



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 5

Public Hearings: Planning & Zoning Board (PZB): October 7, 2020
Board of County Commissioners (BCC): October 27, 2020

Case No. and Project Name: RZ-19-32-2, Evergreen Estates Planned Unit Development (PUD)

Applicant: Thomas Daly, Daly Design Group

Owner: Chuck Piper

Requested Action: Rezone approximately 40 acres from Agriculture to Planned Unit Development (PUD) to facilitate the development of an eighty (80) lot subdivision.

Staff Determination: Staff finds the rezoning amendment to be consistent with the LDR and Comprehensive Plan.

Case Manager: Michele Janiszewski, Chief Planner

PZB Recommendation:

Subject Property Information

Size: 40.04 gross acres (no wetlands present on the subject property)

Location: North of Hartwood Marsh, east of the City of Clermont

Alternate Key No.: 3502027, 3907275, 3907277, 3907278 and 3907279

Future Land Use: Wellness Way 1

Proposed Future Land Use: Planned Unit Development [Separate Application, see FLU-19-07-2]

Current Zoning District: Agriculture (A)

Flood Zone: "X"

Joint Planning Area/ ISBA: Clermont JPA and Clermont ISBA

Overlay Districts: Lake Apopka Basin Overlay District

Adjacent Property Land Use Table

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Wellness Way 1 & Wellness Way 4	Estate Residential (R-2)	Vacant land and single-family residences	Conservation lands owned by Lake County Water Authority and a ten (10) lot subdivision on one (1) acre tracts
South	Wellness Way 1	Agriculture (A)	Single Family Residences on five (5) acre tracts	Single Family Residences on five (5) acre lots
East	Wellness Way 1	Agriculture (A)	Vacant Agriculture	Five (5) acre Tracts
West	Wellness Way 2	Agriculture (A)	Easement and agriculture acreage	Seventy (70) foot easement and pasture

Staff Analysis

The subject property (Alternate Keys 3502027, 3907275, 3907277, 3907278 and 3907279) contains approximately 40.04 acres with no wetlands or open bodies of water. The subject property is located north of the Hartwood Marsh Road, south of Lake John, and east of the city limits of Clermont. The parcel lies within the Clermont Joint Planning Area (JPA) and Clermont Interlocal Service Boundary Agreement (ISBA) area. The City of Clermont was notified of the application and provided comments with the application for the Future Land Use Map Amendment.

This application was submitted in conjunction with an application to amend the Future Land Use Map to establish a Planned Unit Development (PUD) Future Land Use Category on the subject property. The Future Land Use Map amendment was presented to the Planning and Zoning Board (PZB) on June 3, 2020 and the PZB recommended approval of the amendment with a 3-2 vote. The Board of County Commissioners (BCC) approved transmittal of the amendment to the Department of Economic Opportunity (DEO) on June 16, 2020. Both the Future Land Use Map amendment and rezoning applications will be presented to the BCC for approval on October 27, 2020.

The applications seek to establish a PUD on forty (40) acres to facilitate the development of an eighty (80) lot subdivision. Two lots are designated as Estate Residential Lots which will be accessed via Flynn Court and are to remain as five (5) acre tracts. The other seventy-eight (78) lots will be suburban residential lots and will be accessed via a western connection through the Lakeview Preserve Subdivision. The draft ordinance allows general agriculture as a permitted use on the Estate Residential Lots but not a permitted use within the Suburban Residential Lots.

Standards for Review (LDR Section 14.03.03)

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

The application is consistent with the current development standards contained within the LDR.

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

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

The Future Land Use Element seeks to ensure compatibility between densities and intensities of development, providing for land use transitions as appropriate to protect the long-term integrity of both urban and rural areas; promote the conservation and preservation of Lake County's natural and cultural resources; and direct compact development to established urban areas to prevent sprawl. The amendment is consistent with Comprehensive Plan Policy I-7.13.5, which states that a FLUM amendment resulting in an increase in residential density must be in the most appropriate location with respect to the efficient use of public facilities and services for this increase in density, and with respect to all other policies of this Comprehensive Plan. The subject property is located within the Clermont Interlocal Service Boundary Agreement (ISBA) area and within the City of Clermont's Utility Service Area. The City of Clermont stated they can provide water and sewer services to the property.

The Capital Improvements Element seeks to maintain adopted level of service standards and ensure public facilities and services are available concurrent with development. The proposed development will not be issued a final development order by the County unless there is sufficient capacity of public facilities to meet the standards for levels of service for the existing population and for proposed development.

The Conservation Element is intended to provide a framework for the ongoing monitoring, management and use of the County's natural resources. The application is not in conflict with the Conservation Element.

The Economic Element seeks to strengthen the County's position as a business center for Central Florida by aggressively pursuing opportunities and building collaborative relations with regional allies. The application is not in conflict with the Economic Element.

The purpose of the Housing Element is to guide Lake County in developing appropriate goals, objectives and policies that demonstrate the County's commitment to meet the identified needs of all its residents. The application proposes the construction of an additional eighty (80) residential lots and is not in conflict with the Housing Element.

