



PLANNING & ZONING BOARD

REZONING AGENDA

OCTOBER 1, 2014

Location & Time

Commission Chambers
County Admin. Building
315 West Main Street
Tavares, FL 32778-7800
P&Z: 9:00 a.m. 10/1/14
BCC: 9:00 p.m.10/28/14

The Lake County Planning & Zoning Board is an advisory board to the Board of County Commissioners (BCC). It is responsible for reviewing changes to the Comprehensive Plan, zoning, conditional uses, mining site plans, and making recommendations on these applications to the Board of County Commissioners. Planning & Zoning Board meetings are held the first Wednesday of each month.

The recommendations of the Planning & Zoning Board are transmitted to the Board of County Commissioners (BCC) for their consideration at a scheduled public hearing; these cases will be heard at the BCC hearing time, or soon thereafter.

Planning & Zoning Board Members

Paul Bryan, Chairman
(District 5)

Timothy Morris, Vice-Chairman,
(District 3)

Vacant (District 2)

Kathryn S. McKeeby
Secretary, (District 1)

Rick Gonzalez (District 4)

Debbie Stivender, School Board,
Representative

Kasey Kesselring, At-Large
Representative

Donald L. Heaton,
Ex-Officio, Non-Voting
Military Representative

Board of County Commissioners

Timothy I. Sullivan	District 1
Sean Parks	District 2
Jimmy Conner, Chairman	District 3
Leslie Campione	District 4
Welton G. Cadwell	District 5

County Staff

David Heath, County Manager
Sanford A. Minkoff, County Attorney
Erin Hartigan, Assistant County Attorney

Growth Management Department and other Staff

Amye King, AICP, Director, Department of Growth Management
Chris Schmidt, Manager, Division of Planning & Community Design
Steve Greene, AICP, Chief Planner, Division of Planning & Community Design
Melving Isaac, Planner, Division of Planning & Community Design
Rick Hartenstein, AICP, Senior Planner, Division of Planning & Community Design
Ross Pluta, Engineer III, Public Works

For any questions, comments, or concerns, please contact the Planning & Community Design Division at (352) 343-9641 or email planning@lakecountyfl.gov.

LAKE COUNTY PLANNING & ZONING BOARD
October 1, 2014
AND
LAKE COUNTY BOARD OF COUNTY COMMISSIONERS
October 28, 2014

- I. Pledge of Allegiance**
- II. Invocation**
- III. Agenda Update**
- IV. Minute Approval**
- V. Public Comment**
- VI. Consent Agenda**

The Consent Agenda contains items that are recommended for approval and that are not controversial. The Planning & Zoning Board/BCC will adopt the entire consent agenda in one motion if no one from the Board or audience has questions, concerns or objections. An item may be removed from the Consent Agenda for a full public hearing at the request of any Commissioner, staff member, or member of the public.

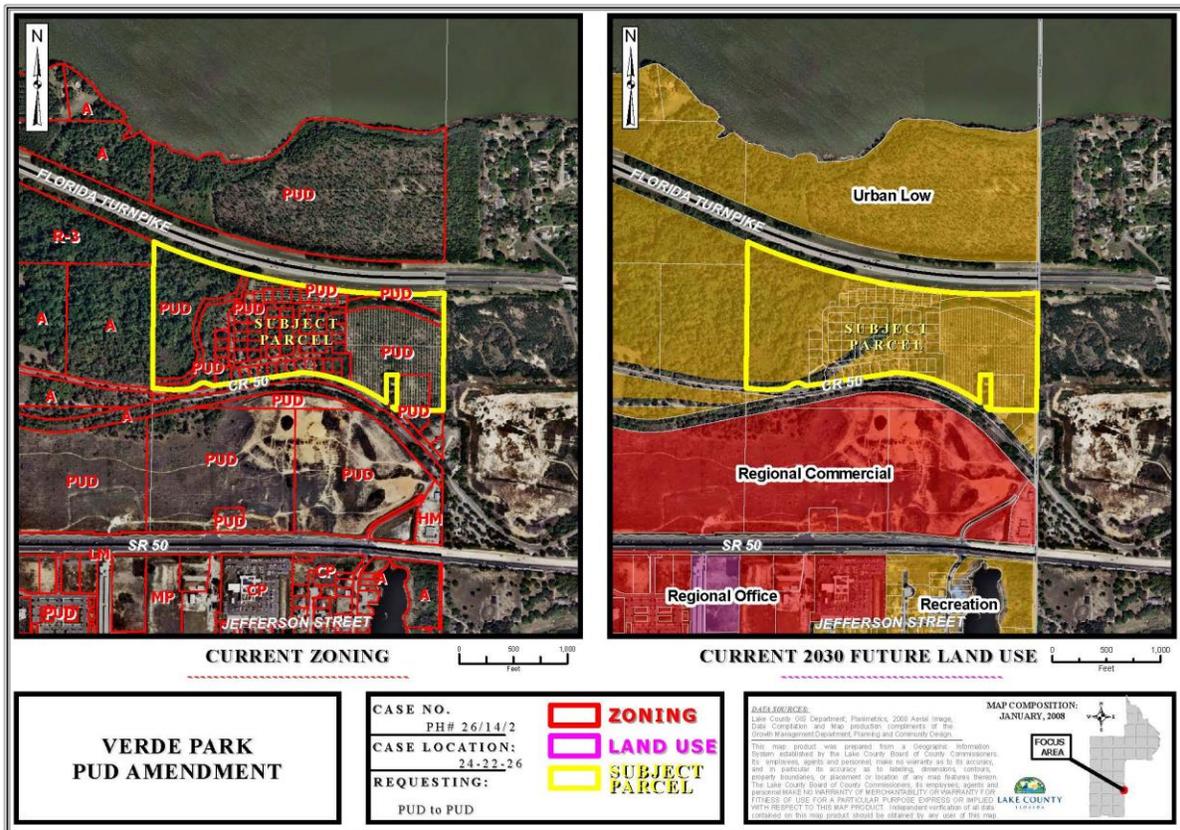
Tab 1	PH# 26-14-2	Verde Park PUD amendment
Tab 2	PH# 15-14-1	Camden Park amendment
Tab 3	MCUP# 14/7/1-5	Pine Meadows Mining CUP

Regular Agenda

VII. Other Business

VIII. Adjourn

CASE NO: PH# 26-14-2
TAB NO: 1
OWNER: Meritage Homes of Fla., Inc./Community Development Capital Group, LLC
APPLICANT: Meritage Homes of Fla., Inc./Community Development Capital Group, LLC
PROJECT NAME: Verde Park PUD amendment
GENERAL LOCATION: Clermont area, North of Old Highway 50, South of US Turnpike



REQUESTED ACTION: Amend PUD Ordinance 2014-22 to revise front building setback.

SIZE OF PARCEL: 61.39+/- acres

FUTURE LAND USE: Urban Low

STAFF RECOMMENDATION: Staff recommends **Approval** of the PUD amendment, with conditions, based on the analysis below and the Findings of Fact.

LAKE COUNTY PLANNING AND COMMUNITY DESIGN PETITION TO REZONE PROPERTY

PLANNING and ZONING BOARD
October 1, 2014



BOARD OF COUNTY COMMISSIONERS
October 28, 2014

<p>PH #26-14-2 Verde Park PUD Amendment</p>	<p>Case Manager: Steve K. Greene, AICP Chief Planner</p>	<p>Agenda Item #1</p>
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Owner(s): Meritage Homes, Inc. (the “Owners”)

Applicant(s): Lake County Planning and Community Design (the “Applicant”)

Requested Action: To amend a development condition pertaining to front building setbacks and replace Ordinance 2014-22 with a new PUD ordinance.

- Site Location & Information -

Approximate site location outlined in Aqua



Site Visit: August 20, 2014

Sign Posted: September 18, 2014 (2)

Size	Approx. 61.39 acres	
Location	North of Old Highway 50, south of the Florida Turnpike, and west of Orange County Line	
Alternate Key #	Multiple (see proposed ordinance)	
Future Land Use/Density	Urban Low (up 4 du/ac.)	
	Existing	Proposed
Zoning District	PUD	No change
Density	1.81 du/ac.	No change
Floor Area Ratio (FAR)	N/A	N/A
Impervious Surface Ratio (ISR)	.60 (Comp Plan)	No change
Joint Planning Area	Clermont	
Utility Area:	Clermont	
Site Utilities	Central water & Sewer (proposed)	
Road Classification	Old Highway 50 (rural collector)	
Flood Zone/ FIRM Panel	Zone A & X / 0455 D	
Commissioner District	2 - Parks	

Land Use Table

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	N/A	N/A	N/A	Florida Turnpike
South	Regional Commercial	PUD	Vacant/undeveloped	Plaza Collina DRI
East	Rural/Agriculture	Residential	Single family residential	Orange County
West	Rural Transitional	AG., R-3	Vacant/undeveloped	

-Summary of Staff Determination –

STAFF RECOMMENDATION: Staff recommends **Approval** of the PUD amendment, with conditions, based on the analysis below and the Findings of Fact.

PLANNING AND ZONING BOARD RECOMMENDATION: To Be Determined

- Summary of Analysis -

The approximately 61-acre property is situated west of the Orange County line, between Old Highway 50 and the Florida Turnpike. The abutting properties on the west have agriculture exemptions and are recognized as active agriculture uses. The subject property is currently under development pursuant to PUD Ordinance #2014-22 (Attachment 1).

The Applicant seeks to amend the front residential building setbacks to accommodate housing product for pending lot owners that desire lots along Old Highway 50. The existing ordinance currently requires a sixty-five (65) foot rear building setback (measured from subdivision boundary line) for those lots along Old Highway 50, west of the main entrance. The standard building setback along public right of way is fifty-feet (50) as measured from the lot line. The 65-foot rear setback was established for two-story houses abutting Old Highway 50 to maintain the scenic vista and views along this segment of the Green Mountain Scenic Byway. Additionally, Public Works required right of way dedication along this segment of Old Highway 50. As a concession to address both needs, the rear setback was established from the former edge of Old Highway 50, prior to the dedication; which is now the subdivision boundary line. The established rear setback at this location has made it difficult for developer to maintain the rear setback for homes with both a front porch and a lanai (rear). In order to accommodate this type of housing product and maintain the integrity of the original 65-foot rear setback condition, the front setback is being proposed for reduction from twenty-five (25) feet to twenty (20). Reduction of the front setback would allow placement of the desired housing product of pending lot owners and allow for some variability to the front yard setbacks within the interior of the subdivision.

- Analysis –
LDR Section 14.03.03

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

The Land Development Regulations (LDR) do not contain minimum setback standards for Planned Unit Development (PUD) zoning. The bulk standards are established by the PUD ordinance. Medium Residential (R-4) zoning is indicative of a subdivision, which requires a 25-foot building setback to non-County secondary roads. However, the County has approved 20-foot setbacks for residential subdivisions in the past.

The proposed amendment to reduce the front setback requirement from 25-feet to 20-feet does not alter the minimum acreage requirements or open space for a Planned Unit Development (PUD) specified by LDR Section 4.03.04(C)(1).

B. Whether the proposed rezoning is consistent with all elements of the 2030 Lake County Comprehensive Plan;

This PUD amendment to reduce the front setback does not seek to increase the number dwellings (111) that were previously approved at a density of 1.81 dwelling per gross acre. This remains consistent with the Urban Low future land use category (Policy I-1.3.2).

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

Not applicable.

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

As previously stated, the current sixty-five (65) foot rear setback for those lots along Old Highway 50, west of the main entrance, limits the housing product that the developer can offer to prospective buyers. The five-foot reduction to the front setback while maintaining the sixty-five (65) foot rear setback could allow for greater housing variety to buyers, while creating variation to the front yards within the interior of the subdivision.

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;

Not applicable.

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

Not applicable.

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

Not applicable.

H. Whether, and the extent to which, the proposed rezoning would result in an orderly and logical development pattern, specifically identifying any negative effects on such patterns;

The proposed rezoning will continue the existing orderly and logical development pattern that currently exists in this area.

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

Rezoning amendment remains in harmony with the general intent of the LDR and Comp Plan.

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

Not applicable.

