



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 5

Public Hearings: Planning & Zoning Board (PZB): January 5, 2022
Board of County Commissioners (BCC): February 1, 2022

Case No. and Project Name: RZ-21-31-4, Pendry Estates

Owner: Compassion In Care, LLC

Applicant: Rick Hartenstein, AICP, CPM

Requested Action: Amend Community Facility District (CFD) Ordinance #2011-64 to convert an existing Community Residential Home into an Adult Living Facility due to an increase in the number of residents permitted to reside in the Community Residential Home.

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

Case Manager: Janie Barrón, Chief Planner

PZB Recommendation:

Subject Property Information

Size: 11.62 +/- acres

Location: 36120 Huff Road, Eustis

Alternate Key No.: 1757959

Future Land Use Category: Wekiva River Protection Area (WRPA) A-1-20 Sending Area (Attachment "A")

Existing Zoning District: Community Facility District (CFD) by Ordinance #2011-64 (Attachment "B")

Proposed Zoning District: Community Facility District (CFD)

Joint Planning Area (JPA) / ISBA: N/A

Overlay Districts: Wekiva River Protection Area (WRPA) and Wekiva Study Area (WSA)

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	WRPA A-1-20 Sending Area	Agriculture (A)	Right-of-Way	CR 44A, Large Tract of Land with Single-Family Residence North of R-O-W
South	WRPA A-1-20 Sending Area	Agriculture (A)	Agriculture and Residential	Large Tract of Land with Single-Family Residence
East	WRPA A-1-20 Sending Area	Agriculture (A)	Agriculture and Residential	Large Tract of Land with Single-Family Residence
West	WRPA A-1-20 Sending Area	Agriculture (A)	Agriculture and Residential	Large Tract of Land with Single-Family Residence

- Summary of Analysis -

The subject 11.62 +/- acres are zoned Community Facility District (CFD) by Ordinance #2011-64, designated with a WRPA A-1-20 Sending Area Future Land Use Category (FLUC), and located within the WRPA and WSA. Ordinance #2011-64 allows the site to be developed as a Community Residential Home with a maximum of 20 unrelated residents and a caretaker's residence (Attachment "C").

The Applicant desires to increase the number of unrelated residents from 20 to 100. The Land Development Regulations (LDR) 3.01.02(E)(4) defines a Community Residential Home as a dwelling unit licensed to serve clients of the Department of Health and Rehabilitative Services, which provides a living environment for seven (7) to fourteen (14) unrelated residents. Therefore, the application seeks to convert the existing Community Residential Home into an Adult Living Facility (Attachment "D" and Table 1).

Table 1. Existing and Proposed Development Standards.							
	Maximum Unrelated Residents	Maximum Building	Maximum Impervious Surface Ratio	Impervious Surface Ratio	Minimum Open Space	Open Space	Building Height
Existing	20	1	30%	Existing 7.7%	50%	Existing 90%	20-Feet
Proposed	100	4	30%	Proposed 22%	50%	Proposed 78%	40-Feet

- Analysis -

Land Development Regulations Section 14.03.03 Standards for Review.

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

Amending CFD Ordinance #2011-64 to convert the existing Community Residential Home into an Adult Living Facility does not conflict with provisions of the Land Development Regulations (LDR). Pursuant to CFD Ordinance #2011-64, the subject parcel can be developed as a Community Residential Home, with a maximum of 20 unrelated residents.

The proposed request is consistent with LDR Section 3.01.02 and LDR Section 3.01.03, which specify the allowance of Community Residential Homes and the like within the CFD zoning district.

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

The subject property is designated with a WRPA A-1-20 Sending Area FLUC, which conditionally allows for civic uses. Civic uses are defined as a County, Municipal, State or Federal Use or Service, and community facility uses, excluding K-12 schools.

The concept plan is consistent with Comp Plan Policy I-1.3.2, *WRPA A-1-20 Sending Area*, and Comp Plan Table FLUE 2, *Future Land Use Categories Table*, which requires a maximum 30% impervious surface ratio and minimum 50% open space.

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

Currently, Ordinance #2011-64 allows the parcel to be developed as a Community Residential Home with a maximum of 20 unrelated residents. Amending CFD Ordinance #2011-64 to convert the existing Community Residential Home into an Adult Living Facility does not conflict with the LDRs or Comprehensive Plan.

The proposed request is consistent with LDR Section 3.01.02 and LDR Section 3.01.03, which specify the allowance of Community Residential Homes and the like within the CFD zoning district. The proposed request is consistent with the WRPA A-1-20 Sending Area FLUC, which conditionally allows community facility uses. The concept plan is consistent with Comprehensive Plan Table FLUE 2 and Policy I-1.3.2, which allows development with a maximum 30% ISR and minimum 50% open space.

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

As previously stated, the proposed request is consistent with LDR Section 3.01.02 and LDR Section 3.01.03, which specify the allowance of Community Residential Homes and the like within the CFD zoning district. The proposed request is consistent with the WRPA A-1-20 Sending Area FLUC, which conditionally allows community facility uses.

E. Whether, and the extent to which, the proposed rezoning would result in demands on public facilities, and whether, or to the extent to which, the proposed rezoning would exceed the capacity of such public facilities, including, but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools and fire and emergency medical facilities;

Water and Sewer

Potable water is provided via onsite wells. Wastewater is treated via onsite wastewater treatment system. Potable water and wastewater shall be permitted through the Florida Department of Health and Florida Department of Environmental Protection (FDEP). Water will continue to be supplied by FDEP regulated wells.

Parks and Recreation

The request is not anticipated to adversely impact park capacity or levels of service.

Public Safety

Lake County Fire Station #21 is located less than three (3) miles of the subject property at 25100 CR 44A, Eustis, and will provide advanced life support should an emergency on the property demand this service.

Solid Waste

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

Transportation Concurrency

The standard Level of Service (LOS) for the impacted roadway of CR 44A – CR 437 to SR 44 is “C” with a 12% capacity.

Applicant will be required to complete a Tier 1 traffic study prior to site plan approval.

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

Should the rezoning be approved, all sensitive resources will be addressed through the development application review and approval process. New development will be required to meet all criteria specified by the Comprehensive Plan and LDR, as amended for natural resource protection and mitigation. The required environmental assessment (EA) must identify the presence of natural resources and specify protection and necessary mitigation of any endangered or threatened wildlife, flora and/or fauna, to include those that are species of special concern.

