



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 3

Public Hearings: Planning & Zoning Board (PZB): October 2, 2019
Board of County Commissioners (BCC): October 22, 2019

Case No. and Project Name: RZ-19-16-1, Phillips Landing (a/k/a 27 at O'Brien Property)

Applicant: Green Consulting Group, Inc. - Timothy W. Green, ASLA, AICP, LEED, AP

Owner: 27 @ O'Brien LLC

Requested Action: Amend Planned Unit Development (PUD) Ordinance 56-87 to remove 39.66 +/- acres (Alternate Key Numbers 1024617 and 3870955), to establish a new PUD ordinance consisting of the aforementioned alternate key numbers to accommodate development of a residential subdivision.

Staff Determination: Staff finds the rezoning application consistent with the Land Development Regulations (LDR) and Comprehensive Plan.

Case Manager: Janie Barrón, Senior Planner

PZB Recommendation:

Subject Property Information

Size: Subject parcel 39.66 +/- acres

Location: East of O'Brien Road, north of US Highway 27, and west of State Road 19 in the Groveland area.

Alternate Key #: 1024617 and 3870955

Future Land Use: Urban Medium

Existing Zoning District: Planned Unit Development (PUD) by Ordinance #56-87

Proposed Zoning District: Planned Unit Development (PUD)

Joint Planning Area/ISBA: City of Groveland – Comments Received (Attachment C)

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Medium	Municipal Residential	Residential	Large Tract of Land with Wetlands, and Single-Family Dwelling Unit
South	Urban Medium	Agriculture (A) and Neighborhood Commercial (C-1)	Vacant	Large Vacant Tract of Land lying North of US Highway 27
East	N/A	N/A	Turnpike	Florida Turnpike, Adjacent to Industrial
West	N/A	N/A	Right of Way	O'Brien Road, Adjacent to Residential and Large Vacant PUD Parcel

- Summary of Analysis -

The 39.66 +/- acres, identified by Alternate Key Numbers 1024617, and 3870955 are zoned Planned Unit Development (PUD) by Ordinance 56-87 and designated as Urban Medium Density Future Land Use Category. The properties are generally located east of O'Brien Road, north of US Highway 27, and west of State Road 19 in the Groveland area of unincorporated Lake County.

The application seeks to amend Planned Unit Development (PUD) Ordinance 56-87 by removing parcels identified as Alternate Key Numbers 1024617 and 3870955 to establish a new Planned Unit Development (PUD) ordinance consisting of the aforementioned alternate key numbers to allow a one-hundred fifty-three (153) lot residential subdivision. Ordinance #56-87 was approved by the Board of County Commissioners (BCC) on September 8, 1987, for development of a commercial/industrial complex. The rezoning included 188 +/- acres.

- 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;

The application seeks to amend PUD Ordinance 56-87 to remove 39.66 +/- acres, establish a new PUD ordinance to accommodate development of a one-hundred fifty-three (153) lot residential subdivision. The concept plan proposes over twenty-five (25) percent open space, which is consistent with Comprehensive Plan Policy I-1.3.3. The proposed residential development is consistent with the Urban Medium FLUC, which allows residential development up to seven (7) dwelling units per net buildable acre.

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

The rezoning application seeks to develop a residential subdivision utilizing urban utilities (central water and sewer) consistent with Comprehensive Plan Policy I-1.1.4, which encourages infill development and growth in existing urban areas.

The application proposes a maximum density of 4.41 dwelling units per net buildable acre consistent with Comprehensive Plan Policy I-1.3.3, which allows residential uses with a maximum density of seven (7) dwelling units per net buildable acre.

The concept plan indicates that each residential lot will allow a maximum impervious surface area of seventy (70) percent and more than twenty-five (25) percent open space within the proposed subdivision as common area.

The proposed development of 153 dwelling units is consistent with Comprehensive Plan Policy I-7.8.1, which requires PUD zoning for any application seeking fifty (50) or more dwelling units.

The City of Groveland memorandum (Attachment C) indicates the ability to serve the subject property with urban utilities, as the property is within the limits of the Groveland Inter-local Service Boundary Agreement (ISBA). This is consistent with Comprehensive Plan Policy IX-2.2.2 and IX-3.1.2, which requires a mandatory connection to a central water system and sanitary sewer system for areas within the Urban Future land use series.

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

The proposed rezoning application for residential development is consistent with the residential uses located to the northwest from the subject parcel. Additionally, the parcel located to the south is zoned Agriculture and is undeveloped. However, the proposed residential use is consistent with the uses (agriculture and residential) allowed by the Agriculture (A) zoning district.

The applicant provided the following statement in support of the application submittal: the Chris Ford Industrial Park is a known regional employment area, *"The allowed 7 du/acre land use was added to the Comprehensive Plan in response to the continued future growth of business within the Chris Ford Industrial Park. Market demand for housing in the area will dictate the timing of new housing."*

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

The County zoning map does not indicate any rezonings for residential uses within proximity of the property within the past five (5) years. The applicant indicates that Chris Ford Industrial Park is a known regional employment area which may result in the need for additional housing consistent with the Urban Medium FLUC within the immediate area, *"The allowed 7 du/acre land use was added to the Comprehensive Plan in response to the continued future growth of business within the Chris Ford Industrial park. Market demand for housing in the area will dictate the timing of new housing."*

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 City of Groveland provided a memorandum (Attachment B) indicating that they have the ability to serve the subject property with urban utilities, as the property is within the limits of the Groveland Inter-local Service Boundary Agreement (ISBA).

