



# REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearings: Planning & Zoning Board (PZB): October 12, 2022  
Board of County Commissioners (BCC): November 1, 2022

Case No. and Project Name: RZ-21-19-3, Drake Pointe PUD

Applicant: Peter Pensa, AICP, AVID Group LLC

Owner: GPK Harris Lake LLC; New Era Construction Group LLC

Requested Action: Rezone approximately 293.810 +/- acres from Agriculture (A) and Estate Residential (R-2), and establish a Planned Unit Development (PUD) to accommodate a 535-lot single-family residential subdivision, marina with restaurant and limited retail uses, and recreational facilities

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

Case Manager: Emily W. Johnson, Chief Planner

PZB Recommendation:

### **Subject Property Information**

Size: 293.810 +/- gross acres (231.56 +/- net acres)

Location: Northeast of County Road 48 and along Lake Harris in the Howey-in-the-Hills area.

Alternate Key No.: 1226155, 1242371, 1371961, 3827817, 1517389, 3855902, 1535972, 3878118, 1673801, 1792304, 1792312, 3827816, 2923989, 2923962, 3815464, 3450221, 1792291, 3016050, 2704381, 1803411, and 1803403

Current Future Land Use: Rural Transition (Attachment "A")

Proposed Future Land Use: Planned Unit Development [Separate Application – See FLU-21-05-3]

Current Zoning District: Agriculture (A) and Estate Residential (R-2) (Attachment "B")

Proposed Zoning District: Planned Unit Development (PUD)

Flood Zones: "AE", "A", and "X"

Joint Planning Area / ISBA: South Lake ISBA

Overlay Districts: Not Applicable

**Adjacent Property Land Use Table**

<b><u>Direction</u></b>	<b><u>Future Land Use</u></b>	<b><u>Zoning</u></b>	<b><u>Existing Use</u></b>	<b><u>Comments</u></b>
<b>North</b>	Rural Transition	Rural Residential (R-1), Agriculture (A), and Agriculture Residential (AR)	Residential Uses	Single-Family Dwelling Units on Lots Ranging From 0.25 to Seven Acres in Size.
<b>South</b>	Urban Low	Planned Unit Development (PUD)	Residential Development with Golf Course and Amenities	Bishops Gate Golf Course and Community
<b>East</b>	Not Applicable	Not Applicable	Lake Harris	Lake Harris
<b>West</b>	Urban Low and Rural Transition	PUD, A, and AR	Residential Development with Amenities and Residential Uses	Mission Inn Resort and Single-Family Dwelling Units on Large Lots

**Staff Analysis**

The subject properties (identified by Alternate Key Numbers 1226155, 1242371, 1371961, 3827817, 1517389, 3855902, 1535972, 3878118, 1673801, 1792304, 1792312, 3827816, 2923989, 2923962, 3815464, 3450221, 1792291, 3016050, 2704381, 1803411, and 1803403) contain approximately 293.810 +/- gross acres, 231.56 +/- acres of which are uplands, the remaining 62.25 +/- acres are wetlands and floodplain. The subject properties are located northeast of County Road 48 and along Lake Harris, in the unincorporated Howey-in-the-Hills area . The subject properties are currently zoned Agriculture (A) and Estate Residential (R-2). The applicant is requesting to rezone the property from Agriculture (A) and Estate Residential (R-2) to Planned Unit Development (PUD) in order to develop a 535-lot single-family residential subdivision at a density of approximately 2.31 dwelling units per net acre, a marina with restaurant and limited convenience retail uses, and recreational facilities as depicted in the Concept Plan that is noted as Attachment “C”.

In addition, a separate application has been submitted to amend the future land use from Rural Transition to Planned Unit Development. The Board of County Commissioners (“the Board”) approved transmittal of FLU-21-05-3 on July 5, 2022; the proposed amendment was transmitted to the Florida Department of Economic Opportunity (DEO) on July 11, 2022, in accordance with state statutes. DEO assigned the amendment a reference number of 22-04ESR, and provided a letter of no comment on August 10, 2022. The amendment was similarly distributed to relevant state agencies for review; informational comments were provided by the Division of Historical Resources (Attachment “I”) and the Florida Fish and Wildlife Conservation Commission (Attachment “J”).

The accompanying PUD Concept Plan (Attachment “C”) proposes 535 residential lots at a net density of 2.31 dwelling units per net acre, and a gross density of 1.82 dwelling units per acre. The Concept Plan emphasizes varying lot sizes, including 50-foot X 170-foot canal lots, 65-foot X 120-foot internal lots, and 75-foot X 150-foot lakefront lots. Two access points and a landscape berm along County Road 48 are proposed. Additionally, the development will include a marina with restaurant, limited convenience retail, and recreational uses. The development will be gated, but will allow public access to the facilities during daytime hours.

**Table 1. Existing and Proposed Development Standards.**

	Zoning District	Allowable Development Program	Proposed Development Program	Maximum Impervious Surface Ratio	Minimum Open Space	Building Height
Existing	Agriculture (A) and Estate Residential (R-2)	<i>Agriculture:</i> 1 d.u./5 net ac <i>R-2:</i> 2 d.u./1 net ac	N/A	0.10 – 0.35	N/A	40 Feet

Proposed	Planned Unit Development (PUD)	N/A	535 single-family residences (net density of 2.31 d.u./net acre; marina with restaurant and limited convenience retail uses, recreational facilities	0.55	46%	40 Feet
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The subject property is located within the South Lake ISBA. The Town of Howey-in-the-Hills was provided a copy of the application. The Town provided a letter stating that they expect the development to use the Town as the source for potable water, but based on the information provided by the Town (Attachment “D”), their potable water and sewer lines are not close enough to require the development to connect to the Town’s utilities. Since the proposed development exceeds a density of one dwelling unit per net acre, the development will need to utilize central water and sewer if public utilities are not available. The applicant has indicated that they will be providing their own utilities via an offsite private utility owned by North Lake County Water & Sewer Company, LLC, and managed by a professional company with utility operation experience.

Additionally, staff has received two letters of concern regarding the applications; one from the residents of the Yalaha area (Attachment “F”), and one from a private citizen requesting that the proposed private utilities be located on the subject development parcel instead of offsite (Attachment “G”).

**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 purpose and intent of the PUD zoning district allowed by LDR Section 4.03.00. The LDR specifies that PUDs are allowed in all land use classifications, and that PUD zoning is intended to allow a diversification of uses, structures, and open space in a manner compatible with both existing and proposed surrounding uses.

**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.

The request is consistent with Comprehensive Plan Policy I-7.8.1, Requirements for Planned Unit Developments, which states that density shall not exceed the underlying Future Land Use Category and that a PUD shall be accompanied by a conceptual plan. The Concept Plan (Attachment “C”) indicates that the PUD will be developed as an integrated unit containing one or more land uses, and the compatibility with the existing and proposed land uses is examined below in Section C. Additionally, the draft PUD ordinance contains provisions for the protection of open space, and for the conservation and protection of the wetland area onsite.

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

The application seeks to develop the subject property with a residential development with associated amenities and recreational facilities. The application is proposing 2.31 dwelling units per net acre which exceeds the maximum density permitted within the Rural Transition FLUC. The Rural Transition FLUC allows residential development at a base density of one dwelling unit per five (5) net acres; one dwelling unit per three net acres with 35% open space; or one dwelling unit per net acre with 50% open space. The Urban Low FLUC allows four (4) dwelling units per net acre with a minimum of 25% open space, but the applicant has requested to utilize the PUD FLUC to accommodate 2.31 dwelling units per net acre with a minimum of 46% open space. The proposed rezoning amendment is consistent with the proposed PUD FLUC.

Additionally, the applicant provided the following table comparing the proposed development with nearby subdivisions; as well as a Justification Statement (Attachment “E”) describing the consistency between the proposed development and surrounding existing land uses.

<b>Table 2. Comparison to Surrounding Developments.</b>						
Project Name	Total Acreage	Net Acreage	Units	Gross Density	Net Density	Lot Sizes
<b>Drake Pointe</b>	<b>293.81</b>	<b>245.65</b>	<b>535</b>	<b>1.82</b>	<b>2.31</b>	<b>50' X 160'</b> <b>65' X 120'</b> <b>75' X 150'</b>
Las Colinas at Mission Inn	814.12	*	1,606	2.45	*	** 64' X 140'
Bishops Gate / (f/k/a Bella Vista & Sarabande PUD)	155.08	123.46	150***	1.03	1.21***	30' X 150' (townhomes)
Four Season	265	195	650	2.45	3.33	35' X 120' 50' X 120' 60' X 120'
Spring Creek	51.68	Not available	129	2.5	Not available	50' X 110' 60' X 110'
The Reserve at Howey in the Hills	332.2	239.3	728	2.20	3.00	50' X 80' 27' X 100' 50' X 115'
Venezia	140.86	115	285	2.42	2.47	18' X 100' 65' X 120' 75' X 120'
Talichet (Phase 1 & 2)	61.32	44.43	114	1.85	2.56	60' X 120' 75' X 130'
* The 2005 PUD calculated density based on gross acres. ** Lots were observed on the plat with an average dimension of 64' X 140', but the PUD allowed for lots to be 35 feet and larger. *** PUD Ordinance #2012-42 allowed for up to 200 units at a maximum net density of 1.62 dwelling units per acre; however, only 150 units were developed at a net density of 1.21 dwelling units per acre.						

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

The applicant has provided a justification statement which is included as Attachment “E”.

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

Any future development of this property will require an analysis via submittal of a development application to demonstrate that the proposed development does not adversely impact the County’s adopted levels of service to public facilities and services.

Water and Sewage

The development is proposing to provide central water and central sewer via an offsite private utility owned by North Lake County Water & Sewer Company, LLC, and managed by a professional company with utility operation experience. The Town of Howey-in-the-Hills has maintained the position that the developer should connect to the potable water and public sewer services provided by the Town.

LDR Section 6.12.01.A, states that all private potable water systems shall be connected to a regional/subregional potable water system when the regional/subregional potable water system comes within three hundred (300) feet of the private potable water system. LDR Section 6.12.01.B, states that all private treatment systems shall be connected to a regional/subregional wastewater system when the regional/subregional system comes within one thousand (1,000) feet of the private treatment system or any of the central lines of the private treatment system.

Based on the information provided by the Town (Attachment "D"), their potable water and sewer lines are not close enough to require the development to connect to the Town's utilities.

#### Schools

The Lake County School Board reviewed the application and stated that project has a valid school concurrency capacity reservation for 555 single family dwelling units which will expire on February 5, 2023.

#### Parks

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

#### Solid Waste

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

#### Public Safety

The closest Lake County Fire Rescue Station (LCFR Station #76) is located approximately 0.5 miles from the subject property.

#### Transportation Concurrency

The standard Level of Service (LOS) for the impacted roadway of CR 48 is "D" with capacity of 1070 trips in the peak direction. Currently, the impacted segment from Lime Avenue to SR 19 is operating at "C" thirty nine percent (39%). This project will be generating approximately five hundred twenty-eight (528) pm peak hour trips, in which three hundred and thirty-three (333) trips will impact the peak hour direction. Currently, there are no county funded improvements scheduled for this segment of CR 48.

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

The development application proposes minimal impacts to the existing wetlands and proposes protecting most of the wetlands through conservation easements. The concept plan (Attachment "C") identifies that 46% of the development will be set aside as open space, with an additional 20% of the gross development area set aside as permanent conservation area. New development will be required to meet all criteria contained within the Comprehensive Plan and LDR, as amended, including submission of an Environmental Assessment.

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

The applicant provided a Property Value Study (Attachment "H") which concluded that the property values in the area would have a nominal value increase next to a new subdivision, with no projected long-term impact because of the subject development plan.

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

The application is requesting to establish a PUD on the subject property to accommodate 535 single-family dwelling units at a density of 2.31 dwelling units per net acre and 1.82 dwelling units per gross acre, with associated amenity and recreational uses (including a marina with a restaurant and limited convenience retail uses, and recreational facilities).

South of the subject property, along the north side of County Road 48, is the Bishops Gate Golf Course and Community (f/k/a "Sarabande PUD" and "Bella Vista") which is zoned PUD by Ordinance 2012-42. The PUD ordinance allows residential uses at a maximum density of 1.62 dwelling units per net acre and non-residential uses including a golf school, marina, and recreational amenities (fitness center, driving range, and golf practice areas).