The Intergovernmental Coordination Element strives to promote coordination between Lake County and other local, state, regional, and federal government entities. The subject property is located within the Clermont Joint Planning Area and is covered by an interlocal service boundary agreement (ISBA) agreement with the City of Clermont. The City of Clermont did not provide comments on the rezoning application but did provide feedback on the Future Land Use Amendment.

The goal of the Parks and Recreation Element is to facilitate the development and management of parks and facilities for a recreation system that includes environmental lands, trails, and other recreational opportunities that meets the diverse needs of a growing community. The concept plan shows an area designated as Park/Retention/Open Space for the development. As such, the application is consistent with the Parks and Recreation Element.

The goal of the Transportation Element is to prepare a plan that emphasizes more efficient use of the existing transportation system and contributes to the wider national objectives of energy conservation, improved air quality, and increased social and environmental amenity. The Applicant provided a Technical Memorandum prepared by Traffic & Mobility Consultants (TMC) which found that the proposed amendment will not adversely impact projected operations of the roadway network. The application is not in conflict with the Transportation Element.

The purpose of the Public Facilities Element is to ensure that public facilities are available to meet the needs of Lake County residents; public facilities in this element refers to aquifer recharge, potable water, sanitary sewer, solid waste, stormwater, and public school facilities. The proposed development will need to demonstrate that public facilities are available prior to receiving a final development order.

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

The application seeks to develop the subject property as a residential subdivision independent from the Wellness Way Urban Service Area Plan. The application proposes to develop the property with a residential subdivision at a maximum density of two (2) dwelling units per net acre. This residential density will also be consistent with the new PUD future land use category.

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

The Wellness Way Urban Service Area Plan became effective in December 2017 and designated the area as Wellness Way 1 which requires a mixture of residential and commercial development. The application seeks to develop the property as a residential subdivision without commercial uses.

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.

Any future development of this property will require an analysis to demonstrate that the proposed development does not adversely impact the County's adopted levels of service.

Water and Sewage – The subject property will be supplied potable water and wastewater services by the City of Clermont. The proposed Planned Unit Development (PUD) ordinance requires all development to connect to a potable water service and regional wastewater provider.

Solid Waste – Lake County Solid Waste Division has indicated there is sufficient capacity to support this project.

Transportation Concurrency - The Applicant provided a Technical Memorandum prepared by Traffic & Mobility Consultants (TMC) which found that the proposed amendment will not adversely impact projected operations of the roadway network. If the amendment is approved, the Applicant would need to complete a Tier 2 Traffic Study prior to preliminary plat approval. A traffic methodology will be required.

Public Safety - The closest Lake County Fire Rescue Station (LCFR Station #90) is located approximately 9.3 miles from the site. The second-responder station, Station #109, is located four 9.4 miles from the site.

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: Lost Lake Elementary School at 104% capacity; Windy Hill Middle School at 120% capacity; and East Ridge High School at 104% capacity.

The project has the potential to adversely impact the school system, however, the School District's 2019-2024 Five Year Capital Plan proposes two capital projects to provide additional capacity at the elementary and middle school levels. The District is evaluating possible solutions to address the capacity needed at the high school level. The Applicant will be responsible for obtaining school concurrency prior to final plat pursuant to Sec. 5-A.00.00, Land Development Regulations.

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

The amendment is not anticipated to result in a significant impact on the natural environment. The application included an Environmental Assessment which identified forty-one (41) active/inactive gopher tortoise burrows on the subject property. The Florida Fish and Wildlife Conservation Commission (FWCC) provides three (3) options for developers that have gopher tortoises on their property. These options include: 1) avoidance (i.e., 25-foot buffer around burrow), 2) preservation of habitat, and 3) off-site relocation. As such, resolution of the gopher tortoise issue will need to be permitted through FWCC prior to any construction activities. No other endangered species or protected upland communities were identified on the subject property.

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.

There is no indication that the rezoning application will affect property values in the area.

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

The subject property is situated between four (4) developments. The properties to the south are developed as five (5) acre tracts which were created through administrative lot splits in 1990. North of the subject property is the Prominent Pointe subdivision which was platted in 2000 at approximately 1.5 dwelling units per gross acre. East of the subject property is a portion of Prominent Pointe Phase II which was platted in 2018 at a density of one (1) dwelling unit per five (5) net acres. West of the subject property is the Lakeview Preserve development which is being developed at a maximum density of 2.97 dwelling units per acre. The proposed development is consistent with the development to the west but will be more densely developed than the existing residential developments to the north, south, and east of the subject property.

The subject property is currently designated as Wellness Way 1 FLUC which allows a minimum of three (3) dwelling units per acre and a maximum of twenty (20) dwelling units per acre. The properties to the south, east, and a portion of the north are also designated as Wellness Way 1 with the same density requirements. The Applicant is seeking to develop the property at a density of two (2) dwelling units per net acre which is less dense than the surrounding Wellness Way 1 FLUC to the north, south, and east of the subject property. In addition, the property east of Prominent Pointe Phase II is located within the City of Winter Garden and is designated as Urban Village Land Use which allows four (4) dwelling units per acre.