Parks

The proposed rezoning is not anticipated to adversely impact parks.

Public Safety

Lake County Fire Rescue Station 82 is located within six (6) miles of the subject property at 24939 US Highway 27, Leesburg, and will provide advanced life support should an emergency situation on the property demand this service. Fire protection, water supply, and emergency access will be addressed during the site plan review process, if the rezoning is granted.

Schools

Lake County School Board has indicated adequate student capacity is available to address the potential school impacts of this rezoning in their Adequate Public Facilities Determination Letter (Attachment C). A School Concurrency capacity reservation is required prior to final development order approval.

Solid Waste

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

Transportation Concurrency

The traffic impact analysis provided was determined to be adequate for rezoning consideration, pursuant to discussion with the Public Works Department (Attachment D).

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

Any future development will require the submittal of an environmental assessment (EA) or environmental statement that is dated no more than six (6) months prior to the application submission date. The EA or environmental statement must describe the existence of any protected flora or fauna on the property, and must include the presence of wetlands and water bodies pursuant to the LDR, as amended.

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

The application does not contain any indication of the impact the rezoning request will have on property values.

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

Amending PUD Ordinance 56-87 to remove 39.66 +/- acres, and establish a new PUD ordinance to accommodate a residential subdivision would not disrupt the existing orderly and logical development pattern of the area as the current entitlements allow the subject parcel to be developed as a commercial/industrial complex; making the proposed use less intense.

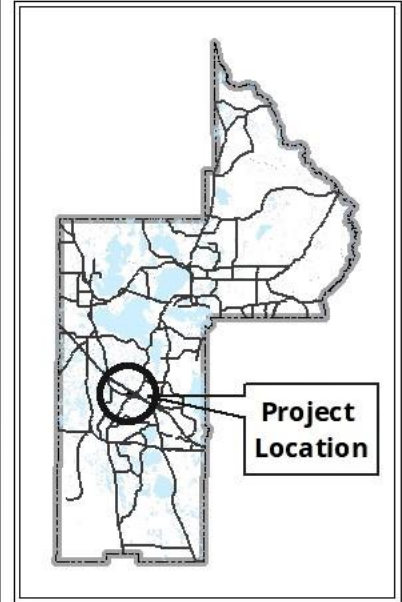
I. Whether the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these Regulations; and

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.

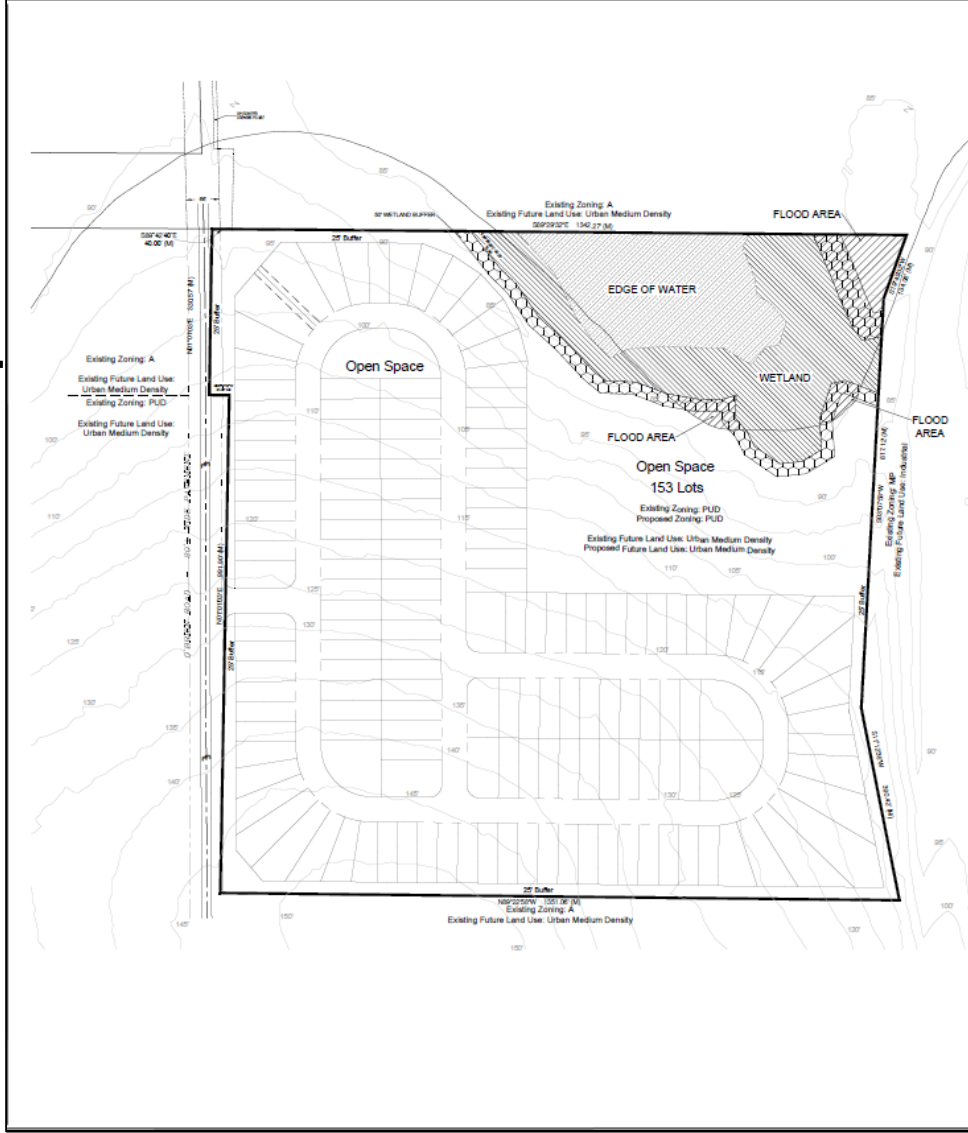
J. Any other matters that may be deemed appropriate by the Lake County Zoning Board or the Board of County Commissioners, in review and consideration of the proposed rezoning.