Southwest of the subject property, on the south side of County Road 48, is the Mission Inn development which is zoned PUD by Ordinance 2005-107. The PUD ordinance allows a mixture of single-family and multi-family dwelling units at a maximum density of 2.45 dwelling units per gross acre. Non-residential uses permitted within the development include 75,000 square feet of commercial development, 260-acre golf course, clubhouses, restaurants, and recreational facilities.

West of the property is developed with single-family dwelling units on large lots ranging in size from four to nine acres in size. Northwest of the subject property is developed with single-family dwelling units on lots ranging from 0.25 to seven acres in size.

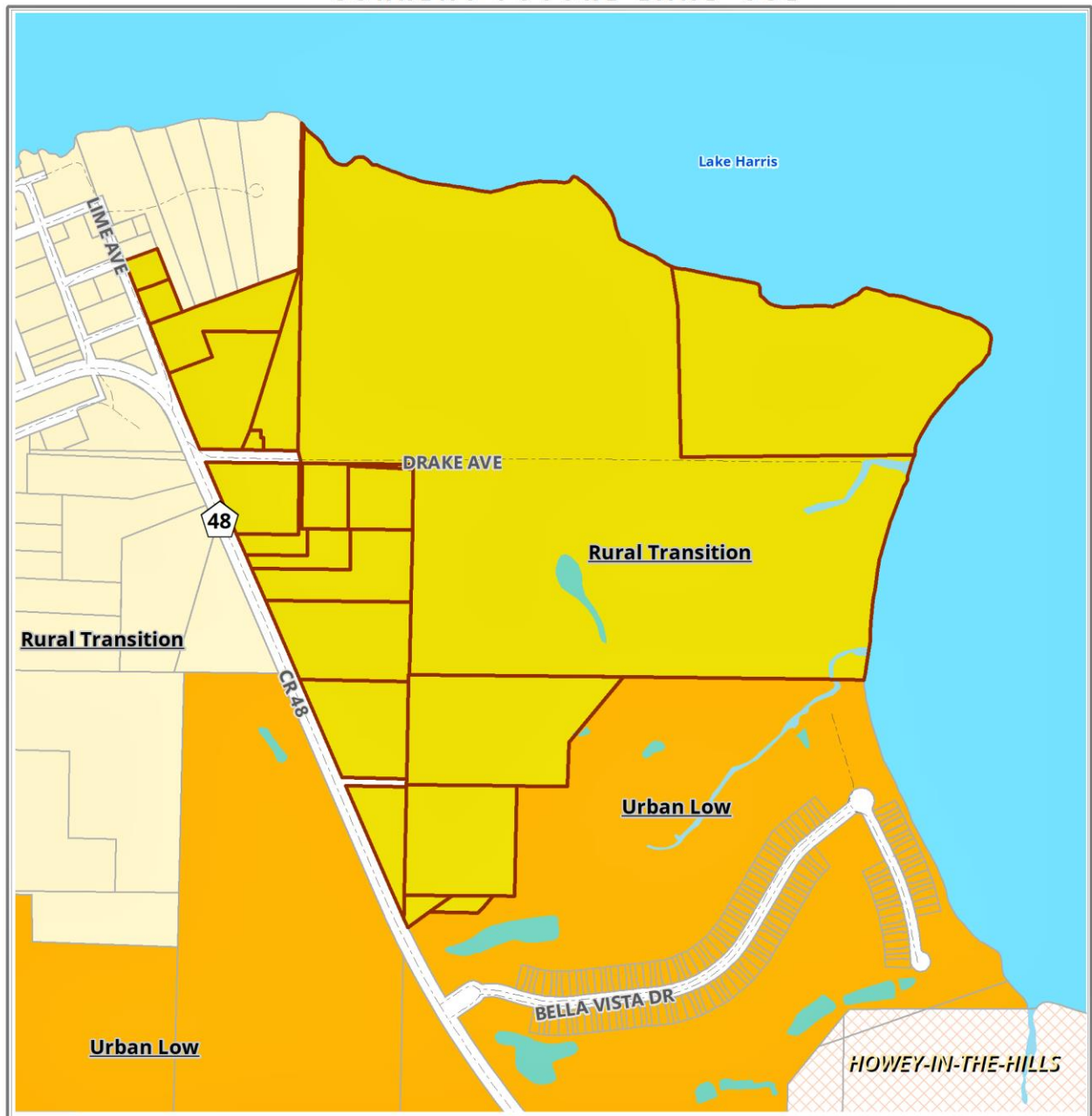
Both the Mission Inn and Bishop's Gate developments are designated as part of the Urban Low FLUC which allows residential development at a maximum density of four (4) dwelling units per net acre. The proposed development is proposing 2.31 dwelling units per net acre and 1.82 dwelling units per gross acre which would serve as a transition between the Urban Low FLUC to the South and Rural Transition FLUC to the North.

**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.

# Attachment "A" – Future Land Use Map

## CURRENT FUTURE LAND USE



Future Land Use

- Planned Unit Development
- Urban Low
- Rural Transition

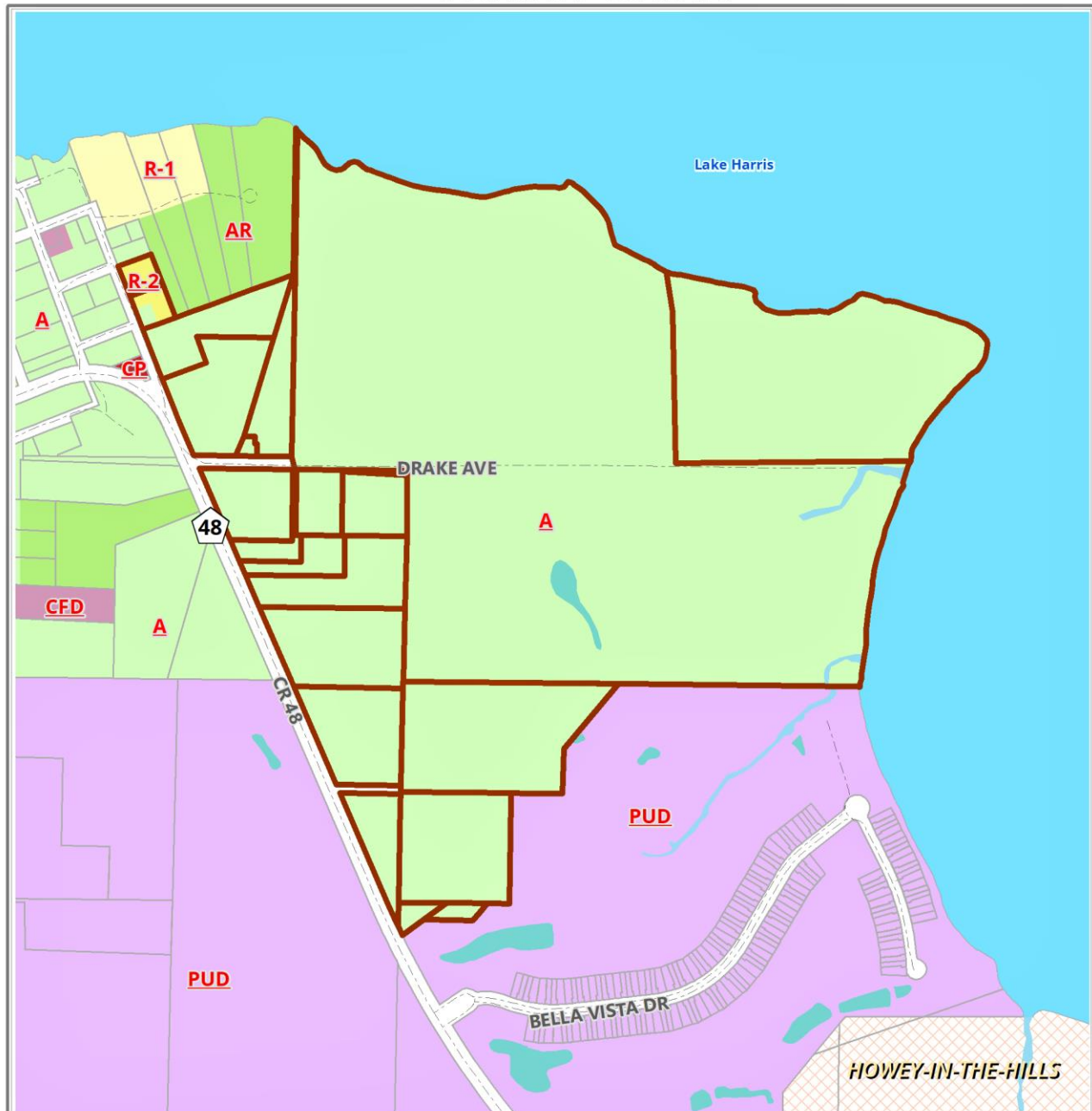
NAME: **DRAKE POINT PROPERTY**  
CASE NUMBER: **RZ-21-19-3**  
LOCATION (S-T-R): **14, 15, 22-20-25**  
REQUEST: **AGRICULTURE (A) & ESTATE RESIDENTIAL (R-2) TO  
PLANNED UNIT DEVELOPMENT (PUD)**

DISTRICT: **3**



# Attachment "B" – Zoning Map

## CURRENT ZONING



### Zoning Legend

A	R-1	CP	PUD
AR	R-2	CFD	

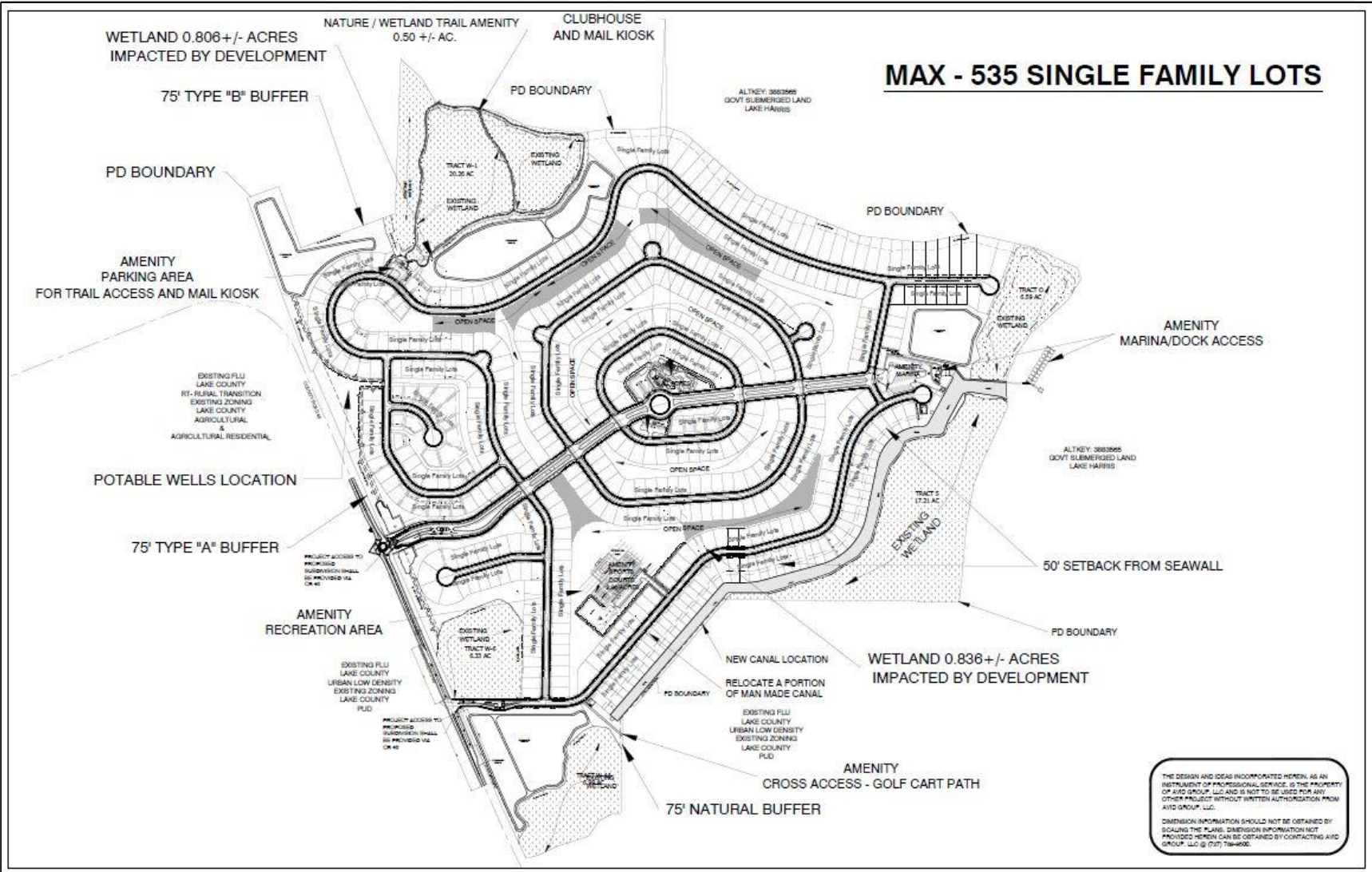
NAME: **DRAKE POINT PROPERTY**  
CASE NUMBER: **RZ-21-19-3**  
LOCATION (S-T-R): **14, 15, 22-20-25**  
REQUEST: **AGRICULTURE (A) & ESTATE RESIDENTIAL (R-2) TO  
PLANNED UNIT DEVELOPMENT (PUD)**

DISTRICT: **3**





Attachment "C" - Concept Plan



## Attachment "D" – Input from the Town of Howey-in-the-Hills



October 20, 2021

Michele Janiszewski, AICP, Lake County Chief Planner  
Via email – [mjaniszewski@lakecountyfl.gov](mailto:mjaniszewski@lakecountyfl.gov)

Re: Drake Pointe Comments (Project #2021010001/AR#4279)

Dear Ms. Janiszewski,

Thank you for allowing the Town of Howey-in-the-Hills to provide comments for the proposed Drake Pointe Development (Project #2021010001/AR #4279).

