

**CITY OF CLERMONT
COUNCIL MEETING AGENDA
7:00 PM, Tuesday, August 26, 2014**

Welcome to our Council meeting. In the interest of time efficiency and ensuring that everyone who wishes to address the Council is given the opportunity to do so, the following will apply to all comments made by the public. For items listed on the agenda, each speaker will be permitted 5 minutes to address the Council. For non-agenda items, each speaker will be permitted 3 minutes to address the Council. These time limits may be extended by the Mayor. Thank you for participating in your City Government.

CALL TO ORDER

INVOCATION & PLEDGE OF ALLEGIANCE

PROCLAMATION

Constitution Week

Florida Water Professionals Month

PUBLIC COMMENTS

REPORTS

CONSENT AGENDA

- | | |
|---|--|
| Item No. 1 - Council Meeting Minutes | Consider approval of the Regular Council Meeting Minutes of June 24, 2014. |
| Item No. 2 - Surplus Equipment | Consider request to surplus Fujitsu scanner. |
| Item No. 3 - Contractor Name Change | Consider approval of contractor name change from Fountain Pest Control, LLC to Orkin, LLC. |
| Item No. 4 - Bid Award | Consider approval of bid award to United States Service Industries, Inc. (USSI) for janitorial services for the annual amount of \$187,713.72. |
| Item No. 5 - Bid Award and Budget Amendment | Consider approval of bid award to GAI Consultants, Inc. to provide a master plan for the City of Clermont and the Downtown-Waterfront in the amount of \$150,000 and a budget amendment to the General Fund in the amount of \$30,000. |
| Item No. 6 - Contract Approval | Consider approval to piggyback the Lake County contract with Bennett Fire Products Company, Inc. |

CITY OF CLERMONT
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UNFINISHED BUSINESS

Item No. 7 - Ordinance No. 2014-19; Final
Lakeview Village Townhome Annexation

Consider adoption of Ordinance to annex property into the corporate city limits located east of Grand Highway between State Road 50 and Pitt Street.

Item No. 8 - Ordinance No. 2014-20; Final
Small-scale Comprehensive Plan Amendment

Consider approval of Ordinance to change the future land use for property located east of Grand Highway between State Road 50 and Pitt Street.

Item No. 9 - Ordinance No. 2014-21; Final
Rezoning

Consider approval of Ordinance to change the zoning for property located east of Grand Highway between State Road 50 and Pitt Street.

NEW BUSINESS

Item No. 10 - Resolution No. 2014-24
Lakeview Village Townhomes

Consider Conditional Use Permit request to allow a multi-family development for property located east of Grand Highway between State Road 50 and Pitt Street.

Item No. 11 - Variance
Lakeview Village Townhomes

Consider a request for five variances for property located east of Grand Highway between State Road 50 and Pitt Street.

Item No. 12 - Resolution No. 2014-19
Lifestyle Community Church

Consider Conditional Use Permit request to allow a house of worship located at 2400 South Highway 27.

Item No. 13 - Resolution No. 2014-20
Clermont Central Church

Consider Conditional Use Permit request to allow a house of worship located at 1 Westgate Plaza.

Item No. 14 - Resolution No. 2014-21
Woodwinds Apartments

Consider Conditional Use Permit request for a Planned Unit Development located on the east side of Grand Highway, north of Hunt Street and south of Citrus Tower Boulevard.

Item No. 15 - Variance
Woodwinds Apartments

Consider request for three variances for property located on the east side of Grand Highway, north of Hunt Street and south of Citrus Tower Boulevard.

**CITY OF CLERMONT
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Item No. 16 - Intergovernmental Coordination
Element Comprehensive Plan Amendment;
Transmittal Hearing
Table to September 23, 2014

Move to table the transmittal hearing to
September 23, 2014.

ADJOURN

Any person wishing to appeal any decision made by the City Council at this meeting will need a record of the proceedings. For that purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. In accordance with the Americans with Disabilities Act (ADA), if any person with a disability defined by the ADA needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding he/she should contact Clermont, City Clerk's Office, 352-241-7330.

Please be advised that if you intend to show any document, picture, video or items to the Council or Board in support or opposition to any item on the agenda; a copy of the document, picture, video or item must be provided to the City Clerk for the City's records.

City of Clermont
Proclamation

Whereas, the Constitution of the United States established a foundation for the success of our nation through core beliefs such as popular sovereignty and limited government; and

Whereas, September 17, 2014 marks the two hundred twenty-seventh anniversary of the framing of the Constitution of the United States of America by the constitutional convention; and

Whereas, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation; and

Now, Therefore, I, Harold S. Turville, Jr., Mayor of the City of Clermont in the State of Florida, do hereby proclaim September 17 through 23, 2014 as

Constitution Week

in Clermont, Florida, and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787.