City of Groveland has expressed interest in annexing the subject property to potentially provide both a land use designation and zoning that would further increase the allowable density of the subject property to a level appropriate for an urban core adjacent to the interchange of Florida's Turnpike with US 27 and SR 19.

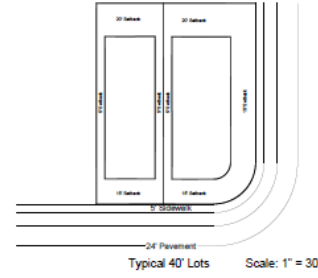
Subject Property



Attachment A – Concept Plan



- General Notes:**
- Total Site: 39.66 Acres
 - Wetlands: 2.77 Acres
 - 50' Wetlands Setback
 - EOW: 2.16 Acres
 - Flood Area: 0.75 Acres
 - Net Buildable Acres: 39.66 less Wetlands (2.77) less EOW (2.16) = 34.73 Acres
 - Existing Zoning: PUD
 - Proposed Zoning: PUD
 - Existing Future Land Use: Urban Medium Density
 - Proposed Future Land Use: Urban Medium Density
 - Maximum Density: 7 Dwellings per Net Buildable Acre = 34.73 Acres x 7 = 243 Dwellings
 - Proposed Density: 153 Dwellings / 34.73 Acres = 4.41 Du / Acre
 - Proposed Lots: 153
 - Typical Lot Size: 40' x 120'
 - Lot Depth as Shown: 120'+
 - Open Space as Shown: 10.28 Acres (25.92%)
 - Buffers:
 - North: 25'
 - East: 25'
 - South: 25'
 - West: 25'
 - Wetland: Principal Structures, Structures, Buildings, and Impervious Surface Shall be 50' from the Wetland Line.
 - Landscape Buffers:
 - North: Type B (15' - 20')
 - East: Type A (5' - 20')
 - South: Type B (15' - 20')
 - West: Type A (5' - 20')
 - Right of Way: 50'
 - Impervious Surface Ratio: Shall be allowed up to 70% for individual home sites
 - Landscape: A Florida-friendly landscaping plan should be used in all areas to decrease water and fertilizer requirements while increasing disease and drought resistance of the plants.
 - Setbacks:
 - Front: Home: 15 feet minimum
 - Garage: 20 feet
 - Side: 5 feet
 - Side (adjacent to Right of Way): 15 feet
 - Rear: Home: 20 feet
 - Accessory Structures and Pools: 5 feet



Conceptual Master Plan
Phillips Landing
 Lake County, Florida

Green Consulting Group, Inc.
 Landscape Architecture ■ Land Planning ■ Development Assistance
 4070 United Avenue, Mount Dora, Florida, 32757
 888-331-4841 ■ Fax: 352-381-4878 ■ C06000288

Project Number: 14100
 Client: O'Brien LLC
 Date: 11/11/19
 Drawing: 01A
 Designer: J. O'Brien

Attachment B – City of Groveland Comments



TJ FISH
Senior Planner

352-429-2141 ext. 2012
TJ.Fish@Groveland-FL.gov

156 S. Lake Avenue • Groveland, FL 34736 • www.Groveland-FL.gov

MEMORANDUM

TO: Janie Barrón, Senior Planner, Lake County
DATE: August 22, 2019
RE: REZONING - 27 O'BRIEN ROAD / PROJECT#2019060001 - AR#3768 /
RZ#19-16-1 - Alt Keys: 3870955 and 1024617 (Phillip's Landing)

Thank you for the opportunity to comment on the above-referenced application and the resubmittal of updated information by the applicant. The City of Groveland continues to be interested in annexing the subject property and working with the applicant on a development program that is consistent with the City's current planning efforts.

Meeting with the applicant's planning consultant and engineer, City staff indicated a proposed increase of density could be supported. The City has the ability to serve the subject property with urban utilities as the property is within Groveland's Interlocal Service Boundary Agreement (ISBA) Area. A low-density single-family residential subdivision is not consistent with the planning efforts currently being undertaken by the City of Groveland around the Chris Ford Commerce Park and along the US 27 corridor. Therefore, an increase in proposed density could be a step in the right direction.