FINDINGS OF FACT: Staff has reviewed the application for this rezoning request and found:

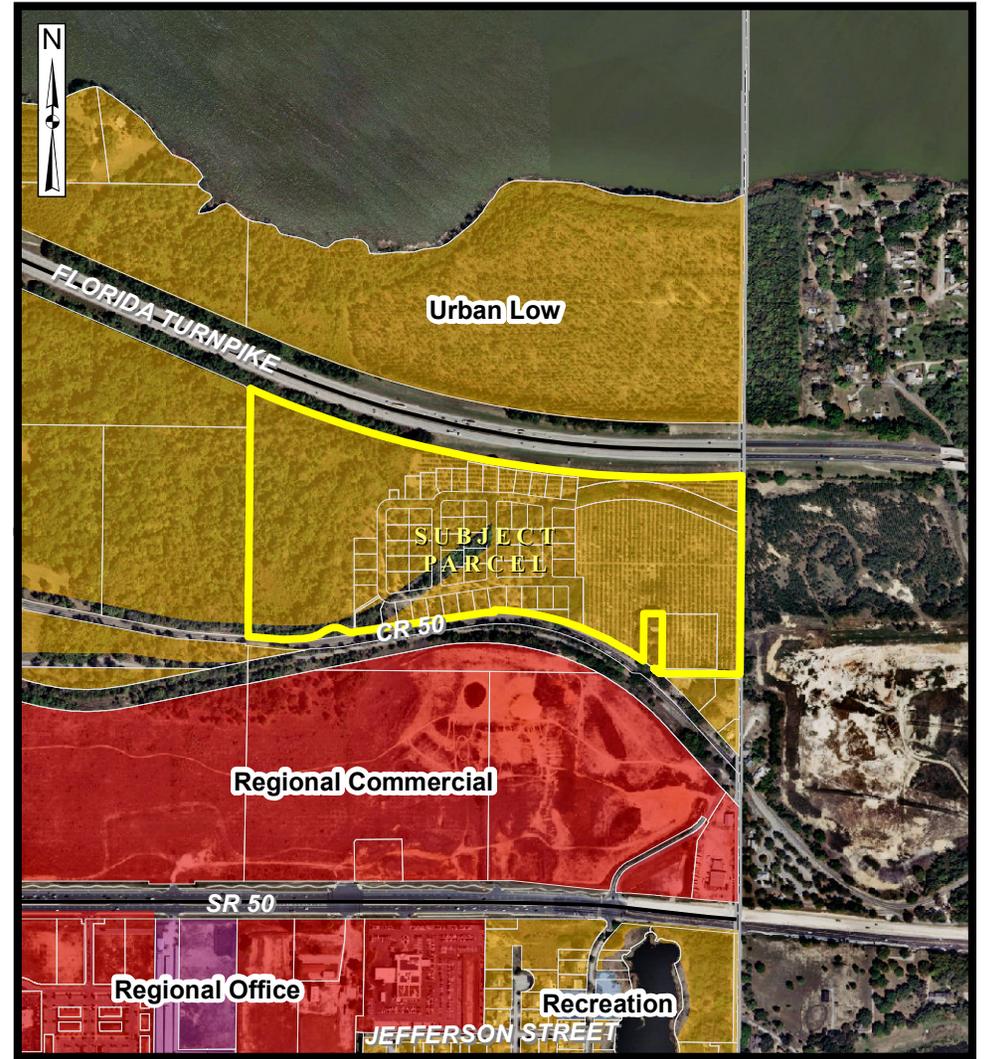
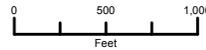
1. The PUD rezoning amendment is consistent with the Urban Low future land use category (Policy I-1.3.2) of up to four (4) dwellings per acre as it retains the 111 dwellings approved for a density of 1.81 dwelling per gross acre.
2. The application is consistent with LDR Section 4.03.04(C) (1) regarding the provision for a minimum of 25% open space within residential PUDs.

Based on these findings of fact, staff recommends **Approval** of this PUD rezoning request, with conditions specified in the new ordinance.

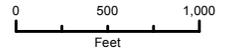
WRITTEN COMMENTS FILED: Support: -0- Concern: -0- Oppose: -0-



CURRENT ZONING



CURRENT 2030 FUTURE LAND USE



**VERDE PARK
PUD AMENDMENT**

CASE NO.
PH# 26/14/2
CASE LOCATION:
24-22-26
REQUESTING:
PUD to PUD

- ZONING**
- LAND USE**
- SUBJECT PARCEL**

DATA SOURCES:

Lake County GIS Department; Planimetrics, 2008 Aerial Image, Data Compilation and Map production compliments of the Growth Management Department, Planning and Community Design.

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MAP COMPOSITION:
JANUARY, 2008



- 1 b. Recreation Park – 1.66 acres
2
3 c. Related accessory uses may be approved by the County Manager or
4 designee. Any other use of the site shall require approval of an
5 amendment to this Ordinance by the Lake County Board of County
6 Commissioners.
7
8 d. Clermont Joint Planning Area Development Standards shall be applicable
9 in accordance with in the Land Development Regulations, as amended.
- 10 B. Setbacks & Buffers:
- 11
- 12 1. Residential lot
13 Front – ~~20~~5-feet
14 Rear – 25- feet (pools and pool enclosures may be permitted within 10-feet of rear
15 property line).
16 Side – 10 feet; 15-feet (corner lot)
17 Multiple story structures: A 65-foot rear setback from the subdivision property line
18 shall be required for multiple story structures abutting
19 Old Highway 50, west of the main entrance.
20
- 21 2. Agricultural Buffer. A minimum 50 foot buffer shall be established along all
22 property lines adjacent to agricultural uses. Agricultural uses shall include any
23 property used for agricultural purposes or that has an agricultural exemption.
24
- 25 3. Preservation of Trees.
- 26
- 27 a. Trees located adjacent to Tracts D (Park) and Tract B (WRA), as shown on
28 the conceptual plan, shall be preserved. A fence shall be installed along the
29 western side of Tract B (WRA), east of the trees that are situated on the
30 western portion of the pond. Earthen berms shall not be placed against the
31 trees within the location of Tract D and Tract B.
32 b. All other trees shall be preserved according the requirements of the Land
33 Development Regulations, as amended.
34
- 35 4. All other setbacks shall be in accordance with the Comprehensive Plan or Land
36 Development Regulations, as amended.
37
- 38 C. Bulk Standards
- 39
- 40 1. Impervious Surface Ratio: 45% (of gross development parcel, maximum)
41 2. Building Height – 40 feet (maximum)
42
- 43 D. Landscaping:
- 44
- 45 1. A 25-foot wide landscape buffer shall be installed with a 6-foot (minimum) sound
46 attenuating wall, along the northern property line, adjacent to the Florida Turnpike.

- 1 2. A 15-foot wide Type B buffer shall be installed along the eastern property line.
- 2 3. A 10-foot wide Type A buffer shall be installed along the southern property line.
- 3 4. A thirty (30) inch berm shall be incorporated with the landscape buffer along CR
- 4 50 (Old Highway 50) frontage. No berm shall be required if a decorative fence,
- 5 such as wrought iron with brick pillar or other similar design is required by the City
- 6 of Clermont.
- 7 5. All other landscaping shall be installed in accordance with the Land Development
- 8 Regulations, as amended.

9
10 E. Environmental, Topography, Open Space:

- 11 1. Grading. Development grading shall not exceed three (3) feet horizontal to one (1)
- 12 foot vertical run and shall be consistent with the Land development Regulations,
- 13 as amended.
- 14 2. Environmental Assessment –
- 15 1. An Environmental Assessment (EA) shall be submitted with the preliminary
- 16 plat application. The EA shall include an evaluation of any potential
- 17 chemical contamination with the area of the abandoned borrow pit.
- 18 Additional assessments may be required. The assessment shall include an
- 19 evaluation of the presence of any plant and animal species. Protection,
- 20 preservation, and mitigation of any endangered, threatened, or protected
- 21 plan and animal species shall be specified.
- 22 2. Wetland buffers shall be in accordance with the Comprehensive Plan and
- 23 Land Development Regulations, as amended.
- 24 3. All wetlands and buffers shall be placed into a conservation easement.
- 25 3. Open Space –
- 26 1. All required Conservation Easements shall be established prior to
- 27 construction plan approval.
- 28 2. Twenty-five percent (25%) of net acreage shall be open space and 60% of
- 29 that acreage must be common.
- 30 3. Common open space(s) shall be platted as separate tracts, dedicated to and
- 31 accepted by property owner's association or public agency for ownership.
- 32 4. Open spaces visible from the Green Mountain Scenic Byway shall consist
- 33 solely of native Florida Friendly vegetation.
- 34
- 35
- 36
- 37
- 38

39 F. Signage:

- 40 1. All signage shall comply with the Land Development Regulations, as amended.
- 41
- 42

43 G. Transportation Improvements:

- 44 1. A traffic impact study, designed in accordance with the accepted Lake-Sumter
- 45 Metropolitan Planning Organization (MPO) methodology, shall be submitted with

1 the preliminary plat. Any necessary improvements shall be constructed prior to or
2 concurrent with development demands.

- 3 2. This study shall include a re-evaluation of CR 50/Oakland Avenue/SR 50
4 intersection. The Town of Oakland shall participate in this traffic impact review.
- 5 3. The ingress and egress shall be designed to provide adequate sight distance and
6 the most optimum vehicular and pedestrian safety movements.
- 7 4. Left and right turn lanes shall be required at the subdivision entrance.
- 8 5. A Nolan-Dolan evaluation shall be conducted to determine the need for right of
9 way dedication to accommodate road widening improvements and future round-
10 about connection with Plaza Collina along Old Highway 50. The future round-
11 about shall be located along the Green Mountain Scenic Byway and Plaza Collina
12 Boulevard. Any land needed for addition right-of-way shall come from the north
13 side of Old Highway 50, as reasonably possible.
- 14 6. Provisions for bicycle and pedestrian access shall be provided from the
15 development to the adjacent Apopka Loop trail.
- 16 7. In the event that a right-turn deceleration lane is needed at the primary entrance,
17 the Applicant shall coordinate the improvement of a five (5) foot wide bicycle lane
18 with the Green Mountain Scenic Byway.
- 19 8. A 20-foot wide pedestrian accessway between Lot 13 and Lot 14 shall extend from
20 the internal subdivision right of way and connect to Old Highway 50 to facilitate
21 pedestrian circulation.
- 22 9. Internal subdivision roads, may be public or private roads, shall be constructed in
23 accordance with the Land Development Regulations, as amended. Private roads
24 shall be dedicated to the homeowner's association or property management
25 association for maintenance prior to approval of the final plat.

26
27 H. Lighting and Noise:

- 28 1. The development shall adhere to Dark Sky lighting principals and in conformance
29 with Clermont Joint Planning Area regulations, as amended. A lighting plan shall
30 be submitted with the preliminary plat and construction plans to ensure
31 compliance.
- 32 2. Any street lighting installed with the rights of way or easement shall be dedicated
33 and maintained by the homeowner's or property owner's association for ownership
34 and specified on the final plat.
- 35 3. A noise impact study shall be provided with the preliminary plat and site plan
36 application consistent with the Land Development Regulations, as amended.

37
38 I. Public School Concurrency:

39 The Applicant or Property Owner shall be solely responsible for mitigating public schools
40 impacts in accordance with concurrency management provisions specified in the Land
41 Development Regulations, as amended.

42
43 J. Utilities:

- 44 1. Central potable water and sanitary sewer service facilities shall be provided in
45 accordance with the Comprehensive Plan and Land Development Regulations, as
46 amended. Septic tank systems shall be not be permitted.

- 1 2. An approved utility service agreement with the City of Clermont shall be provided
- 2 prior to construction plan approval.
- 3
- 4 3. Solid waste impacts shall be assessed during preliminary plat submittal and
- 5 development impacts shall be mitigated concurrent with development demands.
- 6 Access-ways for solid waste collection shall be designed to accommodate
- 7 collection vehicles in accordance with Lake County standards, as amended.
- 8 Private solid waste collection may be provided with approval by the County
- 9 Manager or designee.
- 10
- 11 K. Stormwater:
- 12 1. The stormwater management system shall be designed and constructed
- 13 utilizing Low Impact Design techniques in accordance with St. Johns River
- 14 Water Management District (SJRWMD) requirements and the Land
- 15 Development Regulations, as amended.
- 16
- 17 2. The ownership entity and maintenance responsibility for the stormwater
- 18 management system shall be identified and specified prior to final plat
- 19 approval. The stormwater management system shall be called out as tracts
- 20 and be specified in the dedication on the final plat.
- 21
- 22 L. Fire Protection and Rescue Services :
- 23 All Development shall comply with the State Fire Code, Florida Fire Prevention Code,
- 24 National Fire Protection Standards, the Lake County Mutual Aid Agreement, and the Land
- 25 Development Regulations, as amended.
- 26
- 27 M. Concurrency Management Requirements:
- 28 1. A capacity reservation certificate shall be required before any final development
- 29 order is authorized for construction. The Applicant or Developer shall comply with
- 30 the Land Development Regulations as amended. In the future event that
- 31 concurrency requirements are changed from the date of this Ordinance approval,
- 32 Lake County shall implement concurrency for this development consistent with the
- 33 adopted concurrency management system in effect at that time.
- 34 2. Granting of this PUD Ordinance does not grant or approve concurrency. No
- 35 development shall proceed unless a full concurrency review has been completed
- 36 prior to each stage of development.
- 37
- 38 N. Future Amendments to Statutes, Code, Plans and/or Regulations:
- 39 The specific references in this Ordinance to the Florida Statutes, Florida Administrative
- 40 Code, Lake County Comprehensive Plan, and Lake County Land Development
- 41 Regulations shall include any future amendments to the Statutes, Code, Plan, and/or
- 42 Regulations.
- 43
- 44
- 45
- 46

1 O. Terms:

2 Physical development shall commence within three (3) years from the date of this
3 Ordinance approval. Failure to commence construction within three (3) years of approval
4 shall cause the revocation of this ordinance, in accordance with the Comprehensive Plan
5 or superseding documents amended. Prior to expiration of the three-year time frame, the
6 Board of County Commissioners may grant, via a Public Hearing, one (1) extension of the
7 time frame for a maximum of two (2) years upon a showing that reasonable efforts have
8 been made towards securing the required approvals and commencement of work.
9

10 **Section 2.** Conditions as altered and amended which pertain to the above tract of land shall be as
11 follows:

- 12
- 13 A. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove,
14 improve, move, convert, or demolish any building structure, or alter the land in any manner
15 (except for normal maintenance activities – i.e. painting, screening, etc.) within the
16 boundaries of the above described land without first submitting the necessary plans in
17 accordance with the Lake County Land Development Regulations and obtaining approval
18 from the County Manager or designee upon obtaining the permits required from other
19 appropriate governmental agencies.
20
- 21 B. This ordinance shall inure to the benefit of, and shall constitute a covenant running with the
22 land and the terms, conditions, and provisions hereof, and shall be binding upon the
23 present owner and any successor, and shall be subject to each and every condition herein
24 set out.
25
- 26 C. Construction and operation of the proposed use shall at all times comply with the
27 regulations of this and other governmental agencies.
28
- 29 D. The transfer of ownership or lease of any or all of the property described in this Ordinance
30 shall include in the transfer or lease agreement, a provision that the purchaser or lessee is
31 made good and aware of the conditions pertaining to this Planned Unit Development
32 (PUD) Ordinance and agrees to be bound by these conditions. The purchaser or lessee
33 may request a change from the existing plans and conditions by following procedures
34 contained in the Lake County Land Development Regulations, as amended.
35
- 36 E. Action by the Lake County Code Enforcement Special Master. The Lake County Code
37 Enforcement Special Master shall have authority to enforce the terms and conditions set
38 forth in this ordinance.
39

40 **SECTION 3. Severability:** If any section, sentence, clause or phrase of this Ordinance is held
41 to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no
42 way affect the validity of the remaining portions of this Ordinance.
43

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

SECTION 4. Effective Date: This Ordinance shall become effective as provided by law.

