiation of Phase 1 residential construction. The wall shall be along the entire portion of the residential development.
- 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

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

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

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- 2. Commercial:
  - a. Commercial activities shall be permitted on the 25.09-acre and 19.45 acre parcels identified as Tracts L and M, respectively, on the PUD rezoning plan. Total gross leasable area for the two parcels shall be limited to 425,000 square feet. All C-1 (Neighborhood Commercial) and C-2 (Community Commercial) uses shall be permitted on the commercial parcels.

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)

- b. The developer shall attempt to orientate the buildings so that the rear of the building does not face Magnolia Pointe Blvd. If the rear of the building must face Magnolia Pointe Blvd, the developer shall extend the wall accordingly.
- c. The developer shall follow architectural standards of development which compliment Plaza Collina and the Joint Planning Area with the City of Clermont.

- 3. Assisted Living Facility (ALF):
  - a. The 71 room ALF shall be permitted on Tract P as shown on Exhibit "B" (Concept Plan). In the event the ALF is not developed, the Developer has the option to develop Tract "P" for residential purposes with no increase in density.
  - b. Commercial setbacks shall apply for the ALF.
  - c. Minimum residential lot size for Tract "P" shall be 50' x 110'. Setbacks for 50' residential lots shall apply.
- 4. Recreational Vehicle/Boat Storage: Recreational Vehicle (RV) and boat storage shall be allowed on Tracts I, J, and K of the PUD and limited to the residents of the development and their guests only. No commercial storage is allowed.
- 5. Lot Grading: Elevation changes greater than fifteen (15) feet for cut/fill is allowed for the purpose of development interface with the existing and proposed State Road 50 grade, existing lake grades, and selected stormwater pond grades.
- 6. Flood Plain: Compensating storage in the 100-year flood zone shall be permitted in Tracts G & H for the purpose of road improvements for ingress/egress.

B. Open Space/Impervious Area/Floor Area:

- 1. Residential: 25% (52.06+/- acres) common open space shall be provided.



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2. Commercial: 20% (8.98 +/-acres) common open space shall be provided.
  3. Open space shall be calculated on an overall basis for the net buildable area for the development.
  4. Impervious Surface Area:Maximum ISR shall be 0.60
  5. Floor Area Ratio: Floor area ratio shall not exceed 0.25 for non-residential development and 0.35 for civic use/community facility uses.
- C. Landscaping: Landscape buffering shall be installed and maintained in accordance with the requirements of the LDRs, as amended.
- D. Transportation:
1. All internal streets and traffic calming devices (Roundabouts, etc.) shall be constructed to meet Access Management and spacing requirements as set forth in the LDRs, as amended.
  2. All public roads within the development shall be designed both horizontally and vertically to meet the LDRs requirements for their classification. Public road pavement width shall be based on Average Daily Trips (ADT).
  3. Transportation Design: The layout and design of lots and circulation systems within the development shall be substantially consistent with the attached conceptual plan as Exhibit "B" to this Ordinance, submitted as a part of the rezoning application, and may be subsequently revised to reflect current conditions. To the extent where there are conflicts between Exhibit "B" and this Ordinance, this Ordinance shall take precedence.
  4. Any walls or fences within the development area shall provide for common pedestrian access (sidewalk or trail) to Hartle Road and State Road 50 at intervals not to exceed 1320 feet (1/4 mile).
  5. The developer shall provide a connection between Magnolia Pointe Blvd and Hartle Road.
  6. The dedication of additional right-of-way for Magnolia Pointe Blvd. and Hartle Road may be required.
- E. Environmental Requirements:
1. An environmental survey shall be conducted in accordance with the LDRs, as amended, to address natural vegetative communities, wildlife corridors, and designated species prior to submittal of any development application.
  2. A jurisdictional wetland line and designated species habitat delineation shall be established and included on anysite plan or plat.
  3. Wetlands and wetland buffers shall be placed in conservation easements in accordance with the LDRs, as amended.

