

LAKE COUNTY OFFICE OF PLANNING AND ZONING REZONING STAFF REPORT

Planning and Zoning Board
October 3, 2018



Board of County Commissioners
October 23, 2018

RZ-18-05-2 East Clermont Village PUD	Commissioner District 2 Parks	Agenda Item #2
		

Requested Action: Revoke Conditional Use Permit (CUP) #957-3 and establish a Planned Unit Development (PUD) zoning district on 46.81 acres (Alternate Keys 2665645 and 1453313) to allow a mixed-use development of residential and commercial uses.

Owners: Oak Properties, LLC

Applicant: Jimmy D. Crawford, Esq.

- Site Location & Information -

Size	46.81 net acres (no wetlands or water bodies on subject property)
Location	Northeast of the intersection of State Road 50 and County Road 455
Future Land Use	Regional Office (One dwelling unit per 10,000 square feet gross leasable area)
Proposed Land Use	Urban High Density (Max. density of four (4) dwelling units per net acre)
Zoning District	Agriculture (A) (Max. density of 1 dwelling unit per five (5) acres) & Conditional Use Permit (CUP) #957-3
Proposed Zoning District	Planned Unit Development (PUD)
Joint Planning Area/ ISBA	Clermont JPA and Clermont ISBA
Overlay Districts	Lake Apopka Basin Overlay District State Road 50 Major Commercial Corridor

- Land Use Table -

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Urban Low	Agriculture (A) and Planned Commercial (CP)	Abandoned Railroad, office building, and single family dwelling unit	Southlake Trail and Top Notch RV Storage, Inc.
South	City of Clermont and Regional Commercial	City of Clermont	Commercial development and vacant commercial property	East Towne Center Commercial Development
East	Regional Commercial	Planned Industrial (MP) & Mining Conditional Use Permit (CUP)	Light Industrial	Dewitt Property
West	Regional Office	Agriculture (A), Heavy Industrial (HM), and Rural Residential (R-1)	Improved Pasture, Single family residence, and Warehouse	None

- Summary of Staff Recommendation -

Staff Recommendation: APPROVAL of the application to revoke Conditional Use Permit (CUP) #957-3 and establish a Planned Unit Development (PUD) zoning district on 46.81 acres (Alternate Keys 2665645 and 1453313) to allow a mixed-use development of residential and commercial uses.

Planning and Zoning Board Recommendation:

Analysis

The subject property (Alternate Key 3335708) contains approximately 46.81 acres with no wetlands or water bodies. The property is currently zoned Agriculture (A). Existing Conditional Use Permit (CUP) #957-3 allows the property to be used as a clay and sand extraction facility to grade the property to match State Road 50 and County Road 455. The project obtained site plan approval and the CUP is currently not subject to annual inspections. Since the CUP is no longer active, the Applicant is requesting to revoke the CUP in conjunction with this rezoning application.

The Applicant seeks to rezone the subject property from Agriculture (A) to Planned Unit Development (PUD) to facilitate the development the property with a mixture of commercial and residential uses. At this time, there are no immediate development plans for the property. The property is for sale and there is interest in developing the southern portion of the property with commercial uses and high density residential on the northern portion of the property to accommodate the growth in the Clermont area. The Applicant requested that the middle portion of the property have the option of being developed with residential or commercial development, to accommodate the future buyer's development intentions.

In addition, the Applicant submitted a concurrent Comprehensive Plan Amendment application to amend the Future Land Use Map (FLUM) to change the Future Land Use Category of the property from Regional Office to Urban High Density. The Applicant retained the Regional Commercial FLUC designation on the southern 6.7-acre parcel. The application for the comprehensive plan amendment was approved by the Board of County Commissioners (the 'Board') for transmittal to DEO on July 24, 2018. The rezoning and comprehensive plan amendment will be presented to the Board at the same time for approval on October 23, 2018.

The property is located within the Clermont Joint Planning Area (JPA) and subject to the Inter-local Service Boundary Area (ISBA) agreement. The City of Clermont has provided comments (Attachment A) which have been incorporated into the draft Planned Unit Development (PUD) Ordinance.

Standards for Review

Pursuant to LDR Section 14.03.03 Standards for Review

A. Whether the rezoning is in conflict with any applicable provisions of the Code.

The proposed amendment would not be in conflict with the Land Development Regulations. The property is currently zoned Agriculture (A) and the Applicants have submitted an application to rezone the property Planned Unit Development (PUD) to facilitate a mixed-use development. Land Development Regulation (LDR) Section 4.03.01, *Purpose and Intent*, states that Planned Unit Development are allowed in all land use classifications. LDR Section 4.03.02, *Permitted Uses*, states that planned commercial communities may be developed with complimentary and compatible residential uses.

The subject property is located within the Clermont JPA and the ordinance reflects applicable provisions of Chapter XV. In addition, Section 2.D of the draft ordinance requires the development to comply with all applicable provisions of LDR Chapter XV. The draft ordinance also incorporates feedback received by the City of Clermont under Section 2. A.3.c.