ENACTED this _____ day of _____, 2014.

FILED with the Secretary of State _____, 2014.

EFFECTIVE _____, 2014.

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

JIMMY CONNER, CHAIRMAN

ATTEST:

**Neil Kelly, Clerk of the
Board of County Commissioners
Lake County, Florida**

APPROVED AS TO FORM AND LEGALITY

SANFORD A. MINKOFF, County Attorney

EXHIBIT "A"
LEGAL DESCRIPTION

1
2
3
4 THAT PART OF GOVERNMENT LOT 2 AND THE SOUTHEAST 1/4 OF SECTION 24, ALL IN
5 TOWNSHIP 22 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA BEING DESCRIBED AS
6 FOLLOWS:
7

8 BEGIN AT THE SOUTHWEST CORNER OF SECTION 19, TOWNSHIP 22 SOUTH, RANGE 27
9 EAST; THENCE RUN S00°27'34"W, ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF
10 SAID SECTION 24, TOWNSHIP 22 SOUTH, RANGE 26 EAST, 217.10 FEET TO THE
11 SOUTHEAST CORNER OF SAID SOUTHEAST 1/4 OF SECTION 24, TOWNSHIP 22 SOUTH,
12 RANGE 26 EAST; THENCE RUN N89°25'50"W, ALONG THE SOUTH LINE OF SAID
13 SOUTHEAST 1/4 OF SECTION 24, 125.00 FEET TO THE SOUTHERLY EXTENSION OF THE
14 EASTERLY LINE OF LOT 7, BLOCK 4, EDGEWATER BEACH SHEET NO. 2, ACCORDING TO
15 THE PLAT THEREOF, AS RECORDED IN THE PUBLIC RECORDS OF LAKE COUNTY,
16 FLORIDA; THENCE RUN N00°34'10"E, ALONG SAID SOUTHERLY EXTENSION OF THE
17 EASTERLY LINE OF LOT 7, BLOCK 4, 25.00 FEET TO THE SOUTHEAST CORNER OF SAID
18 LOT 7, BLOCK 4; THENCE RUN N89°25'50"W, ALONG THE SOUTH LINES OF LOTS 7, 8, AND
19 9, BLOCK 4, SAID EDGEWATER BEACH SHEET NO. 2, 299.83 FEET TO THE SOUTHWEST
20 CORNER OF SAID LOT 9; THENCE RUN N00°22'23"E, ALONG THE WEST LINE OF SAID LOT
21 9, 302.08 FEET TO THE NORTHWEST CORNER OF SAID LOT 9; THENCE RUN N88°34'31"W,
22 99.82 FEET; THENCE RUN S00°23'21"W, 263.31 FEET TO THE NORTHEASTERLY RIGHT OF
23 WAY LINE OF OLD STATE ROAD NO. 50, BEING A NON-TANGENTIAL CURVE CONCAVE TO
24 THE SOUTHWEST HAVING A RADIUS OF 1506.83 FEET; THENCE RUN NORTHWESTERLY
25 ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE HAVING A CENTRAL ANGLE OF
26 16°18'18", CHORD BEARING OF N62°32'19"W, CHORD DISTANCE OF 427.36 FEET FOR AN
27 ARC LENGTH OF 428.81 FEET TO THE EAST LINE OF THE WEST 436.00 FEET OF THE
28 SOUTHEAST 1/4 OF SAID SOUTHEAST 1/4; THENCE RUN N00°30'13"E, ALONG SAID EAST
29 LINE OF THE WEST 436.00 FEET, 629.13 FEET TO THE SOUTHERLY RIGHT OF WAY LINE
30 OF THE T AND G RAILROAD; THENCE RUN S75°13'18"W, ALONG SAID SOUTHERLY RIGHT
31 OF WAY LINE, 21.97 FEET, TO A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS
32 OF 1382.39 FEET; THENCE RUN SOUTHWESTERLY ALONG SAID SOUTHERLY RIGHT OF
33 WAY LINE HAVING A CENTRAL ANGLE OF 19°01'33", CHORD BEARING OF S65°42'31"W,
34 CHORD DISTANCE OF 456.94 FEET FOR AN ARC LENGTH OF 459.04 FEET TO THE WEST
35 LINE OF SAID SOUTHEAST 1/4 OF THE SOUTHEAST 1/4; THENCE RUN N00°30'13"E, ALONG
36 SAID WEST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, 289.53 FEET TO THE
37 SOUTH LINE OF THE NORTH 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF
38 SAID SECTION 24; THENCE RUN N89°15'55"W, ALONG SAID SOUTH LINE OF THE NORTH
39 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4, 1340.85 FEET TO THE WEST LINE
40 OF SAID SOUTHEAST 1/4; THENCE RUN N00°33'12"E, ALONG SAID WEST LINE OF THE
41 SOUTHEAST 1/4, 545.54 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF THE FLORIDA
42 TURNPIKE, PER FLORIDA STATE TURNPIKE AUTHORITY PROJECT NO. 2, BEING A NON-
43 TANGENTIAL CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 5879.58 FEET;
44 THENCE RUN EASTERLY ALONG SAID SOUTHERLY RIGHT OF WAY LINE, HAVING A
45 CENTRAL ANGLE OF 22°57'47", CHORD BEARING OF S78°05'05"E, CHORD DISTANCE OF
46 2340.68 FEET FOR AN ARC LENGTH OF 2356.42 FEET; THENCE RUN S89°33'58"E, ALONG

1 SAID SOUTHERLY RIGHT OF WAY LINE, 386.69 FEET, TO THE EAST LINE OF SAID
2 SOUTHEAST 1/4 OF THE SOUTHEAST 1/4; THENCE RUN S00°27'06"W, ALONG SAID EAST
3 LINE OF THE SOUTHEAST 1/4, 852.05 FEET TO THE POINT OF BEGINNING.
4
5 TOGETHER WITH
6
7 PARCEL 24-22-26-000400001000
8
9 CONTAINING 61.39 ACRES, MORE OR LESS.
10
11

EXHIBIT - B

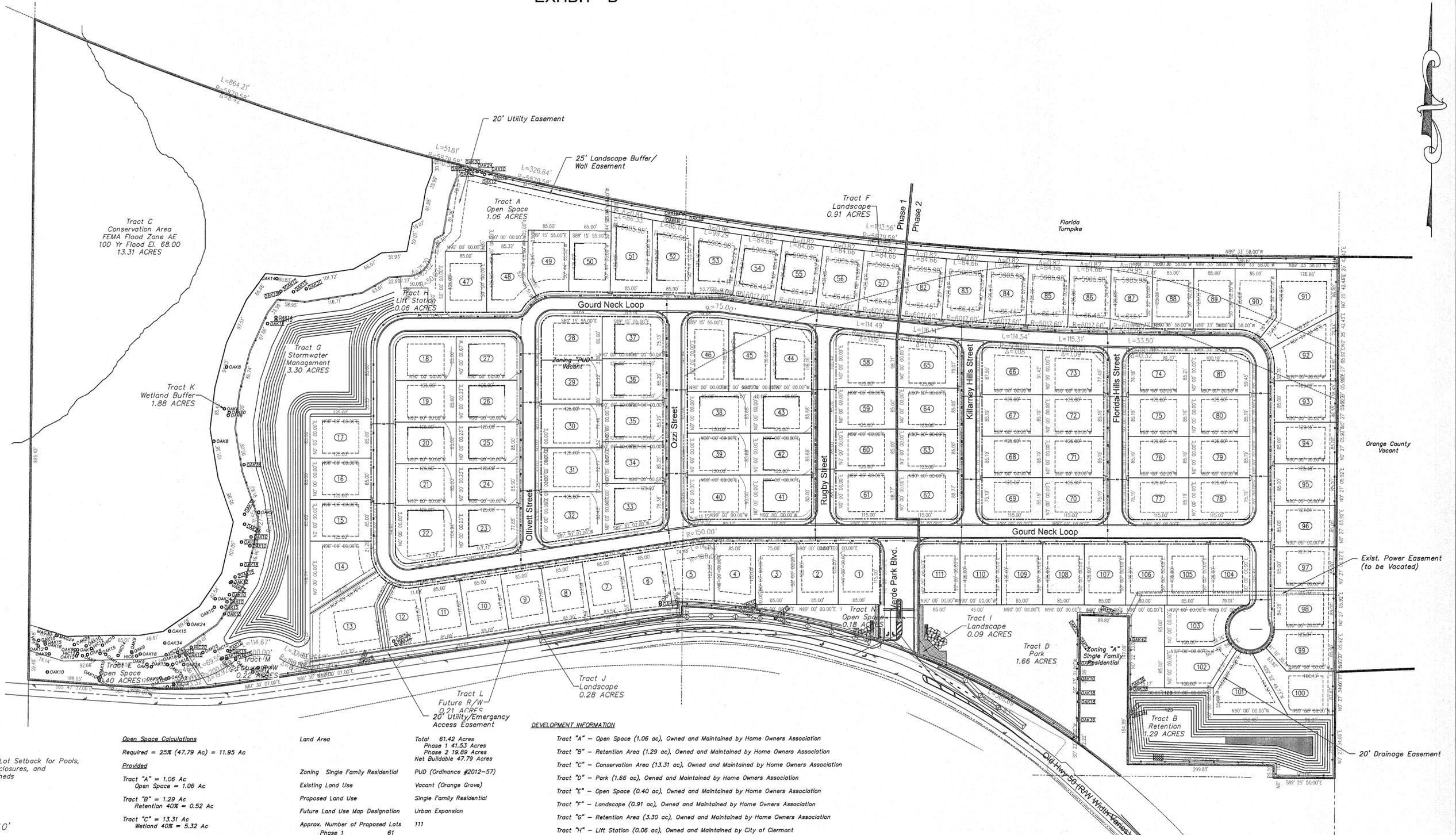


EXHIBIT - B

Tract C
Conservation Area
FEMA Flood Zone AE
100 Yr Flood El. 68.00
13.31 ACRES

Tract K
Wetland Buffer
1.88 ACRES

Tract A
Open Space
1.06 ACRES

Tract F
Landscape
0.91 ACRES

Tract G
Stormwater
Management
3.30 ACRES

Tract H
Lift Station
0.06 ACRES

Tract J
Landscape
0.28 ACRES

Tract I
Landscape
0.09 ACRES

Tract D
Park
1.66 ACRES

Open Space Calculations
 Required = 25% (47.79 Ac) = 11.95 Ac
Provided
 Tract "A" = 1.06 Ac
 Open Space = 1.06 Ac
 Tract "B" = 1.29 Ac
 Retention 40% = 0.52 Ac
 Tract "C" = 13.31 Ac
 Wetland 40% = 5.32 Ac
 Tract "D" = 1.66 Ac
 Park/Open Space = 1.66 Ac
 Tract "E" = 0.40 Ac
 Open Space = 0.40 Ac
 Tract "F" = 0.91 Ac
 Landscape = 0.91 Ac
 Tract "G" = 3.30 Ac
 Retention 40% = 1.32
 Tracts "I" & "J" = 0.37 Ac
 Wall/Landscape/Open Space = 0.37 Ac
 Tracts "K" = 1.88 Ac
 Upland Buffer/Open Space = 1.88 Ac
 Tracts "L" = 0.21 Ac
 Future R/W = 0.21 Ac
 Tracts "M" = 0.22 Ac
 Future R/W = 0.22 Ac
 Tracts "N" = 0.18 Ac
 Open Space = 0.18 Ac
Proposed Open Space 14.05 Ac > 11.95 Ac

Land Area
 Total 61.42 Acres
 Phase 1 41.53 Acres
 Phase 2 19.89 Acres
 Net Buildable 47.79 Acres

Zoning Single Family Residential PUD (Ordinance #2012-57)
 Existing Land Use Vacant (Orange Grove)
Proposed Land Use Single Family Residential
Future Land Use Map Designation Urban Expansion

Approx. Number of Proposed Lots
 Phase 1 61
 Phase 2 50

Approx. Proposed Density
 Phase 1 1.81 units/acre
 Phase 2 2.52 units/acre

Maximum Height 40 ft Finished Height
Minimum Lot Area 7,500 sf
Minimum Lot Width 85 ft

Minimum Yard Setback:
 Front: 25 ft
 Side: 10 ft
 Rear: 15 ft (Corner Side)
 Rear: 25 ft

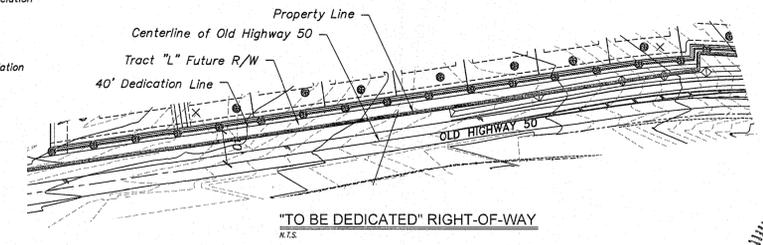
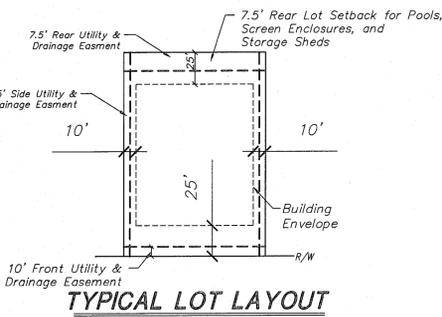
*** Irregular Lots Front Yard Setback Distance is indicated at the Minimum Required Lot Width**

Phasing Two Phases (Phase 1 - buildout 1-2 yrs, Phase 2 - buildout 3-5 yrs)
Sewer Flow - 18,300 (phase 1) & 15,000 (phase 2) gal. per day
Water Flow - 21,350 (phase 1) & 17,500 (phase 2) gal. per day (Fire flow per Sub. Regs.)