City staff also indicated the City of Groveland is interested in annexing the property and potentially providing a land use designation and zoning that would further increase the allowable density on the subject property to a level appropriate for an urban core adjacent to the interchange of Florida's Turnpike with US 27 and SR 19. City staff is offering flexibility for the applicant to potentially gain both the land use rights proposed in the resubmittal documentation as well as the enhanced land use rights per the City's policies.

As the applicant is proposing the utilization of Groveland utilities, and because the City of Groveland would ultimately annex any property served with City utilities, the City requests the applicant be encouraged to apply for voluntary annexation. The City of Groveland would make the determination of how to meet statutory or ISBA requirements in annexing the property. A current lack of contiguity of the subject property to the current Groveland corporate boundaries does not remove the City of Groveland's ability to annex per Chapter 171 Florida Statutes and per the ISBA with Lake County and surrounding municipalities.

Thank you for your consideration of the concerns pertinent to the City of Groveland. Please contact me should you have questions.

#####

City with Natural Charm™

Attachment C – School Board Comments



Superintendent:
Diane S. Kornegay, M.Ed.

School Board Members:
District 1
Bill Mathias
District 2
Kristi Burns, Ph.D.
District 3
Marc Dodd
District 4
Sandy Gamble
District 5
Stephanie Luke

201 West Burleigh Boulevard · Tavares · FL 32778-2496
(352) 253-6500 · Fax: (352) 253-6503 · www.lake.k12.fl.us

August 19, 2019

Via Email

Mr. Tim Green
Green Consulting Group, Inc.
4070 United Avenue
Mount Dora, Florida 32757

**RE: Phillips Landing – Lake County Project#2019060001/AR#3768
Adequate Public Facilities Determination (APF2019-24) – Updated**

Dear Mr. Green:

The School District has reviewed the above referenced residential development proposing 153 single-family dwelling units on approximately 35 net acres. The subject property is on O'Brien Road, north of US Hwy 27 and west of SR19 at the Florida Turnpike.

The proposed development has the potential to generate approximately 50 students for the Lake County School system. Based on current school attendance zones, the schools impacted by the proposed project and their projected 5th year capacities are as follows:

- **Astatula Elementary School** **85% Capacity**
- **Cecil E Gray Middle School** **69% Capacity**
- **South Lake High School** **86% Capacity**

At this time, the school district has adequate facilities to serve the students generated by the proposed resident project.

Please be advised that this letter is not binding and does not constitute school concurrency review and capacity is not being reserved at this time. **A School Concurrency capacity reservation is required prior to final development order approval.** The capacities referenced above do not include current valid capacity reservations. Proportionate share mitigation may be required at time of school concurrency.

Should you have any questions or need additional information please contact me at (352) 253-6694 or by email at lavalleyh@lake.k12.fl.us.

Sincerely,

Helen LaValley
Growth Planning Department

Encl: Adequate Public Facilities Analysis
C: Janie Barron, Lake County Planner

"Equal Opportunity in Education and Employment"

Attachment D – Traffic Impact Study (5 Pages)

GRIFFEY ENGINEERING, INC.