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

There is no information within the application that specifies impacts on property values.

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

Currently, Ordinance #2011-64 allows the parcel to be developed as a Community Residential Home with a maximum of 20 unrelated residents. Amending CFD Ordinance #2011-64 to convert the existing Community Residential Home into an Adult Living Facility would not disrupt the orderly and logical development pattern of the area. To lessen any adverse effects to adjoining parcels, a noise study that assesses the impacts of the proposed use will be required at the time of site plan submittal.

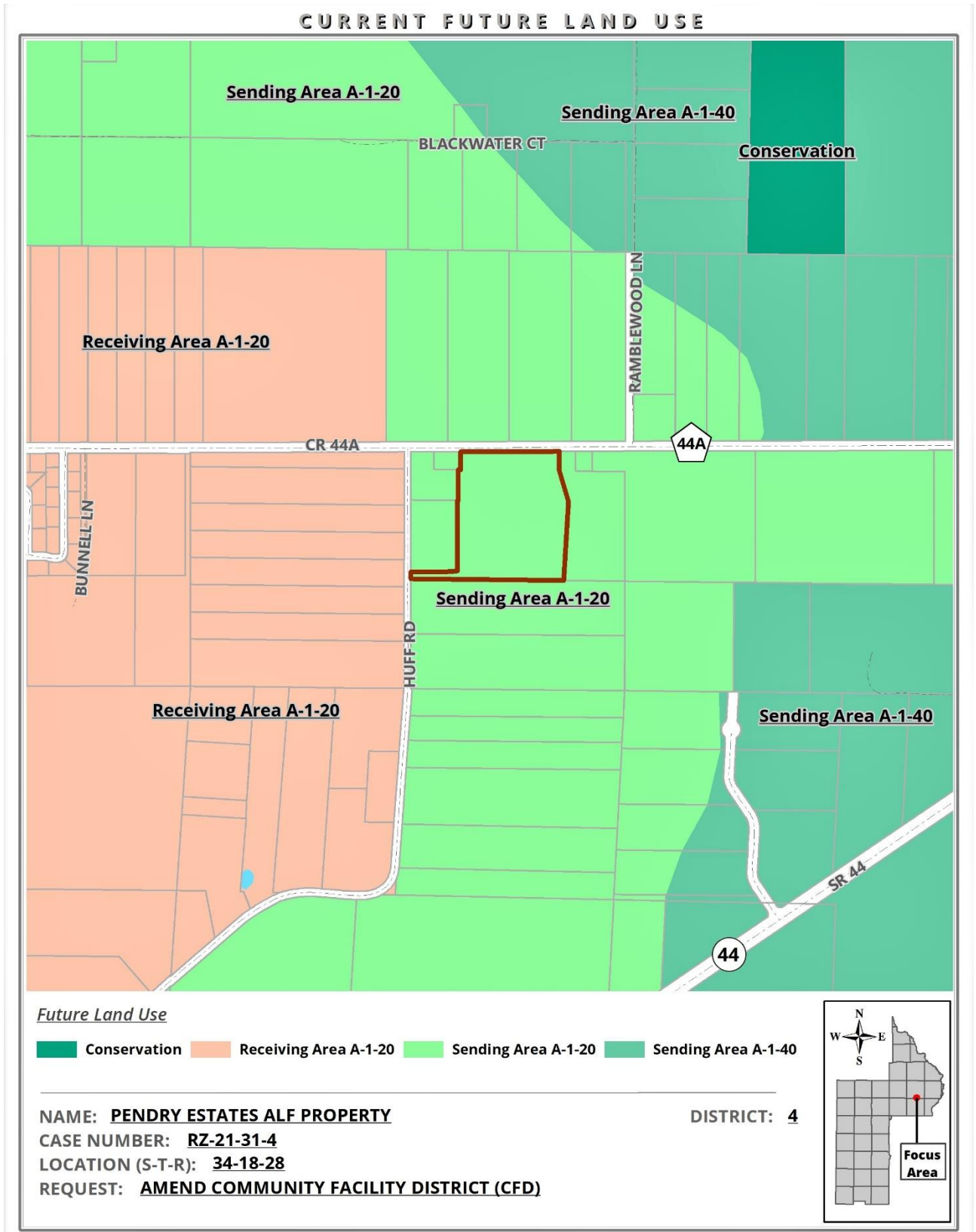
I. Whether the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these Regulations; and

