



# REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 3

Public Hearings: Planning & Zoning Board (PZB): August 4, 2021  
Board of County Commissioners (BCC): September 7, 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>
<b>North</b>	City of Clermont	City of Clermont	Right-of-Way (ROW) and Residential Development	State Road 50 & Terrace Grove Subdivision
<b>South</b>	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

<b>East</b>	City of Clermont and Urban Low	City of Clermont and PUD	Mixed-Use Development (Residential and Commercial)	Magnolia Pointe Development
<b>West</b>	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.

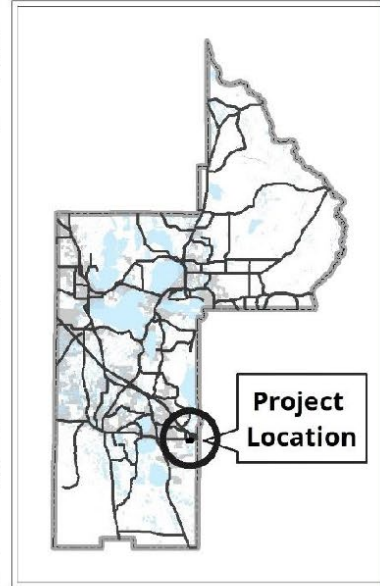
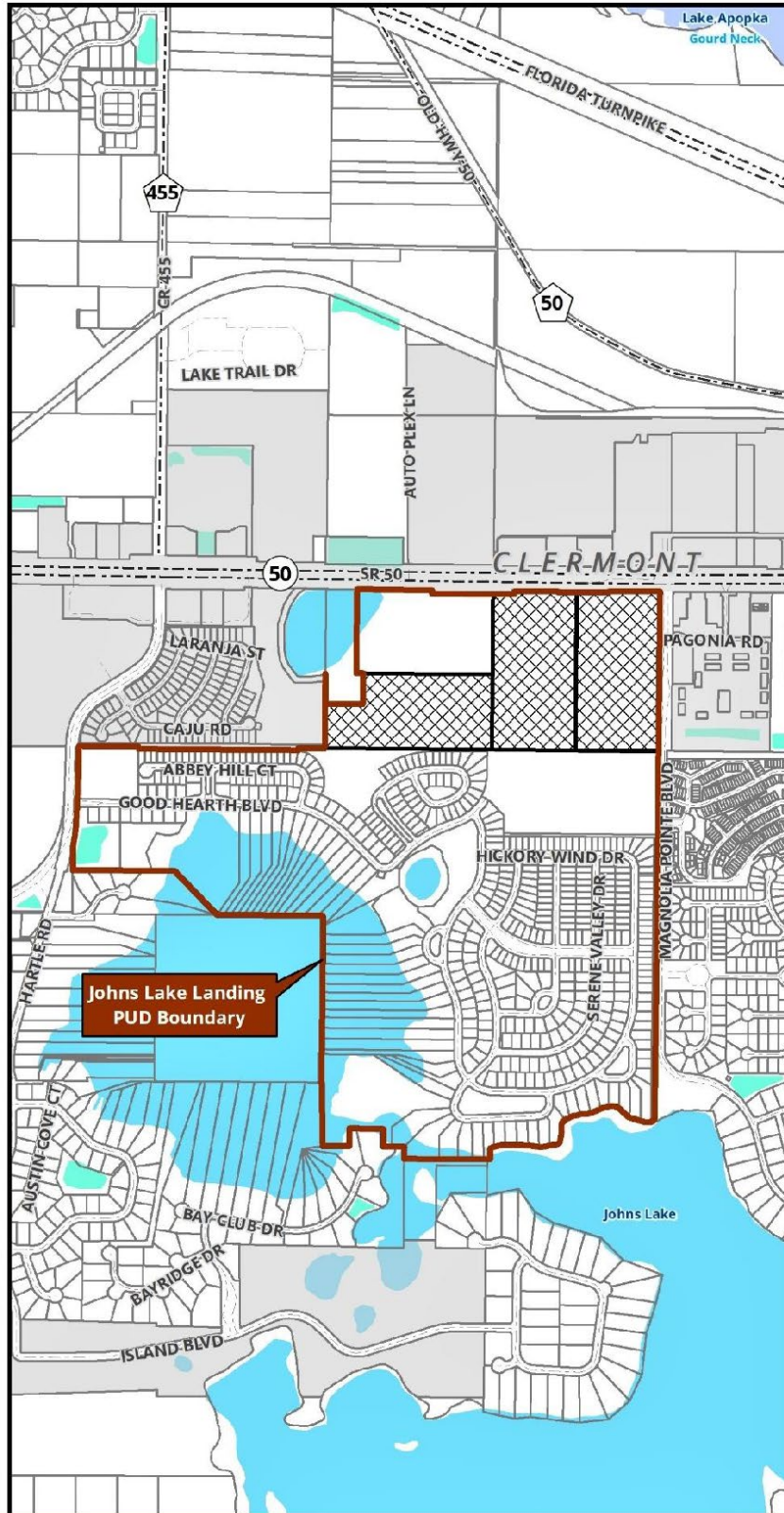
**I. Whether the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these Regulations.**

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 (2 Pages).