The current concept plan depicts two (2) estate lots, each comprised of five (5) acres, situated on the eastern side of the development to serve as a transition between the density of the developments east and west of the subject property.

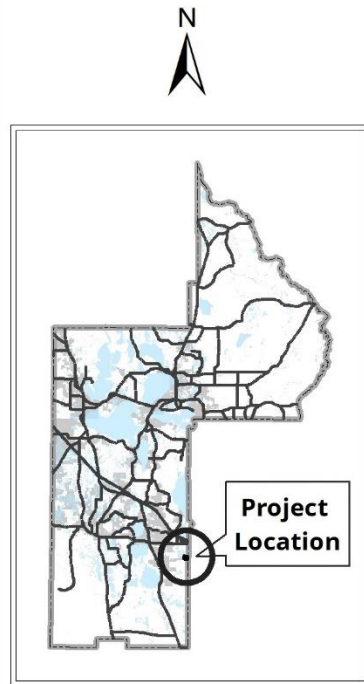
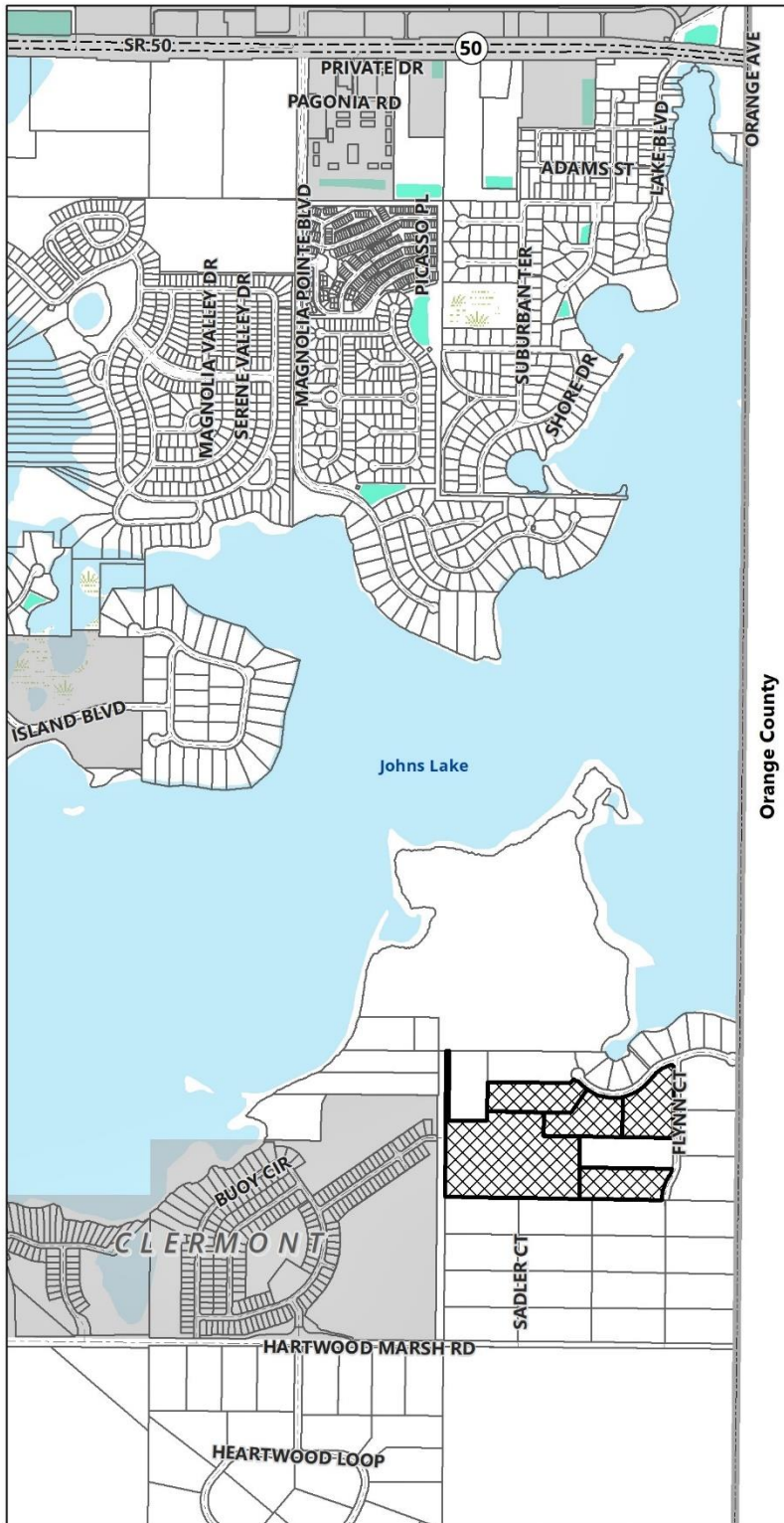
I. Whether the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these Regulations.

