



COMPREHENSIVE PLAN AMENDMENT
STAFF REPORT
OFFICE OF PLANNING & ZONING

Tab Number: 11

Public Hearings: Planning & Zoning Board (PZB): June 3, 2020
Board of County Commissioners (BCC) (Transmittal): June 16, 2020
Board of County Commissioners (BCC) (Approval): To be Determined

Case No. and Project Name: FLU-19-07-2, Evergreen Estates

Applicant: Thomas Daly, Daly Design Group

Owner: Chuck Piper

Requested Action: Amend the Future Land Use Map (FLUM) to change the Future Land Use Category on approximately forty (40) acres from Wellness Way 1 to Planned Unit Development (PUD) to facilitate the development of an eighty (80) lot residential subdivision.

Staff Determination: Staff finds the application consistent with the Comprehensive Plan and Land Development Regulations.

Case Manager: Michele Janiszewski, AICP, 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

Current Zoning District: Agriculture (A)

Proposed Zoning District: Planned Unit Development (PUD) [Separate Application - See RZ-19-32-2]

Flood Zone: "X"

Joint Planning Area/ ISBA: Clermont JPA and Clermont ISBA

Overlay Districts: Lake Apopka Basin Overlay District

- 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 but has not provided comments.

The subject property was part of an application submitted in December 2015 to amend the Future Land Use Map to change the FLUC from Rural Transition to Urban Low Density on 65 acres. The application sought to facilitate the development of a 122 lot single-family residential subdivision at a density of 1.85 dwelling units per net acre on 667 acres. The application was withdrawn at the Board of County Commissioners meeting on May 17, 2016.

An application was submitted in July 2018, which included the subject property, to amend the Future Land Use Map (FLUM) to change the Future Land Use Category on approximately fifty (50) acres from Wellness Way 1 to Planned Unit Development with a concurrent rezoning application to rezone the subject property from Agriculture (A) to Planned Unit Development (PUD). The application sought to facilitate the development of a 104 lot single-family residential subdivision at a density of 2.3 dwelling units per net acre. The Board of County Commissioners (the 'Board') denied the application on May 21, 2019.

The current application seeks to amend the Future Land Use Map (FLUM) to change the Future Land Use Category on approximately forty (40) acres from Wellness Way 1 to Planned Unit Development. The Applicant has submitted a concurrent rezoning application to rezone the subject property from Agriculture (A) to Planned Unit Development (PUD). Pursuant to Section 14.00.09, entitled *Res Judicata*, Land Development Regulations, once the Board denies an application, the matter may not be presented to the Board again until (1) a year has passed and (2) a substantial change in circumstances has occurred between the time of the original denied application and the subsequent application. The application indicates it is appropriate for review by Lake County at this time because the new application is for a smaller property with less overall acreage; contains a different lot mix; seeks a lower density; and provides a different subdivision layout. The current application will facilitate the development of an eighty (80) lot, single-family residential subdivision at a density of two (2) dwelling units per net acre (Attachment A).

If the application for the comprehensive plan amendment is approved by the Board of County Commissioners (the 'Board') for transmittal to the Department of Economic Opportunity (DEO), the rezoning application will be presented to the Board at the same time as the Future Land Use Amendment for approval. A draft PUD ordinance is provided as Attachment B.

Standards for Review (LDR Section 14.03.03)

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

The amendment seeks to change the Future Land Use Category (FLUC) on approximately 40 acres from Wellness Way 1 to the Planned Unit Development (PUD) Future Land Use Category (FLUC). The Applicant is seeking to develop the property with a residential subdivision at a maximum density of two (2) dwelling units per net acre. The draft PUD Ordinance will notate that the property may only be developed with a maximum of two (2) dwelling units per net acre.

The FLU 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 property's location within Clermont's Utility Service Boundary makes the proposal consistent with Comprehensive Plan Policy I-1.1.3 which requires the county to direct growth and development to urban areas where public facilities and services are presently in place or planned.

The subject property is also located within the Wellness Way Urban Service Area Plan which was created in anticipation of increased development activity in the area. The Applicant is seeking to develop the property separate of the Wellness Way Area Plan but is proposing to develop the property at a density compatible with the Wellness Way 1 FLUC.