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

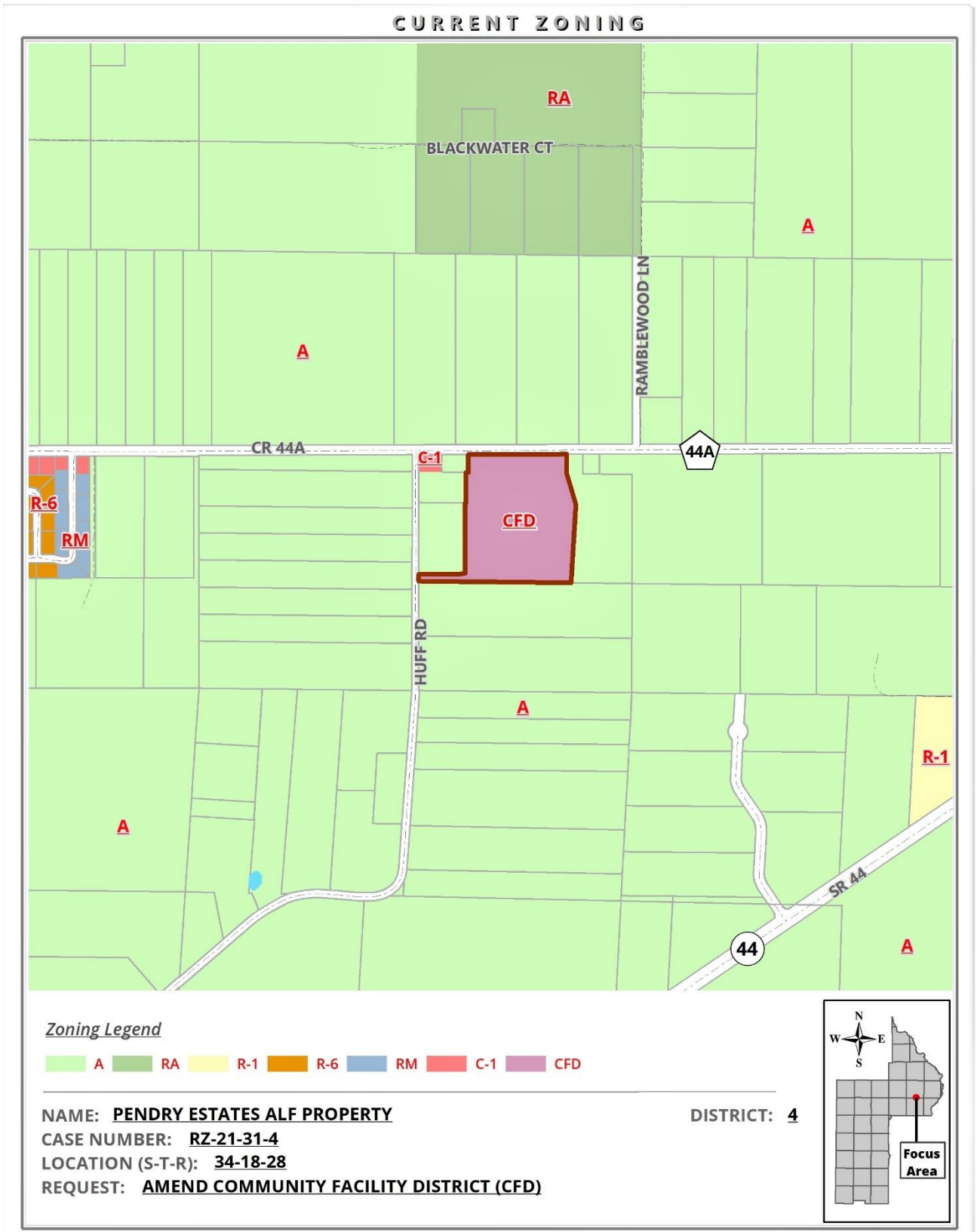
J. Any other matters that may be deemed appropriate by the Lake County Zoning Board or the Board of County Commissioners, in review and consideration of the proposed rezoning.

None.

Attachment "A" - Future Land Use Category



Attachment "B"- Zoning District



Attachment "C"- Ordinance #2011-64 (Page 1 of 5)



1 PLANNING AND COMMUNITY DESIGN
2 AZIZA ROOM 511
3 315 WEST MAIN STREET
4 TAVARES FL 32778

ORDINANCE #2011-64
Pendry Estates
PH #1-12-4

INSTRUMENT #2012013070
OR BK 4123 PG 206 - 210 (5 PGS)
DATE: 2/7/2012 4:23:18 PM
NEIL KELLY, CLERK OF THE CIRCUIT COURT
LAKE COUNTY
RECORDING FEES \$44.00

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

8 WHEREAS, Victor Richburg (the "Applicant") made a request on behalf of Compassion In Care,
9 LLC (the "Owner") to rezone property from Agriculture (A) to Community Facility District (CFD) for a
10 Community Residential Home; and

11 WHEREAS, the subject property consists of 11.62 +/- acres and is generally located in the Eustis
12 area, Southeast of the CR 44A and Huff Road intersection, in Section 34, Township 18 South, Range 28
13 East, currently having Alternate Key Number 1757959, and further described as:

14 LEGAL DESCRIPTION: [EXHIBIT "A" – ATTACHED]

15 WHEREAS, the subject property is located within the Wekiva River Protection Area A-1-20
16 Sending Area Future Land Use Category as shown on the Lake County Comprehensive Plan Future Land
17 Use Map (FLUM); and

18 WHEREAS, the Lake County Zoning Board reviewed Petition PH #1-12-4 on December 7, 2011;

19 AND, after giving Notice of Hearing on petition for a change in the use of land, including notice that
20 said ordinance would be presented to the Board of County Commissioners of Lake County, Florida, on
21 December 20, 2011; and

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

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

27 NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lake County,
28 Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they
29 pertain to the above subject property, subject to the following terms:

30 Section 1. Terms:

31 The County Manager or designee shall amend the Official Zoning Map to rezone the subject property from
32 Agriculture (A) to Community Facility District (CFD) in accordance with this Ordinance.

33 A. Land Uses:

- 34 1. Community Residential Home with a maximum capacity of 20 unrelated residents.
- 35 2. One dwelling unit to be used as caretaker's residence.

36 All uses shall be generally consistent with the Conceptual Plan as shown on EXHIBIT "B". To
37 the extent where there are conflicts between the Conceptual Plan and this Ordinance, this
38 Ordinance shall take precedence.

2012 JAN -4 PM 3:14
FILED
DEPT. OF STATE
TALLAHASSEE, FLORIDA

Attachment "C"- Ordinance #2011-64 (Page 2 of 5)