Drake Point is located in the Town's exclusive utility service district created in 2003 pursuant to Ordinance 2003-307, recorded in the public records of Lake County, Book 02849, Page 0159. The Town will serve potable water and provide central wastewater service to Drake Pointe. The Town respectfully requests that Lake County condition development approvals for Drake Pointe accordingly, with the Town of Howey-in-the-Hills as the provider of potable water and central sewer service.

The CDD has confirmed currently available ERUs for Drake Pointe; there is an existing wastewater force main at the entrance of Bishops Gate, 3,500 feet from the entrance to Drake Pointe. Also, there is a new town well/water treatment plant currently being planned at the corner of CR 48 & SR 19 (adjacent to one of the town's existing wells); the new well will be approximately 9,000 feet from the entrance of Drake Pointe.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Sean O'Keefe".

Sean O'Keefe  
Town Administrator/Financial Manager

cc: Martha MacFarlane, Mayor  
Thomas A. Harowski, AICP, Town Planner  
Thomas J. Wilkes, Town Attorney  
Steve K. Greene, AICP, Lake County Chief Planner, [sgreene@lakecountyfl.gov](mailto:sgreene@lakecountyfl.gov)

*Town of Howey-in-the-Hills*

101 N. Palm Ave. • PO Box 128 • Howey-in-the-Hills, FL 34737 • Phone: (352) 324-2290 • Fax: (352) 324-2126

## Attachment “E” – Justification Statement (Page 1 of 5)



2300 CURLEW ROAD, Suite 201  
PALM HARBOR, FLORIDA 34683  
PHONE (727) 789-9500  
[AUTH#6139 LB7345]

### Comprehensive Amendment Application The Falls at Drakes Point

## Comprehensive Plan Amendment Justification

**Please demonstrate that facilities and services are or will be available within the adopted levels of service throughout the Comprehensive Plan (or the levels of service adopted by the municipality in whose utility area the proposed amendment is located and as adopted in the Capital Improvements Element or by joint agreement with the County), including, but not limited to, water supplies (including permitted quantities) facilities, sewer services, solid waste, transportation, parks and recreational facilities and schools:**

**Water and Wastewater:** Per the Lake County Comprehensive Plan, Lake County does not provide potable water or wastewater services, which is why the County entered into a Joint Planning Agreement with the Town of Howey-in-the-Hills (the “Town”).

Given the fact that our project is located 3,500 feet from the Town’s nearest existing wastewater main (per the Town the line would require upsizing to accommodate for future developments) and 9,000 feet from the Town’s proposed (unbuilt) well (as acknowledged in the Town’s 10/20/21 letter to the County), and per applicable regulations (described below), there is no legal basis to require this project to connect to those lines. We also explored connecting to the Mission Inn sewer plant, but the attached exhibit “F” shows that we’d have to run upsized lines 11,193 LF to connect. Thus, our plan is including a proposed private facility on Lake County Parcel ID 16-20-25-0300-000-01000. That treatment plant to serve our project would be on a separate 10-acre site a quarter mile down the road from this project. The potable water wells will be drilled on our site and the storage of the treated water will be on that 10-acre site.

In Howey’s “180 Agreement” (Ordinance 2003-307), Section 5 requires developments to connect to city utilities where available. That agreement defines availability through reference to County Code (Section 6.12.01(a)) and State Statutes (381.0065(2)(a)). Importantly, availability is defined in the present tense.

State statutes define “availability” as a sewer system within 1,320 feet:

3. For proposed residential subdivisions with more than 50 lots, for proposed commercial subdivisions with more than 5 lots, and for areas zoned or used for an industrial or manufacturing purpose or its equivalent, a sewerage system exists within one-fourth mile of the development as measured and accessed via existing easements or rights-of-way.

Lake County Code defines “availability” as a regional/subregional wastewater system within 1,000 feet of a private treatment system.

## Attachment “E” – Justification Statement (Page 2 of 5)

As described above, the closest pipe to the project for sewer is 3,500 feet away and would need to be upsized to accommodate our project. It appears that under all applicable code and regulations, availability is the determining factor in deciding whether an applicant is required to connect. Thus, while capacity may theoretically be available (if there were lines in place close enough to our site and then if the Town’s well was already built out), it is not actually available since the applicable regulations set forth limits on how far a development would have to extend out lines to connect to any such utility providers. Alternatively, onsite treatment options exist to accommodate the exact situation we are in.

Thus, we are seeking to develop a private system, allowable under Lake County Code, to serve our project.

This means that the proposed development and private treatment plant is consistent with the Comprehensive Plan, based on interlocal agreements the development is exempt from the requirements of the connection to the central utility provided by the Town.

**Solid Waste:** The County’s current level of service is sufficient to provide services for the proposed development. The proposed Comprehensive Plan amendment is not anticipated to adversely impact solid waste capacities or levels of service.

**Schools:** As of this application, school concurrency is reserved for 555 homes. Should capacity fall short during the review process due to expiration of reservation or other reasons, the developer will work with the school board to provide for mitigation alternatives as needed that will offset any negative impacts.

**Parks and Recreation:** Lake County requires a minimum level of service of 4 acres for every thousand (1,000) residents. No additional impact is being caused by the proposed development, as the proposed development is planning to provide park and recreation services within the development. The proposed development will provide nature trails, boat ramp/marina, club house activities, playground, pickle ball courts, dog park, and multi-purpose open space.

**Transportation:** Initial review has indicated that State Road 48 has sufficient capacity to maintain the additional trips without burdening the level of service provided and causing any additional fiscal impacts to the capital improvements plan. The development proposes to construct and maintain the roads within the development and make turn lane improvements on CR-48 to serve the development.

**Describe and demonstrate and describe how the amendment will not fiscally burden County services:**

As described above the proposed development is intended to meet the minimum levels of service established in the Comprehensive Plan. The amendment would not place any undue burden financially on Lake County and its residents. The project is proposing to supply the water and wastewater demands by constructing the necessary facilities and underground network to serve the development both onsite and offsite. The development will be supplying

## Attachment “E” – Justification Statement (Page 3 of 5)

onsite recreation opportunities for its residents, which will reduce the demand for public park usage and unnecessary trips. While solid waste demand will be increasing, the demand will not be above and beyond the level of service offered by the County currently.

As of this application, the schools have capacity to meet the needs of the development. Regardless, if at the time of Capacity reservation, Capacity falls short, the developer will mitigate to reduce or eliminate any fiscal impact that results.

Initial review has indicated that CR-48 has sufficient capacity to maintain the additional trips without burdening the level of service provided and causing any additional fiscal impacts to the capital improvements plan. The development proposes to construct and maintain the roads within the development and make turn lane improvements on CR-48 to serve the development. The number of trips is anticipated to be approximately 4,990 daily trips (See Traffic Impact Study for detailed breakdown of trips).

### **Describe and demonstrate that historic and cultural resources will not be affected by unnecessary and unmitigated negative impacts:**

There are no known historic or cultural resources that will be negatively impacted by the proposed development, as of the date of this application. Should historic or cultural resources be discovered during the development process, activities shall cease, and the proper authority (Federal, State, or local) shall be notified and authorization and/or necessary permits shall be pulled prior resuming.

### **Land Use Compatibility Analysis:**

The development is proposing 535 units on 293.81 acres (based on survey), of which 46.81 acres is wetlands. The development is proposing to maintain the natural features to the greatest extent possible (topography and wetlands). The community to the south of the proposed development is called Bishop’s Gate, which is zoned PUD, has an Urban Low-Density FLU and is a townhome community. There is also a community named Mission Inn Las Colinas to the Southwest of the proposed development site and is also a PUD, with an Urban Low-Density FLU and is all single-family homes. Both communities have a max density of 4 dwelling units per acre. To the north and a portion of the west of the site the property has a future land use of Rural Transition that allows 1 dwelling unit an acre. The PUD has proposed a max dwelling unit count of 2.32 units per gross acres. As it relates the future land use series, this project provides a transitional land use designation that acts to support the rural transition purpose. The zoning of the site will provide additional unit controls and provide oversized buffers to support transitions between classifications. A property value analysis was conducted to assure neighboring property values were not negatively impacted by The Falls at Drakes Point (please see exhibit “D”).

## Attachment “E” – Justification Statement (Page 4 of 5)

### **Demand Analysis / Residential Justification Statement:**

The Lake County Comprehensive plan has forecasted a slowdown within unincorporated Lake County in population from 2000 to 2030. The Comprehensive Plan original projected 460,103 by year 2025. The team revised the projection to 410,000 by 2030 to account for a severe decline in housing sales and construction and assumed recovery would not rebound to historic highs. The population of Lake County as of 2019 is estimated to be 367,118 (US Census) with average growth rate of 2%, which yields a population increase of 46,316 by 2025 or otherwise a population of 413,434 by 2025. Current population trends are yielding higher than expected from the Lake County Comprehensive Plan, with the higher demand from population growth the current and projected housing stock will meet a shortfall. Based on estimated US Census data for 2019, there are 163,586 Housing units in the County (with an average per person household of 2.55) and the current housing supply can house a population of up to 417,144. However, after exceeding the next 5 years the housing stock will begin to face a deficit.

The Comprehensive Housing Market Analysis published in 2018 by HUD indicated 2.9% population growth in the region over the three years following the report (ending January 2021). The growth in Lake County has come up short of that number, which is in part due to a stable purchase market due to the pandemic. As the house sales increase post-pandemic the housing demand could see growth return to near HUD projected levels for the Lake County market. Which would further exacerbate a housing supply shortfall.

The Proposed location of the development would have fallen within the projections (Lake County Comp Plan) for Howey-in-the-Hills if the project had qualified for annexation. The County data identifies the Howey-in-the-Hills is projected to have an above average (106%) growth rate from 2000 to 2030, the Town is currently on track with the projection. Based on this data, the area around Howey-in-the-Hills will experience a higher-than-normal growth rate.

The Falls at Drakes Point will provide up to 535 units if approved, the project would result in expanding the housing stock to supply demand for Lake County / Howey-in-the-Hills.

Since the original drafting of this report, an increase in the population growth of Florida has been observed, as report by [Floridapolitics.com](https://www.floridapolitics.com) “Driven by hundreds of thousands of people moving in, Florida’s population grew by 1% from July 2020 to July 2021, adding 211,305 more residents, according to new estimates released by the U.S. Census Bureau”. As anticipated growth has continued to increase and housing is required for the future growth.

