



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 3

Public Hearings: Planning & Zoning Board (PZB): July 7, 2021
Board of County Commissioners (BCC): August 3, 2021

Case No. and Project Name: RZ-21-16-2, John's Lake Landing PUD Amendment

Applicant: Brian Denham, Denham Engineering, LLC

Owner: John's Lake LLC

Requested Action: Supersede and replace Planned Unit Development (PUD) Ordinance 2020-55 with a new PUD ordinance which will convert the 186 attached multi-family units and 425,000 square feet of commercial to 300 multi-family units, 50 single family units, and 370,000 square feet of commercial development; and reconfigure the undeveloped tracts to reflect the updated mix of uses.

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: 309.88 +/- acres

Location: South of SR 50, between Hartle Rd and Magnolia Pointe Blvd

Future Land Use: Urban Low Density

Current Zoning District: PUD

Flood Zones: "X"

Joint Planning Area/ ISBA: Clermont JPA and 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	City of Clermont	City of Clermont	Right-of-Way (ROW) and Residential Development	State Road 50 & Terrace Grove Subdivision
South	Urban Low	Agriculture (A), Estate Residential (R-2), and Medium Residential (R-3)	Open Water Body and Residential Development	John's Lake, John's Lake Estates Subdivision, and Magnolia Bay Subdivision

East	City of Clermont and Urban Low	City of Clermont and PUD	Mixed-Use Development (Residential and Commercial)	Magnolia Pointe Development
West	Urban Low	Agriculture (A) and Estate Residential (R-2)	ROW and Residential Development	Hartle Road and Lakefront Residential Lots

Staff Analysis

The subject property is situated between John's Lake and State Road 50, between Hartle Road and Magnolia Pointe Blvd. The property is zoned Planned Unit Development (PUD) by Ordinance. The subject property is located within the Clermont JPA and ISBA. The City of Clermont did not provide comments on this application.

The governing PUD Ordinance, Ordinance 2020-55, allows for the property to be developed with an assisted living facility, single-family dwelling units, multi-family or townhome units, and 425,000 square feet of gross leasable commercial space. The application is seeking to decrease the commercial square footage from 425,000 to 370,000 square feet in order to increase the number of multi-family dwelling units from 186 to 300 units and add an additional fifty (50) single family dwelling units. In addition, the Applicant has requested to reconfigure the uses on the undeveloped tracts to reflect the updates mix of uses.

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 rezoning is consistent with all elements of the Comprehensive Plan. Comprehensive Plan Policy I-1.3.2 Urban Low Density Future Land Use Category allows residential development at a maximum density of four (4) dwelling units per net acre. The proposed amendment will increase the density from 3.52 to 4.0 dwelling units per net acre which is consistent with the Urban Low FLUC.

Vested Rights Determination (VRD) 2012-0006 allowed the Applicant to include 12.72 acres of wetlands in the open space calculations for phases one through six. Future development of the subject property will be required to adhere to the current open space requirements as established in the Comprehensive Plan; the draft PUD Ordinance reflects this requirement.

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

The application seeks approval to develop more single-family and multi-family dwelling units within the John's Lake Landing Subdivision. As such, the application seeks to decrease the commercial square footage allowed within the development to offset the impact associated with an increase in dwelling units.

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

The application seeks to develop more single-family dwelling units and multi-family units in lieu of commercial square footage.

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.

The rezoning will not adversely impact the County's adopted levels of service for schools, parks, recreation, police, drainage, solid waste, 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.

Transportation – Per ITE trip generations, the conversion of 55,000 square feet of commercial space to 114 multi-family units and 50 single-family units will result in a decrease of daily trips (Attachment A). As such, the rezoning amendment will not have a significant impact on the area's transportation system. Impacts on the transportation system will be fully assessed during preliminary plat or site plan review.

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

Schools – The increase in residential density will be subject to school concurrency review.

Fire and Emergency Services - Lake County Fire Station #90, located at 13341 Hartle Rd in Clermont, is located approximately 0.96 miles west of the subject property.

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

All new development will be required to meet all Comprehensive Plan Policies and LDRs, as amended, to protect the environmentally sensitive areas within the subject property.

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 John's Lake Landing development allows a mixture of uses including an assisted living facility, single-family dwelling units, multi-family or townhome units, and commercial space. The application is to facilitate the development of Alternate Keys 2664754, 2942266, and 1592330 with multi-family dwelling units, single family dwelling units, and commercial uses. The existing John's Lake PUD already allows these uses and the amendment is only adjusting the amounts of residential and commercial development.

Tract J will now be developed with single family dwelling units and is situated between an existing phase of John's Lake Landing which is developed with single family dwelling units and a commercial tract. Track K, which is proposed to be developed with multi-family dwelling units, is situated between Phase 6 which is being developed with single family dwelling units and commercial tracts. The proposed development will result in an orderly and logical development pattern.