ORDINANCE NO. #2012-XX  
PH #2-12-2 (Johns' LakeLanding PUD Amendment)

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



1 development, that portion shall be required to meet school concurrency prior to final plat approval and  
2 recording.  
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- 4 3. Future Amendments to Statutes, Code, Plan, and/or Regulations: The specific references in this  
5 Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan, and  
6 Lake County Land Development Regulations are inclusive of any future amendments to the Statutes,  
7 Code, Plan, and/or Regulations.  
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9 **SECTION 2.** Conditions as altered and amended which pertain to the above tract of land shall be as follows:  
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- 11 A. After establishment of the facilities as provided herein, the aforementioned property shall only  
12 be used for the purposes named in this Ordinance.  
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14 B. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove, improve,  
15 move, convert, or demolish any building structure, or alter the land in any manner (except for  
16 normal maintenance activities – i.e. painting screening, etc.) within the boundaries of the  
17 above described land without first submitting the necessary plans in accordance with  
18 requirements of Lake County, and obtaining the permits required from the other appropriate  
19 governmental agencies.  
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21 C. This Ordinance shall inure to the benefit of, and shall constitute a covenant running with the  
22 land and the terms, conditions, and provisions hereof, and shall be binding upon the present  
23 owner and any successor, and shall be subject to each and every condition herein set out.  
24  
25 D. The transfer of ownership or lease of any or all of the property described in this Ordinance  
26 shall include in the transfer or lease agreement, a provision that the purchaser or lessee is  
27 made good and aware of the conditions pertaining to this Ordinance and agrees to be bound  
28 by these conditions. The purchaser or lessee may request a change from the existing plans  
29 and conditions by following procedures as contained in the Lake County Land Development  
30 Regulations, as amended.  
31  
32 E. Action by the LakeCounty Code Enforcement Special Master. The Lake County Code  
33 Enforcement Special Master shall have the authority to enforce the terms and conditions set  
34 forth in this Ordinance and to recommend that the Ordinance be revoked.  
35

36 **SECTION 3.** **Severability:** If any section, clause or phrase of this Ordinance is held to be invalid or  
37 unconstitutional by any court of competent jurisdiction, then said holding shall in no way  
38 affect the validity of the remaining portions of this Ordinance.  
39  
40  
41  
42  
43

1 **SECTION 4.** **Effective Date.** This Ordinance shall become effective as provided by law.  
2  
3 ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.  
4  
5 FILED with the Secretary of State \_\_\_\_\_, 2012.  
6  
7 EFFECTIVE \_\_\_\_\_, 2012.

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

10  
11 \_\_\_\_\_  
12 **LESLIE CAMPIONE, Chairman**  
13

14  
15 **ATTEST:**  
16

17  
18 \_\_\_\_\_  
19 **NEIL KELLY, Clerk of the**  
20 **Board of County Commissioners**  
21 **Lake County, Florida**  
22

23  
24  
25 **APPROVED AS TO FORM AND LEGALITY**  
26

27  
28 \_\_\_\_\_  
29 **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 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 1325.61 feet to the Northwest corner of the Southeast 1/4 of the Southeast 1/4 of said Section 26; thence

ORDINANCE NO. #2012-XX  
PH #2-12-2 (Johns' LakeLanding PUD Amendment)

1 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  
2 feet; thence leaving said South line run N43°57'39"W along the Northeasterly line of lands described in Official  
3 Records Book 1561, Page 1157, of the Public Records of Lake County, Florida, for a distance of 483.74 feet; thence  
4 N89°34'19"W along the North line of MEYERS COVE, according to the plat thereof, as recorded in Plat Book 29, Page  
5 38, of the Public Records of Lake County, Florida, and the Easterly prolongation thereof, 809.00 feet to a point on the  
6 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  
7 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  
8 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  
9 OF BEGINNING.