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
<b>Total ADTs</b>					<b>17405</b>	<b>17446</b>	<b>17446</b>

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
<b>Total ADTs</b>					<b>16636</b>	<b>17412</b>	<b>17412</b>

Allocated Trip Generation - Alternative 1

**Allocation**

ITE Code	Land Use	Siu / Units	All 'o/N	Total Tm., AMP., k			Inimul Copl,ir, A.I Fn k				Pmh Cu,hhre A.&11.. k				Ertm>ll" N,w " Tri, > Ac'll P+ k						
				Trip,	To12l	Ell>r	Em	Trip,	ToW	EntM"	Em	Trip,	ToW	Eater	Em	Trip s	To13l	Entff	Em		
120	Multifamily Low-Rise	135 D.U.	11%	UM	El	20	5)	101	12					0	0	0	12.61	75	14	111	
SH(0)	Furniture Store (Retail)	70,000 S.fl.	71%	-141	19	B		SO,					1.68	0	0	0	1:13	11			
SH(1)	Furniture Store (Retail)	11,500 S.fl.	71%	71	4			H					1.11	0	0	0	17				
JJO	Daycare	100 Studell;	11%	11.1 S	78.11	41	3)5										6.165	JS&	B3	3jj	
94	Fast Food (Retail)	1.18 S.fl.	51%	1.2116	111	5)	14	50					49&	52	5	26	4S	.2	1J	15	
JHj	Daycare	141 Studell;	11%	9S1	214	111	101										1.1	214	J1	101	
<b>Total:</b>					10.319	11	3	639	514	11	30	15	12	694	1	16	16	9.418	1,141	598	544

**PM Peak**

ITE Code	Land Use	Siu / Units	PM 'l, IN	Total Trip, AM Peak			Inimul Copl,ir, A.I Fn k				Pmh Cu,hhre A.&11.. k				Ertm>ll" N,w " Tri, > Ac'll P+ k					
				Trip,	ToW	Ell>r	Em	Trip,	ToW	EntM"	Em	Trip,	ToW	Eater	Em	Trip s	To13l	Entff	Em	
120	Multifamily Low-Rise	135 D.U.	61%	1.3M	103	65	1E	101	44	12	11		0	0	0	U.61	>9	43	16	
SH(0)	Furniture Store (Retail)	70,000 S.fl.	41%	-141	31	JJ	10	50	111		E		1.6	11			123	10.	4	
SH(1)	Furniture Store (Retail)	11,500 S.fl.	41%	71	7			I					1.11				17			
JJO	Daycare	100 Studell;	45%	11.1 S	H.O.	1.79	211										6.165	390	JJ1	211
9N	Fast Food (Retail)	1.750 S.fl.	51%	1.1116	110	4)	43	50	111				498	40	20	20	NE	H	19	15
So5	Daycare	141 Studell;	47%	9S2	117	102	JJ										9112	217	JQ1	11J
<b>Total:</b>					10.19	111	413	131	111	30	40	0	694	53	16	16	9.418	711	H.7	364