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

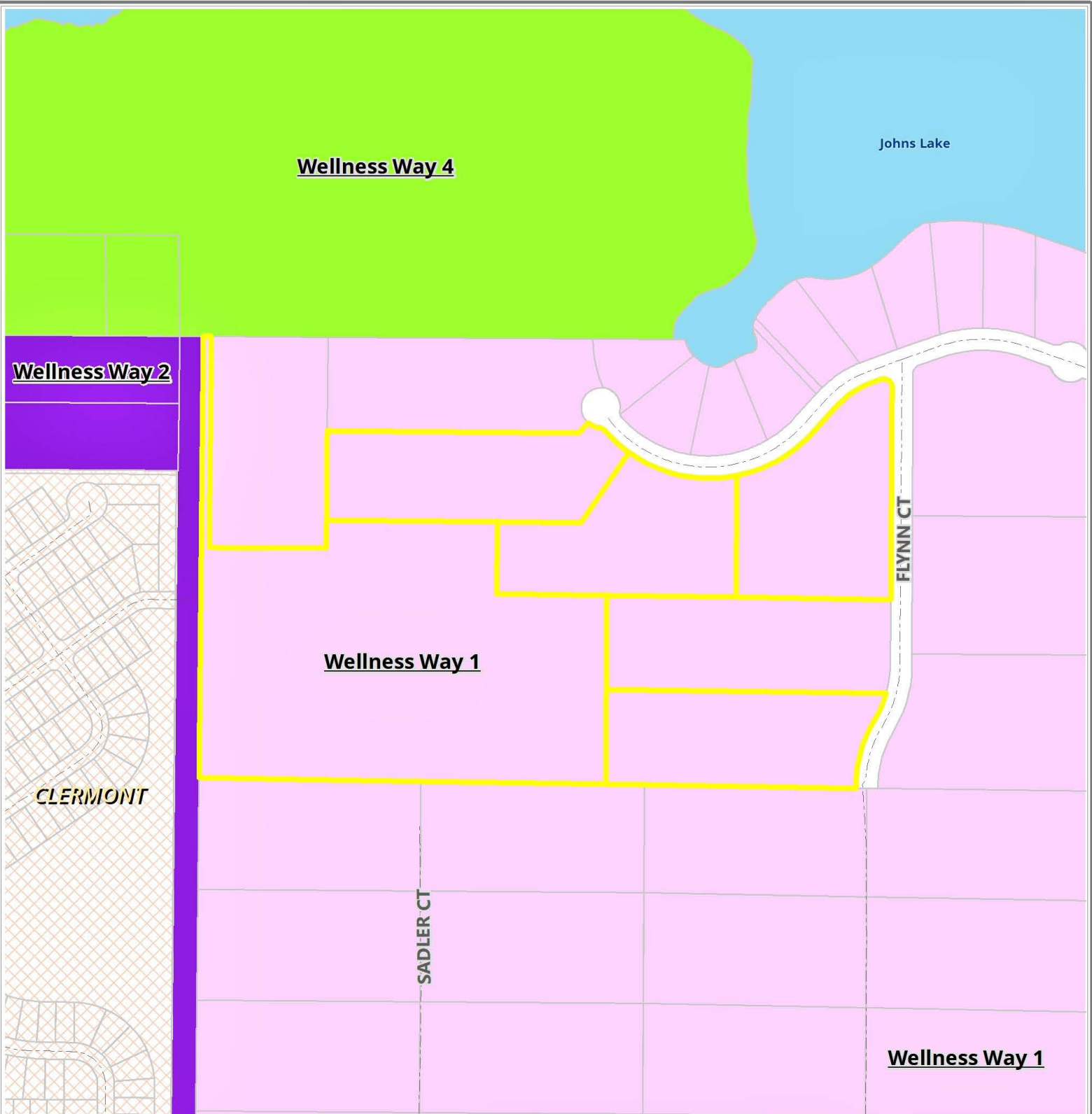
J. Any other matters that may be deemed appropriate by the Lake County Zoning Board or the Board of County Commissioners, in review and consideration of the proposed rezoning.

Not at this time.

Map of Subject Property.