B. Whether the proposed amendment is consistent with all elements of the Comprehensive Plan.

The proposed rezoning is consistent with all elements of the Comprehensive Plan. The Applicants are seeking to concurrently amend the Future Land Use Map to change the Future Land Use Category on the northern portion of the subject property from Regional Office to Urban High Density. The rezoning is consistent with Comprehensive Plan Policy I-1.3.4, *Urban High Density Future Land Use Category*, which allows residential development at a minimum density of four (4) dwelling units and a maximum density of twelve (12) dwelling units per net buildable acre, in addition to civic, commercial, and office uses. The draft PUD Ordinance incorporates the development standards and typical uses associated with the Regional Commercial and Urban High Density FLUCs.

CP Policy I-7.8.1, *Requirements for Planned Unit Developments*, states that the density and intensity of a PUD cannot exceed the density and intensity of the underlying Future Land Use Categories. The Applicant is proposing to rezone the property to develop the property consistent with the FLUC.

Pursuant to Comprehensive Plan Policy IX-3.1.1, *Regional Wastewater Service Criteria*, Policy IX-3.1.2, *Mandatory Sewer Connection*, and Policy IX-3.1.5, *Provisions of Central Sewer Services Inside of Designated Urban Areas*, development within the Urban Future Land Use Series must connect to central water and sewer when services are available. The subject property is located within the City of Clermont's Service Area and potable water and sanitary sewer capacity are available. The Applicants are proposing to connect the proposed development to the utilities.

This application is consistent with the 2030 Comprehensive Plan, Goal VI-1, *Intergovernmental Coordination*, regarding coordination with other local governments and agencies to encourage consistent facility, services and land use plans, to ensure cost-effective services, to maintain compatible land uses, and to implement resource planning and management plans. Additionally, the rezoning application is consistent with Comp Plan Policy VI-1.1.1, *Intergovernmental Agreements with Adjacent Jurisdictions*, regarding the County's ability to maintain intergovernmental agreements or joint planning agreements with adjacent jurisdictions in order to coordinate land use density and intensity and transportation facilities along the County boundary, and improve opportunities pertaining to Developments of Regional Impact, Comprehensive Plan amendments, Planned Developments, preliminary site plans and capital projects in proximity to its border.

Policy VI-1.1.4, *JPA with the City of Clermont*, states that the JPA shall also include agreement on future densities and intensities of properties that it may annex and a procedure for resolution of any future conflicts or disputes. The Clermont JPA Agreement, established in 2003, provides a process for the secondary jurisdiction to provide comments to the primary jurisdiction for Development Orders of significant magnitudes (major commercial site plans and residential subdivisions). The agreement states "any comments submitted by the agency of secondary jurisdiction in their review of the copy of said Development Order application shall be considered by the agency of primary jurisdiction in its review of said Development Order including examination of the relationship between the application, the City and County's Comprehensive Plans and this Agreement."

The City of Clermont has reviewed the application and provided feedback (Attachment A). Their requested conditions were incorporated into the draft PUD Ordinance under Section 2. A.3.c.

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

The Applicant wishes to develop the subject property with multi-family and commercial development. The Urban High FLUC has a minimum density of four (4) dwelling units per acre and a maximum of twelve (12) dwelling units per acre. This density is more accommodating to the Applicant's development plans than the density associated with the Regional Office Future Land Use Category (one dwelling unit per 10,000 square feet gross leasable area).

D. Whether there have been changed conditions that justify a rezoning.

The Owner would like to develop the property with a mixture of high-density residential and commercial uses. The Clermont area has seen significant growth and development in the past two decades. In the past few years, staff has approved multiple commercial development applications for Site Plans along State Road 50 including Headquarter Mazda, U-Haul Center of Clermont, Magnolia Center Lots 1 & 2, Toyota of Clermont and Plaza Collina Infrastructure Plan.

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 amendment would exceed the capacity of such public facilities, infrastructure and services, including, but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools, and fire and emergency medical facilities.

Water and Sewer

The City of Clermont has indicated that the subject property is located within their utility service area and they are able to provide water and sewer services to the property. The proposed Planned Unit Development (PUD) ordinance requires all development to connect to a potable water service and regional wastewater provider.

Schools

Based on a review by the Lake County School Board, the schools that would be affected by the future land use designation change and their projected five-year capacity status are as follows: Grassy Lake Elementary School would be at 107% capacity; Windy Hill Middle School would be at 150% capacity; and East Ridge High School would be at 122% capacity.

The project has the potential to adversely impact the school system, however, the School District's 2017-18 Five Year Capital Plan proposes two capital projects to be opened in 2022; a new K-8 school and a classroom addition at Lake Minneola High School will provide capacity relief. The Applicant is responsible for obtaining school concurrency prior to final plat.

Parks

The proposed comprehensive plan amendment is not anticipated to adversely impact park capacity or levels of service.

Solid Waste

The proposed rezoning is not anticipated to adversely impact solid waste capacities or levels of service.

Public Safety

Lake County Fire Station #90 is located 0.84 miles west of the subject property at 13341 Hartle Ave, Clermont.