ORDINANCE #2011-64, PH #1-12-4 Pendry Estates

- 1 Accessory uses directly associated with the above uses may be approved by the County
2 Manager or designee. Any other use of the site shall require an amendment to this Ordinance
3 as approved by the Board of County Commissioners.
- 4 B. Outside Agency Approval. The use of the property for the Community Residential Home shall
5 be in conformance with all Federal, State and Local Regulations at all times, including but not
6 limited to the Florida Department of Health, Agency for Health Care Administration (AHCA) or
7 Department of Children and Families (DCF). A copy of the AHCA or DCF approval shall be
8 provided with the site plan application.
- 9 C. Setbacks, Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building Height shall
10 be in accordance with the Comprehensive Plan and LDR, as amended.
- 11 D. Landscaping, Buffering, and Screening shall comply with the LDR, as amended.
- 12 E. Transportation Improvements/Access Management: The existing driveway off of Huff Rd shall
13 meet Lake County commercial driveway apron requirements. Access management shall be in
14 accordance with the LDR, as amended.
- 15 F. Lighting: Exterior lighting shall be in accordance with the LDR, as amended, and consistent
16 with Dark-Sky Principles.
- 17 G. Signage: Signs shall be in accordance with the LDR, as amended.
- 18 H. Concurrency Management Requirements: Any development shall comply with the Lake County
19 Concurrency Management System.
- 20 I. Development Review and Approval: Prior to the issuance of any permits, the Applicant shall be
21 required to submit a site plan generally consistent with EXHIBIT "B" – CONCEPTUAL PLAN
22 for review and approval in accordance with the Comprehensive Plan and LDR, as amended.
- 23 J. Future Amendments to Statutes, Code, Plans, and/or Regulations: The specific references in
24 this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County
25 Comprehensive Plan, and Lake County Land Development Regulations shall include any
26 future amendments to the Statutes, Code, Plans, and/or Regulations.
- 27 **Section 2. Conditions** as altered and amended which pertain to the above tract of land shall mean:
- 28 A. After establishment of the facilities as provided herein, the aforementioned property shall only
29 be used for the purposes named in this Ordinance. Any other proposed use must be
30 specifically authorized by the Board of County Commissioners.
- 31 B. No person, firm, or corporation shall erect, construct, enlarge, alter, repair, remove, improve,
32 move, convert, or demolish any building structure, add other uses, or alter the land in any
33 manner within the boundaries of the above described land without first obtaining the necessary
34 approvals in accordance with the Lake County Code, as amended, and obtaining the permits
35 required from the other appropriate governmental agencies.
- 36 C. This Ordinance shall inure to the benefit of, and shall constitute a covenant running with the
37 land and the terms, conditions, and provisions hereof, and shall be binding upon the present
38 Owner and any successor, and shall be subject to each and every condition herein set out.
- 39 D. Construction and operation of the proposed use shall at all times comply with the regulations of
40 this and other governmental permitting agencies.

Attachment "C"- Ordinance #2011-64 (Page 3 of 5)

ORDINANCE #2011-64, PH #1-12-4 Pendry Estates

- 1 E. The transfer of ownership or lease of any or all of the property described in this Ordinance
- 2 shall include in the transfer or lease agreement, a provision that the purchaser or lessee is
- 3 made good and aware of the conditions established by this Ordinance and agrees to be bound
- 4 by these conditions. The purchaser or lessee may request a change from the existing plans
- 5 and conditions by following procedures contained in the Land Development Regulations, as
- 6 amended.
- 7 F. Action by the Lake County Code Enforcement Special Master. The Lake County Code
- 8 Enforcement Special Master shall have authority to enforce the terms and conditions set forth
- 9 in this ordinance and to recommend that the ordinance be revoked.

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

13
 14 **Section 4. Effective Date.** This Ordinance shall become effective as provided by law.

15
 16 ENACTED this 20th day of December, 2011.
 17
 18 FILED with the Secretary of State January 4, 2012.
 19
 20 EFFECTIVE January 4, 2012.

21
 22 BOARD OF COUNTY COMMISSIONERS
 23 LAKE COUNTY, FLORIDA

24
 25 Leslie Campione
 26 Leslie Campione, Chairman

27
 28
 29 ATTEST:
 30 J. Kelly
 31
 32 NEIL KELLY, Clerk of the
 33 Board of County Commissioners
 34 Lake County, Florida

35
 36
 37 APPROVED AS TO FORM AND LEGALITY
 38 Eric E. Hartigan for
 39
 40 SANFORD A. MINKOFF, County Attorney
 41

Attachment "C"- Ordinance #2011-64 (Page 4 of 5)

ORDINANCE #2011-64, PH #1-12-4 Pendry Estates

1 EXHIBIT "A" – LEGAL DESCRIPTION

2 That part of the West 600 feet (actually 591.15 feet) of the East 1000 feet (actually 991.15 feet) of the NE
3 1/4 of the SW 1/4 of Section 34, Township 18 South, Range 28 East, Lake County, Florida, lying South of
4 the Southerly right-of-way line of State Road 44-A and that part of the North 186.94 feet of the SE 1/4 of the
5 SW 1/4 of said Section 34; less the West 307.46 feet thereof and less that part lying East of the following
6 described line; Begin on the North line of the said SE 1/4 of the SW 1/4 at a course of S89°33'01"W 400.00
7 feet, when measured from the Northeast corner of said SE 1/4 of the SW 1/4 of Section 34; run thence
8 S17°00'43"E 195.04 feet for a point of terminus.

9 AND

10 The North 1/2 of the SE 1/4 of the SW 1/4 of Section 34, Township 18 South, Range 28 East, Lake County,
11 Florida. Subject to a Road Right-of-Way for Huff Road along the West side thereof, less the North 186.94
12 feet and less that part lying East of the following line: From the Southeast corner of said N 1/2 of the SE 1/4
13 of the SW 1/4 of Section 34, run thence S89°31'06"W along the South line of said SE 1/4 of the SW 1/4 a
14 distance of 368.55 feet to a point on a fence line for a Point of Beginning, thence N01°43'02"E along said
15 fence line and the Northerly extension thereof 477.86 feet to a point on the South line of the North 186.94
16 feet of said SE 1/4 of the SW 1/4 of Section 34 for a point of terminus.

17 LESS THE FOLLOWING:

18 A portion of the North 1/2 of the SE 1/4 of the SW 1/4 of Section 34, Township 18 South, Range 28 East,
19 Lake County, Florida. Subject to Road right-of-way for Huff Road along the West side being more
20 particularly described as follows:

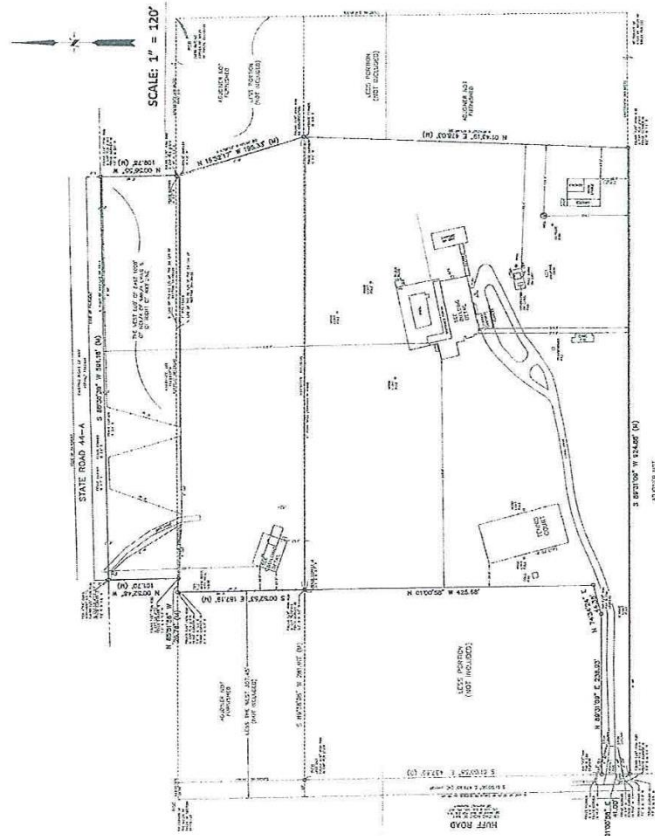
21 Commence at the SW corner of the NE 1/4 of the SW 1/4 of Section 34, Township 18 South, Range 28
22 East; thence run East 25.00 feet to the East right of way lien of Huff Road; thence run South 01°00'58"
23 East along the said East right of way line a distance of 186.94 feet to a 5/8" Iron rod and cap RLS#1916 to
24 the Point of Beginning; thence continue South 01°00'58" West along said East right of way line a distance
25 of 437.69 feet; thence departing said right of way run North 89°31'09" East a distance of 238.93 feet;
26 thence run North 74°34'24" East a distance of 44.35 feet; thence run North 01°00'58" West parallel to said
27 East right of way a distance of 425.68 feet to a 5/8" iron rod and cap RLS#1916; thence run South
28 89°38'06" West 281.90 feet to the Point of Beginning.

Attachment "C" - Ordinance #2011-64 (Page 5 of 5)

ORDINANCE #2011-64, PH #1-12-4 Pendry Estates

1

EXHIBIT "B" - CONCEPTUAL PLAN

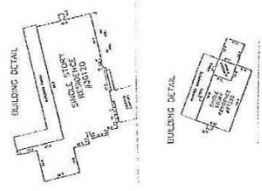


PENDRY ESTATES CFD

OWNER:
 COMPASSION IN CARE LLC
 MELVINA DAVIDSON
 36128 HUFF ROAD
 BURKE, VA 22015
 555-257-2518

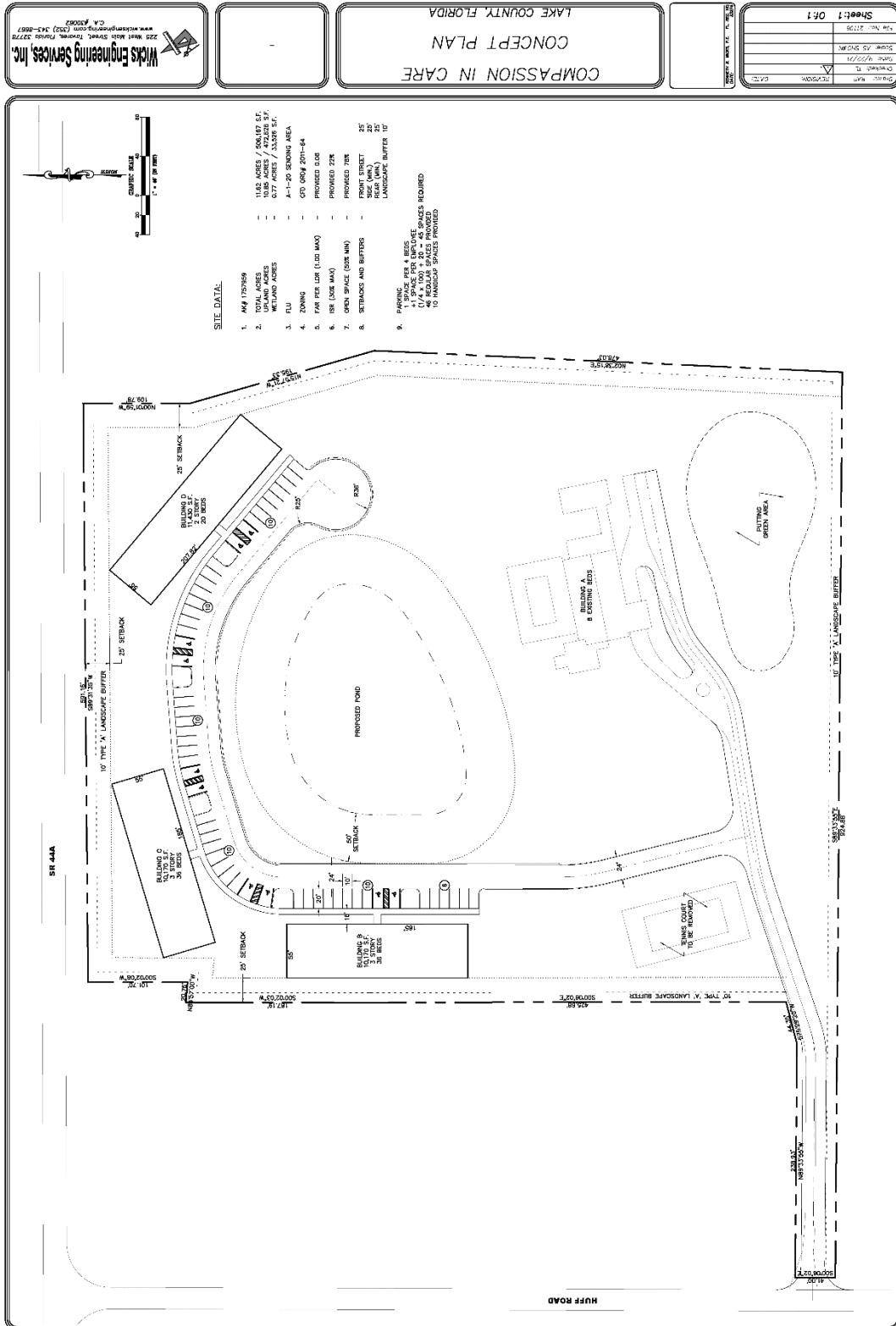
APPLICANT:
 VICTOR RICHBURG
 1302 ANAGAI DRIVE
 BELTON, VA 22715
 487-616334

DESCRIPTION:
 This is a conceptual site plan for a proposed building and parking area on a lot located on Huff Road, Pendry Estates, Burke County, Virginia. The lot is bounded by State Road 44-A to the north, Huff Road to the west, and a 5-foot wide easement to the east. The lot is divided into several areas, including a central building footprint, a parking area, and landscaped zones. The building footprint is approximately 100 feet by 100 feet. The parking area is located to the west of the building footprint. The landscaped zones are located to the north and east of the building footprint. The plan shows the proposed building footprint, parking area, and landscaped zones. The plan also shows the proposed driveway and easement. The plan is intended to provide a general overview of the proposed development and to illustrate the proposed building footprint, parking area, and landscaped zones. The plan is not intended to provide a detailed description of the proposed development or to provide any other information that may be required for the development of the lot.