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## Attachment "F" – Letter of Concern (Page 1 of 2)

RECEIVED  
OCT 19 2021  
Planning & Zoning

### The Yalaha Community Concerns Regarding the Proposed Drake Point Park At Lake Harris Development

After careful discussion and consideration, we the landowners and residents of the community of Yalaha, including both adjacent landowners and landowners of property in the vicinity of the proposed Drake Point Park at Lake Harris Development, have hereby determined a number of concerns that we would like addressed and resolved in this matter prior to progress of this proposed project. The list below is essentially a synopsis, with additional concerns that may be identified at a future time.

- 1) Entrances and exits, thus, egress points to and from the proposed development, are limited to an area just adjacent to a large blind curve where huge semi-truck commercial traffic habitually slows down only during the curve. This creates a serious and imminent major accident/fatality risk for residents of the proposed development as well as a major pileup/blockage of traffic issue such that the entire 48/19 commercial as well as residential traffic would be impacted with no alternate routing available among and between major areas of Lake county as well as between the Lake County area and access to the turnpike and therefore Orlando metropolitan areas. This project to be successful would require the development company to procure financial backing to significantly widen the road before, during, and after the blind curve to account for safe turn lanes, a merge lane, and an additional regular lane in both directions to accommodate this situation. The additional purchase of land adjacent to the road would be needed as well with no guarantee that existing owners would be willing to sell their land.
  
- 2) The proposed development would require a sewage treatment plant/facility to be built as there is no city or county sewage system available. Due to the location of the proposed development near the Florida protected lands of the Lake Harris area of the St. Johns River waterway, a sewage leak in this area would pollute the entire St. Johns River waterway network, producing contamination to the entire Central Florida metropolitan region. This would be devastating not only ecologically, but more important to the health of countless Central Florida residents whose water supply is dependent on localized wells. The entire city of Yalaha depends on localized wells. There is no city water supply. Therefore, the contamination of the water would result in very serious health impacts to the residents of Yalaha as well as countless residents across the entire Central Florida region who depend on clean well water. Such a devastation situation would undoubtedly lead to very costly litigation and waterway infrastructure for the development company and cleaning efforts that would have astronomical costs due to impact across the entire Central Florida region.

OVER →



## Attachment "F" – Letter of Concern (Page 2 of 2)

- 3) The proposed development with 500 homes would create at least an estimated 1000 person traffic addition to the 48 road, based on a modest estimate of 2 people living in each home. The 48 would be impacted in an untenable way such that bumper to bumper traffic would occur along the 48 in both directions all the way from the 27 in Leesburg to the 441 in Tavares. With one lane in each direction, the 48 is not built to handle this additional traffic and there are no alternate avenues that Yalaha residents would be able to use to procure basic services such as supermarkets and gas stations. If there is a blockage due to untenable traffic, emergency vehicles would be unable to pass, creating life threatening situations. The 48 would therefore need to be expanded, widened to 2 lanes in each direction, again, requiring the developer to absorb these exorbitant costs along the entire length of the 48 from Leesburg at the 27 to Tavares at the 441, which accounts for in excess of 20 miles.
  
- 4) City water is not available in Yalaha. The developer would need to pay to drive city water from Leesburg or Tavares across the 20 mile distance to provide basic service to the proposed development. The land on which the 20 mile route sits is all privately owned with varying right of ways, indicating that at multiple points throughout this route, it may become necessary for the developer to have already purchased adjoining lands that landowners may be unwilling to sell to the developer. The developer would be required to absorb the cost of the 20 mile water provision routing as well as the purchase price of multiple adjoining lands to the 20 mile route.
  
- 5) The community landscape of Yalaha is rural country with the majority of landowners owning large single home parcels of over one acre each and many owning very large acreage. There are no suburban developments in this area. The closest one is the Legacy of Leesburg with full access to the major 27 road in Leesburg. That community along with all the other Pringle development communities on the 27 depend on well established water system and sewer treatment plants built years ago and paid for by the city and county. By altering the entire community of Yalaha landscape with the proposed development with no commensurate existing infrastructure resources to rely on, the developer would be required to single-handedly incur the huge costs of any and all known infrastructure ventures as well any unexpected and costly additional concerns that may arise since none of the essential city and county resources are available in the existing community landscape of Yalaha.

Because these impacts are expected to be both extremely costly for the developer as well as potentially imminently hazardous requiring expensive abatement procedures across the entire St Johns River waterway in Central Florida, it is of utmost importance that the concerns above be addressed and resolved by the developer prior to progress on this project.

- The Landowners of the town of Yalaha

## Attachment "G" – Letter of Concern

Re: Drake Point Development



Caren <leasing@cfl.rr.com>  
To Johnson, Emily

Reply Reply All Forward

Wed 5/4/2022 9:05 AM

If there are problems with how this message is displayed, click here to view it in a web browser.  
[Click here to download pictures.](#) To help protect your privacy, Outlook prevented automatic download of some pictures in this message.

**CAUTION:** This email originated from outside of your organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning Emily,

From what I understand, the Drake point is going to ask for an extension until the 6/1 meeting. I have a comment for the next meeting.

Since the plant they want to build will only service the Drake Point Project, I would like the builder to place the plant on the large parcel they are putting the houses on. I believe other projects in Leesburg have done this and even Bishops Gate handles their own sewer on site. As a bonus it will be cheaper for them not to have to pipe it down the street. And for the town people not to have an eye sore.

Thank you,  
Caren

On Apr 19, 2022, at 1:17 PM, Johnson, Emily <emjohnson@lakecountifl.gov> wrote:

Re: Drake Point Development



Caren <leasing@cfl.rr.com>  
To Johnson, Emily

Reply Reply All Forward

Wed 5/4/2022 2:05 PM

If there are problems with how this message is displayed, click here to view it in a web browser.  
[Click here to download pictures.](#) To help protect your privacy, Outlook prevented automatic download of some pictures in this message.

**CAUTION:** This email originated from outside of your organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Emily,

Thank you so much. Will you also add that Lake county recently repaved Lime Ave which borders the Drake point property. That maybe a good access point for the plant and is tucked away from the main road. Since we just build a new home here a few years ago, we are looking for the area to improve.

Thanks again,  
Caren

## Attachment “H” – Property Value Study (Page 1 of 8)



2300 CURLEW ROAD, Suite 201  
 PALM HARBOR, FLORIDA 34683  
 PHONE (727) 789-9500  
 [AUTH#6139 LB7345]  
[WWW.AVIDGROUP.COM](http://WWW.AVIDGROUP.COM)

**Property Value Study:**

December 16, 2021

The following report is intended to demonstrate that the proposed “The Falls at Drakes Point” subdivision will not cause a negative impact in property values.

**BASE STUDY AREA:**

---

The properties were chosen at random and analyzed for the short-term initial construction effects and long-term effects on property value from the completed subdivision. The subdivision that was chosen provides for a comparison that has double the proposed density of the proposed The Falls at Drakes Point subdivision. The base study area named Yalaha and is within proximity to The Falls at Drakes Point property.

In the base study as depicted in the table 1 below are three properties within the base study area. The property values increase from 2004 to 2006 at an average of 5%. The observed increase provides minimum growth. However, the numbers are only based on the small period of time from 2004 to 2006.

Table 1 – Short Term Base Area Growth				
Alternate Key	2004	2005	2006	Average Growth
3785088	\$136,207	\$140,293	\$144,501	6%
2667567	\$70,080	\$72,182	\$74,347	6%
3792976	\$389,929	\$391,280	\$403,018	3%

Further examination of the property values after a 17-year span (see Table 1.1), demonstrates widely different growth percentages ranging from as low as 27% up to 126%. Over the span of 17 years each property has different deteriorations or improvements that make the numbers differ so much; however, for the purpose of this study we are going to take the average percentage of those three properties to provide a stable percentage growth for the base study area. This will provide for a clear growth comparison when examining the proposed study area. based on this principle the average growth rate of the study area is 71%.

Table 1.1 Long Term Base Area Growth			
Alternate Key	2004	2021	Average Growth
3785088	\$136,207	\$173,021	27%
2667567	\$70,080	\$113,734	62%
3792976	\$389,929	\$884,691	126%

## Attachment “H” – Property Value Study (Page 2 of 8)

**STUDY AREA:**

---

The study area was selected based on similar conditions shared by The Falls at Drakes Point. The Falls at Drakes Point borders single family homes that are on large lots and built at low density along the north side of the property. While, to the south and southwest of The Falls at Drakes Point is denser subdivisions than those properties to the north of The Falls at Drakes Point. The selected study area provides for a large subdivision branded as “Trilogy” approximately 8 miles from The Falls at Drakes Point within the jurisdiction of Groveland; however, the property shares similar characteristics such as an allowable density of 4 dwelling units per buildable acre and being a gated community; however, the selected community is built out to the maximum 4 dwelling units an acre, where The Falls at Drakes Point is proposing 2.4 dwelling units an acre. The property also borders low-density development to the north, south, and east. Study properties have been chosen at random within the study boundary As seen in Figure 3 below. Trilogy started construction in 2005 and as of today is built out. The study will focus on pre and post development from 2004 to 2007 property values for the property, as seen in table 2 below.

Table 2 – Short Term Base Area Growth					
Alternate Key	2004	2005	2006	2007	Average Growth
1360111	\$69,813	\$71,907	\$74,064	\$75,915	2.8%
1801893	\$125,941	\$133,179	\$158,269	\$161,539	8.5%
2576766	\$138,088	\$142,230	\$146,496	\$150,158	3.7%

Additionally, property values will be calculated based on total percentage of increase from 2004 to 2021 as seen in table 2.1 below. The data for the property value is calculated based on assessed property value obtained from Lake County Tax Collector (see attached tax bills for each property in the study). Figure 2 illustrates and aerial dated 2004, the aerial shows the overlay of the future subdivision streets but at that time the subdivision was still in the permitting stage. In 2005 the site broke ground and was constructed in 6 phases. It took 17 years to be built out (the subdivision website indicates the community is built out). Figure 3 demonstrates today's conditions.

Table 2.1 Long Term Study Area Growth			
Alternate Key	2004	2021	Average Growth
1360111	\$69,813	\$96,626	38%
1801893	\$133,179	\$355,716	167%
2576766	\$138,088	\$191,907	38.9%

## Attachment “H” – Property Value Study (Page 3 of 8)

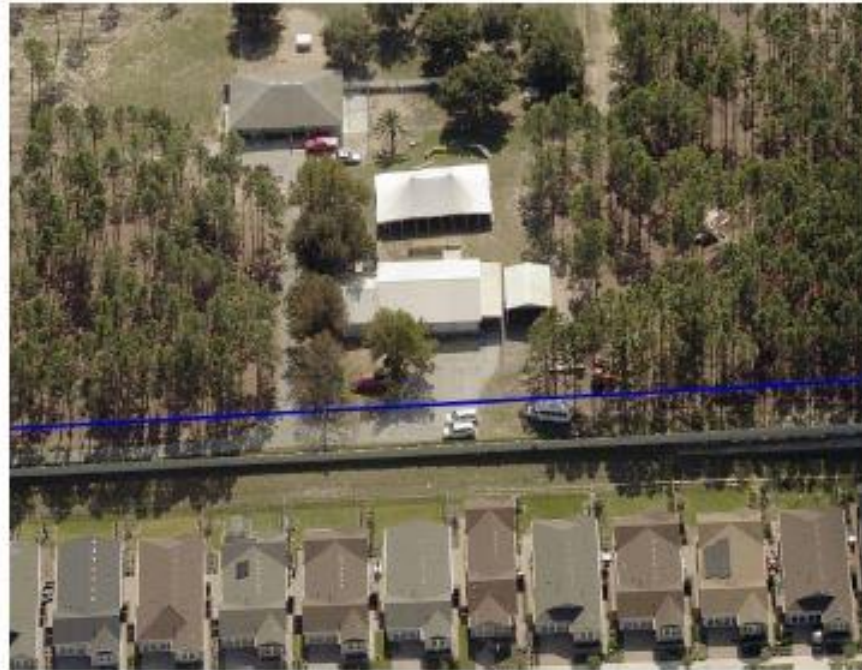
### INDIVIDUAL PROPERTY EVALUATION OF STUDY AREA:

The first case study is identified by Alternate key # 1360111 (see street image below) the property is improved, with a single-family home and is located between the subdivision “Trilogy” and Florida’s Turnpike. The original assessed value in 2004 was 40,126. From 2004 to 2005 the property increased in value by 3%, again in 2006 by 3%, and in 2007 2.5%; however, as of 2021 the property assessed value has increased 35% (\$26,813). The short-term period from 2004 to 2007 does not identify a negative impact to the property values as the increase at a nominal rate each year during the beginning phase of construction to the Trilogy subdivision. The property value increase has been stable with no significant negative impact identified from 2004 to 2021.