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the City of Clermont to be affixed this 26th day of August in the year two thousand fourteen.

Harold S. Turville, Jr., Mayor

ATTEST:

Tracy Ackroyd, City Clerk

City of Clermont
Proclamation

Whereas, the Florida Water and Pollution Control Operators Association, organized in 1941, is a non-profit trade organization that promotes the sustainability of Florida's water utility industry through workforce development to protect the health of Florida's citizens and to preserve the state's water resources; and

Whereas, this organization offers water and wastewater treatment plant operator and water distribution system operator training courses required for the State of Florida's operator licenses, eight voluntary certification programs, and continuing education programs for operator license renewal; and

Whereas, this organization, in recognizing the importance of the Florida Statutes and Administrative Code that regulate the water industry, acts as liaison between the Florida Department of Environmental Protection and industry personnel; and

Whereas, the Florida Water and Pollution Control Operators Association recognizes all those who have played a significant part in operating and maintaining drinking water, wastewater, and stormwater systems in Florida by celebrating Florida Water Professionals Month, which applauds their constant efforts to protect our health and environment.

Now, Therefore, I, Harold S. Turville, Jr., by virtue of the authority vested in me as Mayor of the City of Clermont, do hereby declare the month of August 2014 as

Florida Water Professionals Month

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the City of Clermont to be affixed this 26th day of August in the year two thousand fourteen.

ATTEST:

Harold S. Turville, Jr., Mayor

Tracy Ackroyd, MMC
City Clerk

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
June 24, 2014

The Clermont City Council met in a regular meeting on Tuesday, June 24, 2014 in the Council Chambers at City Hall. Mayor Turville called the meeting to order at 7:00 pm with the following Council Members present: Council Members Goodgame, Mullins, Bates and VanWagner. Other City officials present were: City Manager Gray, City Attorney Mantzaris and City Clerk Ackroyd.

INVOCATION

Council Member Mullins gave the invocation followed by the Pledge of Allegiance.

PUBLIC COMMENTS

Wally Herda expressed safety concerns with Brighthouse placing locator flags from Highway 27 to East Avenue for months prior to starting a project. He requested a Resolution to be notified when a project begins and ends for contractors. Council Member Mullins asked City Manager Gray to direct code enforcement to follow up on the matter. City Attorney Mantzaris noted it is a second degree misdemeanor if the flags are picked up before the 30 days has elapsed.

REPORTS

City Manager Gray reported on a Movie Night at 7pm on Saturday, June 28 that will be free to the public at the Arts and Recreation Center. June 29 is the battle between the Police and Fire Department at City Hall Park at 1pm during the Farmers Market. The City will honor Lake County Supervisor of Elections Emogene Stegall with a proclamation on July 8 as the longest serving Supervisor of Elections in Florida.

City Attorney Mantzaris- No Report

Council Member Bates – No Report

Council Member Goodgame welcomed the opening of Dick's Sporting Goods commenting they are a good fit into the City as a health and wellness community.

Council Member Mullins – No Report

Council Member Van Wagner – No Report

Mayor Turville – No Report

CONSENT AGENDA

Mayor Turville advised the next item on the Agenda for consideration was the Consent Agenda and requested anyone wishing to have any item pulled for discussion to please come forward at this time.

Item No. 1 - Contract Approval

Consider approval of the request to piggyback the City of Palm Coast contract with Danella Construction of Florida to provide Fibernet OSP Operations and Maintenance.

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
June 24, 2014

Item No. 2 - Resolution No. 2014-18

Consider approval of the Fiscal
Year 2014 Budget Amendments.

Council Member Mullins moved to approve the consent agenda; seconded by Council Member Goodgame. The motion passed with all members present voting aye.

UNFINISHED BUSINESS

The next two items were heard concurrently and voted on separately.

Item No. 3 Resolution No. 2014-12

City Clerk Ackroyd read the Resolution aloud by title only.

A Resolution of the City Council of the City of Clermont, Lake County, Florida, granting a Conditional Use Permit to allow a gun range within the C-2 General Commercial zoning district.

Item No. 4 Variance

Senior Planner Kruse presented the request for a gun store and range Conditional Use Permit. The applicant requested to renew an expired Conditional Use Permit for an indoor gun range in the C-2 General Commercial Zoning District. The gun range consists of 12 shooting stations and will also have a retail gun store. The gun range is not listed in the Land Development Code as a permitted use and would require a Conditional Use Permit. The gun store is considered retail and would not require a Conditional Use Permit. The overall square footage will be approximately 7,000 square feet.