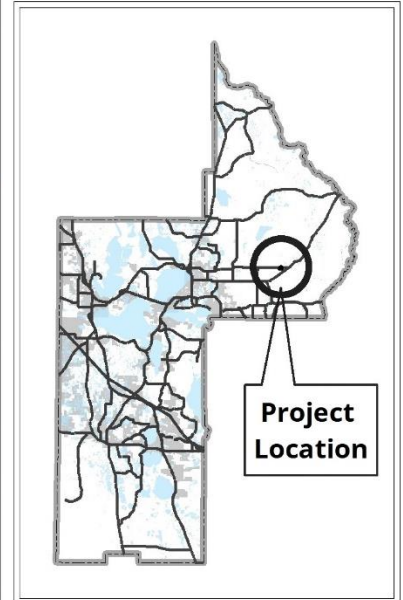
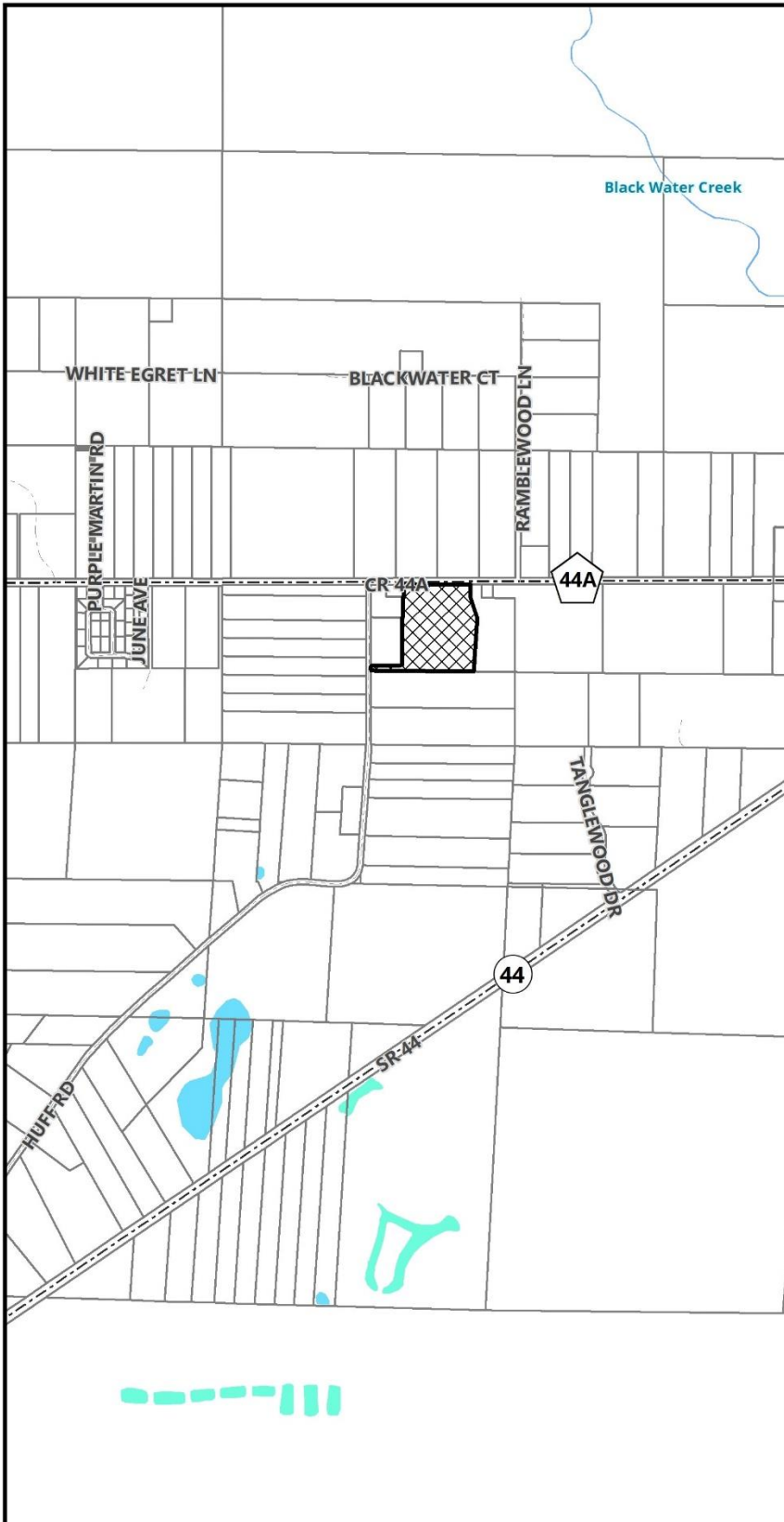


2

Attachment "D" - Concept Plan



Map of Subject Property



ORDINANCE #2022-XX
PENDRY ESTATES
RZ-21-31-4

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

WHEREAS, Hartenstein Development & Land Use, LLC (the “Applicant”) submitted an application on behalf of Compassion In Care, LLC (the “Owners”) to amend Community Facility District (CFD) Ordinance #2011-64 to convert an existing Community Residential Home into an Adult Living Facility; and

WHEREAS, the subject property consists of approximately 11.62 +/- acres, located at 36120 Huff Road, in the Eustis area, in Section 34, Township 18 South, Range 28 East, identified by Alternate Key Number 1757959, and more particularly as described in Exhibit “A” – Legal Description; and

WHEREAS, on December 20, 2011, Ordinance #2011-64 was approved by the Lake County Board of County Commissioners to rezone the subject 11.62 +/- acres from Agriculture (A) to Community Facility District (CFD) for a Community Residential Home with a total of twenty (20) unrelated residents; and

WHEREAS, the subject property is located within the Wekiva River Protection Area A-1-20 Sending Area Future Use Category as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

WHEREAS, the Lake County Planning & Zoning Board reviewed Petition RZ-21-31-4 on the 5th day of January 2022, after giving notice of the hearing on the petition for a change in zoning, including notice that the petition would be presented to the Board of County Commissioners of Lake County, Florida, on the 1st day of February 2022; and

WHEREAS, the Board of County Commissioners reviewed the petition, the recommendations of the Lake County Planning & Zoning Board, staff report, and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised; and

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

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

Section 1. Terms. The County Manager or designee shall amend the Lake County Zoning Map to show the Community Facility District (CFD) in accordance with this Ordinance. All uses specified must be generally consistent with the Conceptual Plan as shown in Exhibit “B” of this Ordinance. To the extent where there are conflicts between the Conceptual Plan and this Ordinance, the Ordinance will take precedence. Ordinance #2011-64 and all previously approved ordinances will be superseded and replaced upon the adoption of this new ordinance.