The Second case study is identified by Alternate key # 1801893 (no street view available, see aerial next page) the property is improved, with a single-family home and is located on the south side of the Trilogy subdivision (phase 6). The image on the next page identifies the proximity to the subdivision. Mass grading of phase 6 did not begin until mid-2006. The original assessed value in 2004 was 125,941, and from 2004 to 2005 the property value increased 5.7%. From 2005 to 2006 the property increased in value by 18% and in 2007 by 2%; However, as of 2021 the property assessed value has increased 167% (\$222,537). The short-term period from 2005 to 2007 does identify a slowdown in value growth to the property; however, while there was a slowdown in growth between 2006 and 2007 the property did begin to increase in value between 2007 - 2021 delivering an increase of 167% property value.

## Attachment "H" – Property Value Study (Page 4 of 8)



The third case study is identified by Alternate key # 2576766 (see street view next page) the property is improved, with a single-family home and is located on the southeast side of the Trilogy subdivision (phase 6). Mass grading of phase 6 did not begin until mid-2006. The original assessed value in 2004 was 138,088. From 2004 to 2005 the property increased in value by 5.7%, in 2006 by 3%, and in 2007 by 2.5%; However, as of 2021 the property assessed value has increased 35% (\$49,677). The short-term period from 2004 to 2007 does identify a slowdown in value growth to the property; however, while there was a slowdown in growth between 2004 and 2007 the property does show an overall increase in value between 2004 - 2021 delivering an increase of 35% property value.



## Attachment "H" – Property Value Study (Page 5 of 8)

### Conclusion of Case Studies:

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The properties that were chosen at random were analyzed for the short-term initial construction effects on value and long-term effects from the completed subdivision. The subdivision that was chosen provides for a comparison that has double the proposed density of the proposed "The Falls at Drakes Point" subdivision. The properties above showed little to no impact by the initial construction of the adjacent subdivision "Trilogy". The provided data does reveal a decrease in property values for 3-4 years after 2007, which is contributed to the housing market bust that led to a recession. Expanding the value analysis to identify the change in value from 2004 to 2021 illustrates overall growth while taking in the effects of the recession. The long-term growth of the study area shows a rate of property value growth of 81.3%, while the Base study area in the same time frame showed a growth rate of 71%. The data demonstrates a higher growth rate adjacent to the new subdivision than the properties not adjacent to a new subdivision. During the study the properties in the study area ranged largely based on their unique features, it can be concluded that when all homes are taken into account in each study area, that growth rate would likely be similar. This would lead to the conclusion that the property values would have nominal value increase next to a new subdivision or have no projected impact.

Sincerely,  
AVID Group



Evan Futch, AICP  
Planner

# Attachment "H" – Property Value Study (Page 6 of 8)

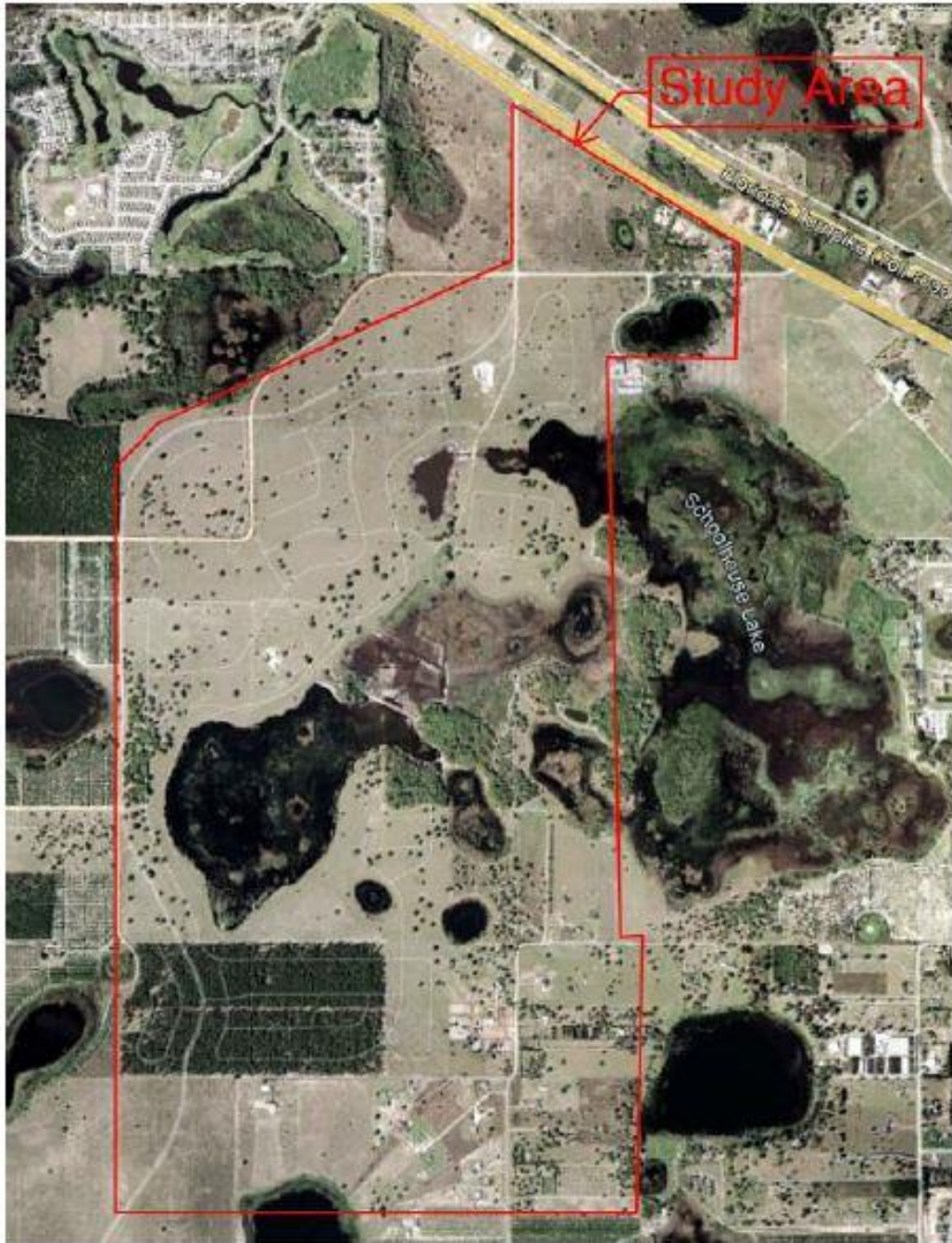
## Base Study Area (Figure 1)





# Attachment "H" – Property Value Study (Page 7 of 8)

2004 (Figure 2)  
Pre-development



Attachment "H" – Property Value Study (Page 8 of 8)

2021 (Figure 3)



## Attachment "I" – Division of Historical Resources Comments



### FLORIDA DEPARTMENT OF STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

Lake County Office of Planning & Zoning  
P.O. Box 7800  
315 W. Main Street, Suite 510  
Tavares, FL 32778

August 2, 2022

Re: DHR Project File No. 2022-5312  
Historic Preservation Review of the proposed Lake County Comprehensive Plan FLUM Amendment 22-04ESR; FLU-21-05-3 Drake Pointe PUD [Rural Transition to Planned Unit Development FLUC]

To Whom It May Concern:

According to this agency's responsibilities under Section 163.3184(3)(b) *Florida Statutes*, we reviewed the above document to determine if proposed plan elements may adversely impact significant historic resources.

We would like to note that, according to the Florida Master Site File (FMSF), both archaeological site 8LA5024, Drake Site, and the historical district 8LA5010, Florida Fruit Company, are located within the boundaries of the above referenced amendment location. These resources were previously found by this office to be eligible for listing in the National Register of Historic Places (NRHP). According to the information provided, it is our understanding that the amendment only involves a change in land use designation and not any specific ground-disturbing activity. However, we recommend that any future development plans should be sensitive to avoiding potential adverse impacts to Site 8LA5024, District 8LA5010 and any other resources.

For any questions concerning our comments, please contact Jennifer Tobias, Historic Sites Specialist, at [Jennifer.Tobias@dos.myflorida.com](mailto:Jennifer.Tobias@dos.myflorida.com).

Sincerely,

Handwritten signature of Kelly L. Chase in blue ink, with the word "For" written below it.

Alissa S. Lotane  
Director, Division of Historical Resources and State Historic Preservation Officer

Division of Historical Resources  
R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399  
850.245.6300 • 850.245.6436 (Fax) • FLHeritage.com



## Attachment “J” – FWCC Comments (Page 1 of 2)

**From:** [Irving, Robert](#)  
**To:** [Johnson, Emily](#)  
**Cc:** [Conservation Planning Services; DCPexternalagencycomments@deo.myflorida.com](#)  
**Subject:** FWC's Comments on Lake County 22-04ESR (FLU-21-05-3 Drake Point PUD)  
**Date:** Wednesday, August 10, 2022 2:48:00 PM

**CAUTION:** This email originated from outside of your organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Johnson,

Florida Fish and Wildlife Conservation Commission (FWC) staff received your request for review of the proposed comprehensive plan amendment. We have no comments, recommendations, or objections related to listed species and their habitat or other fish and wildlife resources to offer on this amendment. While there are no objections to the amendment, the following general technical assistance information is provided to assist the applicant and the county when considering the potential for impacts to state-listed species. FWC staff strongly recommends early planning coordination meetings if impacts to state-listed species and their habitat are expected. To schedule a coordination meeting, please contact our office by email at [ConservationPlanningServices@MyFWC.com](mailto:ConservationPlanningServices@MyFWC.com) and staff will be happy to meet with the applicant, county, or Department of Economic Opportunity staff.

If on-site wildlife surveys have not yet been conducted, they are considered as the most reliable method for determining the presence of listed species or potential habitat. Species-specific surveys are time sensitive and are best conducted by trained wildlife biologists with recent documented experience. Species-specific survey protocols approved by the U.S. Fish and Wildlife Service (USFWS) and the FWC are provided in the Florida Wildlife Conservation Guide at <https://myfwc.com/conservation/value/fwcc/> or in the FWC Species Conservation Measures and Permitting Guidelines available at <https://myfwc.com/wildlifehabitats/wildlife/species-guidelines/>.

There are several public data sources and online tools available that may be useful during preliminary reviews before conducting field surveys. For example, the Florida Natural Areas Inventory (FNAI) Biodiversity Matrix Map Server (<https://www.fnai.org/biointro.cfm>) which provides access to rare species occurrence information statewide, FWC Gopher Tortoise Permit Map (<https://public.myfwc.com/maps/gtmapping/gtpermitmap.html>), and the USFWS's Information for Planning and Consultation (IPaC) system (<https://ecos.fws.gov/ipac/>). Natural resource mapping data downloads, including listed species data, are available at <https://geodata.myfwc.com/pages/upland> and the Florida Geographic Data Library at <https://www.fgdl.org/metadataexplorer/explorer.jsp>.

The liability to not impact or cause “take” of listed species, migratory wildlife, and other regulated species of wildlife is the responsibility of the applicant or developer associated with this site. Any interested party can refer to the Florida Administrative Code, 68A-27 for definitions of “take” and a list of species. If state-listed species are observed on-site, FWC staff are available to provide decision support information or assist in obtaining the appropriate permits. If federally-designated Critical Habitat or federally listed species are present, please contact the appropriate regional USFWS Ecological Service Office (<https://www.fws.gov/offices/Directory/ListOffices.cfm?statecode=12>).