Transportation Concurrency

The Applicant provided a Transportation Facilities Analysis prepared by Traffic Planning and Design, Inc. The report reviewed the impacts on the road network if the property is developed with 296 multi-family units and 400,000 square feet of commercial development instead of the Office development currently allowed on the property. The study concluded that the proposed development will result in a net decrease of 35,709 daily trips and 3,607 peak hour trips on the roadway network, of which there will be a net decrease of 19 entering trips and a net decrease of 3,588 exiting PM peak hour trips. The study concluded that the proposed amendment will not adversely impact the transportation facilities and will reduce future roadway volumes on the roadway network.

F. Whether, and the extent to which, the rezoning would result in significant impacts on the natural environment.

The southeast corner of the property lies within flood zone A as established on by the FEMA flood maps. The amendment will not result in a significant impact on the natural environment. The Applicant provided an environmental assessment which did not identify any protected wildlife on the subject property. A full environmental assessment will be required in conjunction with site plan or preliminary plat approval.

Any sensitive resources will be addressed through the development review process. New development will be required to meet all criteria contained within the Comprehensive Plan and Land Development Regulations. Any sensitive resources will be addressed through the development review process. New development will be required to meet all criteria contained within the Comprehensive Plan and Land Development Regulations.

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

The application does not contain any information regarding the impact on property values.

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 pattern.

The proposed amendment will not likely have any negative effects on the existing development pattern in the area. The subject property is situated between the Regional Commercial FLUC, Regional Office FLUC and the Urban Low Density FLUC. The Urban High Density FLUC is compatible with the surrounding properties and will serve as an appropriate transition between the Regional Commercial and Urban Low FLUC. The proposed amendment will result in an orderly and logical development pattern, as required by Goal I-1, and Policy I-1.1.3, *Direct Orderly, Compact Growth*.

I. Whether the proposed rezoning would be consistent with or advance the public interest, and in harmony with the purpose and interest of these regulations.

The proposed rezoning will be consistent with the purpose and interest of Lake County's regulations.

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

Not at this time.

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

1. The request is consistent with Land Development Regulation Section (LDR) Section 4.03.01, Purpose and Intent, which states that Planned Unit Development are allowed in all land use classifications; and
2. The request is consistent with LDR Section 4.03.02, Permitted Uses, which states that planned commercial communities may be developed with complimentary and compatible residential uses;
3. The request is consistent with LDR Section 15.02.00, *Clermont Joint Planning Area (JPA) Land Development Regulations; Boundary*; and
4. The request is consistent with Policy IX-3.1.1, *Regional Wastewater Service Criteria*, Policy IX-3.1.2, *Mandatory Sewer Connection*, and Policy IX-3.1.5, *Provisions of Central Sewer Services Inside of Designated Urban Areas*, which require development within the Urban Future Land Use Series to connect to central water and sewer when available; and
5. The request is consistent with LDR Section 4.03.01 which allows the establishment of Planned Unit Developments (PUD) within all land use classifications.

Based on these findings of fact, staff recommends **APPROVAL** of the application to revoke Conditional Use Permit (CUP) #957-3 and establish a Planned Unit Development (PUD) zoning district on 46.81 acres (Alternate Keys 2665645 and 1453313) to allow a mixed-use development of residential and commercial uses.