CURRENT FUTURE LAND USE



FUTURE LAND USE LEGEND

- Urban Low
- Wellness Way 1
- Wellness Way 2
- Wellness Way 4

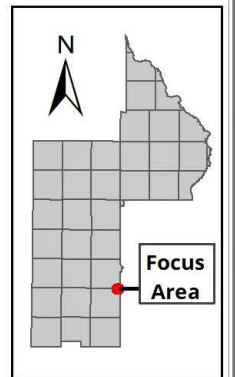
NAME: **EVERGREEN ESTATES PROPERTY**

DISTRICT: **2**

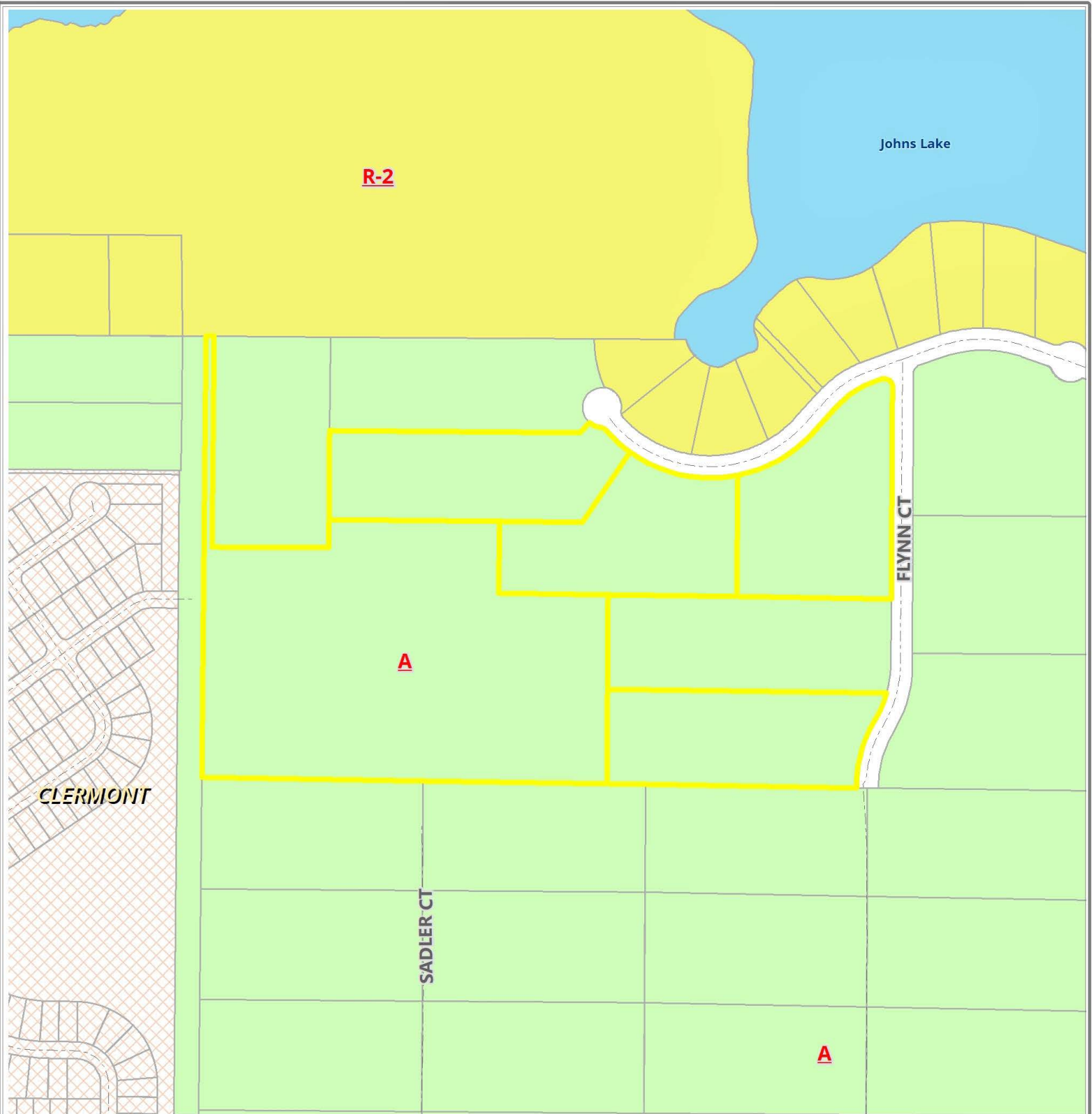
CASE NUMBER: **RZ-19-32-2**

LOCATION (S-T-R): **01-23-26**

REQUEST: **AGRICULTURE (A) TO PLANNED UNIT DEVELOPMENT (PUD)**



CURRENT ZONING



ZONING LEGEND

A R-2

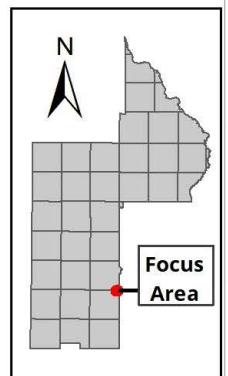
NAME: **EVERGREEN ESTATES PROPERTY**

CASE NUMBER: **RZ-19-32-2**

LOCATION (S-T-R): **01-23-26**

REQUEST: **AGRICULTURE (A) TO PLANNED UNIT DEVELOPMENT (PUD)**

DISTRICT: **2**



ORDINANCE 2020 - XX
EVERGREEN ESTATES (f/k/a EXTREME GROVES)
RZ-19-32-2

1 **AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAKE**
2 **COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.**
3

4 **WHEREAS**, Thomas Daly, (the “Applicant”) submitted a rezoning application and a large-scale future
5 land use map amendment application on behalf of Chuck Piper AKA Charles W. Piper, II., (the “Owner”), to
6 amend the Future Land Use Map from Wellness Way 1 to Planned Unit Development, and rezone property from
7 Agriculture District (A) to Planned Unit Development District (PUD) for Single-Family Residential development;
8 and

9 **WHEREAS**, the subject property consists of approximately 40.04 +/- acres located North of Hartwood
10 Marsh Road, East of Clermont in Section 01, Township 23 South, Range 26 East, known as Alternate Key
11 Numbers 3502027, 3907275, 3907277, 3907278 and 3907279, and more particularly described in Exhibit A;
12 and