B. Whether the proposed amendment is in conflict with any applicable provisions of these regulations.

The proposed amendment is presently in conflict with the existing Agriculture zoning district of the property; however, the Applicant has submitted a concurrent rezoning application to rezone the property from Agriculture (A) to Planned Unit Development (PUD). If this future land use amendment application is approved by the Board for transmittal, the rezoning application will be presented to the Board at the same time for approval. A draft PUD zoning ordinance is provided as Attachment B.

C. Whether, and the extent to which, the proposed amendment 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, consistent with the proposed density of the PUD Ordinance. This residential density will also be consistent with the new PUD future land use category.

D. Whether there have been changed conditions that justify an amendment.

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 amendment 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: 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.

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

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.

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.

- F. Whether, and the extent to which, the proposed amendment would result in significant 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 (FFWCC) 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 FFWCC 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 amendment would affect the property values in the area.

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

H. Whether, and the extent to which, the proposed amendment would result in an orderly and logical development pattern, specifically identifying any negative effects on such 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 east but will be more densely developed than the existing residential developments to the north, south, and east of the subject property.

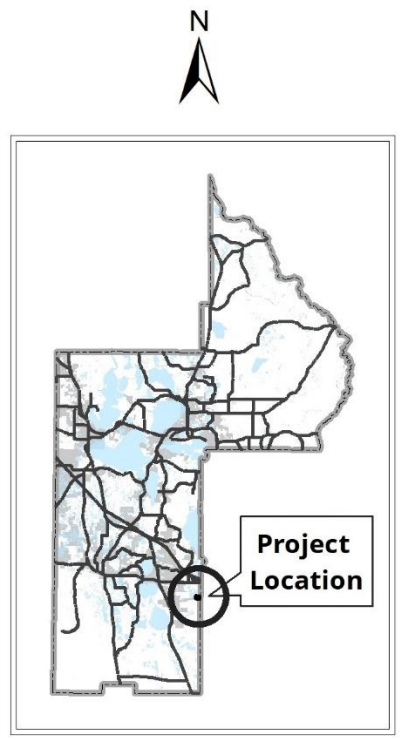
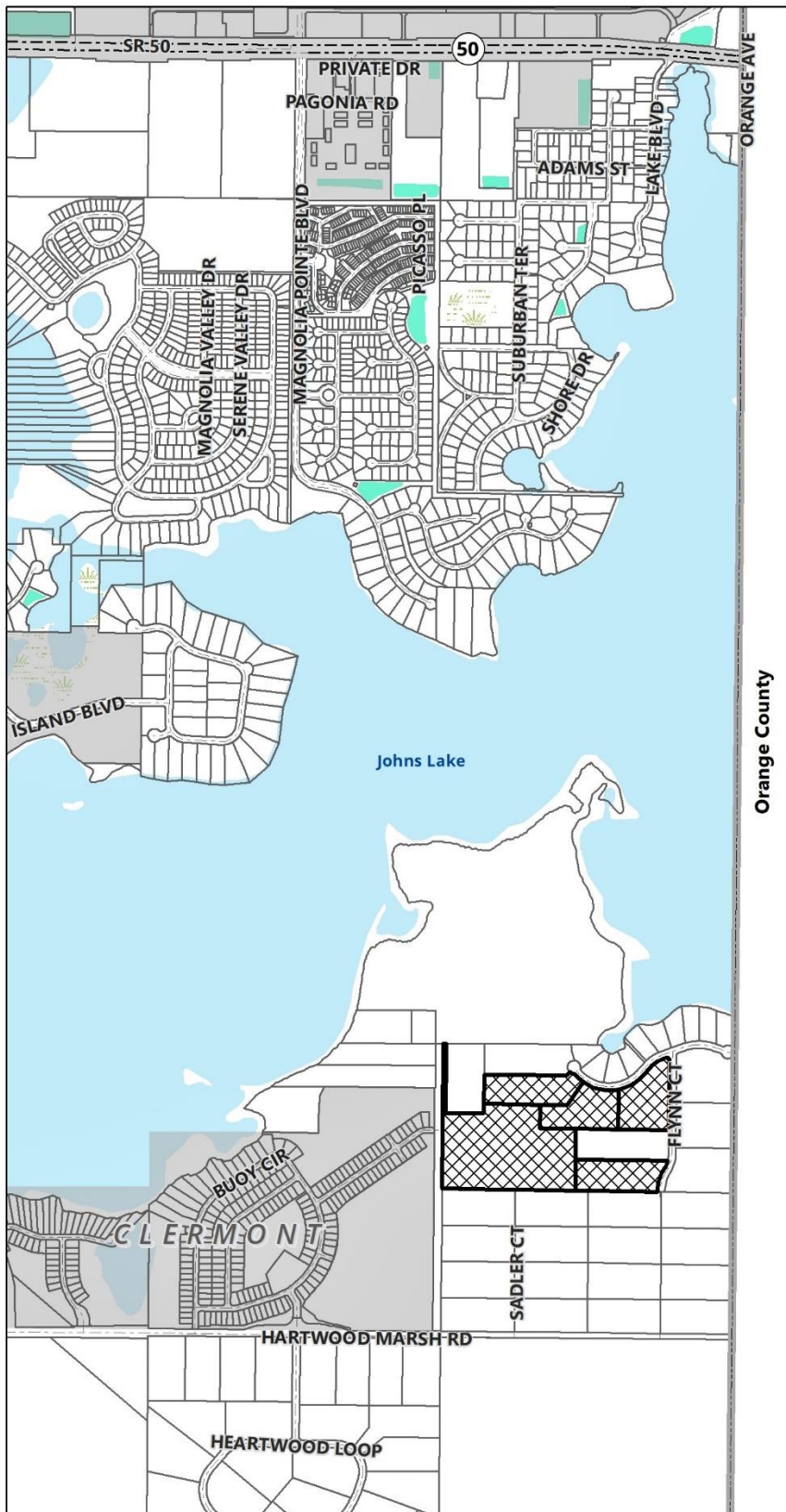
The subject property is currently designated as Wellness Way 1 FLUC which allows a minimum of three (3) dwelling units per acre and a maximum of twenty (20) dwelling units per acre. The properties to the south, east, and a portion of the north are also designated as Wellness Way 1 with the same density 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.