## Attachment "J" – FWCC Comments (Page 2 of 2)

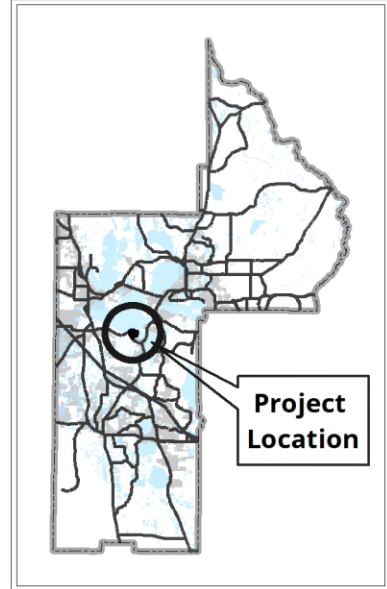
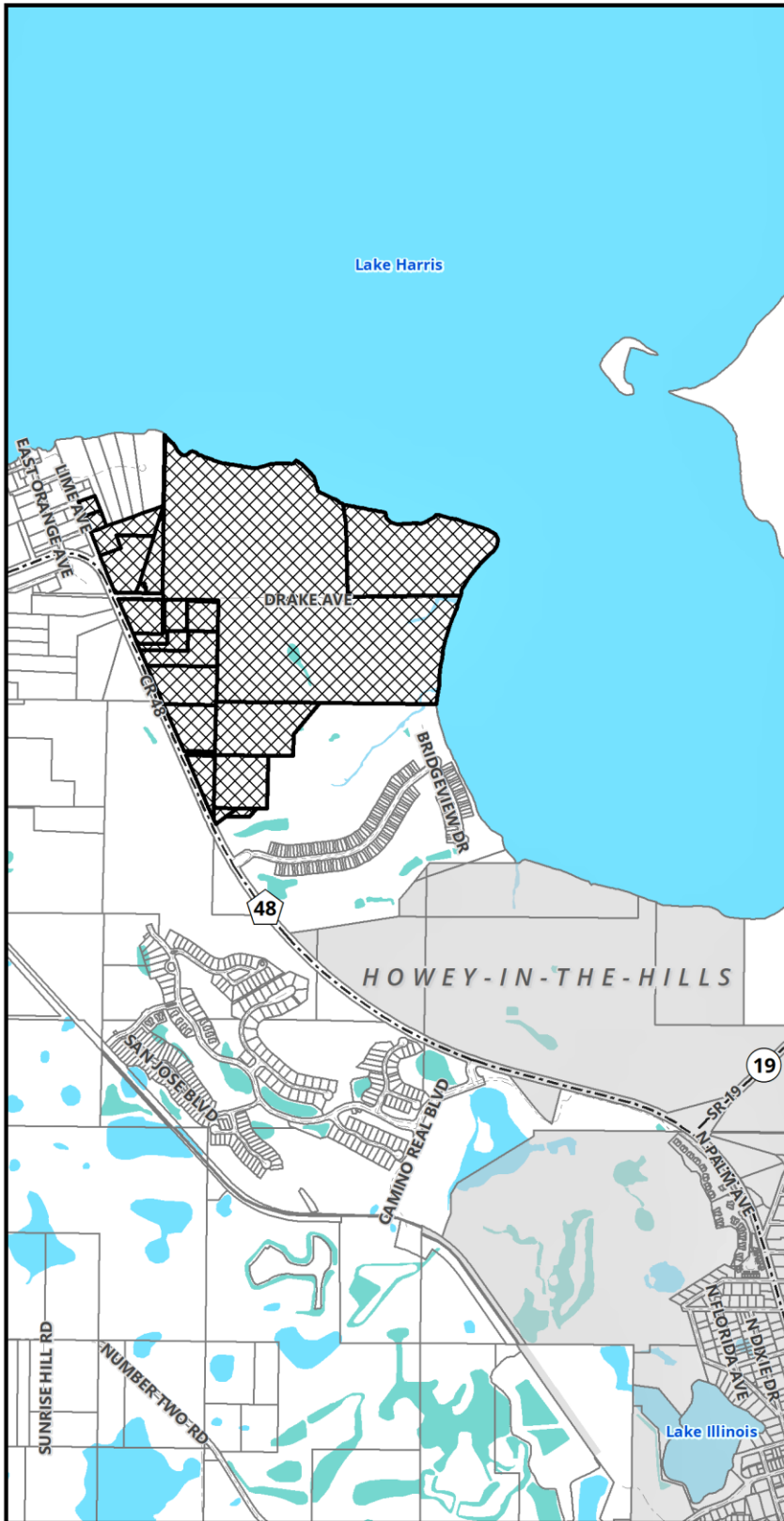
FWC staff appreciate the opportunity to review this project. Please send any requests for further information to [ConservationPlanningServices@MyFWC.com](mailto:ConservationPlanningServices@MyFWC.com)

Sincerely,

Robert Irving  
Land Use Planning Program Administrator  
Florida Fish and Wildlife Conservation Commission  
Phone: (850) 617-6034

Lake County\_22-04ESR\_49482

# Subject Property Map



# Aerial Map

RZ-21-19-3  
Drake Point Property



Agriculture (A) &  
Estate Residential (R-2)  
to  
Planned Unit  
Development (PUD)

**ORDINANCE 2022-\_\_**  
**Drake Pointe PUD**  
**RZ-21-19-3**

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

**WHEREAS**, Peter Pensa, AICP, AVID Group LLC (the “Applicant”) submitted a rezoning application on behalf of GPK Harris Lake LLC and New Era Construction Group LLC (the “Owners”), to rezone approximately 293.810 +/- acres from Agriculture (A) and Estate Residential (R-2), and establish a Planned Unit Development (PUD) to accommodate a 535-lot single-family residential subdivision, marina with restaurant and limited retail uses, and recreational facilities; and

**WHEREAS**, the subject property consists of approximately 293.810 +/- acres located northeast of County Road 48 and along Lake Harris, in the unincorporated Howey-in-the-Hills area in Sections 15 and 22, Township 20 South, Range 25 East, known as Alternate Key Number(s) 1226155, 3450221, 1242371, 3815464, 1371961, 3827817, 1517389, 3855902, 1535972, 3878118, 1673801, 1792304, 1792312, 3827816, 2923989, 2923962, 1792291, 3016050, 2704381, 1803411, and 1803403, and more particularly described in Exhibit “A”; and

**WHEREAS**, the property is located within the Planned Unit Development Future Land Use Category, as designated by Ordinance 2022-\_\_\_; and

**WHEREAS**, the Lake County Planning and Zoning Board did on the 12th day of October 2022, review Petition RZ-21-19-3; after giving Notice of Hearing on petition for a change in the use of land, including notice that the Ordinance would be presented to the Board of County Commissioners of Lake County, Florida, on the 1st day of November 2022; and

**WHEREAS**, the Board of County Commissioners reviewed the petition, the recommendations of the Lake County Planning and Zoning Board, 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 Planned Unit Development (PUD) for the property described in Exhibit “A”. The uses of the property will be limited to those uses specified in this Ordinance and generally consistent with the Conceptual Plan attached as Exhibit “B”. To the extent there are conflicts between Exhibit “B” and this Ordinance, this Ordinance will take precedence.

**A. Permitted Land Uses.**

1. A maximum of 535 single-family residences may be developed on the subject property, at a maximum density of 2.31 dwelling unit(s) per net acre. A mandatory homeowners association must be established.
2. Marina with restaurant and alcohol sales.



- 1                                 3. Convenience retail.
- 2                                 4. Recreational facilities.
- 3                                 5. Accessory uses to the residential development are permitted and may include community
- 4   pool, clubhouse, or other recreation areas.
- 5                                 6. Accessory uses directly associated with the above uses may be approved by the County
- 6   Manager or designee.
  
- 7                                 Any other use of the site not specified above will require approval of an amendment to this
- 8   Ordinance by the Board of County Commissioners.

9                                 **B. Open Space, Impervious Surface Ratio, and Building Height.**

- 10
- 11                                 1. A minimum of forty-six percent (46%) of the subject property acreage must be dedicated in
- 12   perpetuity for preservation as common open space using a conservation or open space
- 13   easement, or plat restrictions. The homeowners' association shall be responsible for
- 14   maintaining the open space.
  
- 15                                 2. The maximum Impervious Surface Ratio (ISR) for the entire subdivision is fifty-five percent
- 16   (55%), and is consistent with the Comprehensive Plan, as amended. Individual lots may be
- 17   developed at a higher ISR if the Developer demonstrates that the overall ISR of the
- 18   development will not exceed 0.55.
  
- 19                                 3. The maximum building height will be forty (40) feet.
- 20
- 21                                 4. All other development standards must be in accordance with the Comprehensive Plan and
- 22   Land Development Regulations, as amended.

23                                 **C. Setbacks and Development Standards.** The minimum development standards for residential

24   development will be as follows:

- 25                                 1. 50-foot-wide lots:
- 26   a) Minimum house size: 1,700 square feet, excluding the garage
- 27   b) Minimum 10-foot ceiling height for all bottom floors
- 28   c) Minimum lot size shall be 8,000 square feet
- 29   d) Minimum lot width: 50 feet
- 30   e) Minimum depth: 160 feet
- 31   f) Minimum building setbacks:
- 32   Front:             25 feet;
- 33   Rear:             50 feet from seawall or 5 feet from property line, whichever is greater;
- 34   Side:             5 feet;
- 35   Corner Side: 15 feet.
- 36   Porch:            14 feet (porch must be a minimum width of 6 feet and front porch is
- 37   required to be covered).
- 38   g) All driveways, walkways, and pool decks shall be constructed with a complimentary
- 39   brick paver material.
- 40   h) Tile or metal material roofs shall be utilized.
- 41   i) Waterfront lots shall maintain an environmental swale at the rear of the property to
- 42   prevent direct water/fertilizer runoff from entering the waterbody.

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2. 65-foot-wide lots:
    - a) Minimum house size: 1,800 square feet, excluding the garage
    - b) Minimum - dimensional architectural shingle roof
    - c) Minimum lot size shall be 7,800 square feet
    - d) Minimum lot width: 65 feet
    - e) Minimum lot depth: 120 feet
    - f) Minimum building setbacks:
      - Front: 25 feet
      - Rear: 5 feet
      - Side: 7.5 feet
      - Corner Side: 15 feet
      - Porch: 14 feet (porch must be a minimum width of 6 feet)
  3. 75-foot-wide lots:
    - a) Minimum house size: 2,700 square feet, heated square feet
    - b) Minimum 10-foot ceiling height for all bottom floors
    - c) Minimum lot size shall be 11,250 square feet
    - d) Minimum lot width: 75 feet
    - e) Minimum lot depth: 150 feet
    - f) Minimum building setbacks:
      - Front : 25 feet
      - Rear: 5 feet
      - Side: 7.5 feet
      - Corner Side: 15 feet
      - Porch: 14 feet (porch must be a minimum width of 6 feet)
    - g) All driveways, walkways, and pool decks shall be constructed with a complimentary brick paver material
    - h) Tile or metal material roofs shall be utilized
    - i) Docks shall be covered with composite decking material
    - j) Waterfront lots shall maintain an environmental swale at the rear of the property to prevent direct water/fertilizer runoff from entering the waterbody
  4. All setbacks must be measured from the property line.
  5. The minimum wetland setback is 50-feet from jurisdictional wetland line.
  6. Any setback not specified must be in accordance with the Land Development Regulations (LDR), as amended.

**D. Architectural Design Standards.**

1. All structures:
  - a) Along each street, homes with the same architectural design shall not be immediately adjacent (side-by-side) or directly across from a lot with the same design. Facades may be varied to meet this requirement.
  - b) Each residential structure shall have a minimum two-car garage. Garages shall provide for craftsman-style garage doors on canal & lakefront lots (excluding 65-foot-wide lots).
  - c) Minimum distance between structures shall be 10 feet; measured from building wall to building wall, and the combined roof overhang of two adjacent structures shall not

- 1 exceed forty (40) percent of the distance between the building wall and the property  
2 line.
- 3 d) Maximum building height: two and one-half (2.5) stories or 40 feet to the mean height  
4 level between eaves and ridge for gable, hip, and gambrel roofs.
- 5 e) Privacy fencing shall be limited to a maximum height of 6 feet from and allowed from  
6 the face of the home to the rear of the lot. Fence material shall be vinyl with a tan finish.
- 7 f) The following standard applies to 65-foot-wide and 75-foot-wide lots: Accessory  
8 structures shall have a minimum rear and side setback of 5 feet and single accessory  
9 structures that are not attached to the principal structure shall not occupy more than  
10 30 percent of the required rear yard.
- 11 g) The following standard applies to 65-foot-wide and 75-foot-wide lots (50-foot-wide lots  
12 require the standard side and rear setbacks to be applied): Attached screened  
13 enclosures (no solid roof) must maintain a minimum setback of seven and a half (7.5)  
14 feet from the side, and five (5) feet from the rear property line. Attached swimming pool  
15 screened enclosure shall also maintain the same minimum setbacks from the side and  
16 rear property lines.
- 17 h) Solid roof structures attached to the residence must meet the required rear setback as  
18 noted under "Minimum building setbacks."
- 19 i) As part of the site plan approval process, County staff shall review final site design  
20 standards in accordance with the approved PUD zoning conditions set forth herein.
- 21 j) All buildings shall utilize at least three (3) of the following design features to provide  
22 visual relief along all elevations of the single-family units. Designs may vary throughout  
23 the development.
- 24 1) Dormers
- 25 2) Gables
- 26 3) Recessed or raised entries
- 27 4) Covered porch entries
- 28 5) Cupolas
- 29 6) Pillars or decorative posts
- 30 7) Bay window (minimum 12-inch projections)
- 31 8) Eaves (minimum 6-inch projections)
- 32 9) Front windows with arched glass tops and minimum 4-inch trim.
- 33 10) Garage vehicle doors shall incorporate the following elements: raised decorative  
34 panels, decorative glass panels or panes, decorative hinges, etc.