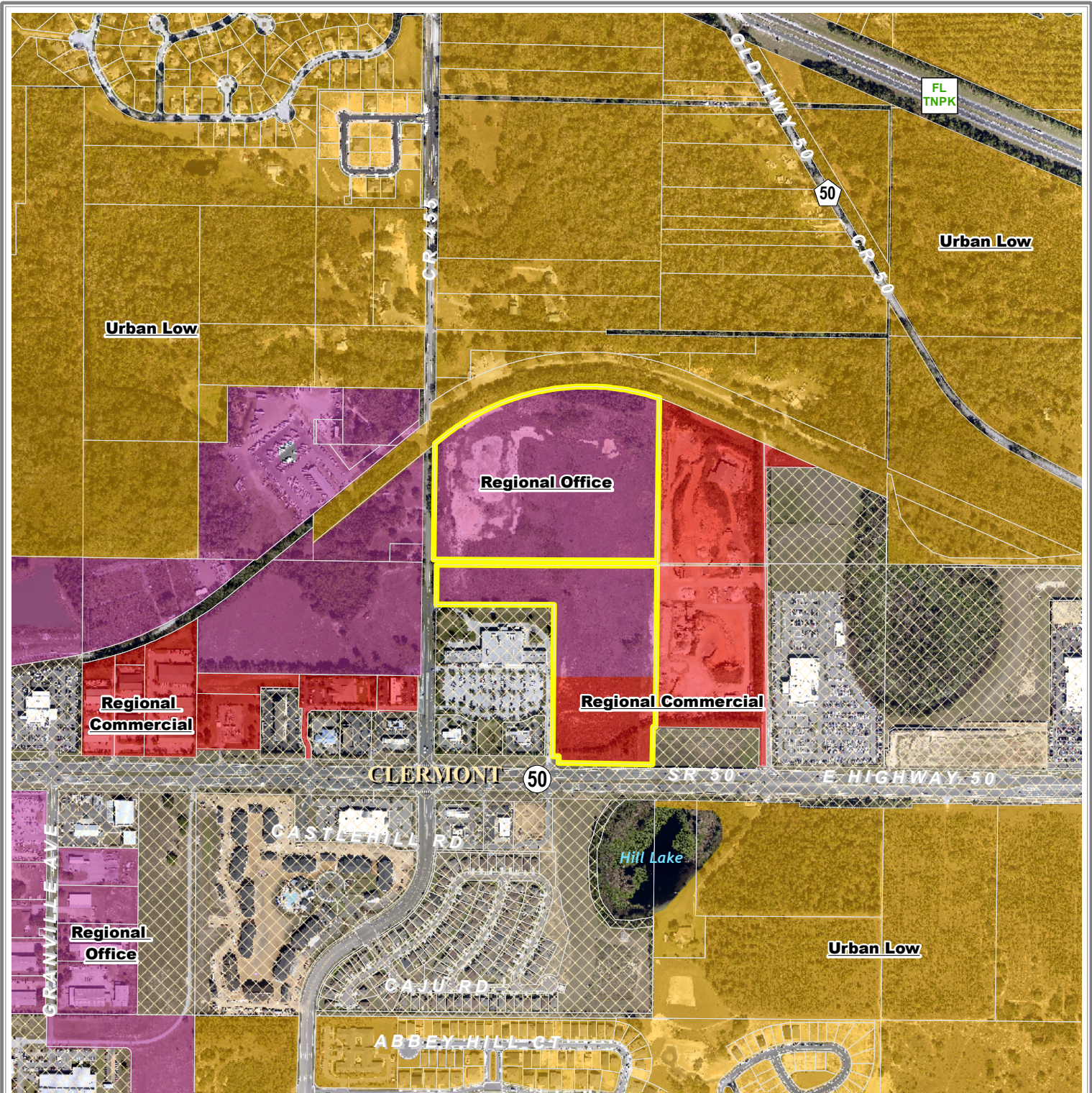
Case Manager: Michele Janiszewski, Chief Planner

WRITTEN COMMENTS FILED:

Support: -0-

Questions: -0-

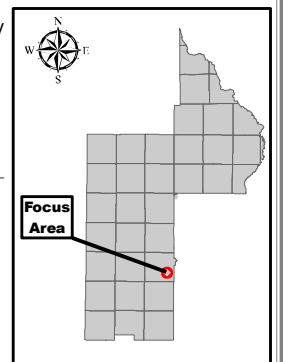
Opposition: -0-



FUTURE LAND USE LEGEND

- | | | | |
|--------------------------------|--|--------------------------|----------------------|
| Bella Collina | Mt Plymouth-Sorrento Main Street District | Regional Commercial | Urban Low Density |
| Cagan Crossings | Mt Plymouth-Sorrento Neighborhood | Rural | Urban Medium Density |
| Conservation | Mt Plymouth-Sorrento Receiving Area | Rural Transition | Urban High Density |
| Green Swamp Core Conservation | Regional Office | Sending Area A-1-20 | Wellness Way 1 |
| Green Swamp Interlachen | Public Service Facility and Infrastructure | Sending Area A-1-40 | Wellness Way 2 |
| Green Swamp Ridge | Receiving Area A-1-20 | South Lake Regional Park | Wellness Way 3 |
| Green Swamp Rural | Recreation | Summer Bay | Wellness Way 4 |
| Green Swamp Rural Conservation | | | Towncenter |
| Heavy Industrial | | | |

NAME: OAK PROPERTIES
CASE NUMBER: RZ-18-05-2
LOCATION (S-T-R): 23, 26-22-26
REQUEST: AGRICULTURE (A) TO
PLANNED UNIT DEVELOPMENT (PUD)



Ordinance 2018-__
East Clermont Village Planned Unit Development (PUD)
RZ-18-05-2

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

WHEREAS, Jimmy Crawford, Esq. (the “Applicant”), on behalf of Oak Properties, LLC (the “Owner”) has made a request to revoke Conditional Use Permit (CUP) #957-3 and to rezone the property from Agriculture (A) to Planned Unit Development (PUD) zoning district to accommodate a mixed-use residential and commercial development; and

WHEREAS, the subject property consists of 46.81 +/- acres and is located north of State Road 50 and east of County Road 455 in the Clermont area, within Sections 23 &26, Township 22 South, Range 26 East, and is more particularly described in Exhibit A; and

WHEREAS, the subject property is located within the Urban High Density and Regional Commercial Future Use Categories in accordance with Ordinance Number 2018-____; and

WHEREAS, the Lake County Planning & Zoning Board reviewed Petition RZ-18-05-2 on October 3, 2018, after giving notice of the hearing on the petition for voluntary revocation of CUP #957-3 and a petition for a change in zoning, including notice that the petition would be presented to the Board of County Commissioners of Lake County, Florida, on October 23, 2018; and

WHEREAS, the Board of County Commissioners reviewed the petition, the recommendations of the Lake County Planning & 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:

Section 1. Revocation. The County Manager or designee shall amend the Lake County Zoning Map in accordance with this Ordinance to reflect a revocation of Conditional Use Permit #957-3 for a clay and extraction facility, which is now null and void upon execution of this ordinance.