10  
11 Containing 309.88 acres more or less and being subject to any rights-of-way, restrictions and easements of record.  
12

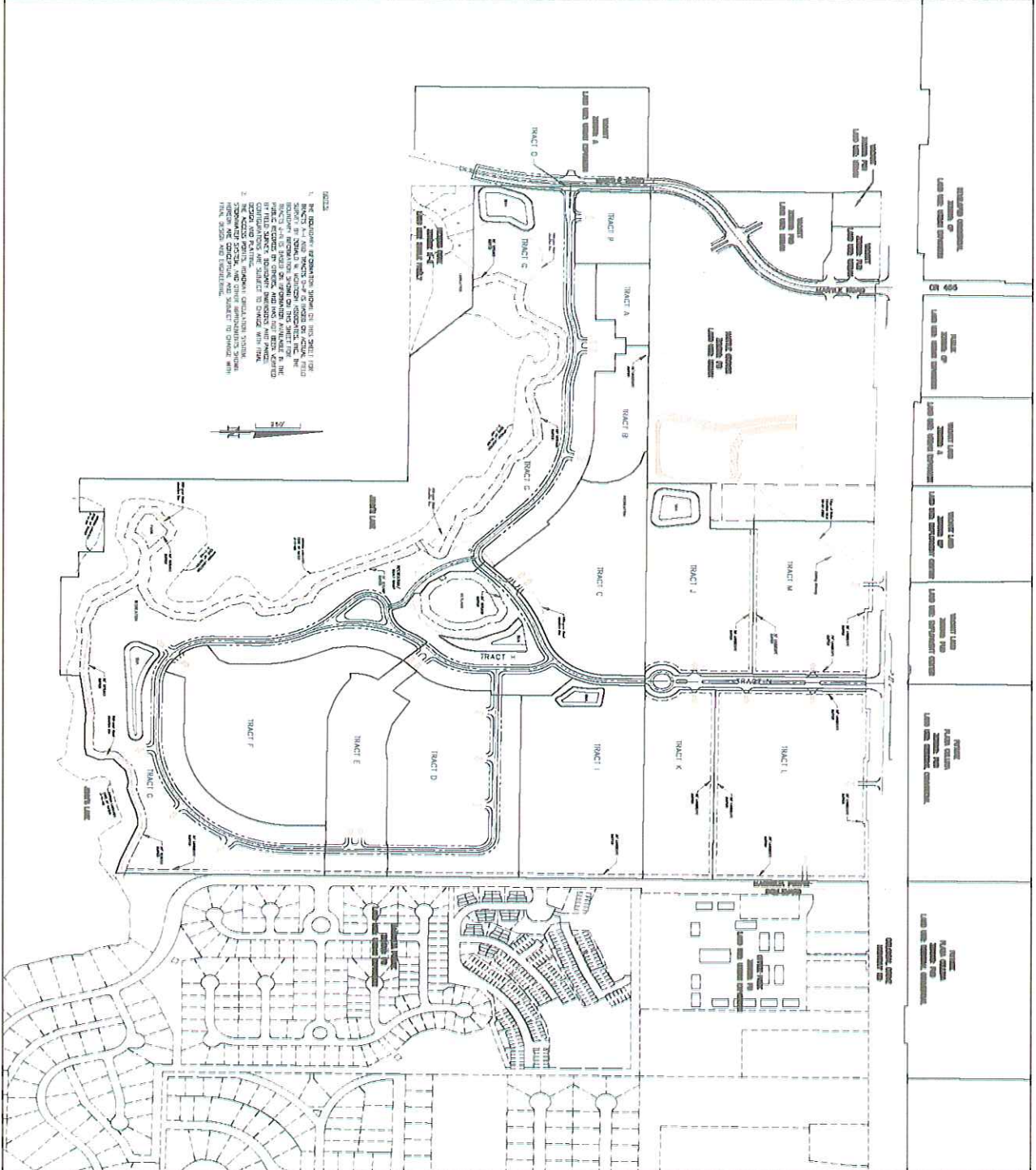


1  
 2

EXHIBIT "B"  
 (Concept Plan)

PROJECT: JOHN'S LAKE LANDING PUD  
 SHEET NO. 02 OF 04  
 CADD FILE NAME: P:\2005\100006\AR#1945\PH#2-12-2\02012.DWG  
 PLOT FILE NAME: 02012.PLOT

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NOTES:  
 1. THE INFORMATION CONTAINED HEREIN IS THE SOLE PROPERTY OF DONALD W. McINTOSH ASSOCIATES, INC. AND IS TO BE USED ONLY FOR THE PROJECT AND TRACTS IDENTIFIED ON THESE PLANS. ANY REUSE OR MODIFICATION OF THIS INFORMATION WITHOUT THE WRITTEN CONSENT OF DONALD W. McINTOSH ASSOCIATES, INC. IS STRICTLY PROHIBITED.  
 2. THE ACCESS POINTS, OFFICIAL UTILITY SYSTEMS, AND OTHER INFORMATION SHOWN ON THESE PLANS ARE SUBJECT TO CHANGE WITH THE UTILITY COMPANIES AND SHALL BE CHECKED WITH THEM PRIOR TO CONSTRUCTION.