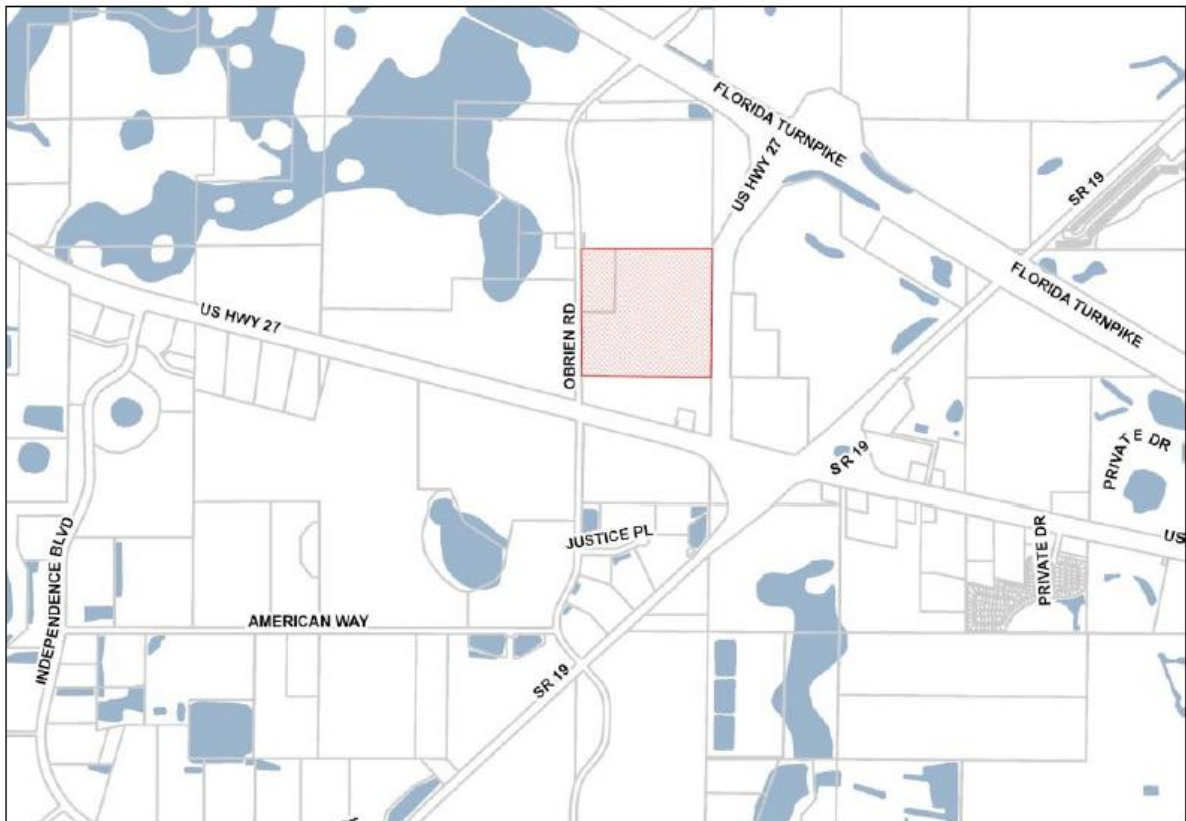
April 29, 2019

Sharon Lewis, MS, Senior Transportation Planner
Lake County Public Works
350 N. Sinclair Avenue
Tavares, Florida 32778

Re: O'Brien Road Subdivision
Traffic Impact Analysis Methodology

Dear Sharon:

Griffey Engineering has been retained to perform a Traffic Impact Study for a proposed residential development. The project site is located on the east side of O'Brien Road north of US 27. The figures below show the proposed project on a vicinity map and on an aerial.



Attachment D – Traffic Impact Study Continued

April 29, 2019
O'Brien Road Subdivision
Traffic Impact Analysis Methodology
Page 2



Attachment D – Traffic Impact Study Continued

April 29, 2019
 O'Brien Road Subdivision
 Traffic Impact Analysis Methodology
 Page 3

The existing property is vacant agricultural land with no trip generation. The proposed development will have 127 single family detached units.. The horizon year for the study will be 2024. The tables below show the trip rates and projected volumes. The trip rates are from the ITE Trip Generation Manual, 10th Edition.

LAND USE	LUC	UNIT RATE	PM PEAK HOUR		
			EQUATION	% In	% Out
Single-Family Detached Housing	210	Trips/Dwelling Units	Average Rate = 0.99	63%	37%

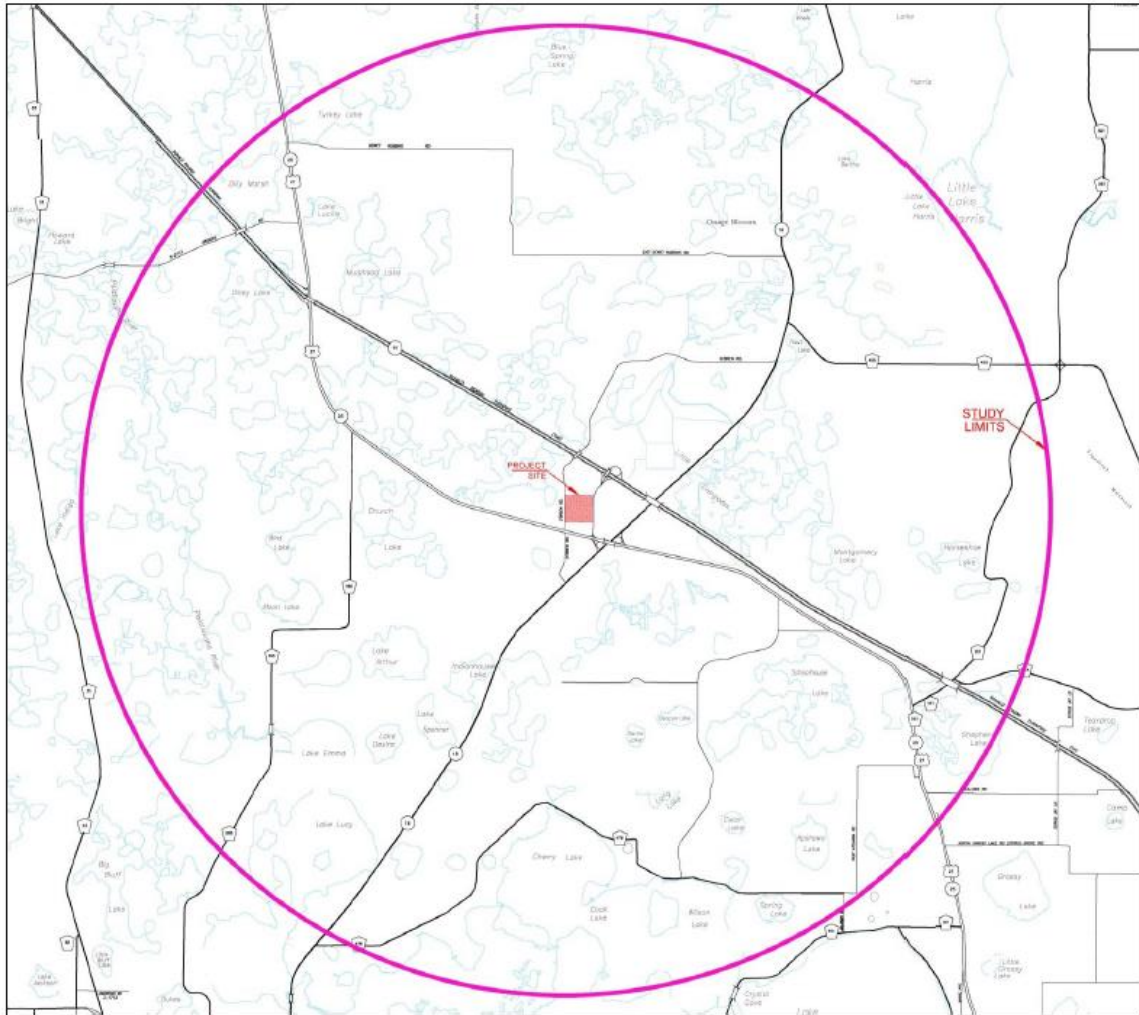
LAND USE	AMOUNT	PM PK HR		
		Vol.	In	Out
Single-Family Detached Housing	127 Dwelling Units	126	79	47