Projected Traffic: A Traffic Study Shall be Completed in Accordance with the TCMS (Transportation Concurrence Management System) To be Reviewed by the MPO and Approved by the Governing Agencies and Completed Prior to Site Plan Approval.

Stormwater Provide Retention/Detention System on-site per Sub. Regs.
100 Year Flood Lots are not Within the 100 year flood plain.

DEVELOPMENT INFORMATION
 Tract "A" - Open Space (1.06 ac), Owned and Maintained by Home Owners Association
 Tract "B" - Retention Area (1.29 ac), Owned and Maintained by Home Owners Association
 Tract "C" - Conservation Area (13.31 ac), Owned and Maintained by Home Owners Association
 Tract "D" - Park (1.66 ac), Owned and Maintained by Home Owners Association
 Tract "E" - Open Space (0.40 ac), Owned and Maintained by Home Owners Association
 Tract "F" - Landscape (0.91 ac), Owned and Maintained by Home Owners Association
 Tract "G" - Retention Area (3.30 ac), Owned and Maintained by Home Owners Association
 Tract "H" - Lift Station (0.06 ac), Owned and Maintained by City of Clermont
 Tract "I" - Landscape (0.09 ac), Owned and Maintained by Home Owners Association
 Tract "J" - Landscape (0.28 ac), Owned and Maintained by Home Owners Association
 Tract "K" - Upland Buffer (1.88 ac), Owned and Maintained by Home Owners Association
 Tract "L" - Future R/W (0.21 ac), To be Dedicated to Lake County
 Tract "M" - Future R/W (0.22 ac), To be Dedicated to Lake County
 Tract "N" - Open Space (0.18 ac), Owned and Maintained by Home Owners Association



LEGEND	
Existing Contours	
Lot Number	(12)
Direction of Flow	
Existing Grade	
Proposed Grade	
Proposed Pavement	
Storm Structure	
Stormpipe	
Fire Hydrant	
Storm Inlet	
Concrete	
Profile Sheet #	(4)
Site Type	(4)
Conservation Line	
100 Year Flood	

- Notes:**
- This Project will Adhere to the JPA Agreement for this Area.
 - All Earthwork as Proposed Will Balance. If There is any Excess, the Earthwork Removed from the Site Shall not Exceed the Requirements of Section 6.06.00, LDR. The Total Amount of Material Removed Offsite Shall not Exceed Two Hundred Percent (200%) of the Minimum Stormwater Retention/Detention Volume Required per 6.06.01(f)(2.a)(1).
 - Noise Impacts from this Development or Adjacent Properties Will be no Greater than the Surrounding Area Noise.
 - All Water/Sewer/Reuse Utilities Will be Designed and Built in Conformance with the City of Clermont Standards and Specifications.
 - The Developer Shall have the Option to Connect to Neighboring Project to the West.
 - Minimum 7.5' Drainage and Utility Easements Shall be Provided on all Side Lot Lines.
 - All Existing Easements Identified in a Title Opinion Shall be Shown on the Final Plot. Any Easements Lying Within Additional Required Right of Way will Require Subordination or Release.

DATE	REVISION
12/4/12	City Comments
3/19/13	City / County Comments
4/10/13	County Comments
4/23/13	County Comments

Geometry Plan
Verde Park

JEC june engineering consultants, inc.
 132 W. Plant Street, Suite 200
 Winter Garden, FL 34787
 Ph. 407-905-8180
 Fax 407-905-6232

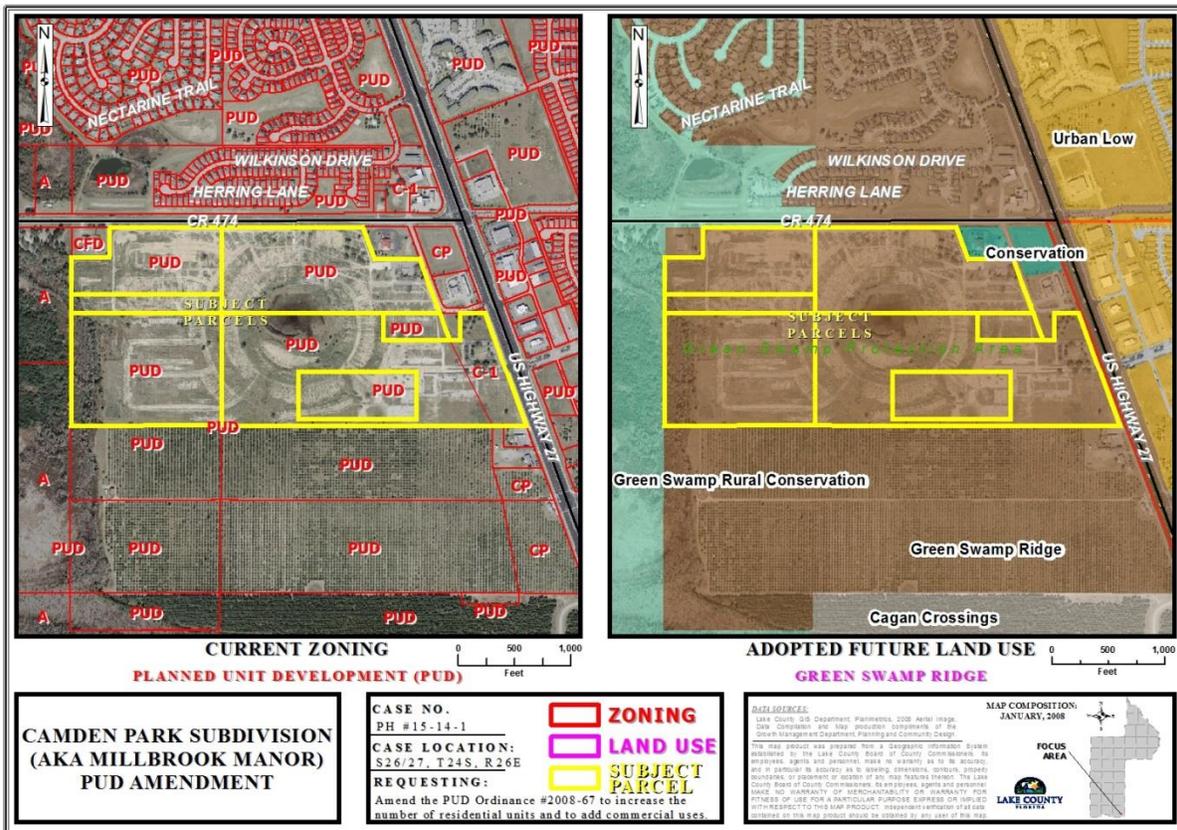
Certificate of Authorization #00008507
 SCALE 1" = 100'
 DRAWN BY: CLK
 CHECKED BY: RAJ
 DATE: 7/20/11
 DATE: 7/20/11

ROHLAND A. JUNE II
 No. 41949
 STATE OF FLORIDA
 PROFESSIONAL ENGINEER

ROHLAND ALLEN JUNE II
 PE # 41949

JOB NO. 11-0412
 SHEET 30 OF 15

CASE NO: PH# 15-14-1
TAB NO: 2
OWNER: GG Assets LLC & Warminster Investments Corporation
APPLICANT: Suresh Gupta, GG Assets LLC
PROJECT NAME: Camden Park Subdivision PUD amendment
GENERAL LOCATION: Clermont area, southwest of US Highway 27/County Road 474 intersection



REQUESTED ACTION: Amend the Planned Unit Development (PUD) Ordinance #2008-67 to increase the number of residential units and to add commercial uses.

SIZE OF PARCEL: 137.2+/- acres

FUTURE LAND USE: Green Swamp Ridge

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the proposed rezoning request, with conditions, as set forth in the attached Ordinance.

LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS PETITION TO REZONE PROPERTY

PLANNING & ZONING BOARD
August 6, 2014
October 1, 2014



BOARD OF COUNTY COMMISSIONERS
August 26, 2014 (postponed, back to PZB)
October 28, 2014

PH #15-14-1 Camden Park Subdivision (AKA Millbrook Manor) PUD Amendment	Case Manager: Melving Isaac, Planner	Agenda Item #2
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Owner: GG Assets LLC & Warminster Investments Corporation (the "Owner")

Applicant: Suresh Gupta, GG Assets LLC (the "Applicant")

Requested Action: Amend the Planned Unit Development (PUD) Ordinance #2008-67 to increase the number of residential units and to add commercial uses. Ordinance #2008-67 will be rescinded and replaced by the proposed ordinance.

- Site Location & Information -



Approximate site location outlined in Blue

Site Visit July 24, 2014 and September 18, 2014
Sign Posted July 24, 2014 and September 18, 2014 (2 posted)

Size	137.2 +/- acres	
Location	South of Clermont area, southwest of the U.S. Highway 27/County Road 474 intersection	
Alternate Key #'s	multiple (see ordinance)	
Future Land Use	Green Swamp Ridge (4 du/ net ac. max.)	
	Existing	Proposed
Zoning District	PUD	PUD
Impervious Surface Ratio Comprehensive Plan (Policy I-4.2.2)	0.45 max	0.45 max
	0.25 max	0.25 max
Floor Area Ratio		
Joint Planning Area	N/A	
Utility Area:	South Lake Utilities	
Site Utilities	Central water and sewer (proposed) - South Lake Utilities	
Road Classification	U.S. 27 - Rural Principal Arterial - Other CR 474 - Rural Major Collector	
Flood Zone/ FIRM Panel	(X, A)/750	
Commissioner District	1 (Sullivan)	

Land Use Table

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Green Swamp Rural Conservation	Planned Unit Development (PUD), Community Facility (CFD)	Residential Subdivision	Adjacent to County Road 474
South	Green Swamp Ridge	Planned Unit Development (PUD)	Orange Grove	Rubin Groves of Clermont PUD (undeveloped, PUD Ordinance amended on 2014)
East	Green Swamp Ridge, Conservation, Urban Low Density	Planned Commercial (CP), Neighborhood Commercial (C-1)	Commercial	Adjacent to U.S. Highway 27
West	Green Swamp Rural Conservation	Agriculture (A)	Wetlands	

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the proposed rezoning request, with conditions, as set forth in the attached Ordinance.

PLANNING & ZONING BOARD RECOMMENDATION:

- Summary of Analysis -

The Applicant is requesting to amend the Planned Unit Development (PUD) Ordinance #2008-67 (Attachment #1) to increase the number of residential units from 396 to 434 residential units (single-family and multifamily dwelling units) and to add commercial uses. Ordinance #2008-67 will be rescinded and replaced by the proposed ordinance.

The subject property consists of 137.2 acres and is located in the South of Clermont area, southwest of the U.S. Highway 27/County Road 474 intersection. The property is currently undeveloped.

The proposed rezoning request is consistent with the Comprehensive Plan and the Land Development Regulations (LDR), which permits residential and commercial uses in the Green Swamp Ridge Future Land Use Category (FLUC). The requested increase in residential units does not exceed the maximum density of four (4) dwelling units per net buildable acre allowed by the FLUC. The request is also consistent with the LDR which permits residential communities and commercial uses in the PUD Zoning District, as established in LDR Section 4.03.02, *Permitted Uses*.

****Note:** The Planning & Zoning Board (P&Z) heard this request on August 6, 2014 and recommended approval with a 5-0 vote. This case was postponed at the Board of County Commissioners public hearing of August 26, 2014 as requested by the Planning staff, due to a change to the proposed ordinance requested by the applicant, to re-insert a single family minimum lot width requirement of 50 feet and a minimum lot size of 6,000 square feet, as permitted by the existing approved PUD Ordinance #2008-67. This change was omitted from the ordinance approved by the Planning & Zoning Board on August 6, 2014, which previously included a minimum lot size of the 8,400 square feet. The proposed ordinance has been revised accordingly. The number of proposed residential units remains the same; therefore these proposed changes do not increase the density.

- Analysis -

Land Development Regulations Section 14.03.03 Standards for Review.

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

The proposed rezoning amendment is consistent with the LDR as seen in Section 4.03.02 *Permitted Uses*, which permits residential communities and commercial uses in the PUD Zoning District.

The LDR Section 9.01.06B *Landscape Buffers* requires landscaping between the proposed PUD and the adjacent properties. There are wetlands along the western property line and adjacent properties to the west. In recognition of this situation, an ordinance condition is proposed to allow the use of the existing wetlands, trees and vegetation to serve as the required landscape buffer area along the western property line. These existing wetlands, trees and vegetation will serve to screen the west side of the property; therefore no additional landscape buffer is being required at this location. A condition has been included in the proposed ordinance indicating that no landscaping is required at the west property line adjacent to wetlands. This condition addresses the required 50-foot agricultural buffer pursuant to the Comprehensive Plan.

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

The PUD zoning request is consistent with Comprehensive Plan Policy I-4.2.2, *Green Swamp Ridge Future Land Use Category*, as residential and commercial uses are allowable in the Green Swamp Ridge FLUC.