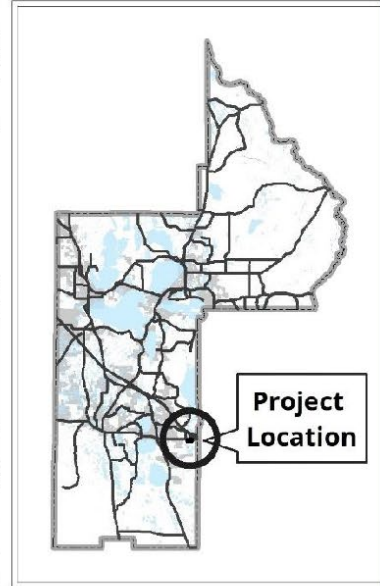
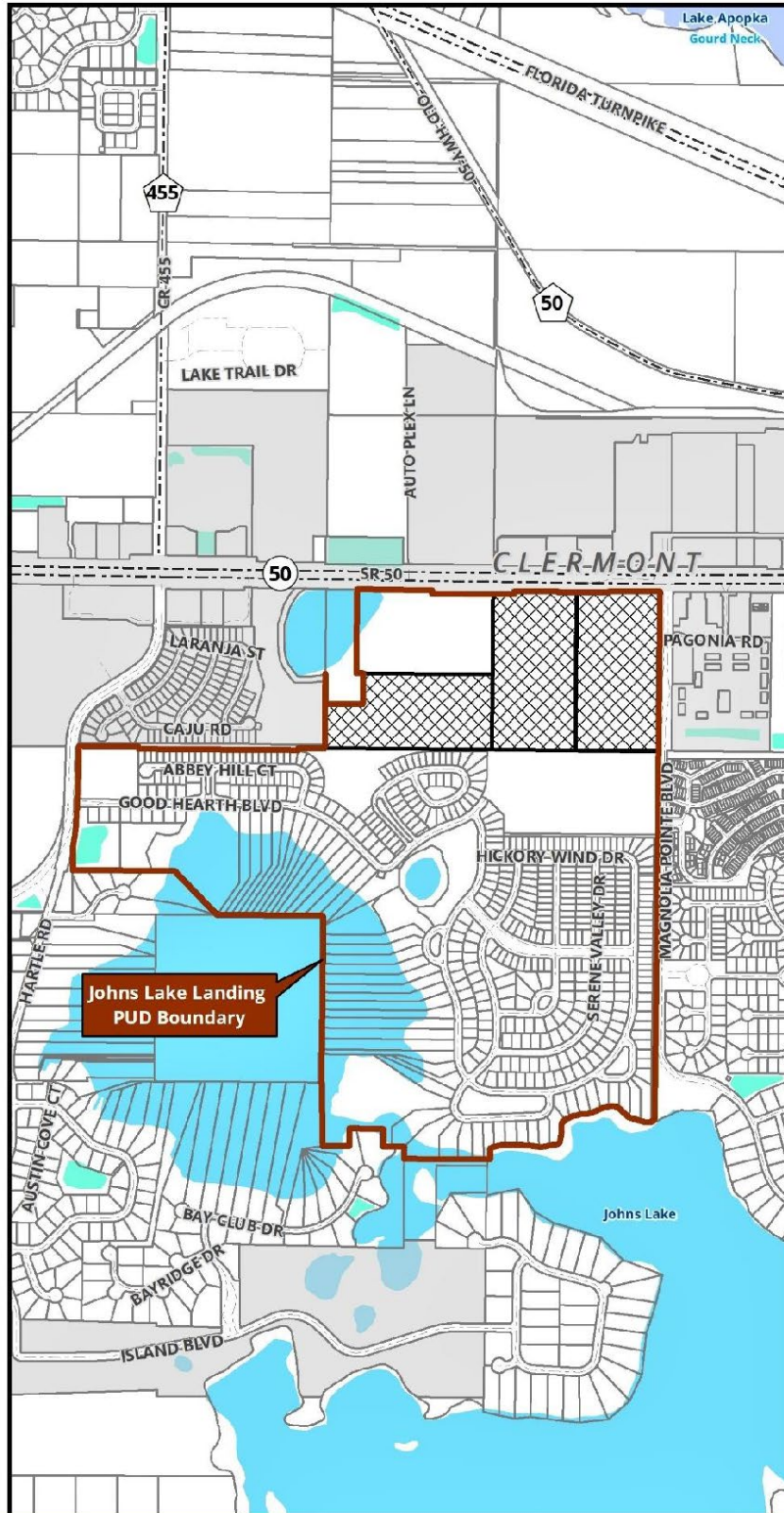
I. Whether the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these Regulations.

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.



Attachment A. Trip Generation from Existing and Proposed Entitlements.

Existing Entitlements - Average Daily Trips (ITE 10th Ed.)							
Land Use	ITE Code	Size		Average Rate		Fitted Curve	Daily Trips Generated
				Daily Trip Generation Rates	Daily Trips Generated	Daily Trips Generated	
Townhomes	220	186.0	DU	7.32	1362	1365	1365
Shopping Center	820	425.0	1000 Sq Ft	37.75	16044	16081	16081
Total ADTs					17405	17446	17446

Proposed Entitlements - Average Daily Trips (ITE 10th Ed.)							
Land Use	ITE Code	Size		Average Rate		Fitted Curve	Daily Trips Generated
				Daily Trip Generation Rates	Daily Trips Generated	Daily Trips Generated	
Single Family Detached	210	50.0	DU	9.44	472	550	550
Multi Family (Low-Rise)	220	300.0	DU	7.32	2196	2227	2227
Shopping Center	820	370.0	1000 Sq Ft	37.75	13968	14635	14635
Total ADTs					16636	17412	17412

ORDINANCE NO. 2021 - _____
John's Lake Landing PUD
RZ-21-16-2

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

WHEREAS, Brian Denham (the 'Applicant'), on behalf of PKY CLERMONT OWNER LLC (the 'Owner'), has requested an amendment to Planned Unit Development (PUD) Ordinance 2020-55 to reduce the commercial square footage from 425,000 to 370,000 in order to increase the number of single-family dwellings from 547 to 597 units and increase the multi-family dwellings from 186 to 300 units; and