Proposed Trip Generation

**Allocation**

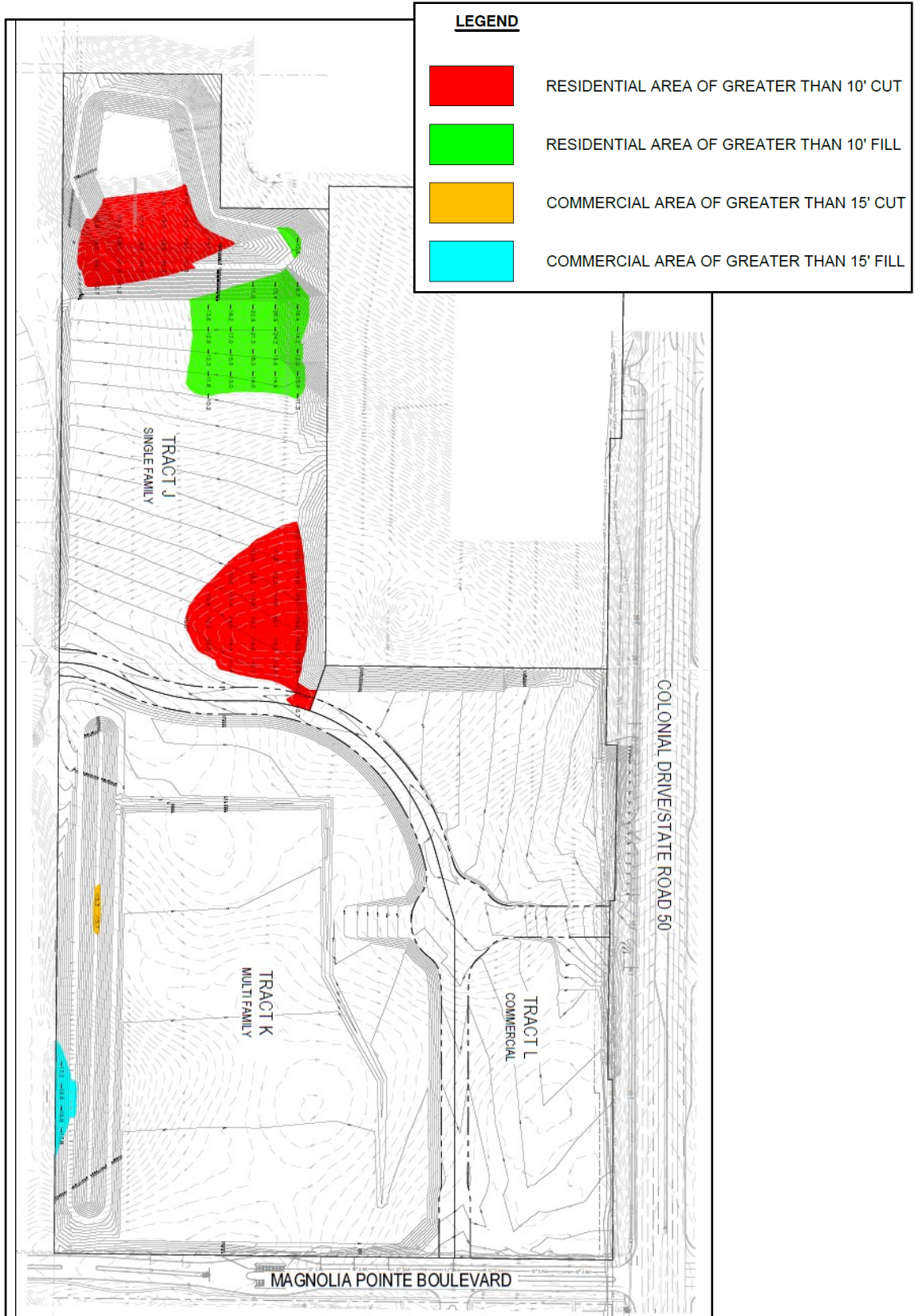
ITE Code	Land Use	Siu / Units	All 'o/N	Total Trip, AM Peak			Inimul Copl,ir, A.I Fn k				Pmh Cu,hhre A.&11.. k				Ertm>ll" N,w " Tri, > Ac'll P+ k					
				Trip,	ToW	Ell>r	Em	Trip,	ToW	EntM"	Em	Trip,	ToW	Eater	Em	Trip s	To13l	Entff	Em	
120	Multifamily Low-Rise	100 D.U.	11%	1,128	136	31	10j	150					0	0	0	1.07 &	11 &	1)	101	
SH(0)	Furniture Store (Retail)	0,000 S.fl.	71%	-141	19	13	6	50					1.68	0	0	1H	11	9		
SH(1)	Furniture Store (Retail)	11,000 S.fl.	71%	71	4			14					1.11	0	0	17				
210	Silgle Family Detached Housing	18 D.U.	1%	50	41	10	11	50					0	0	0	500			19	
9N	Fast Food (Retail)	1.50 S.fl.	51%	1.1116	111	5)	54	100			4		4)8	51	26	26	71E	52	1)	25
So5	Daycare	100 Studell;	51%	111	183	9)	31	0					0	0	0	&JS	179	95	114	
<b>Total:</b>					1,412	410	21.1	151	314	34	17	17	606	52	26	16	1)74	0.9	168	141