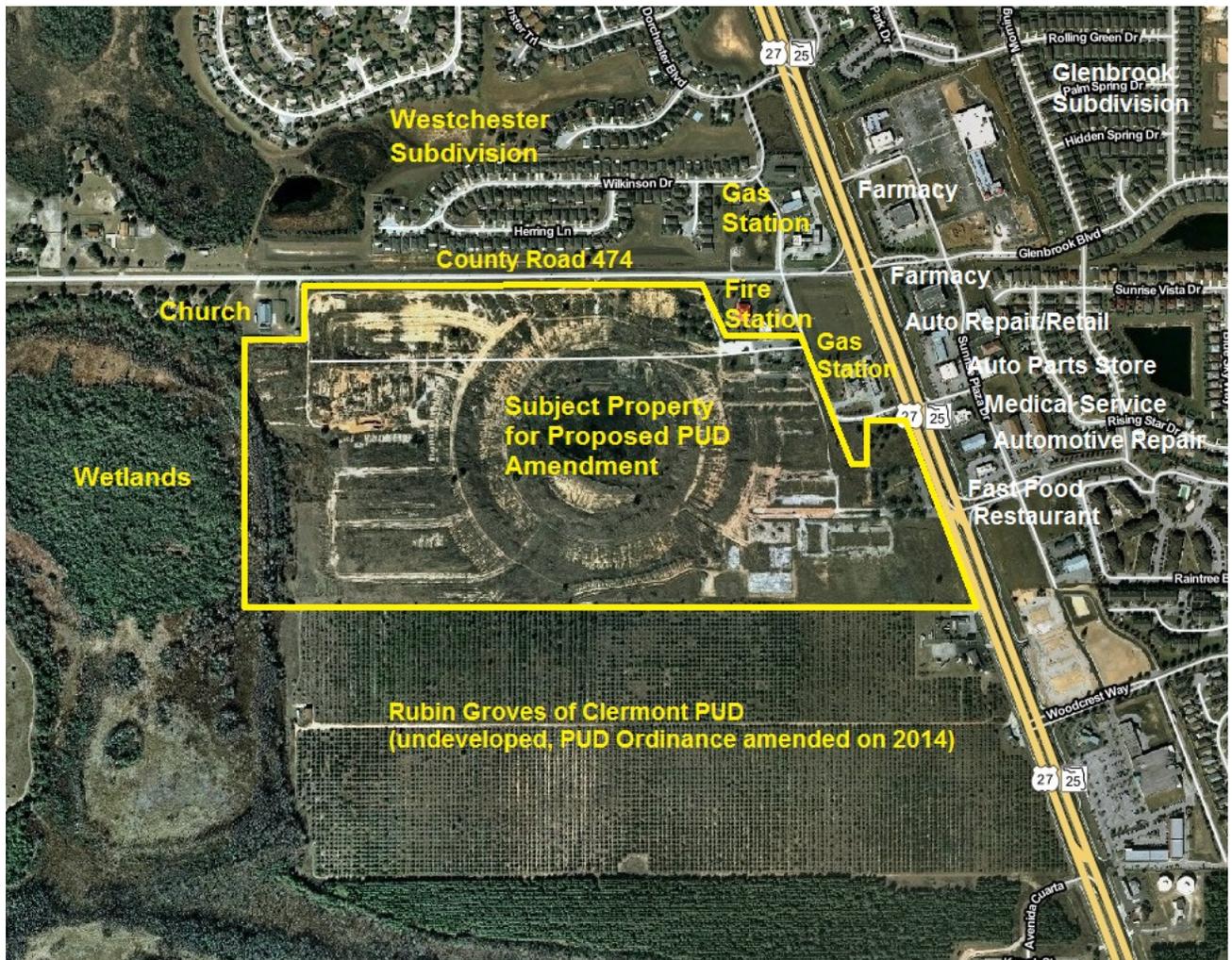
The Applicant is proposing to develop the property located in the Green Swamp Ridge FLUC at a density of 3.7 dwelling unit per net buildable acre consistent with the Comprehensive Plan Policy I-4.2.2 which allows a maximum density of four (4) dwelling units per net buildable acre. A minimum 40% open space is required.

The proposed rezoning amendment is also consistent with the Comprehensive Plan Policy I-4.2.2 which requires that mixed use PUDs in the Green Swamp Ridge FLUC be limited to a maximum of 20% of the net buildable area of the site for commercial use. The proposed commercial area for this development is 8.4 acres which represents a 7% of the net buildable area. In addition, as required by the above policy, a condition has been included in the ordinance to specify that commercial uses are limited to a maximum of 5,000 square feet or less per parcel. However, the square footage can be increased to the maximum Floor Area Ratio (FAR) of 0.25 and Impervious Surface Ratio (ISR) of 0.45, providing that the development meets or exceeds the sustainable building rating and certification system, and retains the first three inches (3") of stormwater runoff on the property.

Comprehensive Plan Policy I-7.8.2 *Time frame of Planned Unit Developments* requires that a time frame shall be established in the ordinance for commencement and completion of the development. Conditions have been included in the proposed PUD Ordinance to comply with this policy.

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

The property, which is located within the Green Swamp Ridge FLUC, is bordered at the north by County Road (CR) 474 and Westchester Subdivision, wetlands on the west, U.S. Highway 27 and commercial uses to the east, and by orange groves to the south (the Rubin Groves PUD mixed-use development). As shown in the map below, the immediate properties are characterized by residential and commercial uses. These existing single and multi-family residential uses range from a density of 3.53 to 5.86 dwelling unit per acre. The proposed PUD amendment will have a density of 3.7 dwelling unit per net buildable acre. Retail stores, gas stations, automotive repair/services, restaurants and vacant commercial properties exist in the neighboring area which is consistent with the request to add commercial uses to the existing PUD Ordinance.



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

The 2030 Comprehensive Plan designated this area as Green Swamp Ridge. There have been at least 3 rezonings in this area over the past 2 years. The adjacent property to the south was rezoned in 2014 for mixed use residential/commercial. The Applicant seeks to increase the number of residential units from 396 to 434 residential units and to add commercial uses consistent with the Green Swamp Ridge FLUC.

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

Water/Sewage - The property will be served by central water and sewer (South Lake Utilities - Attachment #2).

Transportation - Public Works Transportation Division has indicated that the standard Level of Service (LOS) for the impacted roadway of CR 474 is "C" with a capacity of 603. This segment of roadway Green Swamp Road to U.S. Highway 27 is currently operating at sixteen percent (16%) of its capacity in the peak direction during the peak period. This project will be generating three hundred and forty one (341) peak hour trips; with two hundred and twenty (220) directional pm peak hour trips increasing the volume to capacity ratio (v/c) to fifty two percent (52%). Currently there are no State funded improvements scheduled for this roadway segment. Applicant will be required to complete a full traffic study prior to site plan approval. The full extent of the impacts will be evaluated as part of the site plan review process for the proposed use.

Schools - Lake County School Board has indicated that the rezoning will have an adverse impact on Lake County Public Schools, and specifically that the proposed rezoning will affect Windy Hill Middle School which is over capacity (School Board Comments - Attachment #3). School Concurrency shall be met before final plat approval in accordance with LDR Section 5.03.09 *Educational Facilities*.

Fire and Emergency Services - The subject parcel is contiguous to the Lake County Fire Station 112 (closest fire station), located at 16240 County Road 474, Clermont. As shown in the map above, the fire station is located immediately to the northeast side of the property.

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

The property is currently undeveloped but has been previously disturbed as shown in the map above. There are wetlands located within the project boundaries. Conditions have been included in the ordinance to require a 50 feet wetlands buffer. Any development would be required to meet applicable standards.

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

The application does not include any information regarding effect of the proposed rezoning on area property values.

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

Regarding the addition of commercial uses to the existing PUD, the development pattern for the area surrounding the property is predominantly a mix of residential uses and commercial development along U.S. Highway 27. The proposed rezoning would not disrupt the existing orderly and logical development pattern of the area.

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

The proposed rezoning amendment will not be in conflict with the public interest and would be in harmony with the general intent of the Comprehensive Plan and LDR.

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

N/A.

FINDINGS OF FACT: Staff has reviewed the proposed rezoning and found:

1. The request is consistent with Comprehensive Plan Policy I-4.2.2, *Green Swamp Ridge Future Land Use Category*, as residential and commercial uses are allowable in the Green Swamp Ridge FLUC.
2. The proposed rezoning amendment is also consistent with the Comprehensive Plan Policy I-4.2.2 which requires that mixed use PUDs in the Green Swamp Ridge FLUC be limited to a maximum of 20% of the net buildable area of the site for commercial use. The proposed commercial area for this development is 8.4 acres which represents a 7% of the net buildable area.
3. The request is consistent with Comprehensive Plan Policy I-7.8.2 *Time frame of Planned Unit Developments* with the conditions included in the proposed PUD Ordinance.
4. The request is consistent with LDR Section 4.03.02 *Permitted Uses*, which permits residential communities in the PUD Zoning District.

Therefore, based on these findings of fact, staff recommends **APPROVAL with conditions**, subject to the conditions as set forth in the attached Ordinance.

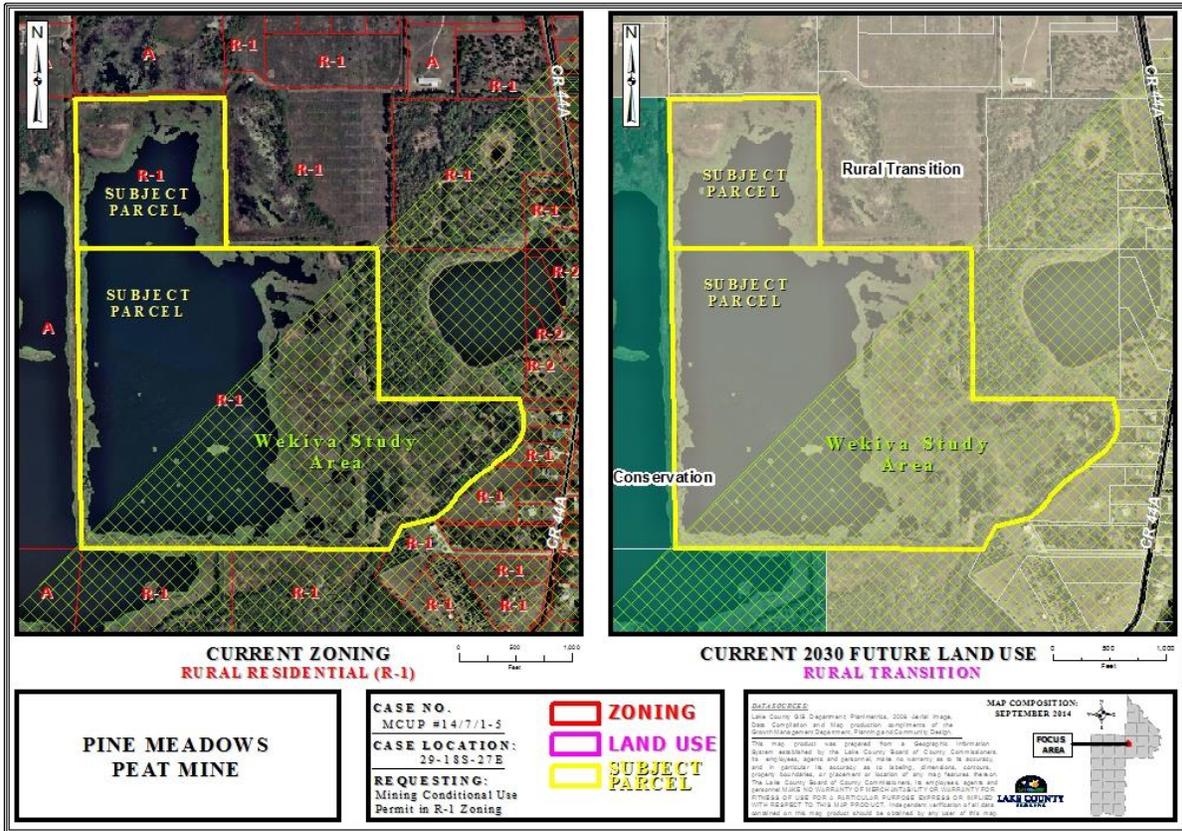
WRITTEN COMMENTS FILED:

Supportive: -0-

Concern: -0-

Opposition: -0-

CASE NO: MCUP# 14-7-1-5
TAB NO: 3
OWNER: RLK, LLC
APPLICANT: Jack Reiner, Jr. C/O Reliable Peat Company, Inc.
PROJECT NAME: Pine Meadows Peat Mine CUP
GENERAL LOCATION: Eustis area, Southwest of County Road 450A and County Road 44A intersection



REQUESTED ACTION: Conditional use permit approval to harvest peat and restore wetland system.

SIZE OF PARCEL: 300+/- acres

FUTURE LAND USE: Rural Transition

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of a Mining Conditional Use Permit (MCUP) for a peat mine on the subject property, with conditions as specified in the proposed ordinance.

LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS
APPLICATION FOR MINING CONDITIONAL USE PERMIT

PLANNING & ZONING BOARD
 October 1, 2014



BOARD OF COUNTY COMMISSIONERS
 October 28, 2014

MCUP #14/7/1-5 Pine Meadow Peat Mine CUP	Case Manager: Rick Hartenstein, AICP, CPM Senior Planner	Agenda Item # 3
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Applicant: Jack Reiner, Jr. C/O Reliable Peat Company, Inc. (the "Applicant")
Owner: RLK, LLC (the "Owner")

Requested Action: The Applicant is requesting a Mining Conditional Use Permit to extract peat.

– Site Location & Information –

Approximate Site Location outlined in **RED**
 Cross-hatched area is in the **Wekiva Study Area**



Size	133 +/- acres	
Location	Eustis Area, Southwest of CR 450A and CR 44A intersection	
Alternate Key #	3871996 and a portion of 1081599 (Outside Wekiva Study Area)	
Future Land Use	Rural Transition	
	Existing	Proposed
Zoning District	R-1	R-1
Density	N/A	N/A
Floor Area Ratio	.20	.20
Impervious Surface Ratio	.30	.30
Joint Planning Area	N/A	
Utility Area:	Umatilla	
Site Utilities	None	
Road Classification	CR 450A - Minor Collector CR 44A - Minor Collector	
Flood Zone/ FIRM Panel	X & A /Panel 220	
Commissioner District	5 - Cadwell	

Site Visit: September 19, 2014

Sign Posted: September 19, 2014 (3 – Signs)

Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural Transition	Agriculture and Rural Residential	Vacant / Ag Uses-Timber	Wetlands
South	Rural Transition	Rural Residential	Vacant/ Ag Uses- Timber	SJRWMD property
East	Rural Transition	Rural Residential and	Residential	None
West	Conservation	Agriculture	Vacant	Wetlands/SJRWMD property

– Summary of Analysis –

This application is a re-submittal of a previous request (MCUP#12/11/1-5) for a peat mine in 2012 on a total of 231 +/- acres in the Pine Meadows area. The previous request was withdrawn prior to the November 20, 2012 Board of County Commission hearing due to an inconsistency with the Comprehensive Plan's Policy III-3.5.2 ("Prohibitions on Mining in Environmentally Sensitive Areas") which prohibits all new mines in the Wekiva Study Area. The Applicant's current request removes the property area that was previously within the Wekiva Study Area as shown on the 2012 Pine Meadows Peat Mine – WSA Map (Staff Exhibit 1).