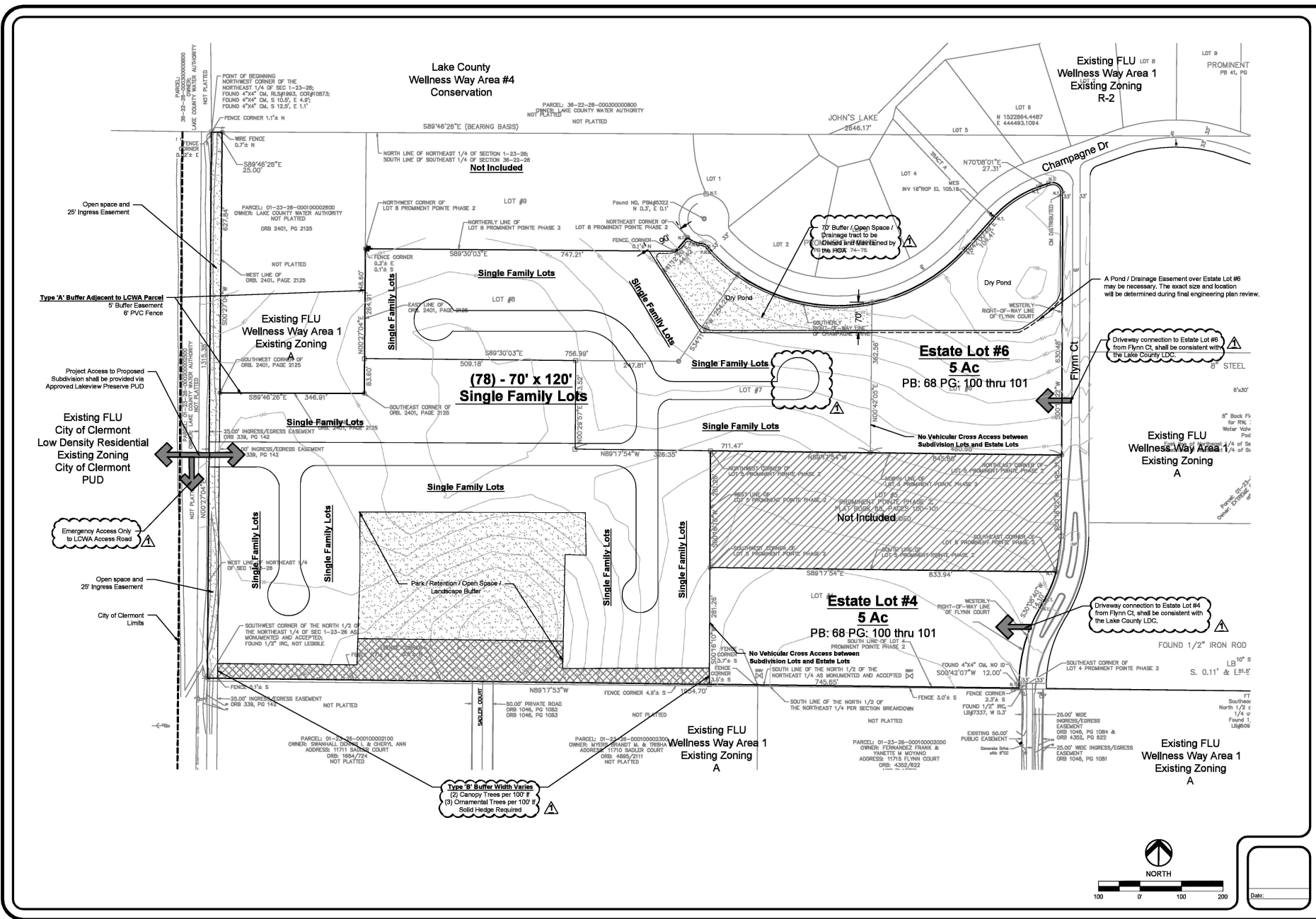
I. Whether the proposed amendment would be consistent with or advance the public interest, and in harmony with the purpose and interest of these regulations.