A. Land Uses.

1. Adult Living Facility (maximum 100 unrelated residents).
2. Caretaker’s residence.
3. Accessory Use directly associated with the above uses may be approved by the County Manager or designee. Any other use of the site not specified above shall require approval of an amendment to this Ordinance by the Board of County Commissioners.

- 1 **B. Building Setbacks.** Building Setbacks shall be in accordance with the LDR, as amended.
- 2 **C. Floor Area Ratio/Intensity, Impervious Surface (ISR), and Structure Height.** Floor Area
- 3 Ratio/Intensity, Impervious Surface Ratio, and Structure Height shall be in accordance with
- 4 the Comprehensive Plan and LDR, as amended.
- 5 **D. Landscaping, Buffering, and Screening.** Landscaping, Buffering, and Screening shall be
- 6 in accordance with the Comprehensive Plan and LDR, as amended.
- 7 **E. Environmental and Open Space Consideration.**
- 8 1. An environmental assessment will be required to identify the presence of vegetation,
- 9 soils, threatened and endangered species that may exist on the site. State permitting or
- 10 mitigation may be required before development can commence.
- 11 2. Environmental resources shall be protected in accordance with the Comprehensive Plan
- 12 and LDR, as amended.
- 13 **F. Noise.** Compliance must be in accordance with the LDR, as amended.
- 14 **G. Transportation Improvements/Access Management.**
- 15 1. The existing driveway off of Huff Road shall meet Lake County commercial driveway
- 16 apron requirements.
- 17 2. All access management shall be in accordance with the Comprehensive Plan and LDR,
- 18 as amended.
- 19 **H. Parking Requirements.** Parking shall be provided in accordance with the LDR, as
- 20 amended.
- 21 **I. Stormwater Management.** The stormwater management system must be designed in
- 22 accordance with all applicable Lake County and St. Johns River Water Management District
- 23 requirements.
- 24 **J. Signage.** All signage shall be accordance with the Comprehensive Plan and LDR, as
- 25 amended.
- 26 **K. Commercial Design.** The design of future structures shall be accordance with the
- 27 Comprehensive Plan and LDR, as amended.
- 28 **L. Lighting.** Exterior lighting shall be in accordance with the LDR, as amended, and consistent
- 29 with Dark-Sky Principles.
- 30 **M. Fire Protection.** Fire Protection shall be in accordance with all applicable federal, state, and
- 31 local codes and/or regulations, as amended.
- 32 **N. Utilities.** Future development shall be serviced by potable well, and septic tank consistent
- 33 with the Florida Department of Environmental Protection (FDEP), and Florida Department of
- 34 Health (FDOH) regulations, as amended.
- 35 **O. Concurrency Management Requirements.** All development shall comply with the Lake
- 36 County Concurrency Management System, as amended.
- 37 **P. Development Review and Approval.** Prior to the issuance of permits, the Applicant shall
- 38 be required to submit a development application for any future expansion generally
- 39 consistent with Exhibit "B" - Conceptual Plan, attached, for review and approval in
- 40 accordance with the Comprehensive Plan and LDR, as amended.

1 **Q. Future Amendments to Statutes, Code, Plans, and/or Regulations.** The specific
2 references in this Ordinance to the Florida Statutes, Florida Administrative Code,
3 Comprehensive Plan, and LDR shall include any future amendments to the Statutes, Code,
4 Plans, and/or Regulations.

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

7 **A.** After establishment of the facilities as provided in this Ordinance, the property may only be
8 used for the purposes identified in this Ordinance. Any other proposed use must be
9 specifically authorized by the Lake County Board of County Commissioners.

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

16 **C.** This Ordinance will inure to the benefit of, and will constitute a covenant running with the
17 land, and the terms, conditions, and provisions of this Ordinance will be binding upon the
18 present Owners and any successor and will be subject to each condition set out in this
19 Ordinance.

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

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

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

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

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

1 **Section 5. Effective Date. This Ordinance will become effective as provided by law.**
2 **ENACTED** this _____ day of _____, 2022.
3
4 **FILED** with the Secretary of State _____, 2022.
5
6 **EFFECTIVE** _____, 2022.

7
8 **BOARD OF COUNTY COMMISSIONERS**
9 **LAKE COUNTY, FLORIDA**
10

11
12 _____
13 **SEAN M. PARKS, CHAIRMAN**
14

15
16
17 **ATTEST:**
18

19
20 _____
21 **GARY COONEY, CLERK OF THE**
22 **BOARD OF COUNTY COMMISSIONERS**
23 **LAKE COUNTY, FLORIDA**
24

25
26
27 **APPROVED AS TO FORM AND LEGALITY:**
28

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

EXHIBIT "A" – LEGAL DESCRIPTION

1

2 That part of the West 600 feet (actually 591.15 feet) of the East 1000 feet (actually 991.15 feet) of
3 the NE ¼ of the SW ¼ of Section 34, Township 18 South, Range 28 East, Lake County, Florida,
4 lying South of the Southerly right-of-way line of State Road 44-A and that part of the North 186.94
5 feet of the SE ¼ of the SW ¼ of said Section 34; less the West 307.46 feet thereof and less that part
6 lying East of the following described line; begin on the North line of the said SE ¼ of the SW ¼ at a
7 course of S89°33'01"W 400.00 feet, when measured from the Northeast corner of said SE ¼ of the
8 SW ¼ of Section 34; run thence S17°00'43"E 195.04 feet for a point of terminus.