13 **WHEREAS**, the property is located within the Planned Unit Development Future Land Use Category as
14 shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

15 **WHEREAS**, this Ordinance shall be codified into Comprehensive Plan Policy I-7.14.4, entitled ‘Planned
16 Unit Development Land Use Category,’ to reflect the development conditions of this ordinance; and

17 **WHEREAS**, the Lake County Zoning Board did on the 7th day of October, 2020 review Petition RZ-19-
18 32-2; after giving Notice of Hearing on petition for a change in the use of land, including notice that the Ordinance
19 would be presented to the Board of County Commissioners of Lake County, Florida, on the 27th day of October,
20 2020; and

21 **WHEREAS**, this application was presented to the Board of County Commissioners of Lake County,
22 Florida, concurrently with the current application to amend the Future Land Use Map and the Comprehensive
23 Plan (FLU-19-07-2) to reflect the Evergreen Estates development plan as required by Comprehensive Plan
24 Policy I-7.14.2, entitled ‘Time frame of Planned Unit Developments;’ and

25 **WHEREAS**, the Board of County Commissioners reviewed the petition, the recommendations of the
26 Lake County Zoning Board, and any comments, favorable or unfavorable, from the public and surrounding
27 property owners at a Public Hearing duly advertised; and

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

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

32 **Section 1. Terms:** The County Manager or designee shall amend the Lake County Zoning Map to Planned
33 Unit Development (PUD). The uses of the property shall be limited to those uses specified in this
34 Ordinance and generally consistent with the Conceptual Plan attached hereto as Exhibit “B”. To
35 the extent there are conflicts between Exhibit “B” and this Ordinance, this Ordinance shall take
36 precedence.

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A. Permitted Land Uses.

1. Suburban Residential Lots. A total of 78 single-family residential lots.
2. Estate Residential Lots. Two (2) Estate Residential lots consisting of five (5) acres each. The Estate Residential Lots shall be defined as Lots 4 & 6 of the Prominent Pointe Subdivision, as recorded in Plat Book 68, Pages 100-101, Public Records of Lake County, Florida. Neither lot shall be reconfigured with the exception of providing a drainage easement over the northern portion of Lot 6, should final engineering determine that a retention pond is necessary in that location.
3. General Agriculture, as defined in the Land Development Regulations, shall be permitted on the Estate Residential lots as a primary use or as an accessory use to a single-family residence.
4. Accessory uses directly associated with the above uses may be approved by the County Manager or designee. Any other use of the site not specified above shall require approval of an amendment to this Ordinance by the Board of County Commissioners.

B. Development Conditions.

1. The Suburban Residential lots shall not have access to Flynn Court nor Champagne Drive.
2. The Suburban Residential lots shall be accessed through a western connection, as shown on the concept plan.
3. The Estate Residential Lots will be accessed via Flynn Court.
4. The development shall not utilize Sadler Court for access to either the Suburban or Estate Residential lots.

C. Setbacks & Development Standards. The development standards shall be as follows:

1. Suburban Residential Lots:

Development Standards for Suburban Residential Lots	
Front	20 feet from the right of way
Secondary Front	15 feet from the right of way
Side	5 feet from the property line
Rear	20 feet from the property line
Accessory structures including pools	5 feet from the side and rear property lines
ISR for the Individual Lots	0.60. A higher ISR may be allowed if the Developer can demonstrate that the entire development will not exceed 0.60 ISR.

Development Standards for Suburban Residential Lots	
Minimum Amount of Living Area	1,500 SF
Minimum Lot Width	70 Feet
Minimum Lot Size	8,400 SF

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2. Estate Residential Lots:

Development Standards for Estate Residential Lots	
Front	25 feet from the right of way
Side & Secondary Front	25 feet from the right of way
Rear	25 feet from the property line
Accessory structures including pools	25 feet from the side and rear property lines
ISR for the Individual Lots	0.10
Minimum Structure Size	850 SF (300 SF of which may include attached, non-living area)

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3. The entire development may not exceed 0.60 impervious surface ratio (ISR).

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D. Open Space. A minimum of 25% of the net buildable area of the entire site shall be dedicated to open space, as defined in the Comprehensive Plan.

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E. Landscaping Requirements. Landscaping, Buffering, and Screening shall be in accordance with the Comprehensive Plan and LDR, as amended.

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F. Transportation.

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1. All access management shall be in accordance with the Comprehensive Plan and Land Development Regulations, as amended.

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2. Access is through the Lakeview Preserve subdivision located in the City of Clermont.

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3. Sidewalks will be required per Land Development Regulations, as amended.

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G. Environmental. An environmental survey shall be conducted in accordance with the LDRs, as amended, to address natural vegetative communities, wildlife corridors, and designated species prior to submittal of any development application.

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H. Stormwater Management. The stormwater management system shall be designed in accordance with all applicable Lake County and St. Johns River Water Management District (SJRWMD) requirements; as amended.

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1 **I. Schools.** School Concurrency shall be met before final plat approval in accordance with the
2 Comprehensive Plan and LDR, as amended.

3 **J. Signage.** All signs shall be consistent with the Land Development Regulations, as amended.