Section 2. Terms. The County Manager or designee shall amend the Lake County Zoning Map to show the property as Planned Unit Development (PUD) zoning district in accordance with this Ordinance. All uses specified must be generally consistent with the Concept Plan as shown in Exhibit “B” of this Ordinance. To the extent where there are conflicts between the Concept Plan and this Ordinance, the Ordinance shall take precedence.

A. Permitted Land Uses.

1. Residential.

a. Residential uses are permitted on Tract A and Tract B as identified on the Concept Plan in Exhibit B.

- b. The overall density shall be a minimum of four (4) dwelling units per acre and a maximum of twelve (12) dwelling units per acre.
- c. A maximum of 296 single family (detached and attached) dwelling units may be constructed on the subject property. Single family attached dwelling units may include townhouses, apartments, and duplexes.
- d. Residential Setbacks. Setbacks for the single family dwelling units and duplexes are as follows:

Front	25 feet from the property line or right-of-way, whichever is greater.
Secondary Front	15 feet from the property line or right-of-way, whichever is greater.
Side	5 feet from the property line.
Rear	10 feet from the property line for the dwelling unit and 5 feet from the property line for accessory structures (including pools & screen rooms).
Between Buildings (for Single Family Attached Dwellings only)	20 feet plus 15 feet for each story in excess of two.
Driveways	Single-Family detached: Five (5) feet from the side property line. Single-Family attached: May be allowed to have a zero foot side setback from the property line with an approved grading plan.

2. Commercial Development.

- a. Commercial Development is a permitted use on Tract B and Tract C, as depicted in the Concept Plan provided as Exhibit B.
- b. A maximum of 400,000 of Commercial/Office Uses may be developed on the subject property.
- c. All Planned Commercial (CP) uses are permitted with the exception of the following uses: Kennels, Lofts/Aviary, Plant nursery, Mining and Quarrying, Obnoxious uses, Adult uses, Marina, Self-service laundry, Self-service storage, Truck yard, Wholesale and warehouse, Junkyard, Warehouses, Cemetery, College or University, Nursing home and Major Utilities.
- d. The following uses are prohibited within the Frontage Zone, defined as the first 400 feet north of the right-of-way line of State Road 50:

1. Motor Vehicle Sales and Leasing (including, but not limited to automobiles, motorcycles, boats and other motorized vehicles).
2. Motor Vehicle Parts (including tire sales and service, but not limited to automobiles, motorcycles, boats and other motorized vehicles)
3. Motor Vehicle Service (including quick lube/oil change facilities, but not limited to automobiles, motorcycles, boats and other motorized vehicles).
4. Truck Rental or Leasing as a principal use.
5. Self-Storage facilities of any type.
6. Outside Storage as a principal or accessory use.

e. Setbacks for Commercial Development shall be as follows:

Front	50 feet from the right-of-way of State Road 50 and County Road 455, and 25 feet from the right-of-way of any local/internal road or easement.
Side	15 feet from the property line (based on the 15-foot Type B landscape buffer requirement)
<ul style="list-style-type: none"> • Rear setbacks Shall be no less than twenty-five (25) feet for all structures. • All yard setbacks for principal and accessory buildings Shall be a minimum of thirty (30) feet from residentially designated land and residential structures. 	

B. Development Standards.

1. Maximum height of thirty-five (35) feet Shall be allowable for all designated habitable, occupancy use areas of a Building or structure, and a maximum height of forty-five (45) feet Shall be allowable for the finished height of all buildings or structures. For the purposes of this section, habitable, occupancy use area Shall mean that portion of a building or structure included between the upper surface of a floor and the ceiling above, intended for human occupancy.
2. Chain link fencing Shall be prohibited. Fencing around water retention areas and all other fencing Shall be ornamental metal fencing.
3. Commercial development shall adhere to the Architectural Design Standards in LDR Section 15.02.04, *Architectural standards*.

C. Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building Height. All development standards must be in accordance with the Comprehensive Plan and Land Development Regulations, as amended.

D. Clermont Joint Planning Area (JPA): The project shall comply with all applicable regulations of Chapter XV of the LDRs, as amended.