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

Subject Property.



Attachment A. Concept Plan.



Land Use Plan

Evergreen Estates
Lake County, Florida

day design group inc.
Urban Planning, Landscape Architecture, Project Management, Development Consulting
913 N Pennsylvania Ave, Winter Park, FL 32789 (407) 740-7273 www.daydesign.com

REV.	DATE	DESCRIPTION	BY
1	08.11.20	Revised per Client Comments dated 02.10.20	MPH

PROJECT NO. 1527b
SCALE 1"=100'
DATE Dec 2019
SHEET LUP-101

Attachment B. Draft PUD Ordinance (8 Pages).

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 COUNTY**
2 **ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.**
3

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

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

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

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

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

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

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

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

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

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

33 **A. Permitted Land Uses.**

- 34 1. Suburban Residential Lots. A total of 78 single-family residential lots.
- 35 2. Estate Residential Lots. Two (2) Estate Residential lots consisting of five (5) acres each. The
36 Estate Residential Lots shall be defined as Lots 4 & 6 of the Prominent Pointe Subdivision, as
37 recorded in Plat Book 68, Pages 100-101, Public Records of Lake County, Florida. Neither lot

- 1 shall be reconfigured with the exception of providing a drainage easement over the northern
 2 portion of Lot 6, should final engineering determine that a pond is necessary in that location.
- 3 3. General Agriculture, as defined in the Land Development Regulations, shall be permitted on
 4 the Estate Residential lots as a primary use or as an accessory use to a single-family
 5 residence.
- 6 4. Accessory uses directly associated with the above uses may be approved by the County
 7 Manager or designee. Any other use of the site not specified above shall require approval of
 8 an amendment to this Ordinance by the Board of County Commissioners.

9 **B. Development Conditions.**

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

15 **C. Setbacks & Development Standards.** The development standards shall be as follows:
 16

- 17 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.
Minimum Amount of Living Area	1,500 SF
Minimum Lot Width	70 Feet
Minimum Lot Size	8,400 SF

- 18
 19 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

Development Standards for Estate Residential Lots	
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).

- 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.
- E. Landscaping Requirements.** Landscaping, Buffering, and Screening shall be in accordance with the Comprehensive Plan and LDR, as amended.
- F. Transportation.** All access management shall be in accordance with the Comprehensive Plan and Land Development Regulations, as amended.
- 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.
- 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.
- I. Schools.** School Concurrency shall be met before final plat approval in accordance with the Comprehensive Plan and LDR, as amended.
- J. Signage.** All signs shall be consistent with the Land Development Regulations, as amended.
- K. Utilities.** The development shall be serviced by central water and central sewer.
- L. Concurrency Management Review.** Concurrency shall be met prior to the issuance of any development order, consistent with the Land Development Regulations (LDR), as amended.
- M. Development Review and Approval.**
 - 1. Prior to the issuance of any permits, the Owners will be required to submit a preliminary plat, construction plans, and final plat generally consistent with EXHIBIT B - Conceptual Plan for review and approval in accordance with the Comprehensive Plan and LDR, as amended.
 - 2. A proposed amendment to an approved PUD land use designation that increases the approved intensities or densities of the PUD without a corresponding decrease in another portion of the PUD and resulting in greater off-site impacts shall require an amendment to the Comprehensive Plan.
- N. 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

1 grant, via a Public Hearing, one (1) extension of the time frame for a maximum of two (2) years upon a
2 showing that reasonable efforts have been made towards securing the required approvals and
3 commencement of work.