The project was previously approved by the City Council under Resolution No. 2010-26 and amended by Resolution No. 2012-01. The previous applicant, David Heck, did not start construction on the project within the two year time frame and resulted in the Conditional Use Permit becoming null and void. The two year time frame expired on January 10, 2014.

Staff recommended approval.

Aaron Collins; applicant, was present. He took over the project after the previous applicant passed away. There are no changes to the project and he would like to build immediately.

Mayor Turville opened the public hearing.

Wally Herda, 1109 Hampton Street, expressed concern about noise.

Jim Purvis, 4206 Hammersmith Drive, supported a gun range. He opposed the location and asked for clarification on the request.

City Attorney Mantzaris clarified the gun range requires a Conditional Use Permit; not a gun store.

Tim Murry, 574 E. Desoto Street, expressed concerns with the location and parking. He supported a gun range.

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David Gustason, 1259 Legendary Blvd. spoke in favor of the gun range.

Devon Cole, 491 E. Osceola Street, opposed the gun range in that community; build in another location.

Jerry and Deborah Simpson, 13056 Pine Cone Trail, spoke in support of the gun range.

Jerry Ameral, 905 5th Street, spoke in support.

Edward Shelton, 722 E. Desoto, opposed the location of the proposed gun range.

Jeff Kleinfeld, 422 Balboa Blvd, spoke in favor of the gun range.

John Hill; General Manager, commented the gun range was a state of the art facility. The ventilation system is superior to any indoor range in Florida. He requested approval.

Michelle Michnoff, 1323 Lakeview Drive, opposed the location and supported a gun range.

Steve Smith, 1313 Briarhaven Lane, opposed the location and expressed safety concerns in the parking lot.

Mayor Turville closed the public hearing.

Council Member Goodgame opposed the application and commented he was a strong supporter when it was previously heard by the Council.

Council Member Mullins expressed concern with access issues and no retention pond. He opposed the property location for this request.

Council Member Bates noted he would like to have a gun range in Clermont however could not support the request due to the concerns of the neighborhood.

The applicant stated he has not considered other properties in the area.

Council Member Van Wagner did not support the project in honor of the neighborhood and would like the business in another location.

Council Member Van Wagner moved to deny the Conditional Use Permit application; seconded by Council Member Goodgame. The motion passed unanimously with all members present voting aye.

Council Member Mullins requested City Manager Gray have Economic Development Director Hitt work with the applicant to find another location.

The following six items were presented together and voted on separately.

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REGULAR COUNCIL MEETING
June 24, 2014

Item No. 5 Ordinance No. 2014-02; Final

City Clerk Ackroyd read the ordinance aloud by title only.

An Ordinance of the City Council of the City of Clermont, Lake County, Florida, providing for the annexation of a certain parcel of land contiguous to the present City boundaries; providing for an effective date, severability, recording, and publication.

Item No. 6 Ordinance No. 2014-03; Final

City Clerk Ackroyd read the ordinance aloud by title only.

An Ordinance of the City Council of the City of Clermont, Lake County, Florida, adopting the Small Scale Comprehensive Plan Amendment for the City of Clermont, Florida, pursuant to the Local Government Comprehensive Planning Act, Chapter 163, Part II, Florida Statutes; setting forth the authority for adoption of the Small Scale Comprehensive Plan Amendment; setting forth the purpose and intent of the Small Scale Comprehensive Plan Amendment; providing for the adoption of the Small Scale Comprehensive Plan Amendment; establishing the legal status of the Small Scale Comprehensive Plan Amendment; providing a severability clause and providing an effective date.

Item No. 7 Ordinance No. 2014-04; Final

City Clerk Ackroyd read the ordinance aloud by title only.

An Ordinance under the Code of Ordinances of the City of Clermont, Lake County, Florida amending the official zoning map of the City of Clermont referred to in Chapter 122 of Ordinance No. 289-C, Code of Ordinances; rezoning the real properties described herein as shown below; providing for severability, effective date, and publication.

Item No. 8 Ordinance No. 2014-05; Final

City Clerk Ackroyd read the ordinance aloud by title only.

An Ordinance of the City Council of the City of Clermont, Lake County, Florida, closing and permanently abandoning the 15 foot right-of-way easement for 574.46 feet of the platted unnamed road lying south of tract 48; repealing all ordinances in conflict herewith, providing for severability, publication, recording, and for an effective date.

Item No. 9 Resolution No. 2014-03

City Clerk Ackroyd read the ordinance aloud by title only.