The traffic impact study will follow standard procedures as recommended in the FDOT Site Impact Handbook and the Lake-Sumter MPO Traffic Impact Study Methodology and Guidelines (2017). This includes the following: Existing Conditions Analysis; Trip Generation; Trip Distribution & Assignment; Future Conditions Analysis; and Mitigation Analysis. The analysis will be a Tier 2 TIA.

Access for the project will be from O'Brien Road. The proposed road segments to be studied are those found within a 4.55 mile radius from the project. The study area is based on ½ the total trip length for single family uses from the Lake County impact fee schedule. The following exhibit shows the study area:

Attachment D – Traffic Impact Study Continued

April 29, 2019
O'Brien Road Subdivision
Traffic Impact Analysis Methodology
Page 4



The following table lists the TMS segments for study. The analysis period will be a PM Peak Hour/Peak direction evaluation. Current volumes will be based on the most recent FDOT and Lake County traffic counts. Future background volumes will be calculated using growth rates from the county traffic count report and will be calculated for state roads based on historic count data. Trip distribution will be developed using the Central Florida Regional Planning Model (CFRPM).

Attachment D – Traffic Impact Study Continued

April 29, 2019
 O'Brien Road Subdivision
 Traffic Impact Analysis Methodology
 Page 5

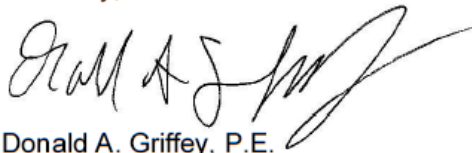
Roadway	Segment		No. of Lanes	Adpdt LOS
	From	To		
Bridges Road	C.R. 33	U.S. 27	2	D
C.R. 455	S.R. 19	C.R. 561	2	D
C.R. 478	S.R. 19	Jamarly Road	2	D
C.R. 561	C.R. 455	Howey Cross Road	2	D
C.R. 561	Howey Cross Road	Turnpike Road / C.R. 561A	2	D
C.R. 561 / C.R. 561A	Turnpike Road / C.R. 561A	U.S. 27	2	D
C.R. 561A	Turnpike Road / C.R. 561	Scrub Jay Ln	2	D
C.R. 565	U.S. 27	Lake Emma Road	2	D
Dewey Robins Road	E Dewey Robbins Road	S.R. 19	2	C
E Apshawa Road	C.R. 478 (Cherry Lake Road)	U.S. 27	2	D
E Dewey Robbins Road	U.S. 27	Dewey Robbins Road	2	C
S.R. 19	Central Avenue	C.R. 455	2	C
S.R. 19	C.R. 455	U.S. 27 / S.R. 25	2	C
S.R. 19	U.S. 27 / S.R. 25	C.R. 478	2	C
S.R. 91 (Florida Turnpike)	C.R. 470	U.S. 27/S.R. 25	4	C
S.R. 91 (Florida Turnpike)	U.S. 27/S.R. 25	27/S.R. 25/S.R. 19 Intercha	4	C
S.R. 91 (Florida Turnpike)	U.S. 27/S.R. 25/S.R. 19 Intrc	Orange County Line	4	C
U.S. 27/S.R. 25	Florida Turnpike	S.R. 19	4	C
U.S. 27/S.R. 25	Plantation Boulevard	Florida Turnpike	4	C
U.S. 27/S.R. 25	S.R. 19	C.R. 561	4	C
Wilson Lake Parkway	U.S. 27	Libby Road	2	D

The study will include intersection analysis for the existing and proposed conditions. Turning movement counts shall not be more than one year old. The following table lists the intersections and period of analysis proposed for evaluation.

Period	Intersection		Signalized	Turn Lanes
	Major Road	Minor Road		
PM PK HR	US 27	O'Brien Rd	No	Yes
PM PK HR	US 27	SR 19/Turmpk Entr	Yes	Yes
PM PK HR	SR 19	O'Brien Rd	No	No
PM PK HR	SR 19	CR 455	No	Yes

If these road segments and intersections are satisfactory and this methodology accepted, please let us know so that we can proceed with the traffic data collection. Should you have any questions or comments, please do not hesitate to contact us.

Sincerely,



Donald A. Griffey, P.E.