The Applicant is requesting a Mining Conditional Use Permit (MCUP) for the removal of peat on 133 +/- acres southwest of CR 44A and CR 450A intersection, within the Rural Transition Future Land Use Category (FLUC) and located within the Rural Residential (R-1) Zoning District as shown on the attached Zoning & Future Land Use Map (Staff Exhibit 2). The area surrounding the proposed mining site is characterized by agricultural, conservation and rural residential uses. The proposed mining site (133 +/- acres) is a portion of 219.40 acres of wetlands that were historically ditched in order to support agricultural uses such as truck farming and a dairy. Alterations of the property (farming and ditching) have decreased the water quality and the quality of the wetland systems, leaving mostly nuisance and exotic vegetation.

The Applicant proposes to impact approximately 120 acres of wetlands within the 133 acre mining site as shown in Exhibit "B" of the associated Ordinance, which includes approximately 111 acres of peat from the wetlands in three phases, over a ten year period. When the mining and reclamation is completed, the mitigation proposed will result in 42 +/- acres of restored, high quality wetlands and 78 +/- acres of open water. The County has received a copy of the "Environmental Resource Permit (ERP)" from The Department of Environmental Protection (FDEP - State Agency) regarding the mining project and proposed mitigation. The County has also been provided a copy of the US Army Corp of Engineers (ACOE - Federal Agency) permit for the mining of peat within the Pine Meadows area. If the Board of County Commissioners approves the MCUP, the ERP and ACOE permit will need to be amended to reflect the reduction in acreage from the original 220 +/- acres to the approximate 133 acres proposed for mining with this application. In addition, the St Johns River Water Management District has expressed their support of the proposed project as a restoration project.

Policy I-1.4.5 *Rural Transition Future Land Use Category*, allows mining with a conditional use permit and Land Development Regulations (LDR) Table 3.01.03 permits "mining and quarrying" in the Rural Residential Zoning District with the issuance of a conditional use permit.

– Summary of Staff Recommendation –

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of a Mining Conditional Use Permit (MCUP) for a peat mine on the subject property, with conditions as specified in the proposed ordinance.

PLANNING & ZONING BOARD RECOMMENDATION:

– STANDARDS OF REVIEW & ANALYSIS –

(Per Section 14.05.03 of the Land Development Regulations)

A. Consistency with the Comprehensive Plan and Local Code (Land Development Regulations - LDR).

Policy I-1.4.5, *Rural Transition Future Land Use Category*, allows for Mining and Resource Extraction, with a Conditional Use Permit.

The application request is consistent with the Comprehensive Plan Policy I-7.5.10, *Natural Resource Extraction*, which requires compliance with all other provisions of the Comprehensive Plan, and requires a conditional use permit for mining uses. Additionally, by implementing the proposed ordinance conditions, the application is consistent with Objective III-3.5 *Mining and Borrow Pits* ("The County shall regulate mining extraction activities . . . to minimize adverse impacts") pertaining to the impacts from the proposed mining activity.

Pursuant to Land Development Regulations (LDR) Table 3.1.03 *Schedule of Permitted and Conditional Uses*, mining may be undertaken within the Rural Residential Zoning Districts as a conditional use. Mining, excavation and their related activities have been found to “contribute substantially to the economic stability of Lake County” as stated in Section 6.06.01 A.6, LDR. Section 6.06.01.D, LDR provides that mining regulations in the LDR “shall apply to the extraction, mining, harvesting or removal” of “extractable materials”.

Section 6.06.01.1.3 & 4, LDR, prohibits new mining and new peat mines within the Wekiva Study Area and within most effective and protected recharge areas. The Comprehensive Plan defines “*Most Effective Recharge Areas*” as “*Type “A” Hydrologic soils, defined by the NRCS Soil Survey, unless otherwise provided for by rule of the St Johns River Water Management District. Applies only to the Wekiva Study Area.*” The Comprehensive Plan and LDR, defines “*Protected Recharge Areas*” as “*Areas with a natural potential for an average annual recharge rate to the Florida aquifer of 10 inches or greater.*” The proposed mining activity is consistent with these regulations as shown on the attached Recharge Map (Staff Exhibit 3) showing the proposed mining activity is located outside of the Wekiva Study Area and is not within a most effective or protected recharge area.

Comprehensive Plan Policy III-3.5.2, *Prohibitions on Mining in Environmentally Sensitive Areas*, prohibits new peat mining operations in the most effective recharge areas or protected recharge areas. The portion of the project which is located outside of the Wekiva Study Area is not in the most effective or protected recharge areas, according to the *Floridan Aquifer Recharge Map, Exhibit #6 of the Future Land Use Map Series* overlaid on the Lake County GIS map created for this application (Staff Exhibit 3).

In order to be consistent with the Comprehensive Plan Policy III-3.5.6, *Wetland Reclamation Procedures*, the attached Ordinance requires the Permittee to restore the natural functions of the area to be mined, with respect to hydrology, vegetation, created wetlands and water bodies, and the control of exotic or noxious plant species.

Pursuant to Comprehensive Plan Policy I-7.5.10 *Natural Resource Extraction*, uses that extract or deplete natural resources of the County, including but not limited to mining operations, must be in compliance with all other provisions of the Comprehensive Plan and LDRs, and require approval of a conditional use permit by the Board of County Commissioners.

B. Effect on Adjacent Properties.

1. The proposed Conditional Use will not have an undue adverse effect upon nearby property.

The property within the proposed mining activity boundary is a mix of wetlands and open water. The proposed ordinance contains conditions to mitigate possible impacts particularly to the nearby uses. No undue adverse effects are anticipated, provided the conditions for impact mitigation in the attached ordinance are adhered to.

2. The proposed conditional use is compatible with the existing or planned character of the neighborhood in which it would be located.

The area around the site is characterized by vacant wetlands, conservation, silviculture activities, and large lot rural residential uses. Conditions have been included in the proposed ordinance to reduce or mitigate impacts expected from the proposed mine. The ordinance provides conditions to reduce or mitigate noise, dust, and traffic impacts to minimize any adverse effects on properties within the immediate vicinity through design, landscaping, buffers and screening.

3. All reasonable steps have been taken to minimize any adverse effect of the proposed conditional use on the immediate vicinity through design, landscaping, and screening.

The proposed Ordinance conditions state that a minimum 100-foot setback along all property lines and a 200-foot setback from residential zoning districts adjacent to the project boundary shall be maintained. The applicant will be required to leave the setback areas undisturbed to minimize any adverse effects on the immediate vicinity from the proposed operation through development design, Best Management Practices, setbacks, buffers and screening. This will be addressed in detail during the Operating Plan review process.

4. The proposed conditional use will be constructed, arranged, and operated so as not to interfere with the development of the neighboring property, in accordance with applicable district regulations.

The peat mining activities will not be conducted inside of the setback area within the existing property boundary. Berms will also be constructed to provide additional screening of the use to mitigate any impacts to adjacent land uses.

C. Adequacy of Public Facilities.

The proposed conditional use will be served by adequate public facilities including but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, park and recreation, schools, and fire and emergency medical facilities. Levels of service established by the Comprehensive Plan shall be considered.

Potable water and sewer – No impact on sanitary facilities and water supply capacities are anticipated. Water and sewer needs are to be met by providing bottled water for drinking and portable toilets.

Solid waste - No impact on solid waste is anticipated.

Transportation –Access to the site will be via County Road 450A and a private easement. Public Works has indicated that the proposed peat mine operation will be required to address the following issues during the review of the required operating permit if this MCUP is approved:

- A Commercial Driveway Permit will be required to be submitted with the Mining Operating Permit Application. The Plan for the mine will need to include the driveway design along with what existing vegetation will be removed and remain.
- The mining site will be required to install advisory signs “Trucks Entering Highway” on CR 450A and CR 44A.
- The driveway connection to CR 450A will need to have a 50 feet radii for ingress and 35 feet minimum for egress. The driveway will need to have a culvert pipe with a minimum size of 15-inches and the swales on both sides of the driveway will need to be re-graded.

D. Adequacy of Fire Protection.

The Applicant shall obtain from the Lake County Emergency Services Division written confirmation, or has otherwise demonstrated by substantial credible evidence, that water supply, evacuation facilities, and emergency access are satisfactory to provide adequate fire protection.

The subject parcel is approximately six (6) miles from Lake County Fire Station 27 (closest fire station), located at 19212 State Road 44, Eustis and which is anticipated to provide sufficient services for the proposed use.

FINDINGS OF FACT: Staff has reviewed the application for the proposed Mining Conditional Use Permit and found:

1. The application is consistent with Comprehensive Plan Policy I-1.4.5, *Rural Transition Future Land Use Category*, which allows for Mining and Resource Extraction with a Conditional Use Permit.
2. The application request is consistent with Comprehensive Plan Policy I-7.5.10, *Natural Resource Extraction*, which requires a conditional use permit for mining uses.
3. The application request is consistent with the Zoning District and Mining Regulations of the LDR, and specifically Table 3.01.03 and Section 6.06.00 and 14.05.00 Conditional Use Permits, subject to all conditions of the proposed ordinance.
4. The application is consistent with Comprehensive Plan Policy III-3.5.2, *Prohibitions on Mining in Environmentally Sensitive Areas*, which prohibits new peat mining operations in the most effective recharge areas. The project is not located within any most effective recharge or protected recharge areas, according to the *Floridan Aquifer Recharge Map, Exhibit #6 of the Future Land Use Map Series* overlaid on the Lake County GIS map created for this application (Staff Exhibit 3).

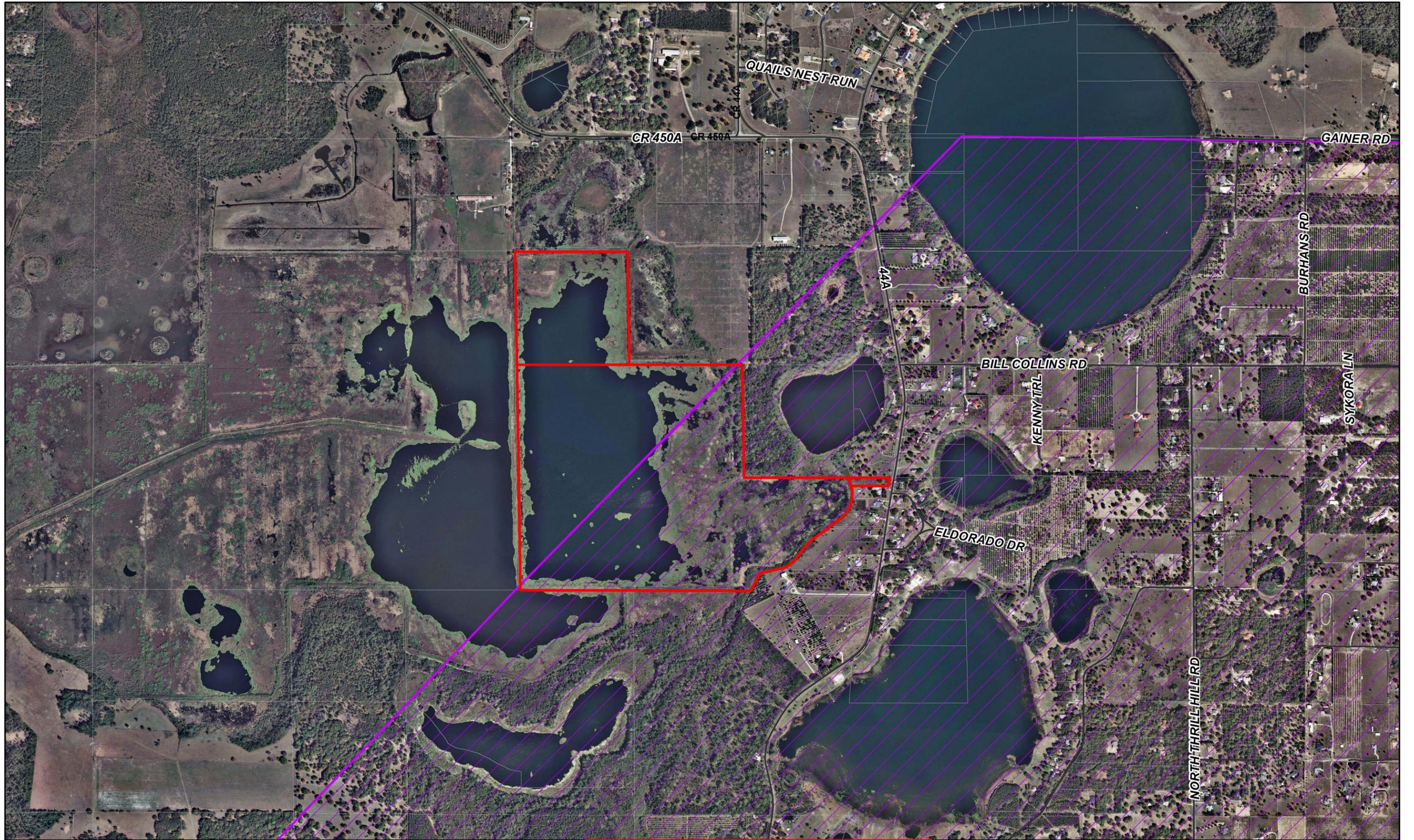
Therefore, based on Findings of Fact, staff recommends **APPROVAL, with conditions**, as specified in the proposed ordinance.