A Resolution of the City Council of the City of Clermont, Lake County, Florida, granting a Conditional Use Permit to allow for a multi-family complex with more than 12 units consisting of multi-family residential units, town homes, club house, and pool.

City of Clermont
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Item No. 10 Variance

Senior Planner Kruse presented the Tower Park project formerly known as Citrus Tower Apartments.

The applicants and owners; Daljit and Satinder Gill, requested annexation of a 8.73 acre parcel located along the west side of Citrus Tower Boulevard between Steve's Road and Hooks Street. The property is within the Joint Planning Area and is contiguous to the City on two sides. The annexation is consistent with the Goals, Objectives and Policies of the City's Comprehensive Plan. Staff recommended approval.

The petitioners; Daljit and Satinder Gill, requested a future land use amendment to change the future land use from Lake County Regional Office to the City's Residential/Office land use category. Based on current land use trends, the City estimates the mix of uses in the residential/office category will be 65 percent residential and 35 percent non-residential. Staff recommended approval.

The applicants and owners requested a rezoning from Urban Estate "RA" in Lake County to the City's R-3 Residential/Professional zoning designation. The current zoning in the area would allow the R-3 zoning designation. Staff recommended approval.

The petitioners requested closing a road right-of-way west of Citrus Tower Boulevard and north of Steve's Road. The right-of-way was part of an unimproved right-of-way which was never developed for public use. Staff recommended approval, conditioned on the City receiving a 15-foot utility easement.

The applicants and owners requested a Conditional Use Permit for a proposed development consisting of 72 multi-family residential units, 32 town homes, a club house, and pool. The Conditional Use Permit contains seven specific conditions provided by the applicant. Staff recommended approval.

The petitioners requested four variances for the proposed development. The first variance allows cutting into the slope of the existing grade and removing more than 10 feet of soil. The second variance allows for two 6 to 10 foot high retaining walls. The third variance allows construction of three multi-family residential buildings higher than 45 feet. The fourth variance allows for a gated entrance to the project. Staff recommended denial of the four variance requests.

Dave Carter; Ridge Professional Group Engineer, stated the original plan called for 92 apartments, parking, a 1-acre commercial section, and a club house without a pool. The revised plan contains a section of townhouses with enclosed garages, three apartment buildings clustered on the north side with underground parking, and a pool.

Mr. Carter addressed the Council's prior concerns regarding density, amenities, apartment occupancy rates, school concurrency, and walking distance to schools. The average density for the overall site is 12 units per acre and the plans include a pool. A substantial portion of the surface parking has been removed. Occupancy rates for apartments in the Clermont area is between 87 and 89 percent. The schools are within walking distance and current Lake County School Board projections show the project with the revised plan would not create an adverse impact on the schools.

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The specific conditions agreed to with the neighbors several months ago were reviewed. Condition 9 was dropped due to the City Council and City Attorney agreeing it was not a condition for consideration. Part of Condition 1 was to include a six foot decorative wall, which was removed as the wall would sit low and would not be seen. The remainder of Condition 1 was retained. The doubling of the landscaping was removed. Conditions 2, 3, 4, 6, and 7 are identical to the original conditions. Condition 5 contains the additional wording “around the southwest corner”.

Mayor Turville opened the public hearing.

Paul Mascia, 2434 Linkwood Avenue, spoke in opposition and stated he has a petition with approximately 200 signatures opposing the project.

Beverly Feiy, 2442 Linkwood Avenue was opposed to the project.

Darryl Pickett, 2442 Linkwood Avenue, requested Council deny the project

Shaun and Autum Rivas, 2473 Linkwood Avenue, spoke in opposition of the project and expressed concern with the project increasing transient traffic.

Chris Bowling, 1271 Lattimore Drive, opposed the project.

Diane and William Castro, 2454 Linkwood Avenue, spoke in opposition of the project.

Novella Shaw, Southridge Subdivision, opposed the project and expressed concerns regarding traffic congestion and crime.

Mr. and Mrs. Marin, 2495 Linkwood Avenue, were opposed to the project and expressed concern with the impact on schools.

Victor Lopez, 2465 Linkwood Avenue, spoke in opposition of the project and requested denial.

Owen Myers, 2466 Linkwood Avenue, opposed the project.

Kimberly and Terry Hausler, 2438 Linkwood Avenue, requested denial.

Dennis Allard, 1792 Nature Cove Lane, opposed the project and requested denial.

Mayor Turville closed the public hearing.

David Carter, Ridge Professional Group Engineer, proposed to remove the apartments, add 18 townhomes, and withdraw the wall and cut-and-fill variance request.

City Manager Gray commented staff would need to review the proposal.