- 1 11) Front doors shall incorporate the following decorative elements: raised decorative
- 2 panels, decorative glass panels or panes, decorative handles, etc.
  
- 3 12) Stone accents
  
- 4 13) Shutters
  
- 5 14) Board and batten siding
  
- 6 15) Hardy board siding
  
- 7 16) Raised banding
  
- 8 17) Craftsman style garage doors
  
- 9 k) Exterior building materials contribute significantly to the visual impact of a building on
- 10 the community. These materials shall be well designed and integrated into a
- 11 comprehensive design style for the project. The total exterior wall area of each building
- 12 elevation shall be composed of one of the following:
  - 13 1) At least thirty-five (35) percent full-width brick or stone (not including window and
  - 14 door areas and related trim areas), with the balance being any type of lap siding and/or
  - 15 stucco.
  
  - 16 2) At least thirty (30) percent full-width brick or stone, with the balance being stucco
  - 17 and/or a "cementitious" lap siding. (A "cementitious" lap siding product is defined as a
  - 18 manufactured strip siding composed of cement-based materials rather than wood fiber-
  - 19 based or plastic-based materials. For example, Masonite or vinyl lap siding would not
  - 20 be allowed under this option.).
  
  - 21 3) All textured stucco, provided there are unique design features such as recessed
  - 22 garages, tile or metal roofs, arched windows, porches, etc. in the elevations of the
  - 23 buildings or the buildings are all brick stucco.
  
- 24 l) A variety of roof heights, pitches and materials will be encouraged.
  
- 25 2. Building Design:
  - 26 a) Single-Family Residential (SFR) units shall be designed utilizing Craftsman, Bungalow,
  - 27 Florida Cracker/Low Country, or Southern Living (front porch) architectural design
  - 28 standards which shall require a variety of architectural features and materials such as
  - 29 stone, stucco, craftsman columns, porches, metal roofs, tile, shutters, decorative
  - 30 doors, etc. to achieve each architectural style; the goal is to achieve "custom" home
  - 31 design. Fifty (50) percent of the SFR units shall have a covered front porch consistent
  - 32 with the Craftsman, Bungalow, Florida Cracker/Low Country, or Southern Living (front
  - 33 porch) style architectural design, unless enhanced by brick or stone home.
  
  - 34 b) Minimum structure size shall be 1,700 square feet living area (heated and air-
  - 35 conditioned space).
  
  - 36 c) Either side-load or front-load garage design may be utilized. All SFR units shall be
  - 37 designed and built with a 2-car garage minimum.

- 1                                   d) Conversion of garage into living space shall be prohibited.
- 2                                   e) All exterior colors shall be predominantly earth tones.
- 3                                   f) At least 34 of the lots shall be designed by custom homebuilders.
- 4                                   3. Front yard fencing shall be limited to 4-feet in height.
- 5                                   4. RV storage on lots with or without a SFR unit is prohibited.
- 6                                   5. The Architectural Design Standards above shall be included in the homeowners' governing
- 7                                   documents for the community and shall be enforced by the homeowners' association for
- 8                                   the property. Lake County shall have the right, but not the obligation, to enforce such
- 9                                   provisions.
- 10                                  6. All areas of the Planned Unit Development shall maintain a grass height of 12-inches or
- 11                                  less until such time as the PUD fully develops.

**E. Bear Management.**

- 13                                  1. Homeowners shall be required to use County approved, bear-resistant garbage carts, if
- 14                                  available. If bear resistant garbage carts are not available, regular carts shall be modified
- 15                                  to be bear or keeping cans in a secured location.
- 16                                  2. Homeowners shall not have bird and wildlife feeders that are not modified to exclude bears.
- 17                                  3. Homeowners shall be placed on notice that they are purchasing a property within an area
- 18                                  known for Florida Black Bear habitat. New homeowners shall be given information
- 19                                  published by the Florida Fish and Wildlife Conservation Commission regarding living
- 20                                  among the Florida Black Bear and ways to reduce encounters.
- 21                                  4. All PUD requirements regarding the Florida Black Bear management shall be included in
- 22                                  the homeowners' governing documents for the community and shall be enforced by the
- 23                                  homeowners' association for the property. Lake County shall have the right, but not the
- 24                                  obligation, to enforce such provisions.

**F. Landscaping, Buffering, and Screening.**

- 26                                  1. Perimeter buffers shall consist of canopy and understory trees and plants utilizing 100%
- 27                                  Florida native plant materials from the IFAS list. Exotic/invasive species shall be removed.
- 28                                  Existing vegetation located along the perimeter of the PUD may be used to count towards
- 29                                  the minimum perimeter landscaping requirement. In an effort to establish sustainable
- 30                                  gardening practices, the development shall incorporate landscaping with regionally
- 31                                  native plants that are highly attractive to pollinators, such as butterflies, hummingbirds,
- 32                                  bees, and other pollinators, in accordance with published recommendations and guidance
- 33                                  from UF/IFAS, the Florida Native Plant Society or other similar industry organizations and
- 34                                  academia. In order to have flexibility to design the landscaping in line with best practices
- 35                                  for pollinator plants, no minimum or maximum percentages on the final landscaping plan
- 36                                  shall be required for such pollinator communities.
- 37                                  2. Best Management Practices for native landscaping and "right plant-right place" landscaping
- 38                                  techniques shall be utilized in the design and installation of invasive exotic plant species in

- 1 all landscape plantings is prohibited.
- 2 3. The HOA shall manage buffer areas in accordance with a management plan that protects
- 3 native habitats and limits the proliferation of nuisance/exotic vegetative species. A copy of
- 4 the management plan will be provided to the County.
- 5 4. Smart Irrigation Best Management Practices shall be utilized for all landscape irrigation and
- 6 shall incorporate soil moisture and rain sensors into the irrigation design.
- 7 5. Landscaping and screening shall be in accordance with the Comprehensive Plan and Land
- 8 Development Regulations (LDR), as amended.
- 9 6. The HOA shall be responsible for maintaining a preferred vendor list that has the required
- 10 training for both the HOA lawn maintenance contractor and independent home
- 11 contractors. Vendors shall provide the HOA with completion of training certificates for
- 12 "Florida Friendly Best Management Practices for Protection of Water Resources by the
- 13 Green Industries". Should a homeowner use services by other vendors, the certificate of
- 14 training must be provided to the HOA prior to first service of the property. To bring
- 15 awareness of pesticide, fertilizer and vegetative debris being disturbed into storm basins,
- 16 each basin shall be labeled with a warning sign/medallion and violations may be
- 17 administered by the HOA and/or Lake County. Literature shall be provided in the main
- 18 clubhouse to educate residents on the best management practices of lawn care and be
- 19 included as part of any HOA newsletter.

20 **G. Environmental Requirements.**

- 21 1. An environmental assessment dated within six (6) months of the date the preliminary plat
- 22 is submitted will be required to demonstrate the presence of vegetation, soils, threatened
- 23 and endangered species that may exist on the site. Any State permitting or mitigation will
- 24 be required before development can commence compliance in accordance with the
- 25 Comprehensive Plan and LDR, as amended.
- 26 2. The developer shall:
  - 27 a) Apply for the Florida Department of Environmental Protection's Florida Clean Marina
  - 28 Program, a voluntary designation program with a proactive approach to environmental
  - 29 stewardship; and
  - 30 b) Use all best efforts to gain and maintain certification to be designated as a Clean
  - 31 Marina under such program.

32 **H. Noise.** Compliance must be in accordance with the Land Development Regulations (LDR) as

33 amended.

34 **I. Transportation.**

- 35 1. All access management shall be in accordance with the Comprehensive Plan and Land
- 36 Development Regulations (LDR), as amended.
- 37 2. Additional right-of-way for CR 48 will be required.

- 1                                 3. Turn lanes will be required on CR 48 at the development's access locations.
- 2                                 4. Sidewalks will be required per Land Development Regulations Commercial Design
- 3   Standards, as amended.
- 4                                 5. The site shall design, permit, and construct the Central Lake Trail along the development's
- 5   CR 48 frontage. If additional right-of-way is required to accommodate the trail, then the
- 6   development shall dedicate the required right-of-way.

7                                 **J. Future Road Maintenance.**

- 8                                 1. If the subdivision roads are public roads, future road maintenance will be funded using a
- 9   municipal service taxing unit (MSTU), or municipal service benefit unit (MSBU) as
- 10   authorized under Section 125.01(1)(q), Florida Statutes. Before or concurrent with any
- 11   final plat or site plan approval, the Owner shall provide any documentation required by the
- 12   County to impose an MSTU or MSBU, at the County's discretion, on the platted or
- 13   commercial lots. Additionally, the Owner acknowledges and agrees that the MSTU or
- 14   MSBU shall be collected as a non-ad valorem assessment using the uniform method of
- 15   collection set forth under Section 197.3632, Florida Statutes.
- 16                                 2. In the event that a roundabout is established at the main entrance of the development from
- 17   County Road 48, the developer may, at its cost and expense, install and maintain
- 18   landscaping, directional signage and lighting in the roundabout to match the aesthetic and
- 19   quality of the project's entrance features; provided the developer shall be responsible for
- 20   first obtaining any right of way maintenance or other agreements necessary from the
- 21   applicable governing agencies to permit the same. The HOA shall be required to maintain
- 22   any landscaping, signage or lighting installed by the developer in the roundabout.

23                                 **K. Stormwater and Floodplain Management.**

- 24                                 1. The stormwater management system shall be designed in accordance with all applicable
- 25   Lake County and St. Johns River Water Management District (SJRWMD) requirements,
- 26   as amended.
- 27                                 2. The Owner shall be responsible for any flood studies required for developing the site and
- 28   comply with FEMA, Comprehensive Plan and Land Development Regulations, as
- 29   amended. Any development within the floodplain as identified on the FEMA maps will
- 30   require compensating storage.

31                                 **L. Utilities.**

- 32                                 1. The development will be serviced by central water and sewer systems from an offsite
- 33   treatment facility to be built by the developer, in accordance with the Comprehensive Plan
- 34   and Land Development Regulations (LDR), as amended. Such offsite treatment facility
- 35   shall be privately owned and maintained in accordance with all local, state, and federal
- 36   regulatory guidelines. If, in the future, any local governing authority desires to take over
- 37   control and operations of the offsite treatment facility, the developer shall have the right to
- 38   negotiate the mutually agreeable terms of the same.
- 39                                 2. All homes constructed shall be Florida Water Star SM Program certified.

