



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearings: Planning & Zoning Board (PZB): May 1, 2019
 Board of County Commissioners (BCC): May 21, 2019

Case No. and Project Name: RZ-19-03-2, John's Lake Landing PUD/Clermont SLP, LLC

Applicant: M. Rebecca Wilson, Lowndes Law

Owner: Clermont SLP, LLC

Requested Action: Amend the John's Lake Landing Planned Unit Development (PUD) by amending PUD Ordinance 2015-46 to increase the Assisted Living Facility rooms from seventy-one (71) rooms to seventy-three (73) rooms under the permitted uses on the subject parcel.

Staff Determination: Staff recommends approval of the amendment to PUD Ordinance 2015-46 to increase the Assisted Living Facility rooms from seventy-one (71) rooms to seventy-three (73) rooms under the permitted uses, as set forth in the attached Ordinance.

Case Manager: Janie Barrón, Senior Planner

PZB Recommendation:

Subject Property Information

Size PUD property consists of 309 +/- acres (Subject parcel 4.58 +/- acres)

Location 16401 Good Hearth Blvd, Clermont

Alternate Key # 3890149

Future Land Use Urban Low

Existing Zoning District Planned Unit Development (PUD) by Ordinance #2015-46

Proposed Zoning District Planned Unit Development (PUD)

Joint Planning Area/ISBA City of Clermont

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Municipal	Municipal Residential	Residential	Single-Family Dwelling Units
South	N/A	N/A	Street	Good Hearth Boulevard
East	Urban Low	Planned Unit Development (PUD)	Residential	Single-Family Dwelling Units
West	N/A	N/A	Street	Hartle Road

- Summary of Analysis -

The rezoning application is requesting to amend PUD Ordinance 2015-46 to increase the Assisted Living Facility (ALF) rooms from seventy-one (71) rooms to seventy-three (73) rooms under the permitted uses. John's Lake Landing PUD property consists of 309 +/- acres, however, and the subject parcel of the ALF contains 4.58 +/- acres. PUD Ordinance 2015-46 includes the subject parcel identified by Alternate Key Number 3890149 and permits an assisted living facility with a maximum of seventy-one (71) rooms. The subject parcel is currently developed as an assisted living facility and is generally located east of Hartle Road, north of Good Hearth Blvd, in the Clermont area.

- Analysis -

Land Development Regulations Section 14.03.03 Standards for Review.

- A. Whether the proposed rezoning is in conflict with any applicable provisions of the Code;**
- B. Land Development Regulation (LDR) Section 4.03.00.A.2, states that the PUD zoning district is created to allow a diversification of uses, Structures, and Open Space in a manner compatible with both the surrounding, existing and approved Development of Land surrounding and abutting the PUD Site. Amending PUD Ordinance 2015-46 to increase the ALF rooms from seventy-one (71) to seventy-three (73) is not in conflict with any applicable provisions of Land Development Regulation (LDR) Section 4.03.00.A.2the Code. The ALF is currently operating but was constructed in two (2) phases, as such, by adding two (2) additional rooms within a PUD does not conflict with any provisions of the Code. **Whether the proposed rezoning is consistent with all elements of the Lake County Comprehensive Plan;****

Amending PUD Ordinance 2015-46 is consistent with all applicable elements of the Comprehensive Plan. The subject property is designated with an Urban Low Density Future Land Use Category, in which nursing and personal care facilities are a permitted use.

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

The subject parcel is surrounded by residential uses, which are consistent with the land uses assigned to the area and development.

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

Amending PUD Ordinance 2015-46 is consistent with all applicable elements of the Comprehensive Plan. The subject property is designated with an Urban Low Density Future Land Use Category, in which nursing and personal care facilities are a permitted use. The proposed amendment to the Ordinance is compatible with existing land uses and will result in an orderly and logical development pattern.

- 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 police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools and fire and emergency medical facilities;**

Water and Sewer

The subject property is located within the City of Clermont service area and are connected to the City of Clermont central water and sewer.

Parks

The proposed rezoning is not anticipated to adversely impact parks.

Solid Waste

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

Public Safety

Lake County Fire Rescue Station 90/CFD104 is located approximately one (1) mile of the subject property at 13341 Hartle Road, Clermont and provides advanced life support for this area. Fire protection water supply and emergency access will be addressed during the site plan review process if this rezoning is granted.