**PM Peak**

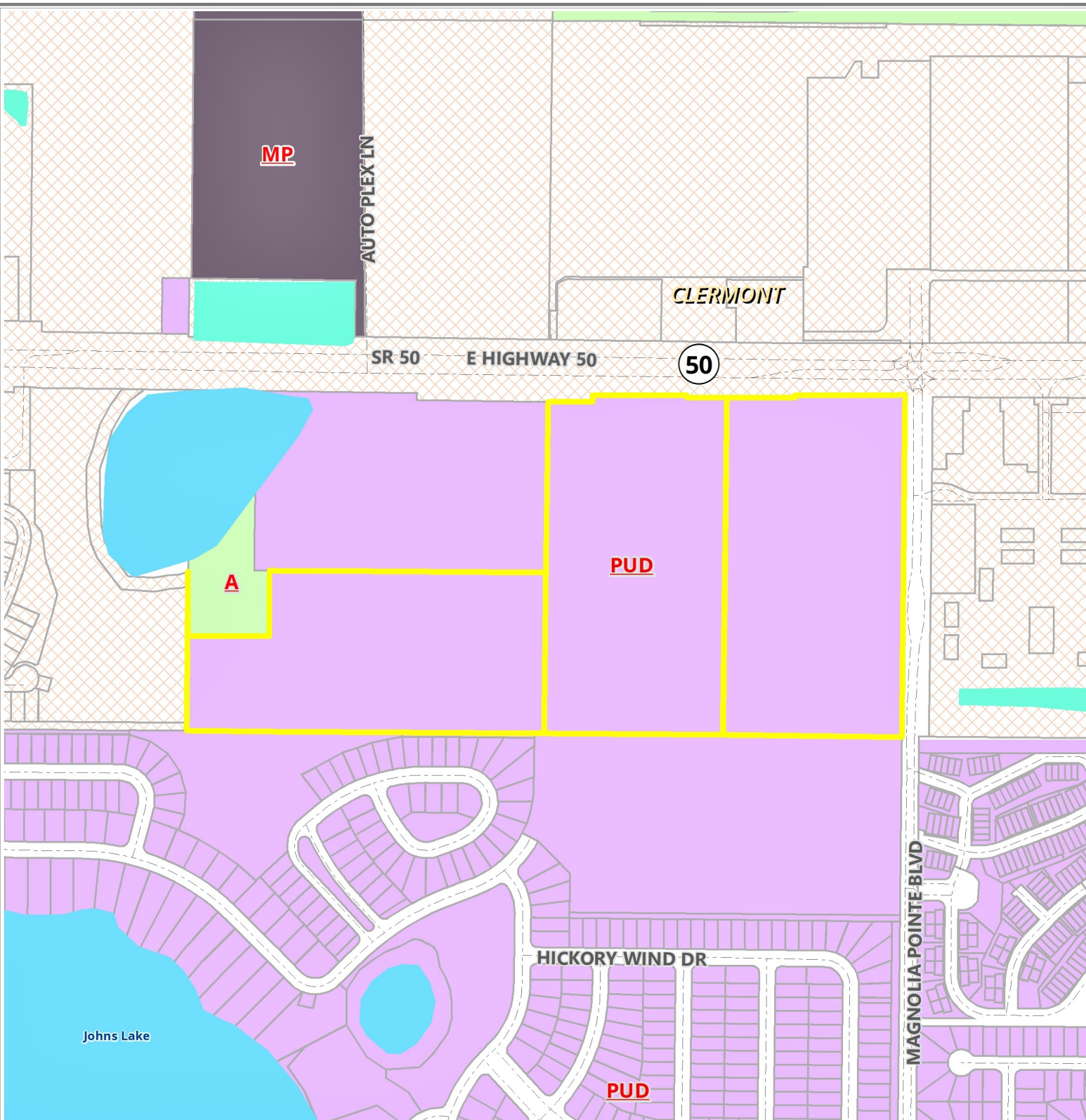
ITE Code	Land Use	Siu / Units	PM 'l, IN	Total Trip, AM Peak			Inimul Copl,ir, A.I Fn k				Pmh Cu,hhre A.&11.. k				Ertm>ll" N,w " Tri, > Ac'll P+ k					
				Trip,	ToW	Ell>r	Em	Trip,	ToW	EntM"	Em	Trip,	ToW	Eater	Em	Trip s	To13l	Entff	Em	
JH	Multifamily Low-Rise	100 D.U.	61%	1,22S	111	100	51:	150	14	12	11		0	0	0	1.07 &	B4	8.11	41	
SH(0)	Furniture Store (Retail)	70,000 S.fl.	47%	-141	31	JJ	10	50	111	S			1.6	11			1L	10.		
SH(1)	Furniture Store (Retail)	11,500 S.fl.	47%	71	7		4	14					1.&	1			17			
110	Single Family Detached Housing	50 D.U.	61%	S.O	53	33	10	SO,	10				0	0	0	500	43	1-11	15	
9N	Fast Food (Retail)	1.750 S.fl.	52%	1.1116	90	4	43	100	10				4 S	40	0	20	1E	H	19	15
JH5	Daycare	100 Studell;	41%	111&	183	11)		0	10				0	0	0	&JS	175		93	
<b>Total:</b>					1,412	530	2&7	151	314	80	40	40	606	53	16	27	1)74	397	121	170

Reduction of Trip, Daily 5,044 AM Pn k Hour '30 303  
 Daily 5,044 PM P. l: Hour 314 1Z6 188

# Attachment B. Grading Plan.



# CURRENT ZONING



### Zoning Legend

A  MP  PUD

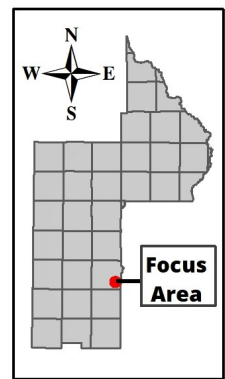
**NAME: JOHNS LAKE LANDING PUD PROPERTY**