DRAWING OVERALL PUD SHEET 4 of 4	<b>JOHN'S LAKE LANDING PUD</b> LAKE COUNTY, FLORIDA <b>OVERALL SITE PLAN</b>		<b>DONALD W. McINTOSH ASSOCIATES, INC.</b> ENGINEERS PLANNERS SURVEYORS 2700 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 (407) 844-4088	SHEET NO. 02 OF 04 DATE: 12/20/11		SCALE: 1"=250' JOB NUMBER: 18531		REVISIONS NO. DATE DESCRIPTION _____ _____ _____		DONALD W. McINTOSH ASSOCIATES, INC. 2700 PARK AVENUE NORTH WINTER PARK, FLORIDA 32789 (407) 844-4088 WWW.DWMACINTOSH.COM
				DRAWN BY: DIMA DESIGNED BY: DIMA CHECKED BY: DIMA		DATE: 12/20/11		JOB NUMBER: 18531		

3



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ATTACHMENT #1

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

**School Board Members:**  
*District 1*  
Jim Miller  
*District 2*  
Rosanne Brandeburg  
*District 3*  
Tod Howard  
*District 4*  
Debbie Stivender  
*District 5*  
Kyleen Fischer

December 12, 2011

Mr. Brian Sheahan, Director  
Division of Planning and Community Design  
Growth Management Department  
Lake County  
Post Office Box 7800  
Tavares, Florida 32778-7800

RE: Johns Lake Landing Zoning Case (Lake County Project #2005100006, AR#1945)

Dear Mr. Sheahan:

The County is currently reviewing a rezoning of approximately 309.88 acres from Lake County Planned Unit Development (PUD)(Age-Restricted/55+ Community) to Lake County Planned Unit Development (PUD)(All Ages). 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 2012-2016, and student generation rates from the Impact Fee Study.

The proposed rezoning has the potential to add 788 new dwelling units that will contribute 273 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                      6% Over Capacity
- Windy Hill Middle School                              7% Over Capacity
- East Ridge High School                                2% Over 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



LAKE COUNTY PUBLIC SCHOOLS RESIDENTIAL GROWTH IMPACT REPORT

**REVIEWING AUTHORITY** Lake County Division of Planning and Community Design  
**NAME / CASE NUMBER** Johns Lake Landing / Lake County Project #2005100006, AR#1945  
**DEVELOPER/OWNER** John's Lake, LLC/Don Curotto, Shutts Bowen, Representing the developer

**ITEM DESCRIPTION** The County is currently reviewing a rezoning of approximately 309.88 acres from Lake County Planned Unit Development (PUD)(Age-Restricted/55+ Community) to Lake County Planned Unit Development (PUD)(All Ages), and to add an assisted living facility component to the development.

**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)(Age-Restricted/55+)

**PROPOSED ZONING** Lake County Planned Unit Development (PUD)(All Ages)

	SF-DU	MF-DU	Mobile	MF Impacts	SF Impacts	Total Impacts	
<b>NEW DU IMPACT</b>				<b>328</b>	<b>460</b>	<b>788</b>	<b>DUs</b>
<b>STUDENT GENERATION</b>							
Elementary School	0.410	0.254	0.145	84	189	273	
Middle School	0.186	0.131	0.065	43	86	129	
High School	0.100	0.057	0.036	19	46	65	
	0.124	0.066	0.044	22	57	79	

SCHOOL NAME	Projected Enrollment 2015-2016*	Permanent Student Capacity*	Projected Five-Year Capacity %	Student Enrollment w/ Impact	% of Perm. Capacity w/ Impact	Planned Capacity On Site
Grassy Lake Elementary	1,114	1,175	95%	1,243	106%	No
Windy Hill Middle	1,164	1,148	101%	1,229	107%	No
East Ridge High	2,131	2,166	98%	2,210	102%	No