- E. Parking Requirements.** Off-street parking must be provided in accordance with the Lake County Land Development Regulations, as amended.
- F. Landscaping, Buffering, and Screening.** All new development must provide landscaping in accordance with the Lake County Land Development Regulations, as amended.
- G. Environmental Requirements.** Prior to any future development, a current environmental assessment must be submitted to identify potential negative impacts to wetlands, habitat, wildlife corridors, flora, and fauna.
- H. Noise:** Compliance must be in accordance with the Lake County Land Development Regulations, as amended.
- I. Transportation Improvements.**
 - 1. All access management shall be in accordance with FDOT, the Comprehensive Plan and Land Development Regulations, as amended.
 - 2. Sidewalks will be required per Land Development Regulations, as amended.
- J. Utilities.** A Utility Service Agreement for water and sewer with the City of Clermont shall be required prior to preliminary plat or site plan approval. Connection to central water and wastewater treatment is required and shall comply with all applicable State, Regional, and Lake County policies and regulations, as amended.
- K. Stormwater Management.**
 - 1. The stormwater management system must be designed in accordance with all applicable Lake County and St. Johns River Water Management District requirements.
 - 2. The storm water management system shall demonstrate that each phase is able to exist as an independent stable unit for drainage purposes. The natural pre-development drainage pattern shall be maintained to the maximum extent possible, in accordance with the SJRWMD regulations.
- L. Floodplain Management.** The Owners will be responsible for any flood studies required for developing the site and to comply with Federal Emergency Management Agency (FEMA) regulations, the Comprehensive Plan, and the Lake County Land Development Regulations. Any development within the floodplain as identified on the FEMA maps will require compensating storage.
- M. External Lighting Standards and Requirements.**
 - 1. Exterior lighting must be in accordance with the Lake County Land Development Regulations, as amended, and consistent with Dark-Sky Principles.
 - 2. All light fixtures, including security lighting, shall be limited to cutoff type fixtures and shall be incorporated as an integral design element that complements the design of the development

through style, material, and color. Luminaries shall not be tilted. Floodlights or lighting types featuring sag, convex, or drop lenses shall be prohibited.

3. The height of lighting fixtures inclusive of supporting pole, the lighting source, and fixture shall not exceed 30 thirty (30') feet within parking areas and fifteen (15') feet in height in non-vehicular pedestrian areas. Such height shall be measured from finished grade to the top of the light fixture.
4. An exterior lighting plan shall be prepared and be submitted with any site plan or construction plan application. Such plan shall consist of a photometric plan of the developed area of the site with accompanying data tables and product design details addressing support poles, lamp fixtures and lenses.

N. Signage.

1. Signs with visible moving, revolving or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic or mechanical means Shall be prohibited.
2. Signs with the optical illusion of movement by means of a design that presents a pattern capable of giving the illusion of motion or changing of copy Shall be prohibited.
3. Digital or light-emitting diode (LED) signs Shall be prohibited.
4. All signage must be in accordance with the Lake County Land Development Regulations, as amended.

O. Concurrency Management Requirements.

1. The Owner shall comply with concurrency management regulations and shall be subject to all applicable concurrency requirements as set forth in the LDRs.
2. Future Amendments to Statutes, Code, Plan, and/or Regulations: The specific references in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan, and Lake County Land Development Regulations are inclusive of any future amendments to the Statutes, Code, Plan, and/or Regulations.

P. Development Review and Approval.

1. Prior to the issuance of any permits, the Applicant shall be required to submit a formal site plan (multi-family development and community facility development) or a preliminary plat, construction plans, and final plat (single-family/townhomes), generally consistent with Exhibit B, for review and approval to Lake County. The site plan or preliminary plat, construction plans, and final plat shall meet all submittal requirements and comply with all County codes and ordinances, as amended.
2. PUD Expiration: Physical development shall commence within three (3) years from the date of this Ordinance approval. Failure to commence construction within three (3) years of approval shall cause the revocation of this ordinance, in accordance with the Comprehensive Plan or

superseding documents amended. Prior to expiration of the three-year time frame, the Board of County Commissioners may grant, via a Public Hearing, one (1) extension of the time frame for a maximum of two (2) years upon a showing that reasonable efforts have been made towards securing the required approvals and commencement of work.

Section 3. Conditions.

- A. After establishment of the facilities as provided in this Ordinance, the property may only be used for the purposes identified in this Ordinance. Any other proposed use must be specifically authorized by the Lake County Board of County Commissioners.
- B. No person, firm, or corporation may erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building structure, add other uses, or alter the land in any manner within the boundaries of the above described land without first obtaining the necessary approvals in accordance with the Lake County Code, as amended, and obtaining the permits required from the other appropriate governmental agencies.
- C. This Ordinance will inure to the benefit of, and will constitute a covenant running with the land, and the terms, conditions, and provisions of this Ordinance will be binding upon the present Owners and any successor, and will be subject to each and every condition set out in this Ordinance.
- D. The transfer of ownership or lease of any or all of the property described in this Ordinance must include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions established by this Ordinance and agrees to be bound by these conditions. The purchaser or lessee may request a change from the existing plans and conditions by following the procedures contained in the Land Development Regulations, as amended.
- E. Action by the Lake County Code Enforcement Special Master. The Lake County Code Enforcement Special Master will have authority to enforce the terms and conditions set forth in this Ordinance and to recommend that the ordinance be revoked.

Section 4. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the holding will in no way affect the validity of the remaining portions of this Ordinance.

Section 5. Filing with the Department of State. The clerk is hereby directed to send a copy of this Ordinance to the Secretary of State for the State of Florida in accordance with Section 125.66, Florida Statutes.

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Section 6. Effective Date. This Ordinance will become effective as provided by law.

ENACTED this _____ day of _____, 2018.

FILED with the Secretary of State _____, 2018.

EFFECTIVE _____, 2018.