**DISTRICT: 2**

**CASE NUMBER: RZ-21-16-2**

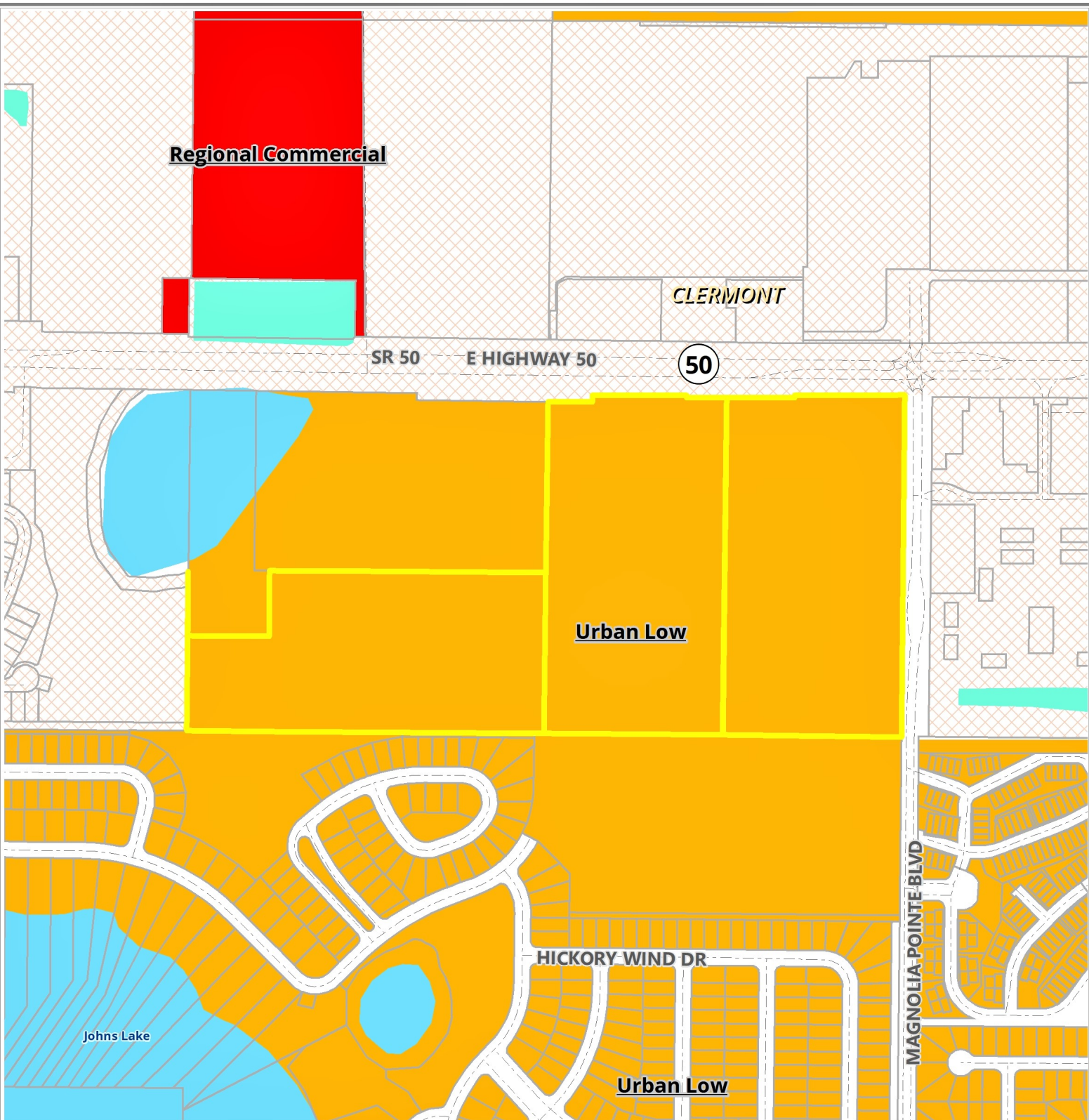
**LOCATION (S-T-R): 25, 26-22-26**

**REQUEST: PLANNED UNIT DEVELOPMENT (PUD) AMENDMENT**





CURRENT FUTURE LAND USE



Future Land Use

 Regional Commercial  Urban Low

NAME: **JOHNS LAKE LANDING PUD PROPERTY**

DISTRICT: **2**

CASE NUMBER: **RZ-21-16-2**

LOCATION (S-T-R): **25, 26-22-26**

REQUEST: **PLANNED UNIT DEVELOPMENT (PUD) AMENDMENT**



**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 22<sup>nd</sup> 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 4<sup>th</sup> day of August 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 7<sup>th</sup> day of September 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

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

3  
4           **NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake County, Florida, that  
5 the Land Development Regulations of Lake County, Florida, be altered and amended as they pertain to the above tracts  
6 of land, as described in Exhibit "A", subject to the following terms:

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

11   **A.       Land Use and Design.**

12           1. Residential.

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

26                   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

27                   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

28  
29

1 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

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

5 2. Commercial.

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

11 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)

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

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

19 3. Assisted Living Facility (ALF).

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

23 b. Commercial setbacks shall apply for the ALF.

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

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



1 **E. Environmental Requirements.**

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

9 **F. Utilities.** A revised Utility Service Agreement for water and sewer with the City of Clermont shall be required  
10 prior to preliminary plat or site plan approval. Connection to central water and wastewater treatment is required  
11 and shall comply with all applicable State, Regional, and Lake County policies and regulations, as amended.

12 **G. Storm Water and Drainage Requirements.**

- 13 1. The storm water management system shall be designed in accordance with all applicable Lake County and  
14 St. John's River Water Management District (SJRWMD) requirements, as amended.  
15 2. The storm water management system shall demonstrate that each phase is able to exist as an independent  
16 stable unit for drainage purposes. The natural pre-development drainage pattern shall be maintained to the  
17 maximum extent possible.