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

No adverse impact to the natural environment is anticipated as the property is currently developed with urban uses.

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

There is no indication that the rezoning amendment would have an adverse impact on property values.

H. Whether, and the extent to which, the proposed rezoning would result in an orderly and logical development pattern;

The proposed rezoning would not disrupt the existing orderly and logical development pattern of the area. The subject property has been developed with urban uses since 2014.

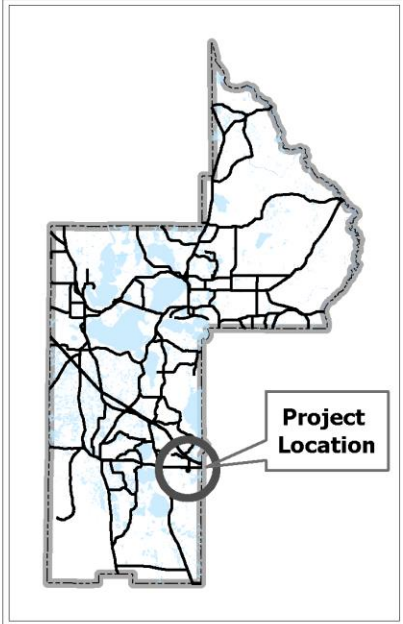
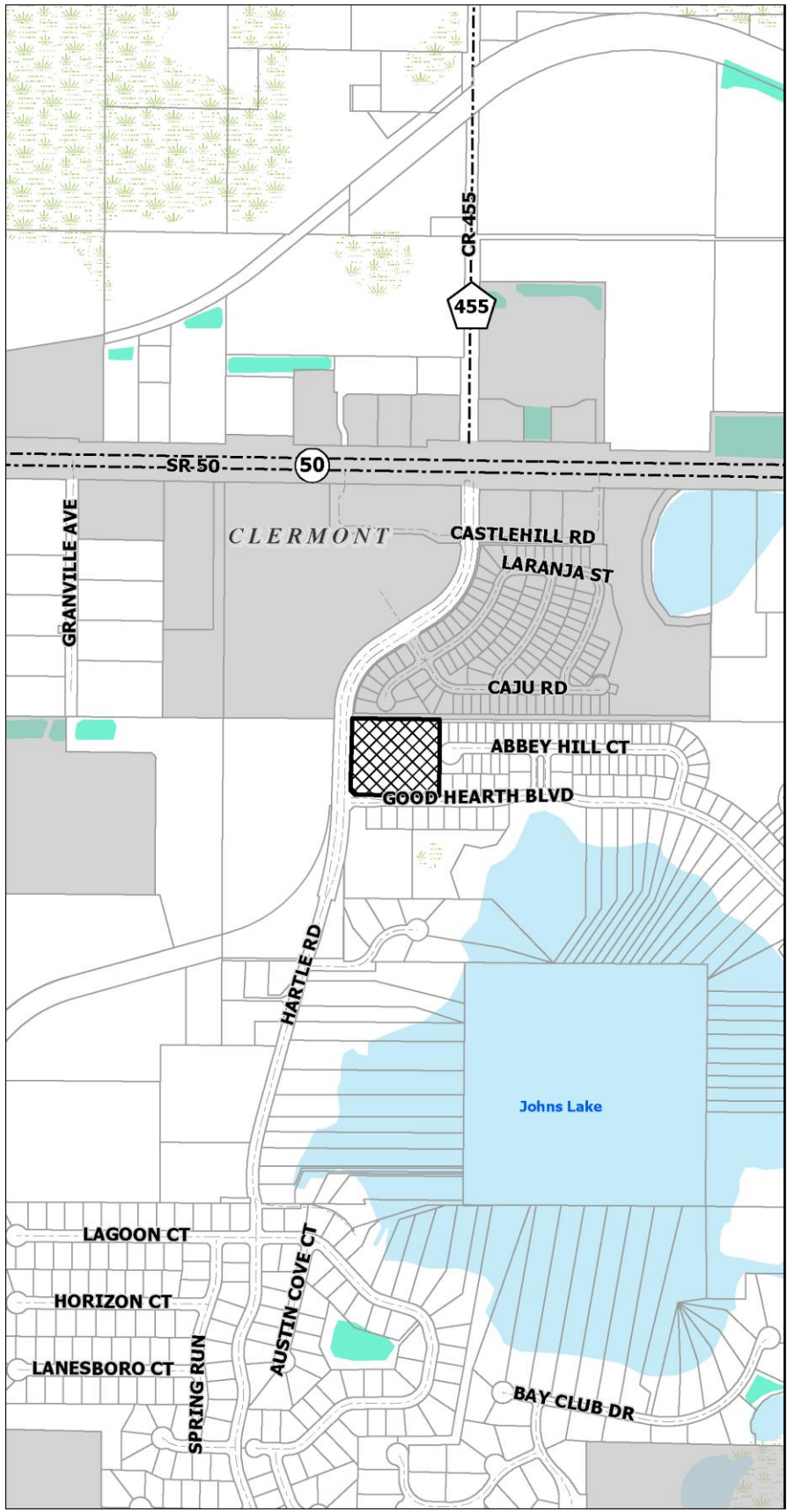
I. Whether the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these Regulations; and