Board of County Commissioners
Lake County, Florida

Timothy I. Sullivan, Chairman

ATTEST:

Gary J. Cooney, Clerk of Courts
Board of County Commissioners of
Lake County, Florida

APPROVED AS TO FORM AND LEGALITY

Melanie Marsh, County Attorney

Exhibit A. Legal Description.

Tracts 51A, 52A, 61 and 62, of LAKE HIGHLANDS COMPANY SUBDIVISION OF SECTION 23, TOWNSHIP 22 SOUTH, RANGE 26 EAST, according to the Plat thereof, as recorded in Plat Book 4, Page 11, of the Public Records of Lake County, Florida; LESS right of way on the West for State Road Number 455; together with Tracts 3, 4, 13 and 14 of LAKE HIGHLANDS COMPANY SUBDIVISION OF SECTION 26, TOWNSHIP 22 SOUTH, RANGE 26 EAST, according to the Plat thereof, as recorded in Plat Book 3, at Page 52, of the Public Records of Lake County, Florida; LESS right of way on the West for State Road 455 and LESS right of way on the South for State Road 50, in and for Lake County, Florida.

LESS AND EXCEPT THE FOLLOWING AS CONTAINED IN THAT CERTAIN WARRANTY DEED RECORDED DECEMBER 26, 2002, IN OFFICIAL RECORDS BOOK 2231, PAGE 2257, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA:

A portion of tracts 3, 4, 13 and 14 of LAKE HIGHLANDS COMPANY SUBDIVISION OF SECTION 26, TOWNSHIP 22 SOUTH, RANGE 26 EAST, according to the Plat thereof, as recorded in Plat Book 3, Page 52, of the Public Records of Lake County, Florida, being described as follows:

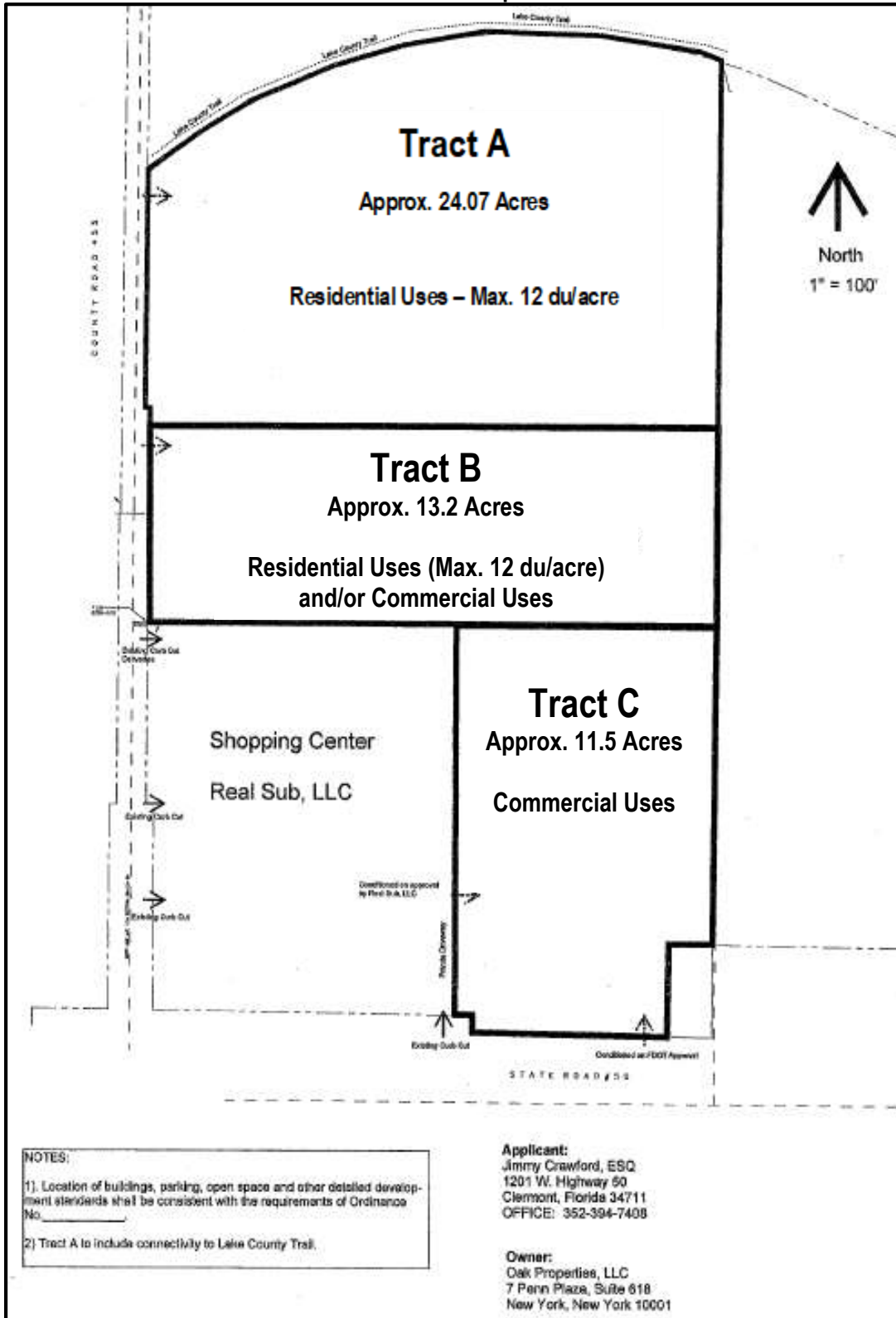
Commence at the North Quarter corner of said Section 26 as a point of reference, said point being marked by a railroad spike in the centerline of pavement of County Road No. 455; thence run South 00 degrees 40 minutes 30 seconds West, along the West line of the Northeast Quarter of said Section 26, 244.02 feet; thence run South 89 degrees 34 minutes 59 seconds East, parallel with the North line of said Northeast Quarter, 33.00 feet to the POINT OF BEGINNING; thence continue South 89 degrees 34 minutes 59 seconds East, parallel with said North line, 700.01 feet; thence run South 00 degrees 40 minutes 30 seconds West, parallel with the aforesaid West line of the Northeast Quarter, 879.12 feet to the North right of way line of State Road No. 50 as shown on right of way Map Section 11070-2505; thence run North 88 degrees 54 minutes 49 seconds West, along said North right of way line, 718.02 feet to the East line of a 30 foot right of way as shown on the Plat of LAKE HIGHLANDS COMPANY SUBDIVISION; thence run North 00 degrees 40 minutes 30 seconds East, along said East right line 261.64 feet to the East line of County Road No. 455 as currently monumented, said line being a curve concave to the Northwest; thence run Northeasterly along said curve having a central angle of 13 degrees 48 minutes 23 seconds, a radius of 623.00 feet, an arc length of 150.12 feet, a chord bearing of North 07 degrees 34 minutes 41 seconds East and a chord distance of 149.76 feet; thence run North 00 degrees 40 minutes 30 seconds East, continuing along said East line, 460.49 feet to the POINT OF BEGINNING.