4 **K. Utilities.** The development shall be serviced by central water and central sewer.

5 **L. Concurrency Management Review.** Concurrency shall be met prior to the issuance of any
6 development order, consistent with the Land Development Regulations (LDR), as amended.

7 **M. Development Review and Approval.**

8 1. Prior to the issuance of any permits, the Owners will be required to submit a preliminary
9 plat, construction plans, and final plat generally consistent with EXHIBIT B - Conceptual
10 Plan for review and approval in accordance with the Comprehensive Plan and LDR, as
11 amended.

12 2. A proposed amendment to an approved PUD land use designation that increases the
13 approved intensities or densities of the PUD without a corresponding decrease in
14 another portion of the PUD and resulting in greater off-site impacts shall require an
15 amendment to the Comprehensive Plan.

16 **N. PUD Expiration.** Physical development shall commence within three (3) years from the date
17 of this Ordinance approval. Failure to commence construction within three (3) years of approval
18 shall cause the revocation of this ordinance, in accordance with the Comprehensive Plan or
19 superseding documents amended. Prior to expiration of the three-year time frame, the Board
20 of County Commissioners may grant, via a Public Hearing, one (1) extension of the time frame
21 for a maximum of two (2) years upon a showing that reasonable efforts have been made
22 towards securing the required approvals and commencement of work.

23 **O. Future Amendments to Statutes, Code, Plans, and/or Regulations.** The specific references
24 in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County
25 Comprehensive Plan, and Lake County Land Development Regulations shall include any future
26 amendments to the Statutes, Code, Plans, and/or Regulations.

27 **Section 2. Conditions** as altered and amended which pertain to the above tract of land shall mean:

28 **A.** After establishment of the facilities as provided herein, the aforementioned property shall only
29 be used for the purposes named in this Ordinance. Any other proposed use must be specifically
30 authorized by the Board of County Commissioners.

31 **B.** No person, firm, or corporation shall erect, construct, enlarge, alter, repair, remove, improve,
32 move, convert, or demolish any building structure, add other uses, or alter the land in any
33 manner within the boundaries of the above described land without first obtaining the necessary
34 approvals in accordance with the Lake County Code, as amended, and obtaining the permits
35 required from the other appropriate governmental agencies.

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

ENACTED this _____ day of _____, 2020.

FILED with the Secretary of State _____, 2020.

EFFECTIVE _____, 2020.

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

Leslie Campione, Chairman

ATTEST:

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

APPROVED AS TO FORM AND LEGALITY

Melanie Marsh, County Attorney

EXHIBIT A. Legal Description.

Alt Key Numbers: 3502027, 3907275, 3907277, 3907278 & 3907279

PIDS: 01-23-26-0001-000-00100, 36-22-26-1601-000-00400, 36-22-26-1601-000-00600, 36-22-26-1601-000-00700 & 36-22-26-1601-000-00800

LOTS 4, 6, 7 AND 8 PROMINENT POINTE PHASE 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 68, PAGES 100 THROUGH 101 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA AND A PORTION OF THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 23 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 23 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, THENCE RUN SOUTH 89°46'26" EAST FOR A DISTANCE OF 25.00 FEET TO THE WEST LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2401, PAGE 2125 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE RUN SOUTH 00°27'04" WEST ALONG SAID WEST LINE FOR A DISTANCE OF 627.84 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE RUN SOUTH 89°46'26" EAST ALONG THE SOUTH LINE OF SAID LANDS FOR A DISTANCE OF 346.91 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE RUN NORTH 00°27'04" EAST ALONG THE EAST LINE OF SAID LANDS FOR A DISTANCE OF 348.60 FEET TO THE NORTHWEST CORNER OF LOT 8 OF SAID PROMINENT POINTE PHASE 2 AS RECORDED IN PLAT BOOK 68, PAGES 100 THROUGH 101 OF SAID PUBLIC RECORDS; THENCE RUN SOUTH 89°30'03" EAST ALONG THE NORTHERLY LINE OF SAID LOT 8 FOR A DISTANCE OF 747.21 FEET; THENCE RUN NORTH 41°12'20" EAST ALONG SAID NORTHERLY LINE FOR A DISTANCE OF 44.42 FEET TO THE NORTHEAST CORNER THEREOF, SAID CORNER BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF CHAMPAGNE DRIVE OF PROMINENT POINTE AS RECORDED IN PLAT BOOK 41, PAGES 74 THROUGH 75 OF SAID PUBLIC RECORDS, ALSO, A POINT ON A NON-TANGENT CURVE CONCAVE NORTHEASTERLY; THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING COURSES: THENCE RUN SOUTHEASTERLY ALONG SAID CURVE HAVING A RADIUS OF 60.00 FEET, A CENTRAL ANGLE OF 35°05'13", THE CHORD OF WHICH BEARS SOUTH 66°16'37" EAST FOR A DISTANCE OF 36.17 FEET, FOR AN ARC LENGTH OF 36.74 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY; THENCE RUN SOUTHEASTERLY ALONG SAID CURVE WITH A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 42°45'35", THE CHORD OF WHICH BEARS SOUTH 62°26'26" EAST FOR A DISTANCE OF 18.23 FEET FOR AN ARC LENGTH OF 18.66 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE NORTHERLY; THENCE RUN EASTERLY ALONG SAID CURVE HAVING A RADIUS OF 413.00 FEET, A CENTRAL ANGLE OF 96°51'37", THE CHORD OF WHICH BEARS