- c. George Gadiel, P.E., Lake County Traffic Engineer
 Brooks Norton, Condev Land Group

**Ordinance #2019-XX
Phillips Landing (aka 27 at O'Brien Property)
RZ-19-16-1**

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

WHEREAS, Green Consulting Group, Inc. (the "Applicant"), has submitted an application on behalf of 27 @ O'Brien LLC (the "Owners") to amend Planned Unit Development (PUD) Ordinance 56-87 by removing parcels identified as Alternate Key Numbers 1024617 and 3870955 to establish a new Planned Unit Development (PUD) ordinance consisting of the aforementioned alternate key numbers for a residential subdivision on 39.66 +/- acres; and

WHEREAS, the subject property consists of 39.66 +/- acres, located west of the Florida Turnpike, east of O'Brien Road and north of US Highway 27, in the Groveland area within Section 21, Township 21 South, Range 25 East, consisting of Alternate Key Numbers 1024617 and 3870955, and is more particularly described in Exhibit "A"; and

WHEREAS, all remaining conditions of PUD Ordinance 56-87 shall remain in full force and effect; and

WHEREAS, on September 8, 1987, the Board of County Commissioners approved Petition PH-125-87-2 (PUD Ordinance 56-87) to allow development of a commercial/industrial complex; and

WHEREAS, the Lake County Planning & Zoning Board reviewed Petition RZ-19-16-1 on the 2nd day of October, 2019, after giving notice of the hearing on the 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 the 22nd day of October, 2019; 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. Permission is hereby granted to amend Planned Unit Development (PUD) Ordinance 56-87 by removing 39.66 +/- acres (Alternate Key Numbers 1024617 and 3870955), and establish a new PUD ordinance consisting of the aforementioned alternate key numbers. All land uses must be generally consistent with the Concept Plan as shown in Exhibit "B" of this Ordinance. To the extent that there are conflicts between the Conceptual Plan and this Ordinance, this Ordinance will take precedence.

Section 2. Terms. The County Manager or designee shall amend the Lake County Zoning Map to show the 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 will take precedence.

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A. Permitted Land Uses.

1. Residential (153 residential lots).
2. Accessory uses may be approved by the County Manager or designee.
3. Any other use of the property will require approval of an amendment to this Ordinance by the Board of County Commissioners.

B. Open Space, Impervious Surface Ratio, and Building Height.

1. Building Height -forty (40) feet maximum.
2. The maximum Impervious Surface Ratio (ISR) will be 0.70 per residential lot. The preliminary plat must calculate the maximum ISR allowed on each platted lot.
3. The development shall provide a minimum of 20% open space of the net developable area, consistent with the Comprehensive Plan, as amended.
4. All other development standards must be in accordance with the Comprehensive Plan and Land Development Regulations (LDR), as amended.

C. Development Standards/Design Criteria. Development shall adhere to architectural design standards in accordance with the Comprehensive Plan and Land Development Regulations (LDR), as amended.

D. Setbacks. The minimum setbacks for residential development will be as specified below, as measured from the property line:

Development	Front ¹	Side	Rear ²	Multiple/Secondary Front
Single Family Residence	Fifteen (15) Feet	Five (5) Feet	Twenty (20) Feet	Fifteen (15) feet
Note 1: Garages shall have a twenty (20) foot setback from the front property line.				
Note 2: Pools, pool enclosures, screen rooms, sheds and similar accessory structures shall have a five (5) foot side and rear setback.				

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1. Driveways for single family lots shall be setback a minimum of five (5) feet from the side property lines.
2. With the exception of water dependent structures, all development must be setback a minimum of fifty (50) feet from the jurisdictional wetland line.
3. Any setback not specified herein must be in accordance with the Lake County Land Development Regulations (LDR), as amended.

E. Parking Requirements. Off-street parking must be provided in accordance with the Lake County Land Development Regulations (LDR), as amended.

1 **F. Landscaping, Buffering, and Screening.**

- 2 1. Trees within the residential lots and other parcels, including common areas, shall
3 be a minimum distance of ten (10) feet from right-of-way or sidewalk, whichever
4 is greater.
5 2. All new development must provide landscaping in accordance with the Lake
6 County Land Development Regulations (LDR), as amended.

7 **G. Environmental Requirements.**

- 8 1. An environmental assessment dated within six (6) months of the Preliminary Plat
9 submittal date is required. The environmental assessment will need to indicate
10 the presence of vegetation, soils, threatened and endangered species that may
11 exist on the site. Any State permitting or mitigation will be required before
12 development can commence.
13 2. Environmental resources shall be protected in accordance with the
14 Comprehensive Plan and Land Development Regulations (LDR), as amended.
15 3. Open space shall be provided in accordance with the Comprehensive Plan, as
16 amended.
17 4. All wetlands within the property shall be placed into a conservation easement
18 that shall run in favor of, and be enforceable by, a homeowners' association, a
19 public agency acceptable to Lake County, or Lake County, at its option. The
20 conservation easement shall require that all wetlands and wetland buffers be
21 maintained in their natural and unaltered state. Any such easement shall allow
22 access to water dependent structures such as docks and walkways.

23 **H. Noise.** A noise assessment will be required with submittal of the development
24 application to demonstrate compliance must be in accordance with the Lake County
25 Land Development Regulations, as amended.

26 **I. Stormwater and Floodplain Management.**

- 27 1. The stormwater management system must be designed in accordance with all
28 applicable Lake County and St. Johns River Water Management District
29 requirements, as amended.
30 2. The developer shall be responsible for any flood studies required for developing
31 the site and comply with the Federal Emergency Management Agency (FEMA)
32 requirements, Comprehensive Plan, and Land Development Regulations (LDR),
33 as amended. Any development within the floodplain as identified on the FEMA
34 maps will require compensating storage.