18 **H. External Lighting Standards and Requirements.**

- 19 1. Exterior lighting shall comply with the Land Development Regulations, as amended.  
20 2. All light fixtures, including security lighting, shall be limited to cutoff type fixtures and shall be incorporated  
21 as an integral design element that complements the design of the development through style, material, and  
22 color. Luminaries shall not be tilted. Floodlights or lighting types featuring sag, convex, or drop lenses shall  
23 be prohibited.  
24 3. The height of lighting fixtures inclusive of supporting pole, the lighting source, and fixture shall not exceed  
25 thirty (30') feet within parking areas and fifteen (15') feet otherwise. Such height shall be measured from  
26 finished grade to the top of the light fixture.  
27 4. An exterior lighting plan prepared and certified by a licensed engineer qualified in such field shall be  
28 submitted with any site plan or construction plan application. Such plan shall consist of a photometric plan  
29 of the developed area of the site with accompanying data tables and product design details addressing  
30 support poles, lamp fixtures and lenses.

31 **I. Development Review and Approval.** Prior to the issuance of any permits, the Applicant shall be required to  
32 submit a formal site plan (multi-family development and community facility development) or a preliminary plat,  
33 construction plans, and final plat (single-family/townhomes), for review and approval to Lake County. The site  
34 plan or preliminary plat, construction plans, and final plat shall meet all submittal requirements and comply with  
35 all County codes and ordinances, as amended.

36 **J. Concurrency Management.**

- 37 1. The Owner shall comply with concurrency management regulations and shall be subject to all applicable  
38 concurrency requirements as set forth in the LDRs.

- 1           2. School Concurrency. If the developer should propose an age-restricted community, prior to construction  
2           plan approval, deeds and covenants shall be recorded to restrict occupancy to individuals eighteen years  
3           of age or older, and the project must comply with the Federal and State Fair Housing Acts. If, at a future  
4           date, the developer wishes to eliminate the age-restricted status for any portion of the residential  
5           development, that portion shall be required to meet school concurrency prior to final plat approval and  
6           recording.
- 7           3. Future Amendments to Statutes, Code, Plan, and/or Regulations: The specific references in this Ordinance  
8           to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan, and Lake County  
9           Land Development Regulations are inclusive of any future amendments to the Statutes, Code, Plan, and/or  
10          Regulations.

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

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

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

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.

8

9

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

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13  
14 \_\_\_\_\_  
15 **Sean Parks, Chairman**

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20  
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:

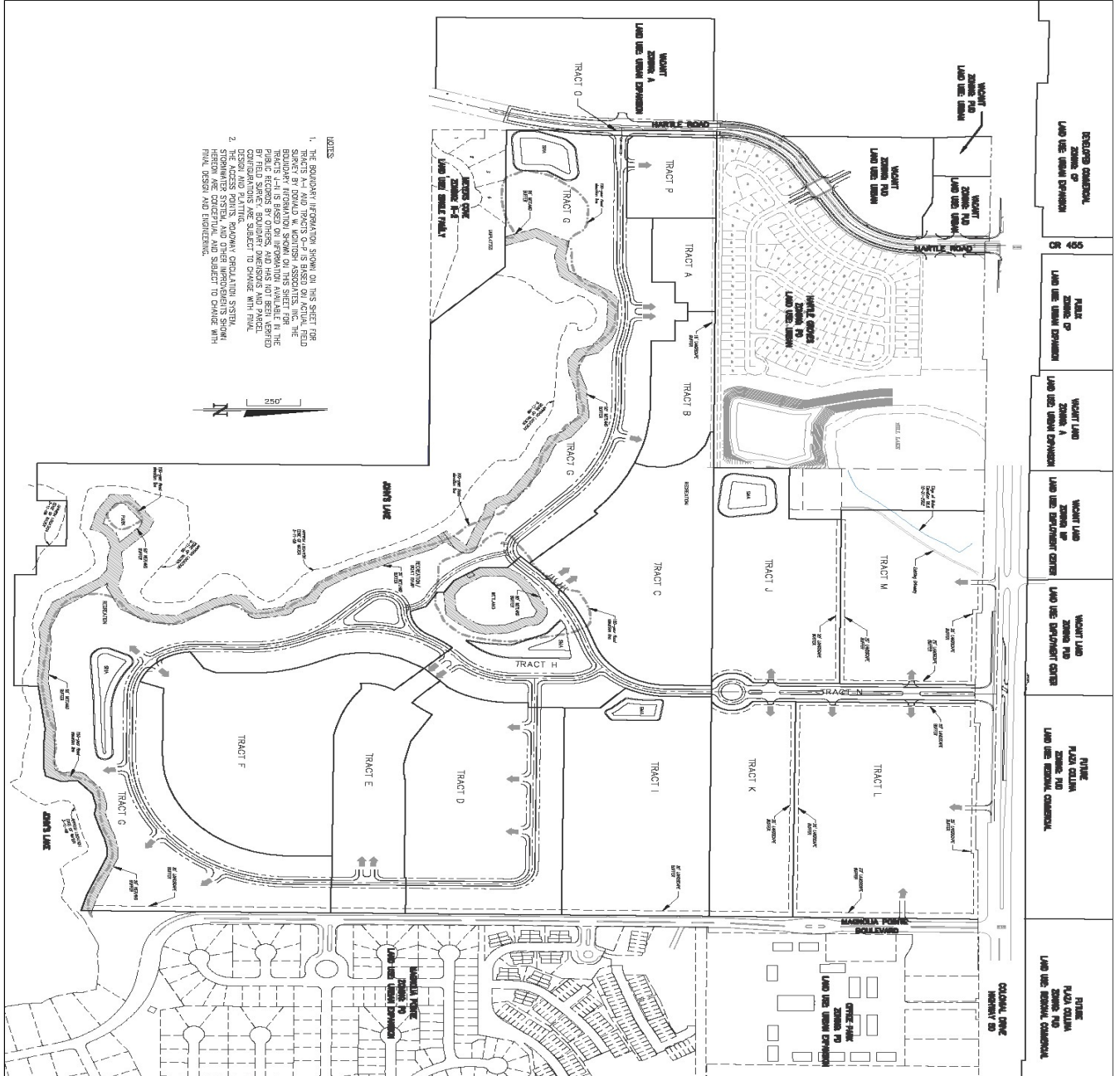
Begin at an iron axle found at the center of said Section 26, thence S89°34'53"E along the North line of the Southeast 1/4 of said Section 26 for a distance of 1324.37 feet to the Southwest corner of the Southeast 1/4 of the Northeast 1/4 of said Section 26; thence N00°35'22"E, along the West line of 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.