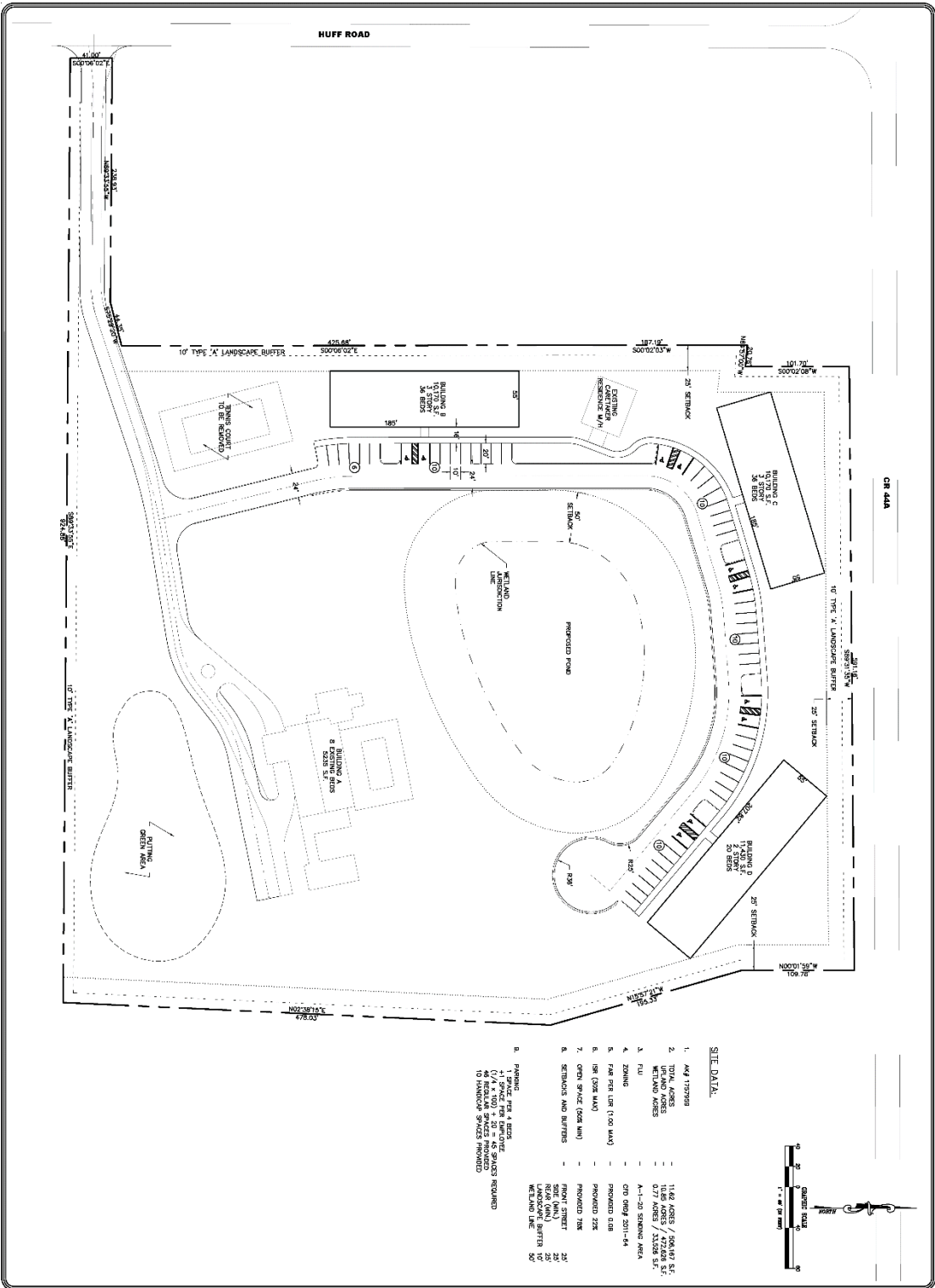
9 AND

10 The North ½ of the SE ¼ of the SW ¼ of Section 34, Township 18 South, Range 28 East, Lake
11 County, Florida. Subject to a Road Right-of-Way for Huff Road along the West side thereof, less the
12 North 186.94 feet and less that part lying East of the following line: From the Southeast corner of
13 said N ½ of the SE ¼ of the SW ¼ of Section 34, run thence S89°31'06"W along the South line of
14 said SE ¼ of the SW ¼ a distance of 368.55 feet to a point on a fence line for a Point of Beginning,
15 thence N01°43'02"E along said fence line and the Northerly extension thereof 477.86 feet to a point
16 on the South line of the North 186.94 feet of said SE ¼ of the SW ¼ of Section 34 for a point of
17 terminus.

18 LESS THE FOLLOWING:

19 A portion of the North ½ of the SE ¼ of the SW ¼ of Section 34, Township 18 South, Range 28 East,
20 Lake County, Florida. Subject to Road right-of-way for Huff Road along the West side being more
21 particularly described as follows:

22 Commence at the SW corner of the NE ¼ of the SW ¼ of Section 34, Township 18 South, Range 28
23 East; thence run East 25.00 feet to the East right-of-way line of Huff Road; thence run South
24 01°00'58" East along the said East right of way line a distance of 186.94 feet to a 5/8" Iron rod and
25 cap RLS#1916 to the Point of Beginning; thence continue South 01°00'58" West along said East
26 right of way line a distance of 437.69 feet; thence departing said right of way run North 89°31'09"
27 East a distance of 238.93 feet; thence run North 74°34'24" East a distance of 44.35 feet; thence run
28 North 01°00'58" West parallel to said East right of way a distance of 425.68 feet to a 5/8" iron rod
29 and cap RLS#1916; thence run South 89°38'06" West 281.90 feet to the Point of Beginning.



Drawn: [initials]	REVISION:	DATE:
Checked: [initials]		
Date: 11/27/21		
Scale: AS SHOWN		
File No.: 21102		
Sheet:1 Of:1		

**PENDRY ESTATES
CONCEPT PLAN
LAKE COUNTY, FLORIDA**

PENDRY ESTATES
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EUSTIS, FLORIDA 32736
(407) 802-7222

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LAKE PANASOFFKEE, FLORIDA 33538
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(352) 456-2190 OFFICE
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EXHIBIT "B" - CONCEPTUAL PLAN