The proposed rezoning application is in harmony with the general intent of the Comprehensive Plan and Land Development Regulations as stated in Sections A through H above.

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.

N/A.

Subject Property



ORDINANCE #2019-XX
John's Lake Landing PUD/Clermont SLP, LLC
RZ-19-03-2

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

3 **WHEREAS**, M. Rebecca Wilson (the "Applicant") submitted a rezoning application on behalf of
4 Clermont SLP, LLC (the "Owners") to amend the John's Lake Landing Planned Unit Development (PUD) by
5 amending PUD Ordinance 2015-46 to increase the Assisted Living Facility rooms from seventy-one (71)
6 rooms to seventy-three (73) rooms; and

7 **WHEREAS**, the subject Planned Unit Development property consists of 309 +/- acres, the subject parcel
8 consists of 4.52 +/- acres and is located east of Hartle Road and north of Good Hearth Blvd, in the Clermont
9 area, situated in Section 26 - Township 22S - Range 26E, and having Alternate Keys #3890149, 3890191,
10 3890190, 3890189, 3890188, 3890187, 3890186, 3890185, 3890184, 3890183, 3890182, 3890181,
11 3890180, 3890179, 3890178, 3890177, 3890176, 3890175, 3890174, 3890173, 3890172, 3890171,
12 3890170, 3890169, 3890168, 3890167, 3890166, 3890165, 3890164, 3890163, 3890162, 3890161,
13 3890160, 3890159, 3890158, 3890157, 3890156, 3890155, 3890154, 3890153, 3890152, 3890151,
14 3890252, 3890192, 3890193, 3890194, 3890195, 3890196, 3890197, 3890214, 3890215, 3890216,
15 3890217, 3890218, 3890219, 3890220, 3890221, 3890222, 3890223, 3890224, 3890225, 3890203,
16 3890202, 3890201, 3890200, 3890199, 3890198, 3890213, 3890232, 3890231, 3890230, 3890229,
17 3890228, 3890227, 3890150, 3890247, 3890204, 3890205, 3890206, 3890207, 3890208, 3890209,
18 3890210, 3890211, 3890212, 3890233, 3890234, 3890235, 3890236, 3890237, 3890238, 3890239,
19 3890240, 3890241, 3890242, 3890243, 3890244, 3890245, 3890246, 3890250, 3890249, 1593115,
20 1029139, 1037471, 1648149, 1707269, 1037425, 2942266, 2664754, 1592330, and 1648106, and more
21 particularly described in Exhibit "A"; and

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

25 **WHEREAS**, on January 22, 2012, the Board of County Commissioners approved PUD Ordinance
26 2012-7, to amend Johns Lake Landing PUD Ordinance 2005-95 to community facility use (71 Unit Assisted
27 Living Facility) and reduce SFR dwelling units for the from 845 to 788 units; and

28 **WHEREAS**, on February 25, 2014, the Board of County Commissioners approved PUD Ordinance
29 2014-9, which is an amendment to the Johns Lake Landing PUD Ordinance 2012-7 related to timing of
30 screening wall between the Magnolia Pointe subdivision and the John's Lake Landing subdivision; and