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

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

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

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

17 **C.** This Ordinance shall inure to the benefit of, and shall constitute a covenant running with the land and
18 the terms, conditions, and provisions hereof, and shall be binding upon the present Owners and any
19 successors, and shall be subject to each and every condition herein set out.

20 **D.** Construction and operation of the proposed use shall at all times comply with the regulations of this and
21 other governmental permitting agencies.

22 **E.** The transfer of ownership or lease of any or all of the property described in this Ordinance shall be
23 included in the transfer or lease agreement, a provision that the purchaser or lessee is made good and
24 aware of the conditions established by this Ordinance and agrees to be bound by these conditions. The
25 purchaser or lessee may request a change from the existing plans and conditions by following
26 procedures contained in the Land Development Regulations, as amended.

27 **F.** Action by the Lake County Code Enforcement Special Master. The Lake County Code Enforcement
28 Special Master shall have authority to enforce the terms and conditions set forth in this ordinance and
29 to recommend that the ordinance be revoked.

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

33
34 **Section 4. Filing with the Department of State.** The clerk is hereby directed forthwith to send a copy of this Ordinance
35 to the Secretary of State for the State of Florida in accordance with Section 125.66, Florida Statutes
36
37

38 [Remainder of Page Left Intentionally Blank]
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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

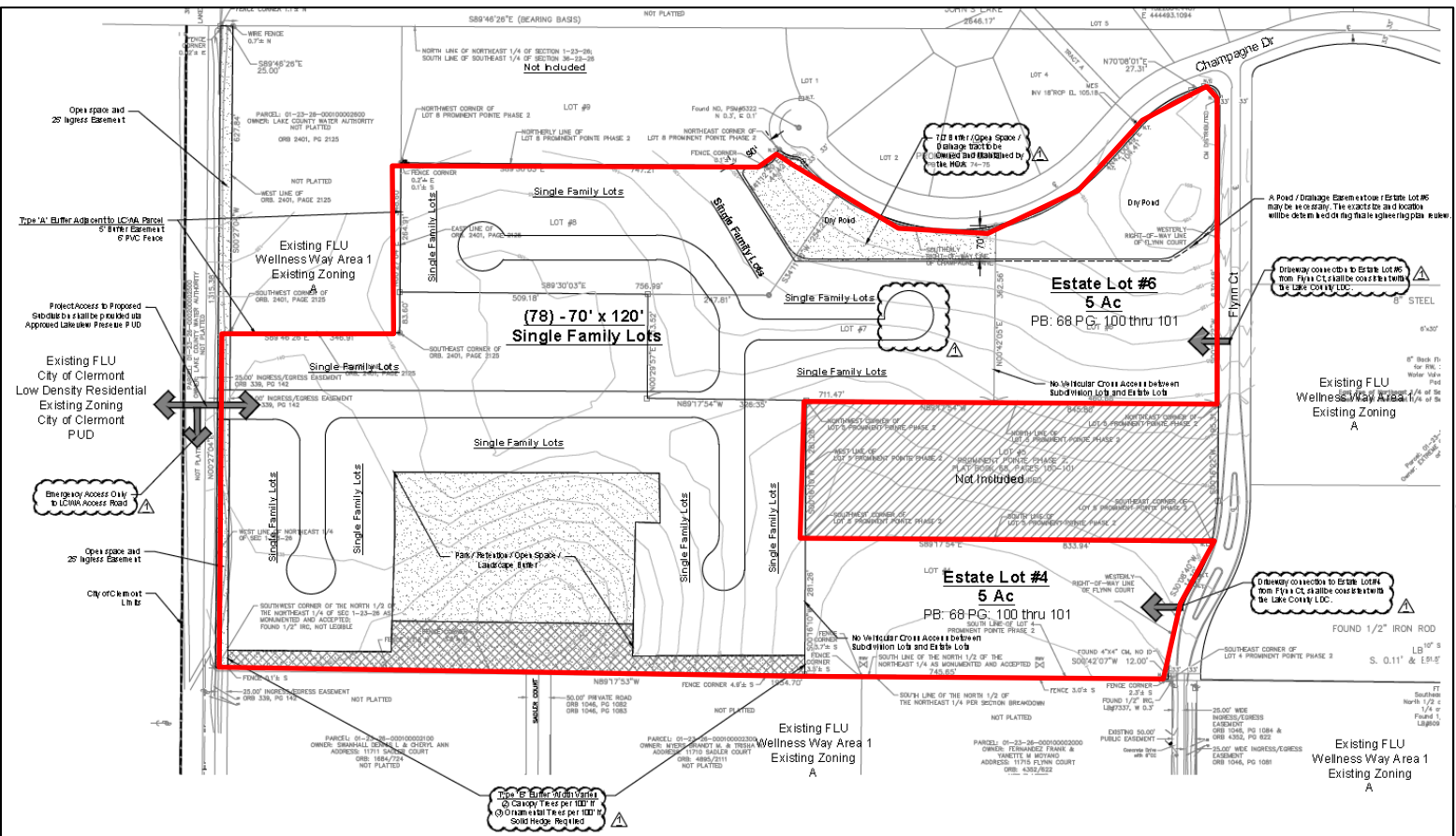
LOTS 4, 6, 7 AND 8 PROMINENT POINTE PHASE 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 68, PAGES 100 THROUGH 101 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA AND A PORTION OF THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 23 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED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