WHEREAS, the subject Planned Unit Development property consists of 309 +/- acres located in the East Clermont area to the southeast of the intersection of SR 50 and Hartle Road, situated in Section 26, Township 22 South, Range 26 East, and more particularly described in Exhibit A, attached hereto and incorporated within; and

WHEREAS, the property is located within the Urban Low Density Future Land Use Category; and

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

WHEREAS, on January 22, 2012, the Board of County Commissioners approved an amendment to the John's Lake Landing PUD (Ordinance 2012-7) by adding a community facility use (71 Unit Assisted Living Facility) and reducing the number of single-family dwelling units from 845 to 788 on approximately 309 +/- acres; and

WHEREAS, on February 25, 2014, the Board of County Commissioners approved an amendment to the John's Lake Landing PUD (Ordinance 2012-7) by adding language to the Ordinance related to the timing and construction of the wall between the Magnolia Pointe subdivision and the John's Lake Landing subdivision with no other changes to the Planned Unit Development (PUD); and

WHEREAS, on December 15, 2015, the Board of County Commissioners approved an amendment to the John's Lake Landing PUD (Ordinance 2015-46) which revised the timing and construction of the wall between the Magnolia Pointe subdivision and the John's Lake Landing subdivision and corrected a scrivener's error by adding prohibited uses inadvertently omitted with the amendment to Ordinance 2005-95; and

WHEREAS, on May 21, 2019, the Board of County Commissioners approved an amendment to the John's Lake Landing PUD (Ordinance 2019-29) which increased the number of rooms in the Assisted Living Facility from 71 to 73; and

WHEREAS, on September 29, 2020, the Board of County Commissioners approved an amendment to the John's Lake Landing PUD (Ordinance 2020-55) which reduced the number of multi-family/townhome units from 328 to 186 units in order to increase the number of single-family dwelling units from 460 to 547 units; and

WHEREAS, the Lake County Planning and Zoning Board did, on the 7th day of July 2021, review Petition RZ-21-16-2 after giving Notice of Hearing on petition for an amendment to the PUD, including notice that said Ordinance would be presented to the Board of County Commissioners of Lake County, Florida, on the 3rd day of August 2021; and

WHEREAS, the Board of County Commissioners reviewed said petition, the recommendations of the Lake County 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.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lake County, Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they pertain to the above tracts of land, as described in Exhibit "A", subject to the following terms:

Section 1. Terms. The County Manager or designee shall amend the Zoning Map in accordance with this Ordinance. The uses of the property shall be limited to the uses specified in this Ordinance generally consistent with the Conceptual Plan attached hereto as Exhibit 'B'. The passage of this Ordinance shall supersede and replace all previous ordinances, including Ordinance 2020-55.

A. Land Use and Design.

1. Residential.

a. Density & Type of Residential Units:

- i. 597 single-family residential.
- ii. 300 multi-family or townhome units.
- iii. A total of 897 residential units shall be permitted as long as the density does not exceed four (4) dwelling units per net acre.
- iv. A wall shall be constructed between the residential portion of the John's Lake Landing development and the residential portion of Magnolia Pointe development in accordance with the conditions specified in Exhibit "C" (First Amendment to Acknowledgment and Understanding) and Exhibit "D" (Phasing Plan) of this Ordinance.
- vi. Lake front lots shall have a minimum width of 85 feet and a minimum size of one-half (1/2) acre.

b. Setbacks for 50-foot Lots (Single-Family Residential)

Front	20 feet from the property line
Secondary Front	15 feet from the property line
Side	5 feet from the property line
Rear	20 feet from the property line (5 feet for accessory structures)
Between Buildings	10 feet

c. Setbacks for 75 to 85-foot Lots (Single-Family Residential)

Front	25 feet from the property line
Secondary Front	15 feet from the property line
Side	7.5 feet from the property line
Rear	20 feet from the property line (5 feet for accessory structures)
Between Buildings	15 feet

d. Setbacks for Multi-family Residential

Front	20 feet from the property line
Secondary Front	15 feet from the property line
Side	0 feet from the property line

Rear	20 feet from the property line (5 feet for accessory structures)
Between Buildings	20 feet plus 15 feet for each story in excess of two

1
 2 e. The Multi-family development shall provide internal connections for pedestrian access to the
 3 commercial portions of the development.

4 2. Commercial.

5 a. Commercial activities shall be permitted on the parcels identified as Tracts L1, L2, and M, on the
 6 PUD phasing plan (Exhibit D). Total gross leasable area for the parcels shall be limited to 370,000
 7 square feet. All C-1 (Neighborhood Commercial) and C-2 (Community Commercial) uses shall be
 8 permitted on the commercial parcels, except adult entertainment, gas stations, automobile
 9 dealerships, automobile part stores, car washes, and automobile repair.

10 Setbacks: The following setbacks shall apply to the commercial area.

Front	50 feet from the right-of-way of State Road 50, 25 feet from the right-of-way of any local road or easement
Side/Rear	15 feet from the property line (based on the 15- foot Type B landscape buffer requirement)

12
 13 b. The developer shall attempt to orientate the buildings so that the rear of the building does not face
 14 Magnolia Pointe Blvd. If the rear of the building must face Magnolia Pointe Blvd, the developer shall
 15 extend the wall accordingly.

16 c. The developer shall follow architectural standards of development which compliment Plaza Collina
 17 and the Joint Planning Area with the City of Clermont.