\*Lake County School District Five-Year Facilities Master Plan, Fiscal Year 2012-2016

CSA 12	Student Enrollment 2015-2016*	Permanent Student Capacity*	% of Permanent Capacity
Elementary School	4,493	4,907	92%
Middle School	1,868	2,552	73%
High School	3,876	4,045	96%

\*Lake County School District Five-Year Facilities Master Plan, Fiscal Year 2012-2016

**COMMENTS:** The applicant proposes 328 multi-family residential dwelling units and 460 single-family residential dwelling units (total of 788 residential dwelling units) for the amendment site, which will adversely impact area schools that are already over or nearly over capacity.

*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.*

Prepared By: Dawn McDonald, Senior Planner, Lake County School District      Date: 12/12/2011

Hartenstein, Rick

ATTACHMENT # 2

**From:** Jim Hitt [JHitt@clermontfl.org]  
**Sent:** Wednesday, December 14, 2011 2:17 PM  
**To:** Hartenstein, Rick  
**Subject:** Proj#2005100006 AR#1945 Johns' Lake Landing PUD Amendment (PH#2-12-2)

Hi Rick:

I still have not received anything from Don or Jim regarding the Utility Amendment to change the uses (see message below).

Because the City had previously approved a Utility Services Agreement for this site, the only issue staff has is in regard to the proposed uses change. Any change in the actual uses needs to be submitted to the City for inclusion into the Agreement and approval by the City Council.

At this time, staff has no issues with the rezoning/PUD amendment, but that a revised Utility Service Agreement will be required prior to any approvals of a preliminary plat or site plan approval as it relates to this amendment.

If you have any questions, please let me know.

RECEIVED

DEC 14 2011

---

**From:** Jim Hitt  
**Sent:** Monday, November 07, 2011 3:35 PM  
**To:** 'Greene, Steve'  
**Cc:** Tamara Richardson; James Kinzler  
**Subject:** RE: Johns Lake Landing Rezoning - PROJECT#2005100006 AR#1945 / PH#2-12-2

Planning & Community Design

Hi Steve:


I met with the applicants (Don Curotto & Jim Fant) last week Thursday (Nov. 3<sup>rd</sup>) and they are planning to submit to amend the existing Utility Services Agreement (for Water & Sewer) that will reflect the new owners, and the proposed new uses, which includes the Assisted Living on about 5 acres. They are also updating a chart with proposed water uses which would include the Single-Family, Multi-family, Assisted Living and Commercial. It looks like the amount of water may actually go down.


I have not received anything yet, so until then, Clermont cannot recommend approval of any changes to the BCC. As soon as they apply, I'll let you know the schedule for Council and send you the executed "new" Agreement as soon as it's completed.


Thanks,

*Jim*

James K. Hitt, Planning & Zoning Director


 City of Clermont  
685 W. Montrose St.  
Clermont, FL. 34711

 Phone: (352) 241-7305

 Fax: (352) 394-3542

 E-Mail: [jhitt@clermontfl.org](mailto:jhitt@clermontfl.org)

Web site: [www.cityofclermontfl.com](http://www.cityofclermontfl.com)

 Save paper - think before you print.



to wetlands. She referenced condition "B7", Wetland Markers and Signage, and condition "F", which refers to the minimum setback of 50-feet from the wetland line.

In reference to a concern Ms. Newmons mentioned about the lack of a septic tank on the property, Mr. Crawford explained that there will not be people in the shop all the time and that a port-o-potty is currently in use. He added that it is not a permanently manned shop and that all vehicles on the property will be operational.