- 1                   **M. Annexation.** Owner agrees not to enter into any covenant with a municipality to annex which  
2                   alters the prerequisites of a voluntary annexation under Section 171.044, Florida Statutes.
- 3                   **N. Lighting.**
- 4                   1. All development will adhere to the dark-sky principles set forth in Section 3.09.00, Land  
5                   Development Regulations, as amended. These same provisions shall apply to individual  
6                   lot owners as well as to the common areas. In situations where Lighting Standards  
7                   conflict with Dark-Sky Principles, Dark-Sky Principles shall have precedence.
- 8                   2. All streetlighting must meet FDOT street lighting standards, dark sky, and warm white  
9                   glow correlated color temperature (CCT) not to exceed 3000k.
- 10                  3. All streetlighting shall be owned and maintained by the Community Development  
11                  District (CDD) or HOA, as applicable.
- 12                  **O. Signage.** All signage must be in accordance with the Land Development Regulations (LDR),  
13                  as amended.
- 14                  **P. Schools.** School Concurrency shall be met before final plat approval in accordance with the  
15                  Comprehensive Plan and Land Development Regulations (LDR), as amended.
- 16                  **Q. Concurrency Management Requirements.** Any development must comply with the Lake  
17                  County Concurrency Management System, as amended.
- 18                  **R. Gated Community.** The development may be gated in its entirety or in part. Roads and  
19                  thoroughfares located within any gated portion of the development shall be a private road  
20                  as defined in the Lake County Land Development Regulations, as amended. The gates  
21                  shall remain open from 10 AM to 5 PM - 7 days a week to allow the public to utilize the  
22                  onsite trails, recreational amenities, marina, restaurant, and other facilities, which may  
23                  include fees and charges for such use.
- 24                  **S. Community Development District.** Nothing precludes consideration for the establishment  
25                  of a community development district upon receipt of a petition and compliance with the  
26                  public hearing process and requirements in accordance with Chapter 190, Florida Statutes.  
27                  Further, any of the requirements hereunder may be financed by a community development  
28                  district, pursuant to Section 190.012(1)(g), (h), Florida Statutes.
- 29                  **T. Development Review and Approval.** Prior to the issuance of any permits, the Owner shall  
30                  submit a preliminary plat, construction plans, and final plat generally consistent with the  
31                  Conceptual Plan attached as Exhibit "B" for review and approval in accordance with the  
32                  Comprehensive Plan and Land Development Regulations (LDR), as amended.
- 33                  **U. PUD Expiration.** Physical development shall commence within three (3) years from the date of  
34                  this Ordinance approval. Failure to commence construction within three (3) years of approval  
35                  shall cause the revocation of this ordinance, in accordance with the Comprehensive Plan or  
36                  superseding documents, as amended. Prior to expiration of the three-year time frame, the  
37                  Board of County Commissioners may grant, via a Public Hearing, one (1) extension of the time  
38                  frame for a maximum of two (2) years upon a showing that reasonable efforts have been made  
39                  towards securing the required approvals and commencement of work. Notwithstanding the



1                   foregoing, if at any time the developer is granted an extension of time pursuant to Section  
2                   252.363, Florida Statutes, or Section 7-5, Lake County Code, to the preliminary plat,  
3                   construction plans, or final plat, commencement of physical development shall be equally  
4                   extended so long as the development is proceeding in good faith and does not allow the  
5                   originally extended development order to expire.

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

10 **Section 2.       Conditions.**

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

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

19                   **C.** This Ordinance will inure to the benefit of and will constitute a covenant running with the land  
20                   and the terms, conditions, and provisions of this Ordinance, and will be binding upon the present  
21                   Owner and any successor and will be subject to each condition in this Ordinance.

22                   **D.** 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                   good and aware of the conditions established by this Ordinance and agrees to be bound by  
25                   these conditions. The purchaser or lessee may request a change from the existing plans and  
26                   conditions by following procedures contained in the Land Development Regulations, as  
27                   amended.

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

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

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

1 **Section 5. Effective Date.** This Ordinance will become effective as provided by law.

2  
3 **ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

4  
5 **FILED** with the Secretary of State \_\_\_\_\_, 2022.

6  
7 **EFFECTIVE** \_\_\_\_\_, 2022.

8  
9

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

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**SEAN M. PARKS, CHAIRMAN**

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**ATTEST:**

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**GARY J. COONEY, CLERK OF THE  
BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA**

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**APPROVED AS TO FORM AND LEGALITY**

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\_\_\_\_\_  
**MELANIE MARSH, COUNTY ATTORNEY**

34

**Exhibit "A" – Legal Description**

PROPERTY ALTERNATE KEY NUMBERS:

1226155, 3450221, 1242371, 3815464, 1371961, 3827817, 1517389, 3855902, 1535972, 3878118, 1673801, 1792304, 1792312, 3827816, 2923989, 2923962, 1792291, 3016050, 2704381, 1803411, 1803403

A PARCEL OF LAND LYING IN SECTION 15 AND 22, TOWNSHIP 20 SOUTH, RANGE 25 EAST BEING DESCRIBED AS FOLLOWS:

COMMENCE AT NORTH QUARTER CORNER OF SAID SECTION 22 FOR A POINT OF REFERENCE; THENCE RUN NORTH 89°14'57" WEST ALONG THE SOUTH LINE OF THAT CERTAIN QUIT CLAIM DEED, RECORDED IN OFFICIAL RECORDS BOOK 5263, PAGE 681, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, 670.22 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 48; THENCE RUN THE FOLLOWING 4 COURSES ALONG SAID EASTERLY RIGHT-OF-WAY LINE, NORTH 23°24'43" WEST, 11531.02 FEET; THENCE RUN SOUTH 66°37'55" WEST, 16.97 FEET; THENCE RUN NORTH 20°18'28" WEST, 226.54 FEET; THENCE DEPARTING SAID EAST RIGHT-OF-WAY LINE OF COUNTY ROAD 48, RUN THE FOLLOWING 3 COURSES ALONG THE EAST RIGHT-OF-WAY LINE OF LIME AVENUE: NORTH 20°34'23" WEST, 201.94 FEET; THENCE RUN NORTH 20°00'00" WEST, 317.00 FEET; THENCE RUN NORTH 19°50'21" WEST, 405.58 FEET TO THE NORTH LINE OF QUIT CLAIM DEED RECORDED IN OFFICIAL RECORDS BOOK 4470, PAGE 2292 OF SAID PUBLIC RECORDS; THENCE RUN NORTH 69°59'13" EAST, ALONG SAID NORTH LINE, 210.05 FEET TO THE EAST LINE OF SAID QUIT CLAIM DEED; THENCE RUN SOUTH 19°51'32" EAST, ALONG SAID EAST LINE, 406.34 FEET TO THE SOUTHWEST CORNER OF LOT 3, A.J. PHARES YALAHA SUBDIVISION AS REFERENCED ON THE MAP OF DRAKE POINT PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 19 OF SAID PUBLIC RECORDS; THENCE RUN NORTH 70°07'30" EAST, ALONG THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF 622.19 FEET TO THE WEST LINE OF THE CERTAIN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 4452, PAGE 673 OF SAID PUBLIC RECORDS; THENCE RUN NORTH 02°08'18" EAST, ALONG SAID WEST LINE, 961.62 FEET TO A POINT ON THE 62.5 FOOT CONTOUR LINE, BEING THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION "SAFE UPLAND" LINE OF THE WATERS OF LAKE HARRIS, THENCE RUN ALONG SAID "SAFE UPLAND" LINE CONTOUR BEING APPROXIMATED BY THE FOLLOWING COURSES: SOUTH 48°13'31" EAST, 171.61 FEET, SOUTH 30°28'21" EAST, 198.50 FEET, SOUTH 89°28'36" EAST, 214.54 FEET, SOUTH 75°33'09" EAST, 163.02 FEET, SOUTH 64°37'20" EAST, 195.83 FEET, SOUTH 81°24'01" EAST, 185.82 FEET, SOUTH 83°21'55" EAST, 150.78 FEET, NORTH 82°35'47" EAST, 145.75 FEET, NORTH 88°37'02" EAST, 289.27 FEET, NORTH 82°48'31" EAST, 99.43 FEET, SOUTH 72°51'05" EAST, 124.28 FEET, SOUTH 49°04'35" EAST, 589.31 FEET, SOUTH 68°28'09" EAST, 696.95 FEET, SOUTH 83°52'42" EAST, 390.31 FEET, NORTH 79°30'03" EAST, 312.29 FEET, SOUTH 77°09'39" EAST, 405.31 FEET, SOUTH 64°24'04" EAST, 290.41, SOUTH 18°43'07" EAST, 72.17 FEET, SOUTH 32°23'54" WEST, 158.54 FEET, SOUTH 47°59'25" WEST, 306.08 FEET, SOUTH 34°28'28" WEST, 160.69 FEET, SOUTH 22°19'42" WEST, 170.42 FEET, SOUTH 02°47'59" EAST, 173.67 FEET, SOUTH 24°39'51" WEST, 379.39 FEET, SOUTH 20°53'09" WEST, 129.67 FEET, SOUTH 10°47'41" WEST, 262.36 FEET, SOUTH 04°51'48" WEST, 356.75 FEET, SOUTH 06°43'37" WEST, 125.96 FEET, POINT BEING 100.00 FEET EASTERLY OF THE NORTHEAST CORNER OF THE AFORESAID SECTION 22; THENCE RUN NORTH 89°32'11" WEST, 100.00 FEET TO THE NORTHEAST CORNER OF THE AFORESAID SECTION 22; THENCE RUN NORTH 89°32'11" WEST, ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 22, A DISTANCE OF, 1350.44 FEET; THENCE DEPARTING SAID NORTH LINE, RUN SOUTH 40°37'42" WEST, 872.91 FEET TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 22; THENCE RUN NORTH 89°23'03" WEST, ALONG SAID SOUTH LINE, 73.32 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 22; THENCE RUN SOUTH 01°02'44" WEST, THE EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 22, A DISTANCE OF 666.91 FEET TO THE SOUTHEAST CORNER OF SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE

1 NORTHEAST QUARTER OF SAID SECTION 22; THENCE RUN NORTH 89°13'56" WEST ALONG THE SOUTH  
2 LINE OF SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID  
3 SECTION 22, A DISTANCE OF 47.47 FEET TO THE CENTERLINE OF A DITCH, THENCE RUN THE FOLLOWING  
4 7 COURSES ALONG THE CENTERLINE OF SAID DITCH: SOUTH 31°25'16" WEST, 1.75 FEET, SOUTH  
5 62°36'34", 98.66', SOUTH 34°07'05" WEST, 113.15 FEET, SOUTH 67°31'03" WEST, 41.43 FEET, SOUTH  
6 72°42'59" WEST, 159.42, SOUTH 65°14'08" WEST, 143.37 FEET, SOUTH 76°24'55" WEST, 72.29 FEET TO A  
7 POINT ON THE AFORESAID EAST RIGHT-OF-WAY OF COUNTY ROAD 48, SAID POINT IS LYING ON A NON-  
8 TANGENT CURVE CONCAVE NORTHWESTERLY; THENCE RUN NORTHWESTERLY ALONG SAID NON-  
9 TANGENT CURVE HAVING A RADIUS OF 5679.57 FEET, A CENTRAL ANGLE OF 03°34'40", AN ARC LENGTH  
10 OF 354.66 FEET, A CHORD LENGTH OF 354.60 FEET, AND A CHORD BEARING OF NORTH 24°58'35" WEST  
11 TO A POINT; THENCE RUN NORTH 23°24'43" WEST, NON-TANGENT TO SAID CURVE, 677.51 FEET TO THE  
12 NORTH LINE OF TRACT "E", A REPLAT OF DRAKE POINT PARK, ACCORDING TO THE PLAT THEREOF AS  
13 RECORDED IN PLAT BOOK 10, PAGES 63A AND 63B OF SAID PUBLIC RECORDS THENCE RUN  
14 SOUTH 89°52'25" EAST, ALONG SAID NORTH LINE, 360.53 FEET; THENCE DEPARTING SAID NORTH LINE,  
15 RUN NORTH 01°07'49" EAST, 49.93 FEET TO THE SOUTH LINE OF TRACT "D", A REPLAT OF DRAKE POINT  
16 PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGES 63A AND 63B OF THE  
17 PUBLIC RECORDS; THENCE RUN NORTH 89°51'45" WEST ALONG THE SOUTH LINE OF SAID TRACT "D",  
18 383.19 FEET TO THE AFORESAID EAST RIGHT-OF-WAY OF COUNTY ROAD 48; THENCE RUN  
19 NORTH 23°24'43" WEST, 691.61 FEET TO THE POINT OF BEGINNING.  
20  
21 THE ABOVE DESCRIBED PARCEL OF LAND LIES IN LAKE COUNTY, FLORIDA AND CONTAINS 293.810 ACRES  
22 MORE OR LESS.  
23