18 3. Assisted Living Facility (ALF).

19 a. The 73 room ALF shall be permitted on Tract P as shown on Exhibit "B" (Concept Plan). In the
 20 event the ALF is not developed, the Developer has the option to develop Tract "P" for residential
 21 purposes with no increase in density.

22 b. Commercial setbacks shall apply for the ALF.

23 c. Minimum residential lot size for Tract "P" shall be 50' x 110'. Setbacks for 50' residential lots shall
 24 apply.

25 4. Recreational Vehicle/Boat Storage: Recreational Vehicle (RV) and boat storage shall be allowed on
 26 Tract K of the PUD and limited to the residents of the development and their guests only. No commercial
 27 storage is allowed.

28 5. Lot Grading: Elevation changes greater than fifteen (15) feet for cut/fill is allowed for the purpose of
 29 development interface with the existing and proposed State Road 50 grade, existing lake grades, and
 30 selected stormwater pond grades.

- 1 6. Flood Plain: Compensating storage in the 100-year flood zone shall be permitted in Tracts G & H for
2 the purpose of road improvements for ingress/egress.

3 **B. Development Standards.**

- 4 1. Pursuant to Vested Rights Determination (VRD) 2012-0006, 12.72 acres of wetlands may be credited
5 towards the open space requirements for the residential development of Phases 1 through 6 (Exhibit D).
6 2. Future development of Phase 7 (Exhibit D) shall provide 25% open space for residential development and
7 20% for commercial development.
8 3. Impervious Surface Area: Maximum ISR shall be 0.60 for the overall development.
9 4. Floor Area Ratio: Floor area ratio shall not exceed 0.25 for non-residential development and 0.35 for civic
10 use, community facility uses, and Economic Development Overlay District Uses.
11 5. All development shall adhere to the applicable commercial design standards contained within the LDR, as
12 amendmended.

13 **C. Landscaping.** Landscape buffering shall be installed and maintained in accordance with the requirements of
14 the LDRs, as amended.

15 **D. Transportation.**

- 16 1. All internal streets and traffic calming devices (Roundabouts, etc.) shall be constructed to meet Access
17 Management and spacing requirements as set forth in the LDRs, as amended.
18 2. All public roads within the development shall be designed both horizontally and vertically to meet the LDRs
19 requirements for their classification. Public road pavement width shall be based on Average Daily Trips
20 (ADT).
21 3. Transportation Design: The layout and design of lots and circulation systems within the development shall
22 be substantially consistent with the attached conceptual plan as Exhibit "B" to this Ordinance, submitted as
23 a part of the rezoning application, and may be subsequently revised to reflect current conditions. To the
24 extent where there are conflicts between Exhibit "B" and this Ordinance, this Ordinance shall take
25 precedence.
26 4. Any walls or fences within the development area shall provide for common pedestrian access (sidewalk or
27 trail) to Hartle Road and State Road 50 at intervals not to exceed 1320 feet (1/4 mile).
28 5. The developer shall provide a connection between Magnolia Pointe Blvd and Hartle Road.
29 6. The dedication of additional right-of-way for Magnolia Pointe Blvd. and Hartle Road may be required.

30 **E. Environmental Requirements.**

- 31 1. An environmental survey shall be conducted in accordance with the LDRs, as amended, to address natural
32 vegetative communities, wildlife corridors, and designated species prior to submittal of any development
33 application.
34 2. A jurisdictional wetland line and designated species habitat delineation shall be established and included
35 on any site plan or plat.
36 3. Wetlands and wetland buffers shall be placed in conservation easements in accordance with the LDRs, as
37 amended.

- 1 **F. Utilities.** A revised Utility Service Agreement for water and sewer with the City of Clermont shall be required
2 prior to preliminary plat or site plan approval. Connection to central water and wastewater treatment is required
3 and shall comply with all applicable State, Regional, and Lake County policies and regulations, as amended.
- 4 **G. Storm Water and Drainage Requirements.**
- 5 1. The storm water management system shall be designed in accordance with all applicable Lake County and
6 St. John's River Water Management District (SJRWMD) requirements, as amended.
- 7 2. The storm water management system shall demonstrate that each phase is able to exist as an independent
8 stable unit for drainage purposes. The natural pre-development drainage pattern shall be maintained to the
9 maximum extent possible.
- 10 **H. External Lighting Standards and Requirements.**
- 11 1. Exterior lighting shall comply with the Land Development Regulations, as amended.
- 12 2. All light fixtures, including security lighting, shall be limited to cutoff type fixtures and shall be incorporated
13 as an integral design element that complements the design of the development through style, material, and
14 color. Luminaries shall not be tilted. Floodlights or lighting types featuring sag, convex, or drop lenses shall
15 be prohibited.
- 16 3. The height of lighting fixtures inclusive of supporting pole, the lighting source, and fixture shall not exceed
17 thirty (30') feet within parking areas and fifteen (15') feet otherwise. Such height shall be measured from
18 finished grade to the top of the light fixture.
- 19 4. An exterior lighting plan prepared and certified by a licensed engineer qualified in such field shall be
20 submitted with any site plan or construction plan application. Such plan shall consist of a photometric plan
21 of the developed area of the site with accompanying data tables and product design details addressing
22 support poles, lamp fixtures and lenses.
- 23 **I. Development Review and Approval.** Prior to the issuance of any permits, the Applicant shall be required to
24 submit a formal site plan (multi-family development and community facility development) or a preliminary plat,
25 construction plans, and final plat (single-family/townhomes), for review and approval to Lake County. The site
26 plan or preliminary plat, construction plans, and final plat shall meet all submittal requirements and comply with
27 all County codes and ordinances, as amended.
- 28 **J. Concurrency Management.**
- 29 1. The Owner shall comply with concurrency management regulations and shall be subject to all applicable
30 concurrency requirements as set forth in the LDRs.
- 31 2. School Concurrency. If the developer should propose an age-restricted community, prior to construction
32 plan approval, deeds and covenants shall be recorded to restrict occupancy to individuals eighteen years
33 of age or older, and the project must comply with the Federal and State Fair Housing Acts. If, at a future
34 date, the developer wishes to eliminate the age-restricted status for any portion of the residential
35 development, that portion shall be required to meet school concurrency prior to final plat approval and
36 recording.
- 37 3. Future Amendments to Statutes, Code, Plan, and/or Regulations: The specific references in this Ordinance
38 to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan, and Lake County
39 Land Development Regulations are inclusive of any future amendments to the Statutes, Code, Plan, and/or
40 Regulations.