WRITTEN COMMENTS FILED:

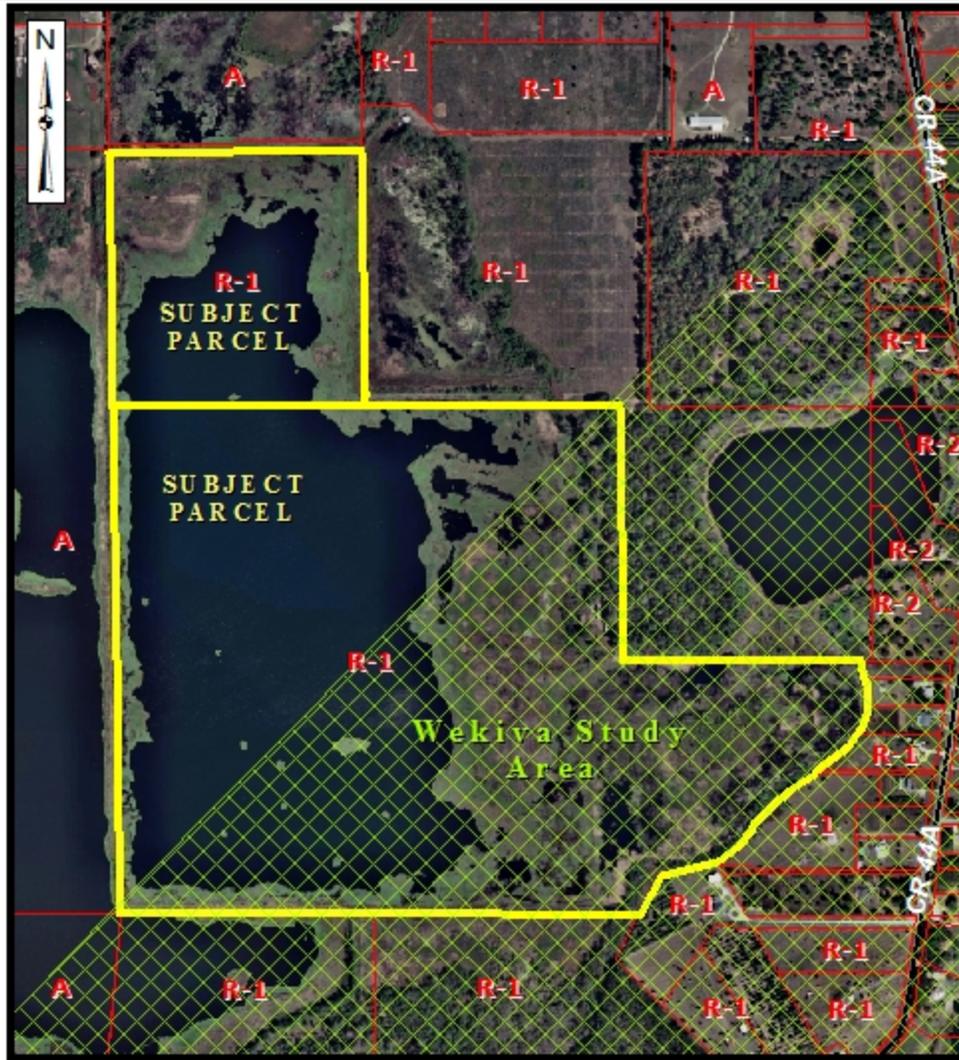
Supportive: -0-

Concern: -0-

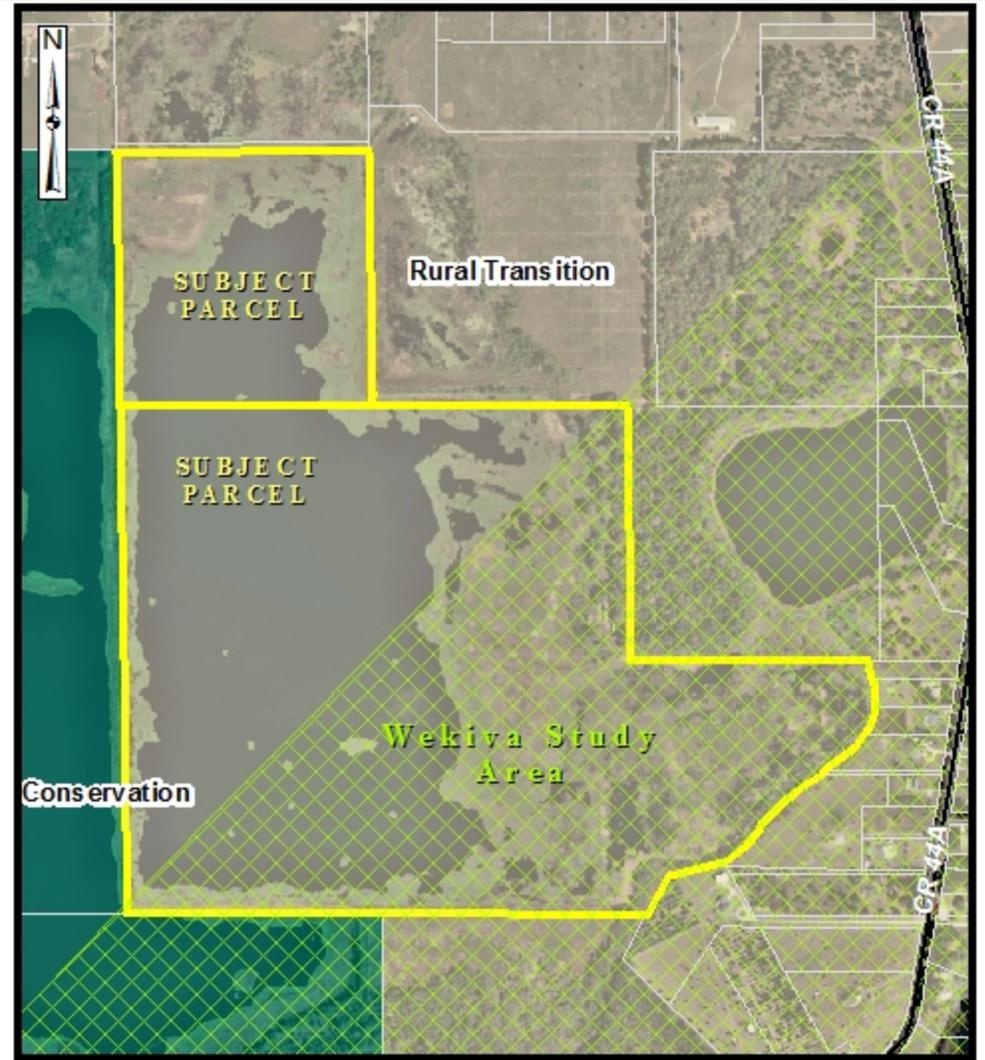
Opposition: -0-



2012 Pine Meadows WSA Map - Staff Exhibit #1



CURRENT ZONING
RURAL RESIDENTIAL (R-1)



CURRENT 2030 FUTURE LAND USE
RURAL TRANSITION

**PINE MEADOWS
PEAT MINE
STAFF EXHIBIT "2"**

CASE NO.
MCUP #14/7/1-5

CASE LOCATION:
29-18S-27E

REQUESTING:
Mining Conditional Use
Permit in R-1 Zoning

ZONING
LAND USE
SUBJECT PARCEL

DATASOURCES:
Lake County GIS Department Planimetrics, 2009 aerial image, Data Compilation and Map production compliments of the Growth Management Department, Planning and Community Design.

MAP COMPOSITION:
SEPTEMBER 2014

This map product was prepared from a Geographic Information System established by the Lake County Board of County Commissioners. Its employees, agents and personnel, make no warranty as to its accuracy and, in particular its accuracy as to labeling, dimensions, contours, property boundaries, or placement or location of any map features thereon. The Lake County Board of County Commissioners, its employees, agents and personnel MAKE NO WARRANTY OF MERCHANTABILITY OR WARRANTY FOR FITNESS OF USE FOR A PARTICULAR PURPOSE EXPRESS OR IMPLIED WITH RESPECT TO THIS MAP PRODUCT. Independent verification of all data contained on this map product should be obtained by any user of this map.

FOCUS AREA

**LAKE COUNTY
PLANNING**

- 1 1. Mining for removal of peat outside of the Wekiva Study Area.
- 2 2. Conservation uses.
- 3 3. Uses permitted within the Rural Residential (R-1) Zoning District.
- 4 4. Accessory uses and structures, including a caretakers unit, directly related to the above
- 5 uses may be approved by the County Manager or designee. Any other use of the site
- 6 shall require approval of an amendment to this Ordinance by the Board of County
- 7 Commissioners.

8 **Section 2. Conditions:**

9 **A. Operation and Permit Requirements:** Mining shall require approval of an Operation Permit
10 that includes the following in accordance with the Land Development Regulations, as
11 amended:

- 12 1. Operation Plan;
- 13 2. Reclamation Plan.
- 14 3. Tree Removal Permit.
- 15 4. Noise Study.
- 16 5. Traffic Study and Management Plan.

17 **B. General Standards:**

- 18 1. **Permits and Approvals.** All applicable federal and state permits shall be obtained prior
19 to commencement of peat mining activities on the site, and shall be kept current.
- 20 2. **Agency Approvals.** All mining activities shall be conducted in accordance with all
21 applicable federal, state, regional and local laws, ordinances, rules and regulations, as
22 amended.
- 23 3. **Consistency with Operating Permit.** All mining and other activities shall be consistent
24 with the Lake County Code, Land Development Regulations, the Lake County
25 Comprehensive Plan and the approved Mining Conditional Use Permit.
- 26 4. **Best Management Practices.** All operational activities shall employ best management
27 practices.
- 28 5. **Phasing.** The mining activities shall be conducted in phases as described in the
29 Operation Permit so as to expose the least amount of land surface practical at any time
30 during the peat mining operation.
- 31 6. **Pile Height.** Temporary spoil piles or storage of materials shall be in accordance with the
32 Land Development Regulations, as amended.
- 33 7. **Hours of operation.** Hours of operation shall be 7 a.m. to 7 p.m., Monday through
34 Friday. There shall be no mining activities conducted on Saturday or Sunday.

35 **C. Setbacks:**

- 36 1. A minimum 100-foot setback shall be established along all property lines except where
37 there is a residential zoning district adjacent to the property line, in which case the
38 setback shall be a minimum of 200 feet.

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- 2. Setbacks shall be permanently marked in a manner acceptable to the County prior to the initiation of any phase of excavation and shall remain in place until peat mining activities and reclamation are completed. Such markers shall be shown on the Operating Plan and shall be spaced at no more than 100 feet in areas being excavated.

D. Reclamation Standards:

- 1. Reclamation Plan - A Reclamation Plan, conforming to the Mining Reclamation Standards contained in the Lake County Land Development Regulations shall be filed with the Operating Plan/Permit. The reclamation plan shall fully describe the proposed site reclamation by both illustration and documentation, and including but not limited to:
 - a. A plan view with cross sections, final slopes/contours, vegetative plantings, stormwater retention areas, etc. shall be submitted.
 - b. All areas to be reclaimed by depicting and describing what man-made and natural features will exist when the reclamation plan is completed; and
 - c. A contour map and two (2) typical cross sections, generally oriented north to south and east to west, showing areas to be filled, backfilled, reconstructed, and reshaped.
 - d. Identification of the size, type, location, and planting schedule for all vegetation to be planted or seeded in accordance with the reclamation plan.
- 2. Timing. Reclamation shall commence within 90 days after completion of each phase of excavation or within 90 days after commencement of mining activities for the next phase, whichever is earlier. Reclamation of the area associated with any completed phase of the mining activity shall be completed no later than two (2) years after termination of mining in that phase. Only one (1) active mining phase and one (1) active reclamation phase shall be permitted at any given time during the life of the mining activity. In the event that peat mining operations cease for a period of three (3) years, reclamation for all disturbed areas associated with the peat mining operation shall commence and be completed within a five-year period from the date of cessation of operation.
- 3. Topography. Sloping and grading shall be conducted in such a manner as to minimize soil erosion and surface water runoff and to make the land surface suitable for revegetation. The final reclamation elevation of the site shall be as proposed by the Mining Site Plan to be incorporated into the Operating Plan.
- 4. Mining activities shall not adversely impact the water levels or water quality of surface waters, the Floridan Aquifer, the surficial aquifer, or the wetlands beyond the boundaries of the mine.
- 5. Any trees, shrubs or grasses growing on this site that are listed as prohibited species in the Lake County LDRs, as amended, or are listed by other agencies as invasive non-native species, shall be destroyed prior to completion of reclamation.
- 6. Tree Mitigation. The phasing schedule shall include mitigation of trees in each phase proportionate to the number of phases and amount of mitigation required. The County Manager or designee may allow substitution of trees smaller than minimum requirements to ensure survivability.

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E. Phasing:

1. **Phasing.** The mining activities shall be conducted in phases as described in the Operating Plan so as to disturb the least amount of wetland area practical at any time during the peat mine operation.
2. Reclamation of Phases shall be completed pursuant to the LDR, as amended and the approved Operating Plan.

F. Protection of Water Resources:

1. The minimum distance between the bottom of the mined area and the top of the Floridan Aquifer Confining Unit, if present, shall be sufficient to protect the Florida Aquifer system and shall be subject to approval by the County. The final elevation shall be at even grade as specified in the approved reclamation plan.
2. The peat mining operation shall be completely self-contained and shall retain any waste materials or water generated by the process on site. The operation shall not utilize any surface water from lakes or ponds that are not entirely contained on the property, except as specifically approved in the Operation Plan.
3. Discharges of water or liquid wastes into waters of the County or State are prohibited unless the County and jurisdictional agency has granted a variance or other approval to specifically allow the discharge. This shall not prevent discharges into water systems that are self-contained on the mine property as approved in the Operating Permit.
4. The Permittee shall reimburse the County for any costs for its consultant hydrogeologist to review studies to ensure compliance with these requirements.
5. Wetland impacts must be properly permitted by the jurisdictional authority prior to commencement of mining activity and operations.