22  
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.

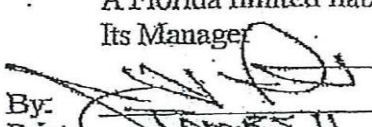
4. This First Amendment may be executed in several counterparts with the same effect as if the parties executing the several counterparts had executed one counterpart as of the day and year below written; provided, however, that such counterparts in the aggregate, shall have been signed by all the parties. 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 6<sup>th</sup> 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.

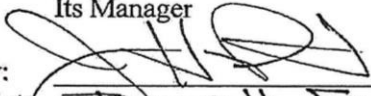
The wall may be constructed by John's Lake, LLC, at its own election, earlier than the time periods set forth above.

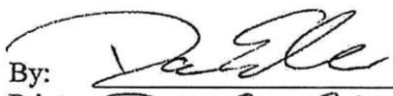
**IN WITNESS WHEREOF**, the parties hereto have executed this instrument as of the day and year first above written.

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

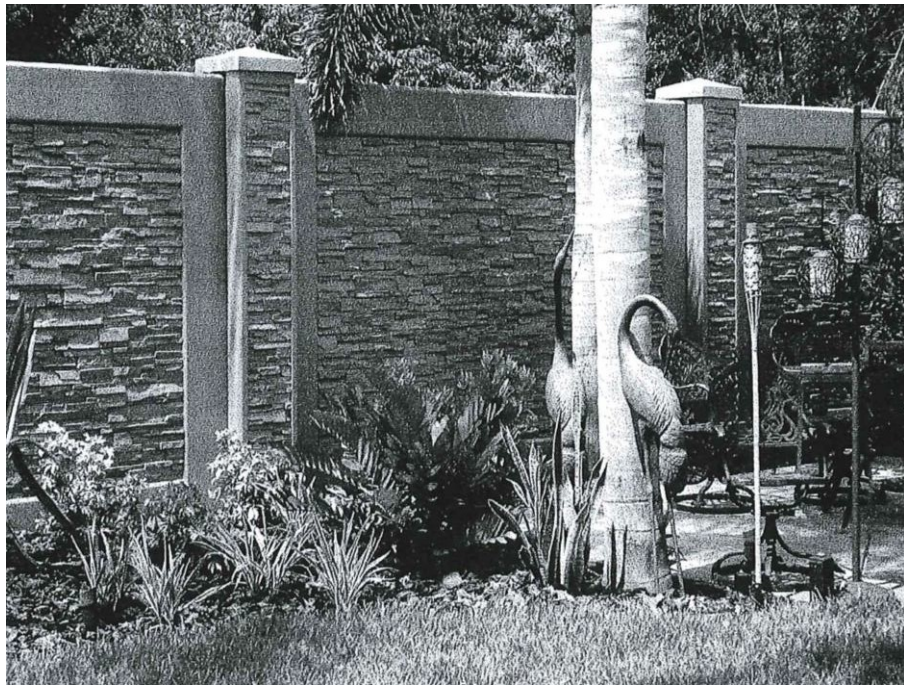
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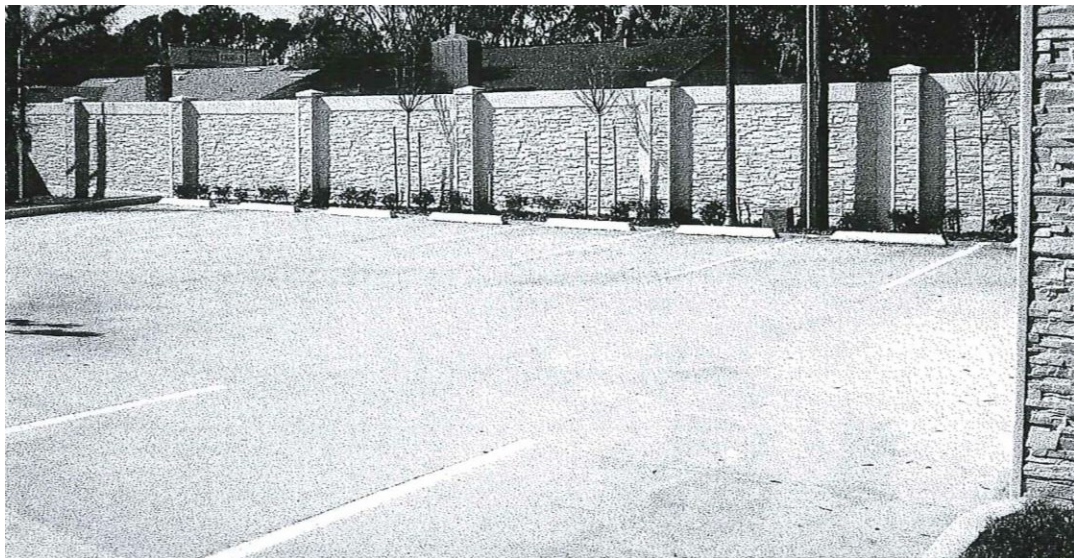
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**Exhibit "A" to First Amendment to Agreement.**