35 **J. Transportation Improvements.**

- 36 1. Additional right-of-way will be required for O'Brien Road.
37 2. Offsite road improvements will be required on O'Brien Road at the time of
38 development.

- 1 3. All other access management shall be in accordance with the Comprehensive
2 Plan and Land Development Regulations, as amended.
- 3 **K. Utilities.** The development shall be served with central potable water and central
4 sewer, in accordance with the Comprehensive Plan and Land Development
5 Regulations (LDR), as amended.
- 6 **L. Lighting.** Exterior lighting must be in accordance with the Lake County Land
7 Development Regulations, as amended, and consistent with Dark-Sky Principles.
- 8 **M. Signage.** All signage must be in accordance with the Lake County Land
9 Development Regulations, as amended.
- 10 **N. Concurrency Management Requirements.** Any development must comply with the
11 Lake County Concurrency Management System, as amended.
- 12 **O. Development Review and Approval.**
 - 13 1. Prior to the issuance of any permits, the Applicant shall be required to submit a
14 preliminary plat, construction plans, and final plat generally consistent with the
15 Concept Plan as shown on EXHIBIT "B" for review and approval in accordance
16 with the Comprehensive Plan and Land Development Regulations (LDR), as
17 amended.
 - 18 2. **PUD Expiration:** Physical development shall commence within three (3) years
19 from the date of this Ordinance approval. Failure to commence construction
20 within three (3) years of approval shall cause the revocation of this ordinance, in
21 accordance with the Comprehensive Plan or superseding documents amended.
22 Prior to expiration of the three (3) year time frame, the Board of County
23 Commissioners may grant, via a Public Hearing, one (1) extension of the time
24 frame for a maximum of two (2) years upon a showing that reasonable efforts
25 have been made towards securing the required approvals and commencement
26 of work.

27 **Section 3. Conditions.**

- 28 **A.** After establishment of the facilities as provided in this Ordinance, the property may
29 only be used for the purposes identified in this Ordinance. Any other proposed use
30 must be specifically authorized by the Lake County Board of County Commissioners.
- 31 **B.** No person, firm, or corporation may erect, construct, enlarge, alter, repair, remove,
32 improve, move, convert, or demolish any building structure, add other uses, or alter
33 the land in any manner within the boundaries of the above described land without
34 first obtaining the necessary approvals in accordance with the Lake County Code,
35 as amended, and obtaining the permits required from the other appropriate
36 governmental agencies.
- 37 **C.** This Ordinance will inure to the benefit of, and will constitute a covenant running with
38 the land, and the terms, conditions, and provisions of this Ordinance will be binding
39 upon the present Owners and any successor, and will be subject to each and every
40 condition set out in this Ordinance.

- 1 D. The transfer of ownership or lease of any or all of the property described in this
- 2 Ordinance must include in the transfer or lease agreement, a provision that the
- 3 purchaser or lessee is made good and aware of the conditions established by this
- 4 Ordinance and agrees to be bound by these conditions. The purchaser or lessee
- 5 may request a change from the existing plans and conditions by following the
- 6 procedures contained in the Land Development Regulations, as amended.

- 7 E. Action by the Lake County Code Enforcement Special Master. The Lake County
- 8 Code Enforcement Special Master will have authority to enforce the terms and
- 9 conditions set forth in this Ordinance and to recommend that the ordinance be
- 10 revoked.

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

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

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1 **Section 6. Effective Dates. This Ordinance will become effective as provided by law.**

2 **ENACTED** this _____ day of _____,
3 **2019.**

4 **FILED with the Secretary of State** _____,
5 **2019.**

6 **EFFECTIVE** _____,
7 **2019.**

8
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10 **BOARD OF COUNTY COMMISSIONERS**
11 **LAKE COUNTY, FLORIDA**

12 _____
13 **LESLIE CAMPIONE, CHAIRMAN**

14
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16 **ATTEST:**

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19 _____
20 **GARY J. COONEY, CLERK OF THE**
21 **BOARD OF COUNTY COMMISSIONERS**
22 **LAKE COUNTY, FLORIDA**

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26 **APPROVED AS TO FORM AND LEGALITY:**

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29 _____
30 **MELANIE MARSH, COUNTY ATTORNEY**

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EXHIBIT A – Legal Description

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THE EAST 3/4 OF THE NORTH 1/2 OF THE SW 1/4 OF THE NE 1/4; AND THE SOUTH 1/2 OF THE SW 1/4 OF THE NE 1/4; AND THE WEST 1/2 OF THE NW 1/4 OF THE SW 1/4 OF THE NE 1/4 IN SECTION 21, TOWNSHIP 21 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA.
AND ALSO THE EAST 40 FEET OF THE NE 1/4 OF THE NE 1/4 OF THE SE 1/4 OF THE NW 1/4 IN SECTION 21, TOWNSHIP 21 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA.
LESS AND EXCEPT THAT PART OF THE PROPERTY IN FINAL JUDGEMENT RECORDED IN O. R. BOOK 1222, PAGE 2347, PUBLIC RECORDS, LAKE COUNTY, FLORIDA.
Consisting of 39.66 +/- acres.

EXHIBIT B – Concept Plan