31 **WHEREAS**, the Lake County Planning & Zoning Board reviewed Petition RZ-19-03-2 on May 1,
32 2019, after giving notice of the hearing on the petition for a change in zoning, including notice that the petition
33 would be presented to the Board of County Commissioners of Lake County, Florida, on May 21, 2019; and

34 **WHEREAS**, the Board of County Commissioners reviewed the petition, the recommendations of the
35 Lake County Planning & Zoning Board, staff report, and any comments, favorable or unfavorable, from the
36 public and surrounding property owners at a public hearing duly advertised; and

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

1 **NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake County,
2 Florida, that:

3 **Section 1. Terms.** The County Manager or designee shall amend the Official Zoning Map to reflect this
4 ordinance. Section 1.A.3.a of Ordinance 2015-46 is hereby amended to read as specified below
5 all remaining sections of Ordinance 2015-46 remain in full force and effect.

6 **A. Land Use and Design:**

7 3. Assisted Living Facility:

- 8 a. The 73 room ALF shall be permitted on Lot 1, John's Lake Landing Phase 1, as
9 demonstrated Exhibit B of this Ordinance. In the event the ALF is not developed, the
10 Developer has the option to develop Lot 1, John's Lake Landing Phase 1, for residential
11 purposes with no increase in density.
- 12 b. Commercial setbacks shall apply for the ALF.
- 13 c. Minimum residential lot size for Lot 1, John's Lake Landing Phase 1, shall be 50' x 110'.
14 Setbacks for 50' residential lots shall apply.

15 **Section 2. Conditions:**

- 16 **A.** In the event of any breach in any of the terms or conditions of this permit or any default or failure of
17 the Applicant or her successor to: Fulfill development in substantial accordance with the conceptual
18 plan as submitted to the Planning & Zoning Board and the Board of County Commissioners; comply
19 with the codes of the governmental agencies having lawful and appropriate jurisdiction; or comply
20 with any of the terms of the Conditional Use Permit; or if this CUP is found to become a nuisance or
21 safety hazard, the permit may be revoked after due Public Hearing before the Planning & Zoning
22 Board and the Board of County Commissioners.
- 23 **B.** This Conditional Use Permit will inure to the benefit of, and will constitute a covenant running with
24 the land; and the purpose, terms, and conditions contained in this Ordinance will be binding upon
25 the Applicant or any successor and her interest.
- 26 **C.** Action by the Lake County Code Enforcement Special Master. The Lake County Code Enforcement
27 Special Master will have authority to enforce the terms and conditions set forth in this ordinance and
28 to recommend that the ordinance be revoked.
- 29 **D.** Inspection. This use will be inspected by the Code Enforcement Division annually to ensure
30 compliance with the conditions of this Conditional Use Permit and the approved site plan. An annual
31 inspection fee will be assessed. If an emergency inspection is necessary during non-operating hours,
32 a fee will also be assessed.

33 **Section 3. Severability:** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or
34 unconstitutional by any court of competent jurisdiction, the holding will in no way affect the validity
35 of the remaining portions of this Ordinance.

36 **Section 4. Filing with the Department of State.** The clerk is hereby directed forthwith to send a copy of
37 this Ordinance to the Secretary of State for the State of Florida in accordance with Section
38 125.66, Florida Statutes.

1 **Section 5. Effective Date. This Ordinance will become effective as provided by law.**

2 **ENACTED** this _____ day of _____, 2019.

3 **FILED** with the Secretary of State _____, 2019.

4 **EFFECTIVE** _____, 2019.

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

8 _____
9 **LESLIE CAMPIONE, CHAIRMAN**

10 **ATTEST:**

11 _____
12
13 **GARY J. COONEY, CLERK OF THE**
14 **BOARD OF COUNTY COMMISSIONERS**
15 **LAKE COUNTY, FLORIDA**

16
17 **APPROVED AS TO FORM AND LEGALITY:**

18
19
20 _____
21 **MELANIE MARSH, 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

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

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

12

13

14

15

16

17

18

19

20

21

[Rest of page left intentionally blank]

22

23

24

25

26

27

28

29

30

EXHIBIT B – Concept Plan