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EXHIBIT D. Phasing Plan.

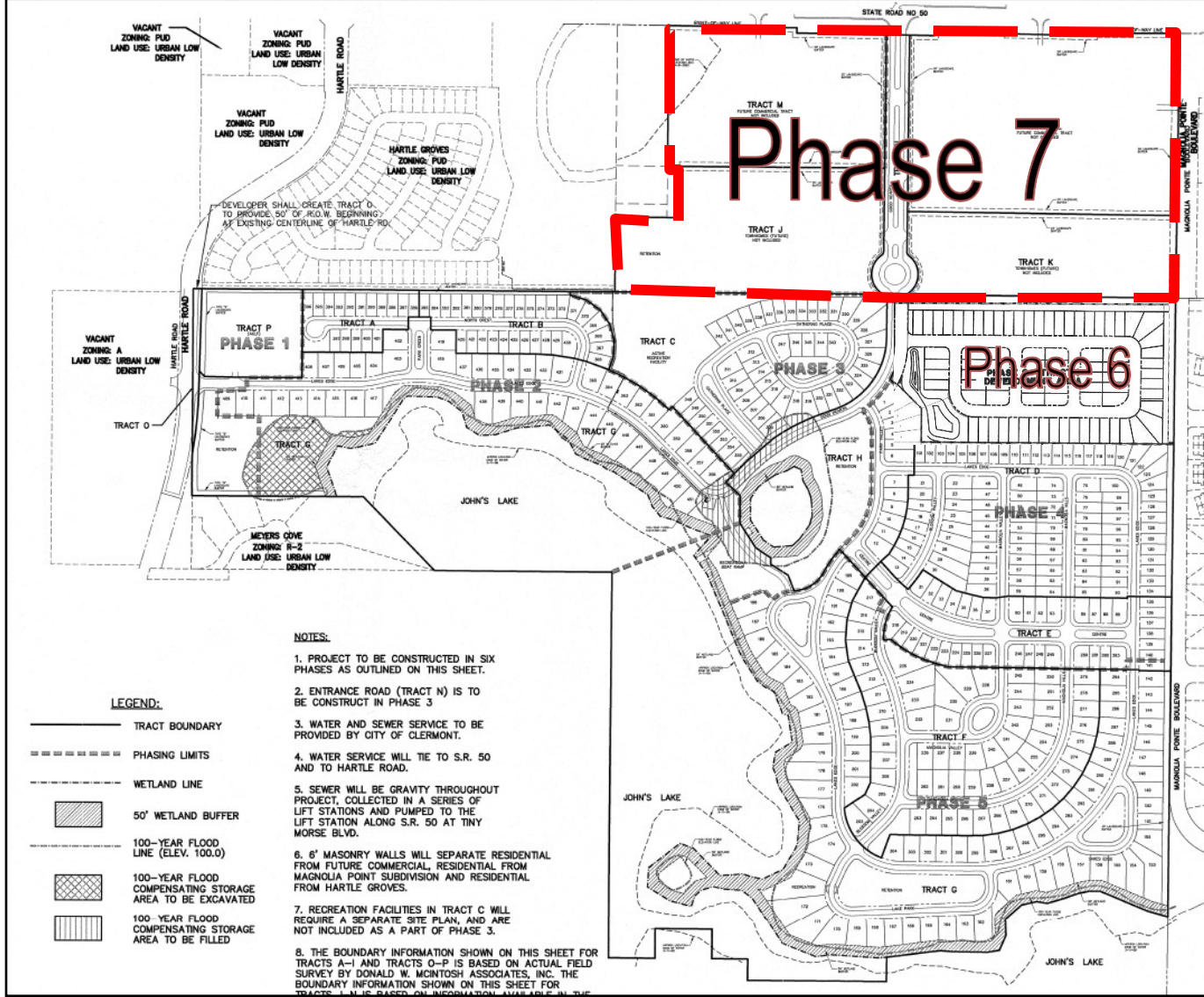


EXHIBIT D. Phase 7 Tract Layout.