AND LESS AND EXCEPT THE FOLLOWING AS CONTAINED IN THAT CERTAIN

That portion of the following described Parcel lying within 50 feet East of the North-South Mid-Section line of Section 26, Township 22 South, Range 26 East, Lake County, Florida.

Tract 13 of LAKE HIGHLANDS COMPANY SUBDIVISION OF SECTION 26, TOWNSHIP 22 SOUTH, RANGE 26 EAST, according to the Plat thereof, as recorded in Plat Book 3, Page 52, of the Public Records of Lake County, Florida, LESS AND EXCEPT right of way for SR 50.

Exhibit B. Concept Plan.



NOTES:
1) Location of buildings, parking, open space and other detailed development standards shall be consistent with the requirements of Ordinance No. _____
2) Tract A to include connectivity to Lake County Trail.

Applicant:
Jimmy Crawford, ESQ
1201 W. Highway 50
Clermont, Florida 34711
OFFICE: 352-394-7408

Owner:
Oak Properties, LLC
7 Penn Plaza, Suite 618
New York, New York 10001

Attachment A. Comments from Clermont.



DEVELOPMENT SERVICES

352-394-4083

Lake County Planning and Zoning

Re: Oak Properties

PROJECT#2018040003 AR#3407 - FLU#18-07-2

Case Manager: Michele Janiszewski, MJaniszewski@lakecountyfl.gov

The City of Clermont is pending adopting a SR50 and US27 Overlay Zoning District, the intent of the East Highway 50 and US27 Special Overlay District is to promote a more orderly, quality and cohesive development pattern for this high profile gateway into the City. It is intended to prevent the over-concentration and duplication of uses such as of motor vehicle sales and leasing uses to avoid a continuous and repetitive pattern of land uses, and to encourage the location of motor vehicle parts, and service land uses be screened from Highway 50 and US27. It is also intended to further define certain uses based on function and visual impact so they are located in areas on the development site that are further separated from the Highway 50 and US27 frontage. Further, the East Highway 50 AND US27 Overlay District encourages subject areas to provide for a mix of uses that provides for all modes of active and motorized transportation for all modes and abilities. It is the request of the City of Clermont that any uses on the site conform to the future Zoning Overlay on SR50. These prohibited uses include:

1. Prohibited uses within the SR50 Frontage Zone and US27
 - a. Motor Vehicle Sales and Leasing (including, but not limited to automobiles, motorcycles, boats and other motorized vehicles)
 - b. Motor Vehicle Parts (including tire sales and service, but not limited to automobiles, motorcycles, boats and other motorized vehicles)
 - c. Motor Vehicle Service (including quick lube/oil change facilities, but not limited to automobiles, motorcycles, boats and other motorized vehicles)
 - d. Truck Rental or Leasing as a principal use
 - e. Self-Storage facilities of any type
 - f. Outside Storage as a principal or accessory use

Further, although the project is submitted as a PUD, the City is requesting all development standards contained within the JPA Agreement are upheld along the State Road 50 facing commercial development to promote a more orderly, quality and cohesive development pattern consistent with the City of Clermont standards. Further, The City of Clermont prohibits any electronic signage and requests no electronic signs be permissible on the site.

Curt Henschel
Acting Development Services Director