**MOTION by Rick Gonzalez, SECONDED by L. G. John Ameri to APPROVE CUP# 11/11/1-3, Shoup Acres Truckyard.**

**FOR: Gonzalez, Ameri, DeWitt, Morris**

**ABSENT: Bryan, Kesselring, Miller**

**AGAINST: None**

**NOT PRESENT: Childers**

**MOTION CARRIED: 4-0**

**CASE NO: PH# 2-12-2**

**TAB NO. 4**

**OWNER: Johns' Lake, LLC**

**APPLICANT: Johns' Lake LLC/James H. Fant**

**PROJECT NAME: Johns Lake Landing PUD Amendment**

Rick Hartenstein, Senior Planner, presented the case and staff's recommendation for approval of the request with conditions. He stated that the Applicant is requesting to amend Ordinance # 2005-95 to add a 71 Unit Assisted Living Facility – ALF as a community facility use, remove the age-restricted development requirement, and reduce the number of dwelling units in the Planned Unit Development. During his presentation, Mr. Hartenstein mentioned that there is a current agreement for the provision of central water and sewer from the City of Clermont and that at some point this agreement would need to be revised prior to site plan or plat approval. He also mentioned some previously approved waivers in the 2005 ordinance that were unclear and he stated that the waivers were addressed appropriately in the current ordinance for clarity purposes.

Mr. Ameri asked if there were any consequences or affects in removing the age-restricted provision. Mr. Hartenstein answered that at the time of development of any residential aspects of the property, the applicant would apply to go through the concurrency review process. He stated that it would be determined by the School Board on whether or not they met school concurrency. He stated that if they were unable to meet school concurrency and there was no way to mitigate the impacts, then staff would not be able to approve the residential development and the applicant would have to revert back to filing the necessary paperwork to be an age-restricted community. Mr. Hartenstein indicated that if they were able to meet school concurrency, then they would be able to move forward as a residential development.

Vice Chairman Morris asked about the waivers. Mr. Hartenstein stated that the waivers will not have any bearing on the proposal. He added that staff wanted to be sure that the section

addressing the waivers was very clear in the current ordinance because it wasn't so clear in the previous ordinance.

Don Curotto, legal counsel speaking on behalf of the applicant, gave a history of the project. He mentioned that the Assisted Living Facility opportunity was presented approximately six months ago which led to the proposed request. He also stated that there has been some dialogue with the school board and indicated that when they are ready to go forward with that portion of the request, they will take the appropriate steps.

**MOTION by Rick Gonzalez, SECONDED by Ted DeWitt to APPROVE PH# 2-12-2, Johns Lake Landing PUD Amendment.**

**FOR: Gonzalez, DeWitt, Ameri, Morris**

**ABSENT: Bryan, Kesselring, Miller**

**AGAINST: None**

**NOT PRESENT: Childers**

**MOTION CARRIED: 4-0**

**CASE NO: MSP# 12/1/1-4**

**TAB NO. 5**

**OWNER: Dan Cordle**

**APPLICANT: Dan Cordle**

**PROJECT NAME: Professional Dirt Services**

Brian T. Sheahan, Planning Manager, presented the case and staff's recommendation for approval of the request with the conditions specified in the proposed ordinance on behalf of Melving Isaac, Planner. He stated that the Applicant is requesting a conditional use permit to include mining of sand and fill in addition to the construction and demolition (C&D) debris landfill authorized under a 2002 Consent Agreement. He stated that the Applicant is requesting a continuation of the current use and is also seeking approval to allow him to accept C&D debris from outside of his specific operation in order to more rapidly fill the pit that has been created from borrow operations that were subject to the 2002 Consent Agreement. Mr. Sheahan mentioned that the pit has eroded onto the property to the west due to heavy rainfalls and noted that there has been an encroachment onto the neighboring properties. He stated that the Applicant has indicated that the acceleration and acceptance of outside C&D debris would allow them to accelerate the reclamation of stabilization of that encroachment. Mr. Sheahan confirmed that the proposed activity is consistent with Comprehensive Plan, Policy I-1.4.4 and stated that essentially mining is strongly discouraged in the Wekiva Study Area and prohibited in the Wekiva River Protection Area. Although mining is discouraged in these areas, he pointed out that there is a stipulation that allows existing mines to continue and stated that this is an existing mine that has existed on the property since the 1960s. Mr. Sheahan also discussed some of the specific conditions of the proposed ordinance such as setbacks, the prohibition of Chinese Dry Wall, protection of the aquifer, reclamation standards, restoration of the encroachment, and financial responsibility.

Vice Chairman Morris asked if the applicant is required to take care of the encroachment. Mr.