- 1 **SECTION 2.** Conditions as altered and amended which pertain to the above tract of land shall be as follows:
2 A. After establishment of the facilities as provided herein, the aforementioned property shall only
3 be used for the purposes named in this Ordinance.
4 B. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove, improve,
5 move, convert, or demolish any building structure, or alter the land in any manner (except for
6 normal maintenance activities – i.e. painting screening, etc.) within the boundaries of the above
7 described land without first submitting the necessary plans in accordance with requirements of
8 Lake County, and obtaining the permits required from the other appropriate governmental
9 agencies.
- 10 C. This Ordinance shall inure to the benefit of, and shall constitute a covenant running with the
11 land and the terms, conditions, and provisions hereof, and shall be binding upon the present
12 owner and any successor, and shall be subject to each and every condition herein set out.
- 13 D. The transfer of ownership or lease of any or all of the property described in this Ordinance shall
14 include in the transfer or lease agreement, a provision that the purchaser or lessee is made
15 good and aware of the conditions pertaining to this Ordinance and agrees to be bound by these
16 conditions. The purchaser or lessee may request a change from the existing plans and
17 conditions by following procedures as contained in the Lake County Land Development
18 Regulations, as amended.
- 19 E. The Lake County Code Enforcement Special Master shall have the authority to enforce the
20 terms and conditions set forth in this Ordinance and to recommend that the Ordinance be
21 revoked.

22 **SECTION 3.** **Severability:** If any section, clause or phrase of this Ordinance is held to be invalid or
23 unconstitutional by any court of competent jurisdiction, then said holding shall in no way
24 affect the validity of the remaining portions of this Ordinance.

25 **SECTION 4.** **Filing with the Department of State.** The clerk shall be and is hereby directed forthwith to
26 send a copy of this Ordinance to the Secretary of State for the State of Florida in accordance
27 with Section 125.66, Florida Statutes.

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1 **SECTION 5.** **Effective Date.** This Ordinance shall become effective as provided by law.

2
3 **ENACTED** this _____ day of _____, 2021.

4
5 **FILED** with the **Secretary of State** _____, 2021.

6
7 **EFFECTIVE** _____, 2021.

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

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13
14 _____
15 **Sean Parks, Chairman**

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21 **ATTEST:**

APPROVED AS TO FORM AND LEGALITY

22
23
24 _____
25 **GARY COONEY, Clerk of the**
26 **Board of County Commissioners**
27 **Lake County, Florida**

MELANIE MARSH, County Attorney

EXHIBIT A. Legal Description.

That part of Sections 25, 26, 35 and 36, Township 22 South, Range 26 East, Lake County, Florida, described as follows:

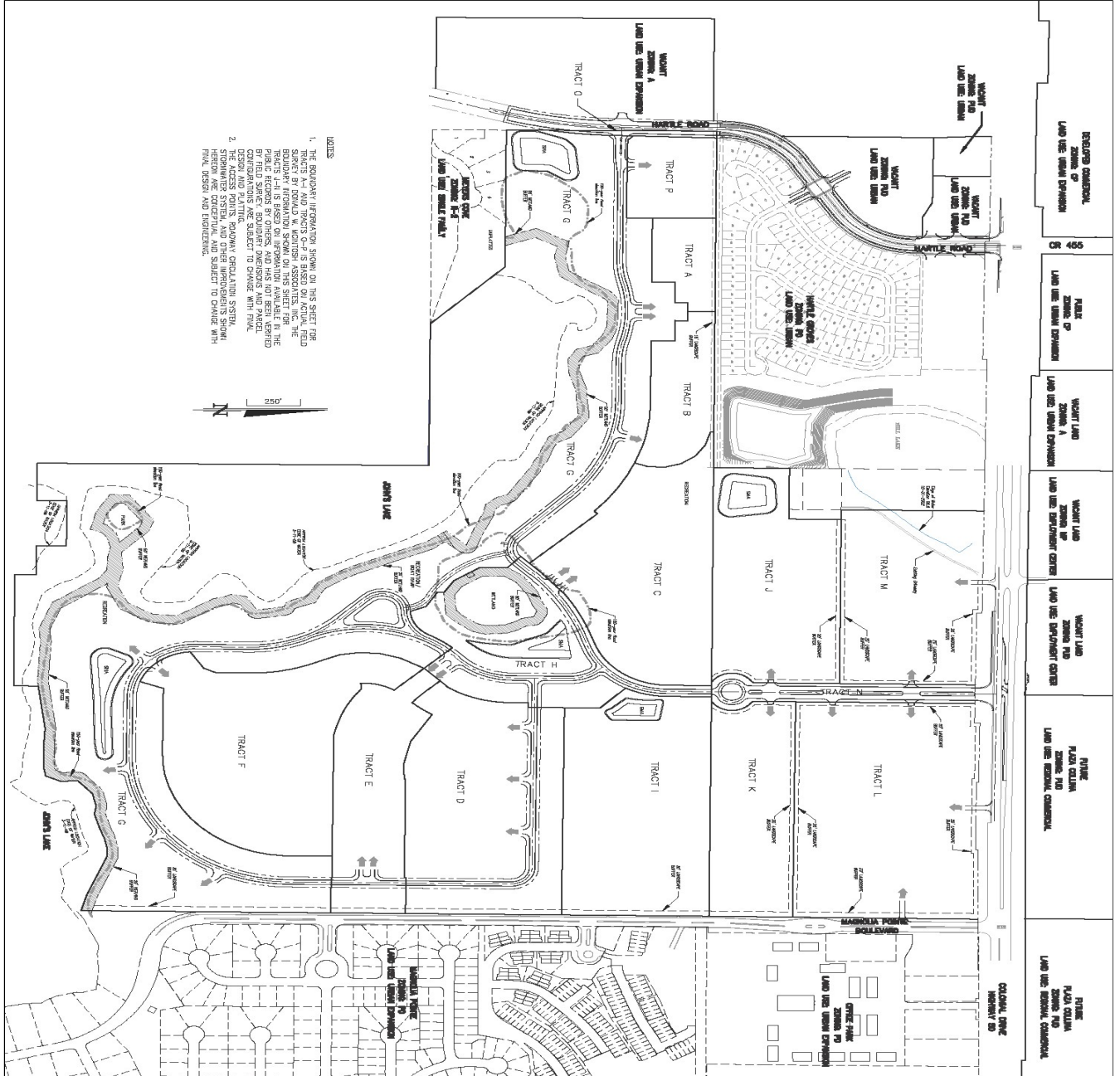
Begin at an iron axle found at the center of said Section 26, thence S89°34'53"E along the North line of the Southeast 1/4 of said Section 26 for a distance of 1324.37 feet to the Southwest corner of the Southeast 1/4 of the Northeast 1/4 of said Section 26; thence N00°35'22"E, along the West line of said Southeast 1/4 of the Northeast 1/4 for a distance of 353.50 feet; thence S89°34'53"E along the North line of the South 353.50 feet of said Southeast 1/4 of the Northeast 1/4 for a distance of 300.00 feet; thence N00°35'22"E, along the East line of the West 300.00 feet of said Southeast 1/4 of the Northeast 1/4 for a distance of 243.00 feet; thence run N89°34'53"W along the North line of the South 596.50 feet of said Southeast 1/4 of the Northeast 1/4 for a distance of 57.00 feet; thence N00°35'22"E along the East line of the West 243.00 feet of said Southeast 1/4 of the Northeast 1/4 for a distance of 665.38 feet to the Southerly right-of-way line of State Road No. 50 as shown on Florida Department of Transportation Maps for Section 11070-2505; thence run the following courses along said right-of-way line: S89°06'32"E, 604.68 feet; thence S00°53'28"W, 25.00 feet; thence S89°06'32"E, 650.00 feet; thence N00°53'28"E, 25.00 feet; thence S89°06'32"E, 350.00 feet; thence S00°53'28"W, 10.00 feet; thence S89°06'32"E, 300.11 feet; thence N89°59'09"E, 99.90 feet; thence N00°00'51"W, 10.00 feet; thence N89°59'09"E, 408.78 feet; thence departing said right-of-way line, run S00°47'59"W along the East line of the Southwest 1/4 of the Northwest 1/4 of said Section 25, and the East line of a Boundary Line Agreement, Landscape and Underground Utility Easement Agreement as described in Official Records Book 3311, Page 1189, of the Public Records of Lake County Florida, 1252.29 feet to the Northeast corner of Northwest 1/4 of the Southwest 1/4 of said Section 25; thence S00°39'11"W along the East line of the West 1/2 of the Southwest 1/4 of said Section 25, and the East line of said Boundary Line Agreement, Landscape and Underground Utility Easement Agreement, a distance of 2649.86 feet to the Southeast corner of the Southwest 1/4 of the Southwest 1/4 of said Section 25; thence S00°39'11"W along the East line of Government Lot 3 of said Section 36 for a distance of 275.22 feet; thence leaving said East line run westerly along the South line of that part of said Government Lot 3 lying North of John's Lake the following courses: N74°01'09"W, 97.20 feet; thence N67°29'55"W, 245.69 feet; thence S89°06'28"W, 53.27 feet; thence S78°08'59"W, 49.32 feet; thence S70°36'07"W, 71.73 feet; thence S73°26'33"W, 83.71 feet; thence N80°47'13"W, 50.08 feet; thence S76°40'08"W, 73.87 feet; thence S48°13'59"W, 101.76 feet; thence S01°43'21"E, 80.48 feet; thence S23°45'45"W, 76.19 feet; thence S80°02'44"W, 55.95 feet; thence N89°09'52"W, 163.94 feet; thence N85°31'43"W, 60.92 feet; thence S82°46'22"W, 254.46 feet to a point on the West line of said Government Lot 3; thence S00°51'49"W along said West line for a distance of 114.72 feet; thence N89°35'14"W along the South line of the North 600.00 feet of the Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4 of said Section 35 for a distance of 657.86 feet; thence N00°31'50"E along the West line of the Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4 of said Section 35, for a distance of 100.00 feet; thence