1 SOUTH 89°29'55" EAST FOR A DISTANCE OF 617.97 FEET, FOR AN ARC LENGTH OF
2 698.19 FEET TO A NON-TANGENT POINT; THENCE RUN NORTH 42°00'49" EAST FOR
3 A DISTANCE OF 104.41 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE
4 SOUTHEASTERLY; THENCE RUN NORTHEASTERLY ALONG SAID CURVE HAVING
5 A RADIUS OF 267.00 FEET, A CENTRAL ANGLE OF 28°06'04", THE CHORD OF WHICH
6 BEARS NORTH 56°08'43" EAST FOR A DISTANCE OF 129.64 FEET, FOR AN ARC
7 LENGTH OF 130.95 FEET TO A NON-TANGENT POINT; THENCE RUN
8 NORTH 70°08'01" EAST FOR A DISTANCE OF 27.31 FEET TO A POINT ON A NON-
9 TANGENT CURVE CONCAVE SOUTHWESTERLY; THENCE RUN SOUTHEASTERLY
10 ALONG SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF
11 111°37'46", THE CHORD OF WHICH BEARS SOUTH 53°47'59" EAST FOR A DISTANCE
12 OF 41.36 FEET, FOR AN ARC LENGTH OF 48.71 FEET TO A NON-TANGENT POINT AND
13 THE WESTERLY RIGHT-OF-WAY LINE OF FLYNN COURT OF SAID PROMINENT
14 POINTE; THENCE RUN SOUTH 00°16'22" WEST FOR A DISTANCE OF 630.48 FEET TO
15 THE NORTHEAST CORNER OF LOT 5 OF SAID PROMINENT POINTE PHASE 2;
16 THENCE RUN NORTH 89°17'54" WEST ALONG THE NORTH LINE OF SAID LOT 5 FOR
17 A DISTANCE OF 845.80 FEET TO THE NORTHWEST CORNER THEREOF; THENCE RUN
18 SOUTH 00°16'10" WEST ALONG THE WEST LINE THEREOF FOR A DISTANCE OF
19 281.26 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE RUN SOUTH
20 89°17'54" EAST ALONG THE SOUTH LINE THEREOF FOR A DISTANCE OF 833.94 FEET
21 TO THE SOUTHEAST CORNER THEREOF AND THE WESTERLY RIGHT-OF-WAY LINE
22 OF SAID FLYNN COURT BEING A NON-TANGENT POINT OF A CURVE CONCAVE
23 NORTHWESTERLY; THENCE RUN ALONG THE WESTERLY RIGHT-OF-WAY LINE OF
24 SAID FLYNN COURT THE FOLLOWING COURSES: SOUTHWESTERLY ALONG SAID
25 CURVE HAVING A RADIUS OF 317.00 FEET, A CENTRAL ANGLE OF 14°07'08", THE
26 CHORD OF WHICH BEARS SOUTH 23°02'43" WEST FOR A DISTANCE OF 77.92 FEET,
27 FOR AN ARC LENGTH OF 78.11 FEET TO A NON-TANGENT POINT; THENCE RUN
28 SOUTH 30°08'40" WEST FOR A DISTANCE OF 14.10 FEET TO A NON-TANGENT POINT
29 ON A CURVE CONCAVE SOUTHEASTERLY; THENCE RUN SOUTHWESTERLY
30 ALONG SAID CURVE HAVING A RADIUS OF 383.00 FEET, A CENTRAL ANGLE OF
31 28°56'49", THE CHORD OF WHICH BEARS SOUTH 15°43'17" WEST FOR A DISTANCE
32 OF 191.45 FEET, FOR AN ARC LENGTH OF 193.50 FEET TO A NON-TANGENT POINT;
33 THENCE RUN SOUTH 00°42'07" WEST FOR A DISTANCE OF 12.00 FEET TO THE
34 SOUTHEAST CORNER OF LOT 4 OF SAID PROMINENT POINTE PHASE 2 AND THE
35 SOUTH LINE OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF AFORESAID SECTION
36 1 AS MONUMENTED AND ACCEPTED; THENCE RUN NORTH 89°17'53" WEST ALONG
37 THE SOUTH LINE OF SAID LOT 4 AND THE WESTERLY EXTENSION THEREOF AND
38 ALONG SAID MONUMENTED AND ACCEPTED SOUTH LINE FOR A DISTANCE OF
39 1954.70 FEET TO THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 1;
40 THENCE RUN NORTH 00°27'04" EAST ALONG SAID WEST LINE FOR A DISTANCE OF
41 1315.38 FEET TO THE POINT OF BEGINNING.

42
43 CONTAINING: 1,743,974 SQUARE FEET OR 40.04 ACRES OF LAND, MORE OR LESS
44

EXHIBIT B. Concept Plan.