G. Protection of Karst Features:

1. A hydrology study shall be submitted with the Operating Plan that identifies any karst features within the property.
2. Karst features shall be avoided and protected from peat mining or any development activity, and any future development of the property shall comply with the requirements of the Lake County Comprehensive Plan and Land Development Regulations, as amended.
3. Karst features shall be maintained in their natural function, integrity and structure.
4. Impervious development shall be set back from the boundary of karst features a minimum of 100 feet. The setback shall consist of a buffer that retains all natural vegetation within the setback area.

H. Archeological Artifacts: If any archeological artifacts are encountered during the peat mine operation, the mining activities shall cease; and notification will be made to the County Manager, or designee and the Florida Department of State, Division of Historical Resources.

I. Vegetation, Landscaping and Buffering: A Reclamation/Re-vegetation Plan shall be provided consistent with the Mining Reclamation provisions specified in the LDR requirements, as amended. A tree removal application and appropriate fee shall be submitted prior to removing any trees pursuant to the Lake County Land Development Regulations, as

1 amended.

2 **J. Transportation:** A Commercial Driveway Permit shall be required to be submitted with the
3 Mining Operating Permit Application.

- 4 1. Mining plans shall show the driveway design and the vegetation that will be removed or
5 that is to remain.
- 6 2. Advisory signs reading "Trucks Entering Highway" shall be installed on Eastbound CR
7 44A, Southbound (Westbound) CR 44A, and Westbound on CR 450A.
- 8 3. The driveway connection to CR 450A shall have a 50 feet radii for ingress and 35 feet
9 minimum for egress. The driveway shall have a culvert pipe with a minimum size of 15-
10 inches and the swales on both sides of the driveway shall be re-graded.
- 11 4. Trucks shall drive west on CR 450A to reach SR 19 when leaving the site. Access
12 management shall be in accordance with the LDR, as amended.

13 **K. Financial Responsibility:**

- 14 1. Before final approval of the Operation Permit and Reclamation Plan, the Permittee/Owner
15 must file with the County, a compliance and reclamation guarantee to ensure that the site
16 is operated and reclaimed in conformance with the Lake County Code and the approved
17 Operation and Reclamation Plans. Acceptable forms of the guarantee include cash,
18 certificates of deposit, irrevocable letters of credit, or surety bonds. In all cases, the form
19 of the guarantee shall be subject to approval by the County Attorney.
- 20 2. The total cost of reclamation shall be estimated by the Permittee's consultant and
21 reviewed by the County. The estimated amount shall be established by calculations and
22 judgments based on acceptable industry standards and procedures. The final amount of
23 the guarantee shall be set by the Board of County Commissioners not less than one
24 hundred and ten percent (110%) of the estimated cost of reclamation, based upon the
25 phase that is being permitted.
- 26 3. The reclamation guarantee shall not be released by the County until the final reclamation
27 on all areas subject to this approval has been approved.
- 28 4. If reclamation under the approved Reclamation Plan has not been successful after the
29 end of two (2) years, at the option of the County, a new Reclamation Plan shall be
30 required of and carried out by the applicant/property owner, or the reclamation guarantee
31 shall be forfeited and the site reclaimed by the County using the guarantee to fund it.
32 Additionally, if the site has been abandoned by the Permittee, the reclamation guarantee
33 may be declared forfeited by the Board and the site reclaimed by the County using the
34 guarantee to fund it. The site shall be considered abandoned if mining activity has taken
35 place for a period of six (6) months, or if reclamation has not been instituted as required
36 under this ordinance.

37 **L. Annual Progress Report:** An Annual Progress Report shall be submitted by February 1st of
38 each year consistent with the Mining provisions specified in the LDR, as amended. Failure to
39 file the required annual progress report shall be grounds for suspension of the Operating
40 Plan. An extension of time for filing may be granted by the County upon request and for good
41 cause shown.

1 **M. Inspections:** County staff, upon notification to the Applicant, shall have access to the project
2 site to inspect and observe permitted activities in order to determine compliance with the
3 terms of this ordinance.

4 **Section 3.** Additional conditions of this permit shall mean:

5 A. In the event of any breach in any of the terms or conditions of this permit or any default or
6 failure of the Permittee or his successor to: Fulfill development in substantial accordance with
7 the conceptual plan as submitted to the Planning & Zoning Board and the Board of County
8 Commissioners; comply with the codes of the governmental agencies having lawful and
9 appropriate jurisdiction thereon; or comply with any of the terms of the MCUP; or this MCUP
10 is found to become a nuisance or safety hazard, the permit may be revoked after due Public
11 Hearing before the Planning & Zoning Board and the Board of County Commissioners, or may
12 be rescinded upon annexation to a municipal jurisdiction.

13 B. This Permit shall inure to the benefit of, and shall constitute a covenant running with the land;
14 and the purpose, terms, and conditions contained herein shall be binding upon the Permittee,
15 the Property Owner, and any successor in interest thereto.

16 C. Action by the Lake County Code Enforcement Special Master. The Lake County Code
17 Enforcement Special Master shall have authority to enforce the terms and conditions set forth
18 in this ordinance and to recommend that the ordinance be revoked.

19 D. If the mining activities commence within three (3) years of the date that the Board grants
20 mining conditional use permit approval, the MCUP shall remain valid and in force as long as
21 the operator shall abide by this ordinance, the operating permit and the LDR requirements.
22 Should mining activities not commence within three (3) years, the mining site plan approval
23 shall expire. The applicant may request an extension of MCUP approval, in writing, prior to
24 the expiration of the MCUP approval. The applicant's request shall go to the Lake County
25 Board of County Commissioners for review and approval.

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

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

2 ENACTED this _____ day of _____, 2014.

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4 FILED with the Secretary of State _____, 2014.

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6 EFFECTIVE _____, 2014.

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

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JIMMY CONNER, Chairman

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ATTEST:

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**NEIL KELLY, Clerk of the
Board of County Commissioners
Lake County, Florida**

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APPROVED AS TO FORM AND LEGALITY

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SANFORD A. MINKOFF, County Attorney

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EXHIBIT "A" – LEGAL DESCRIPTION

Pine Meadows - Mining Area
Section 29, Township 18 South, Range 27 East
Lake County, Florida

Pine Meadows – Mining Area: As Written by SurvTech Solutions

A parcel of land lying and being in Section 29, Township 18 South, Range 27 East, Lake County, Florida, being more particularly described as follows:

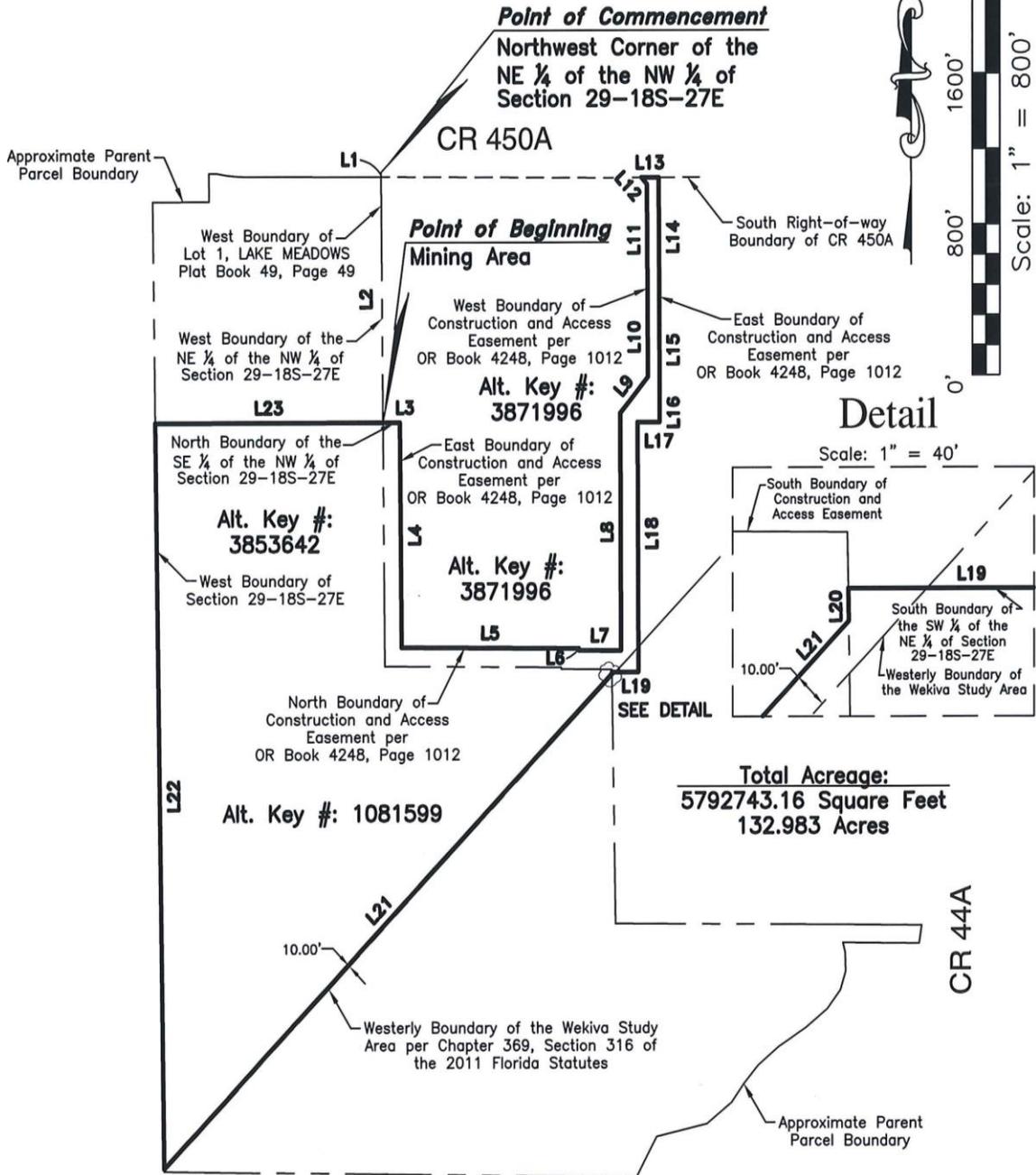
COMMENCE at the Northwest corner of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 29, Township 18 South, Range 27 East, thence coincident with the West Boundary of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 29, S 00°25'23" E a distance of 22.06 feet to the Northwest corner of Lot 1, LAKE MEADOWS, as recorded in Plat Book 49, Page 49 of the Public Records of Lake County, Florida; thence continue coincident with said West Boundary and coincident with the West Boundary of said Lot 1 and the Southerly extension thereof, S 00°25'23" E a distance of 1304.38 feet to the Northwest corner of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 29, said point also being the POINT OF BEGINNING; thence departing said West Boundary, coincident with the North Boundary of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 29, also being coincident with the North Boundary of a Construction and Access Easement as recorded in Official Records Book 4248, Page 1012 of the Public Records of Lake County, Florida, N 89°54'12" E a distance of 100.00 feet to a point coincident with the East Boundary of said Easement; thence departing said North Boundary, coincident with said East Boundary, S 00°25'23" E a distance of 1194.39 feet to a point coincident with the North Boundary of said Easement; thence departing said East Boundary, coincident with said North Boundary for the following three (3) courses: 1.) S 89°41'32" E a distance of 1032.68 feet; 2.) thence S 00°18'28" W a distance of 9.68 feet; 3.) thence S 89°41'33" E a distance of 247.57 feet to a point coincident with the West Boundary of said Easement; thence departing said North Boundary, coincident with said West Boundary for the following five (5) courses: 1.) N 00°07'33" W a distance of 1258.91 feet; 2.) thence N 39°59'35" E a distance of 249.58 feet; 3.) thence N 00°09'53" W a distance of 426.88 feet; 4.) thence N 00°09'58" W a distance of 595.42 feet; 5.) thence N 42°10'36" W a distance of 48.07 feet to a point coincident with the South Right-of-way Boundary of County Road 450A; thence departing said West Boundary, coincident with said South Right-of-way Boundary, N 89°48'45" E a distance of 100.00 feet to a point coincident with the East Boundary of said Easement; thence departing said South Right-of-way Boundary, coincident with said East Boundary for the following five (5) courses: 1.) S 00°09'56" E a distance of 631.17 feet; 2.) thence S 00°08'48" E a distance of 563.84 feet; 3.) thence S 00°08'32" E a distance of 101.98 feet; 4.) thence S 89°56'39" W a distance of 128.38 feet; 5.) thence S 00°07'33" E a distance of 1325.89 feet to a point coincident with the South Boundary of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 29; thence departing said East Boundary, coincident with said South Boundary, S 89°59'49" W a distance of 153.44 feet; thence departing said South Boundary, S 00°51'19" E a distance of 8.72 feet to a point coincident with a line 10.00 feet Northwesterly of and parallel to the Westerly Boundary of the Wekiva Study Area per Chapter 369, Section 316 of the 2011 Florida Statutes; thence coincident with said parallel line, S 44°54'34" W a distance of 3704.97 feet to a point coincident with the West Boundary of said Section 29; thence departing said parallel line, coincident with said West Boundary, N 00°43'36" W a distance of 3956.13 feet to a point coincident with the North Boundary of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 29; thence departing said West Boundary, coincident with said North Boundary, N 89°54'12" E a distance of 1329.68 feet to the POINT OF BEGINNING.

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EXHIBIT "B" – CONCEPTUAL PLAN

Pine Meadows - Mining Area Section 29, Township 18 South, Range 27 East Lake County, Florida



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