1 N89°35'14"W along the South line of the North 500 feet of the Northwest 1/4 of the Northeast 1/4 of
2 the Northeast 1/4 of said Section 35, for a distance of 170.00 feet; thence N00°31'50"E along the West
3 line of the East 170.00 feet of said Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 for a distance
4 of 140.00 feet; thence N89°35'14"W along the South line of the North 360.00 feet of said Northwest
5 1/4 of the Northeast 1/4 of the Northeast 1/4 for a distance of 269.22 feet; thence S00°11'33"W along
6 the East line of the West 220.00 feet of said Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 for
7 a distance of 140.00 feet; thence N89°35'14"W along aforesaid South line of the North 500 feet of the
8 Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 for a distance of 220.00 feet; thence
9 N00°11'33"E along the West line of said Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 for a
10 distance of 500.00 feet; thence N00°31'58"E along the West line of the Southeast 1/4 of the Southeast
11 1/4 of said Section 26 for a distance of 1325.61 feet to the Northwest corner of the Southeast 1/4 of
12 the Southeast 1/4 of said Section 26; thence N89°35'03"W along the South line of the North 1/2 of the
13 Southeast 1/4 of said Section 26 for a distance of 838.89 feet; thence leaving said South line run
14 N43°57'39"W along the Northeasterly line of lands described in Official Records Book 1561, Page
15 1157, of the Public Records of Lake County, Florida, for a distance of 483.74 feet; thence N89°34'19"W
16 along the North line of MEYERS COVE, according to the plat thereof, as recorded in Plat Book 29,
17 Page 38, of the Public Records of Lake County, Florida, and the Easterly prolongation thereof, 809.00
18 feet to a point on the West line of the East 1/2 of the Northeast 1/4 of the Southwest 1/4 of said Section
19 26; thence N00°22'13"E along said West line 980.04 feet to the Northwest corner of said East 1/2 of
20 the Northeast 1/4 of the Southwest 1/4; thence S89°33'31"E along the North line of the Southwest 1/4
21 of said Section 26 for a distance of 665.32 feet to the POINT OF BEGINNING.

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23 Containing 309.88 acres more or less and being subject to any rights-of-way, restrictions and
24 easements of record.
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EXHIBIT B. Concept Plan.

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EXHIBIT C. First Amendment to Agreement (3 Pages).

... a copy of which is attached hereto (the "Acknowledgment").

2. The second sentence of the first paragraph of the Acknowledgment, which requires that the current construction obligation for the construction of the wall "... shall be established prior to the earlier to occur of November 6, 2015 or at the time John's Lake, LLC commences residential development of either Phase 4 or Phase 5 of the John's Lake Landing residential subdivision." shall be revised to require that the construction of the wall "... shall be established prior to the earlier to occur of November 6, 2017 or at the time John's Lake, LLC commences residential development of either Phase 4 or Phase 5 of the John's Lake Landing residential subdivision."

3. Except as amended herein, the Acknowledgment shall remain unmodified and is in full force and effect.

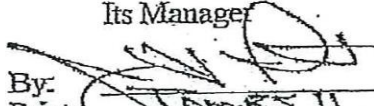
4. This First Amendment may be executed in several counterparts with the same effect as if the parties executing the several counterparts had executed one counterpart as of the day and year below written; provided, however, that such counterparts in the aggregate, shall have been signed by all the parties. All of such counterparts taken together shall be deemed the original First Amendment.


IN WITNESS WHEREOF, the parties hereto have executed this First Amendment as of the day and year first above written.

JOHN'S LAKE, LLC,
A Florida limited liability company

MAGNOLIA POINTE MASTER,
HOMEOWNER'S ASSOCIATION, INC.,
A Florida corporation not-for-profit

By: BDC JOHN'S LAKE, LLC,
A Florida limited liability company
Its Manager

By: 
Print: JAMES H. FALT
Its: MANAGER

By: 
Print: DAVE ELLIS
Its: President

3

ACKNOWLEDGMENT AND UNDERSTANDING

The undersigned acknowledge and confirm the following as of this 6th day of November, 2013:

The construction obligation of John's Lake LLC to construct the wall between the *John's Lake, LLC* residential lands and the residential portion of *Magnolia Pointe* subdivision, which construction obligation is set forth in that certain Planned Unit Development Ordinance -2012-7 Section A.1.a.v. is hereby extended. The current construction obligation, which requires that the wall "... shall be established prior to initiation of Phase 1 residential construction" shall be revised to require that the wall "... shall be established prior to the earlier to occur of November 6, 2015 or at the time John's Lake, LLC commences residential development of either Phase 4 or Phase 5 of the John's Lake Landing residential subdivision."

A performance bond for the wall in the amount of one hundred ten percent (110%) of the cost of the construction (the approximate amount of One Hundred Seventy-Two Thousand and No/100 Dollars (\$172,000.00) based on an estimated cost of approximately One Hundred Fifty-Seven Thousand and No/100 Dollars (\$157,000.00)), shall be posted by John's Lake, LLC with Lake County in accordance with the Lake County requirements and procedures associated with performance bonds.

The wall material and design is attached hereto as **Exhibit A**.