CURRENT FUTURE LAND USE



FUTURE LAND USE LEGEND

 Rural  Wellness Way 1  Wellness Way 2  Wellness Way 4

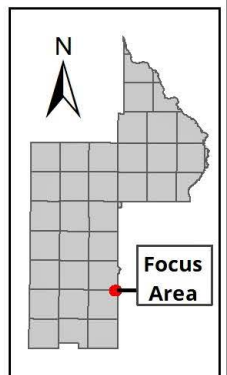
NAME: EVERGREEN ESTATES PROPERTY

CASE NUMBER: FLU-19-07-2

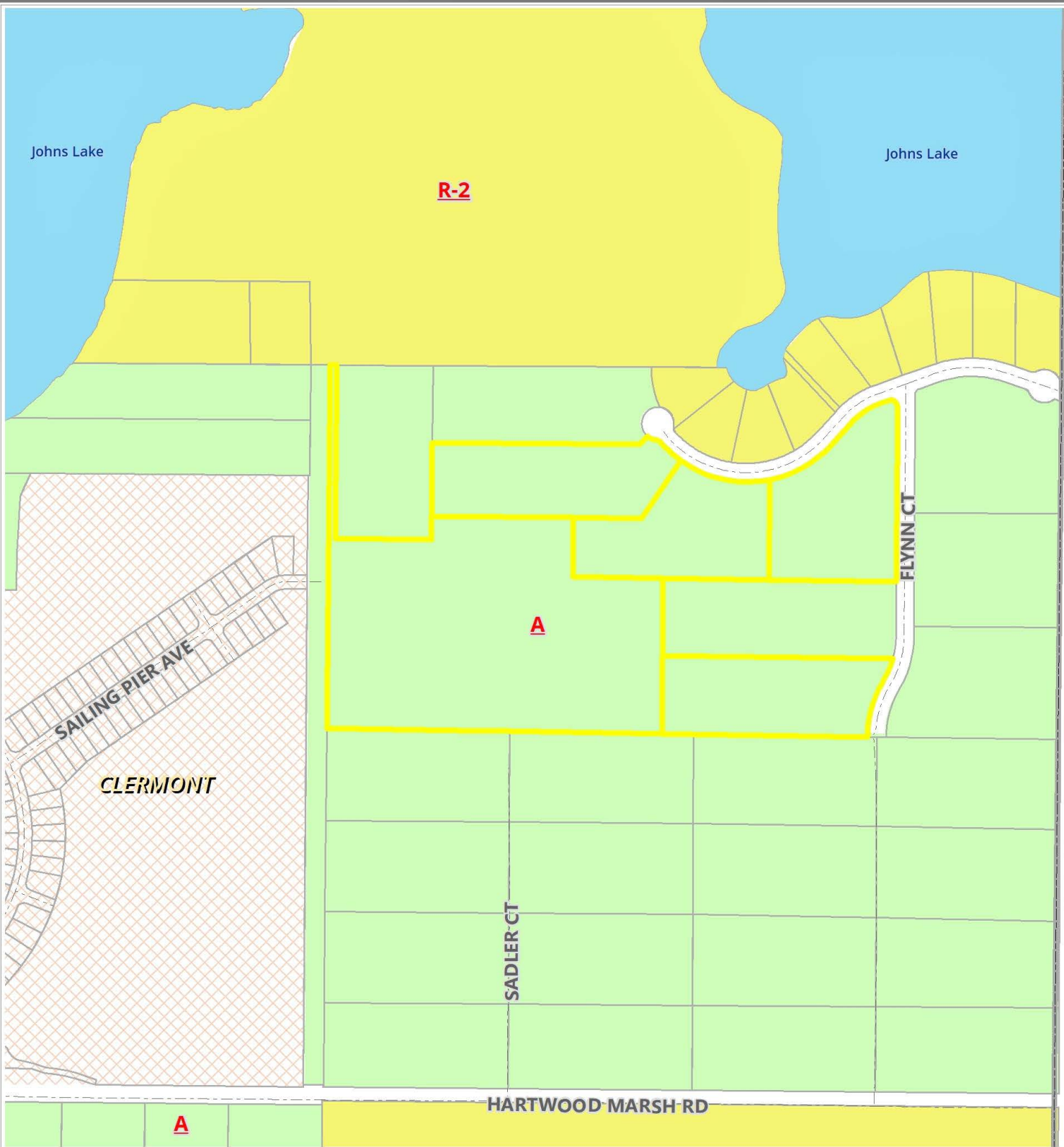
LOCATION (S-T-R): 01-23-26

REQUEST: WELLNESS WAY 1 TO PLANNED UNIT DEVELOPMENT

DISTRICT: 2



CURRENT ZONING



Orange County

ZONING LEGEND

 A  R-2

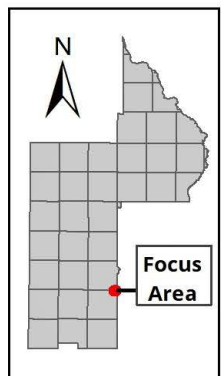
NAME: EVERGREEN ESTATES PROPERTY

DISTRICT: 2

CASE NUMBER: FLU-19-07-2

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

REQUEST: WELLNESS WAY 1 TO PLANNED UNIT DEVELOPMENT



ORDINANCE 2020 – XX
FLU-19-07-2
Evergreen Estates

1 **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA;**
2 **AMENDING THE FUTURE LAND USE MAP FROM WELLNESS WAY 1 TO PLANNED UNIT**
3 **DEVELOPMENT FUTURE LAND USE CATEGORY FOR A 40 ACRE PROPERTY LOCATED NORTH**
4 **OF HARTWOOD MARSH ROAD IN THE CLERMONT AREA, AS DESCRIBED IN THIS ORDINANCE;**
5 **AMENDING COMPREHENSIVE PLAN POLICY I-7.14.4 ENTITLED ‘PLANNED UNIT DEVELOPMENT**
6 **LAND USE CATEGORY’ TO INCLUDE THE EVERGREEN PLANNED UNIT DEVELOPMENT AND**
7 **ASSOCIATED DEVELOPMENT PROGRAM; PROVIDING FOR PUBLICATION AS REQUIRED BY**
8 **SECTION 163.3184(11), FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; AND PROVIDING**
9 **FOR AN EFFECTIVE DATE.**

10
11 **WHEREAS**, Chapter 163, Florida Statutes, Part II, governs growth policy, county and municipal
12 planning, and land development regulation in the State of Florida; and

13 **WHEREAS**, Chapter 125, Florida Statutes, Section 125.01(1)(g), authorizes the Board of County
14 Commissioners of Lake County to “[p]repare and enforce comprehensive plans for the development of the
15 county”; and

16 **WHEREAS**, pursuant to Chapters 163 and 125, Florida Statutes, on the 25th day of May 2010, the
17 Board of County Commissioners enacted Ordinance No. 2010-25, adopting the Lake County 2030
18 Comprehensive Plan; and

19 **WHEREAS**, on the 23rd day of July 2010, the State of Florida Department of Community Affairs, now
20 known as the Community Planning and Development Division of the Florida Department of Economic
21 Opportunity, published a Notice of Intent finding the Lake County 2030 Comprehensive Plan Amendment "In
22 Compliance" with Chapter 163, Florida Statutes; and