The wall shall be established earlier than the dates set forth above upon the written request of Magnolia Pointe if the Magnolia Pointe subdivision experiences trespassers or other encroachments and the Board of same sends written notice of the trespass and/or encroachments to John's Lake, LLC. Upon John's Lake, LLC's receipt of said written notice, then John's Lake, LLC hereby agrees to commence construction within ninety (90) days of the notice from Magnolia Pointe.

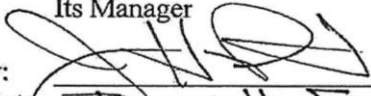
The wall may be constructed by John's Lake, LLC, at its own election, earlier than the time periods set forth above.

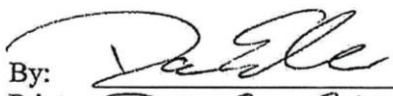
IN WITNESS WHEREOF, the parties hereto have executed this instrument as of the day and year first above written.

JOHN'S LAKE, LLC,
A Florida limited liability company

MAGNOLIA POINTE MASTER
HOMEOWNER'S ASSOCIATION, INC.,
A Florida corporation not-for-profit

By: BDC JOHN'S LAKE, LLC,
A Florida limited liability company
Its Manager

By: 
Print: JAMES H. FANT
Its: MANAGER

By: 
Print: DAVE ELLIS
Its: MPMHOA, PRESIDENT

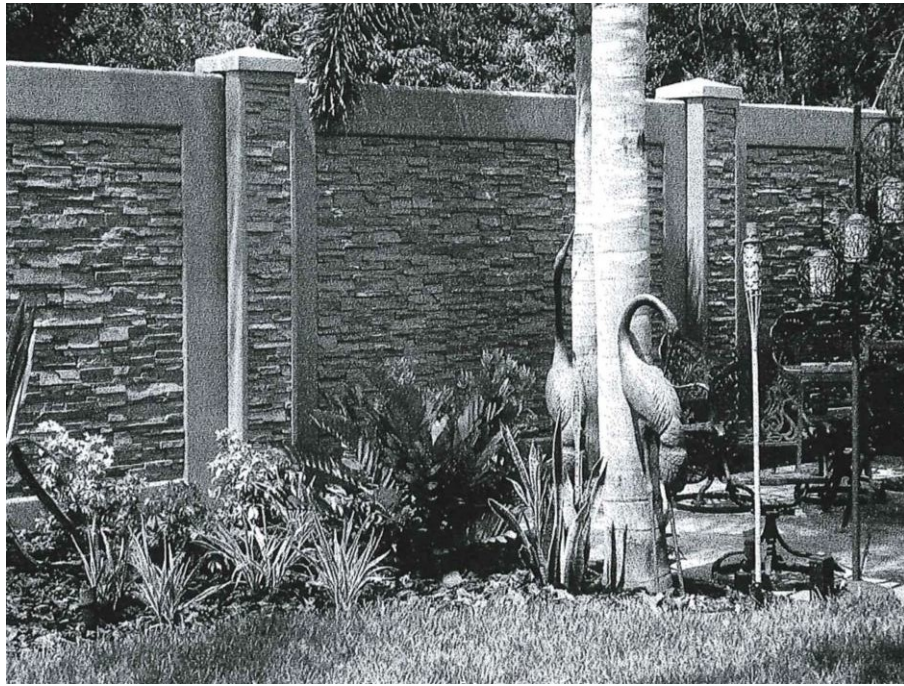
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BY: _____

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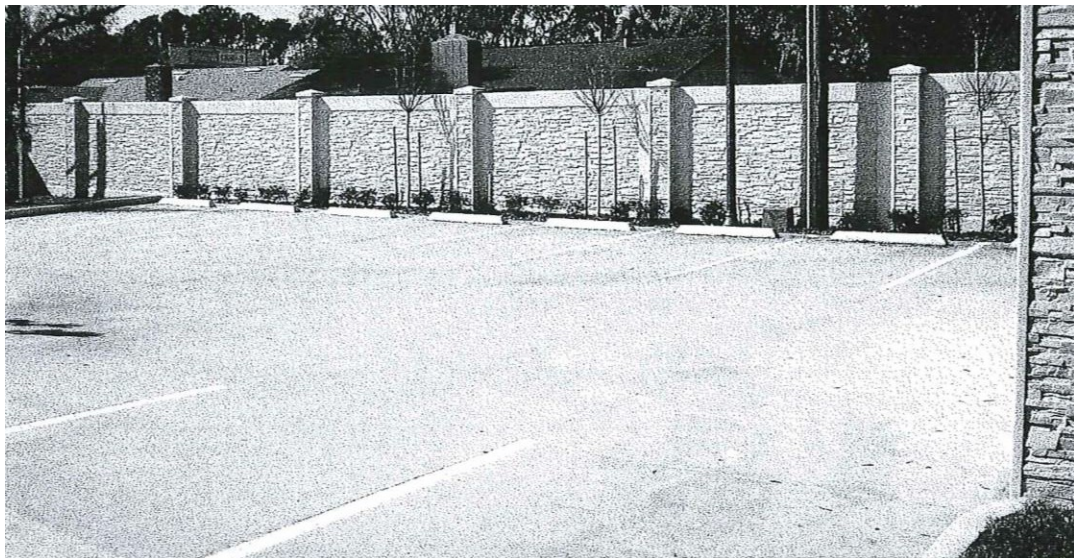
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Exhibit "A" to First Amendment to Agreement.



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EXHIBIT D. Phasing Plan (2 Pages).