23 **WHEREAS**, on the 22nd day of September 2011, the Lake County 2030 Comprehensive Plan
24 became effective and designated the property as part of the Regional Office Future Land Use Category; and

25 **WHEREAS**, Section 163.3184, Florida Statutes, sets forth the process for adoption of
26 Comprehensive Plan Amendments; and

27 **WHEREAS**, on the 3rd day of June 2020, this Ordinance was heard at a public hearing before the
28 Lake County Planning & Zoning Board in its capacity as the Local Planning Agency; and

29 **WHEREAS**, on the 16th day of June 2020, this Ordinance was heard at a public hearing before the
30 Lake County Board of County Commissioners for approval to transmit to the state planning agency and other
31 reviewing agencies; and

32 **WHEREAS**, on the XX day of XXXX 2020, this Ordinance was heard at a public hearing before the
33 Lake County Board of County Commissioners for adoption; and

34 **WHEREAS**, it serves the health, safety and general welfare of the residents of Lake County to adopt
35 the amendment to the Lake County Comprehensive Plan and Future Land Use Map.

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

1 **Section 1. Comprehensive Plan Future Land Use Map Amendment.** The 2030 Comprehensive Plan
2 Future Land Use Map is hereby amended to change the Future Land Use Category for the subject property,
3 described in Exhibit A attached and incorporated in this Ordinance, from Wellness Way 1 to Planned Unit
4 Development Future Land Use Category.

5
6 **Section 2. Comprehensive Plan Text Amendment.** The Lake County 2030 Comprehensive Plan,
7 Policy I-7.14.4 entitled ‘Planned Unit Development Land Use Category,’ shall be amended to read as follows:
8

9 **Policy I-7.14.4 Planned Unit Development Land Use Category**

10 The following land use table details the development program, including the maximum densities and intensities,
11 for the adopted Planned Unit Development Future Land Use designations:

Amendment No.	Name / Location	Former FLU Designation	Development Program	Ordinance No.
<u>FLU-19-07-2</u>	<u>Evergreen Estates</u>	<u>Wellness Way 1</u>	<u>Residential [Two (2) dwelling units per net acre]</u>	<u>2020 - XX</u>

12
13
14 **Section 3. Advertisement.** This Ordinance was advertised pursuant to Sections 125.66 and 163.3184,
15 Florida Statutes.

16
17 **Section 4. Severability.** If any section, sentence, clause, phrase or word of this Ordinance is for any
18 reason held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect
19 the remaining portions of this Ordinance; and it shall be construed to have been the Commissioners’ intent
20 to pass this Ordinance without such unconstitutional, invalid or inoperative part therein; and the remainder of
21 this Ordinance, after the exclusion of such part or parts shall be deemed and held to be valid, as if such parts
22 had not been included herein; or if this Ordinance or any provisions thereof shall be held inapplicable to any
23 person, groups of persons, property, kind of property, circumstances or set of circumstances, such holding
24 shall not affect the applicability thereof to any other person, property or circumstances.

25
26 **Section 5. Effective Date.** The effective date of this plan amendment, if the amendment is not timely
27 challenged, shall be 31 days after the state land planning agency notifies the local government that the plan
28 amendment package is complete. If timely challenged, this amendment shall become effective on the date
29 the state land planning agency or the Administration Commission enters a final order determining this
30 adopted amendment to be in compliance. No development orders, development permits, or land uses
31 dependent on this amendment may be issued or commence before it has become effective. If a final order
32 of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made
33 effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to
34 the state land planning agency.

1 ENACTED this ____ day of _____, 2020.

2

3 FILED with the Secretary of State _____, 2020.

4

5

6

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

7

8

9

10

Leslie Campione, Chairman

11

12

13

14 ATTEST:

15

16

17

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

18

19

20

21

22

23

24 Approved as to form and legality:

25

26

27

Melanie Marsh, County Attorney

28

29

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 SOUTH 89°29'55" EAST FOR A DISTANCE OF 617.97 FEET, FOR AN ARC LENGTH OF 698.19 FEET TO A NON-TANGENT POINT; THENCE RUN NORTH 42°00'49" EAST FOR A DISTANCE OF 104.41 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY; THENCE RUN NORTHEASTERLY ALONG SAID CURVE HAVING A

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

38
39 CONTAINING: 1,743,974 SQUARE FEET OR 40.04 ACRES OF LAND, MORE OR LESS.