Mayor Turville stated Council should consider the current proposal unless the applicant requests withdrawal.

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Council Member Mullins commented the project was improved from the original project, but expressed concern regarding the number of residences on the property. The property is in the county and the applicant could remain in the county, allowing the applicant to build the project as presented. He suggested tabling the request for three to six months to allow the developer to present a quality townhome with amenities to attract appropriate homebuyers.

Council Member Goodgame was opposed to the apartments and expressed concern with the impact on the schools. He agreed to provide the developer time to return with an improved project.

Council Member VanWagner was opposed to allowing additional time.

Council Member VanWagner moved to deny the annexation; seconded by Council Member Bates. The motion passed 4 to 1 on a roll call vote with Council Member Mullins opposing.

With a denial of the annexation, the applicant can return with a new annexation application.

NEW BUSINESS

Item No. 11 Resolution 2014-16

City Clerk Ackroyd read the Resolution aloud by title only.

A Resolution of the City Council of the City of Clermont, Lake County, Florida, granting a Conditional Use Permit to allow for a house of worship in the C-2 General Commercial Zoning District

Planning Manager Henschel presented the Conditional Use Permit to establish a house of worship in the C-2 zoning district. The church proposes to occupy 3,700 square feet of office/retail building space available at 159 North Highway 27. The church proposes to have meetings on Tuesday and Wednesday evenings and a service on Sunday. Staff recommended approval.

Applicant Greg Homan was present and requested approval.

Mayor Turville opened the public hearing. There were no public comments. Mayor Turville closed the public hearing.

Council Member VanWagner noted Legacy Church has been in existence for a number of years and supported the request.

Council Member VanWagner moved to approve; seconded by Council Member Mullins. The motion passed with all members present voting aye.

City of Clermont
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Item No. 12 Resolution No. 2014-17

City Clerk Ackroyd read the Resolution aloud by title only.

A Resolution of the City Council of the City of Clermont, Lake County, Florida, granting a Conditional Use Permit to allow an auto rental business in the C-2 General Commercial Zoning District

Senior Planner Kruse presented the request from Hertz Rental Car for a Conditional Use Permit to operate a car rental business at 1500 Oakley Seaver Drive. The applicant received approval from the landlord for the requested use. Staff recommended approval.

Applicant Marcus Echtler was available to answer any questions.

Mayor Turville opened the public hearing.

Jim Purvis, 4206 Hammersmith Drive, supported the proposal and expressed concern with washing and detailing cars in the parking lot.

Mayor Turville closed the public hearing.

Council Member Mullins inquired if a shop vac would be used on the premises.

Council Member Goodgame requested the applicant address washing and detailing the vehicles.

Mr. Echtler stated there would be a shop vac behind the building and a nearby car wash will be used for exterior washing and detailing.

City Attorney Mantzaris suggested adding the standard noise language to the Conditional Use Permit.

Council Member Mullins moved to grant the Conditional Use Permit with the addition of the noise paragraph; seconded by Council Member Bates. The motion passed unanimously with all members present voting aye.

ADJOURN: With no further comments, this meeting was adjourned at 9:22pm.

APPROVED:

Harold S. Turville, Mayor

ATTEST:

Tracy Ackroyd, City Clerk



CITY OF CLERMONT

AGENDA ITEM

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Council Meeting Date		
Tuesday, August 26, 2014		
Agenda Item Name		
Surplus Equipment		
Requested Action		
Move to declare surplus.		
Staff Report		
The City Clerk's office replaced a Fujitsu scanner in Fiscal Year 2011. The scanner was purchased in 2004 and is no longer compatible with current City workstation hardware. The City Clerk's office requests approval to surplus Fujitsu scanner model number M4097D.		
Legal Impact		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		



CITY OF CLERMONT

AGENDA ITEM

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Council Meeting Date	
Tuesday, August 26, 2014	
Agenda Item Name	
Bid Award	
Requested Action	
Move to approve bid award for janitorial services to United States Service Industries, Inc. (USSI).	
Staff Report	
THE EVALUATION COMMITTEE RECOMMENDS APPROVAL OF THE ABOVE ACTION. The Purchasing Division issued a Request for Proposal (RFP) number 14-030 on June 2, 2014 to obtain responses from qualified respondents to provide janitorial services. The RFP was fully competed, advertised and complies with the City of Clermont Purchasing Policy. There were six (6) responses to the RFP. An evaluation committee composed of four (4) City staff members (three voting members and one non-voting member) reviewed, scored and ranked the proposals. United States Service Industries, Inc. (USSI) was the top ranked company selected for their experience with other municipalities, longevity of existing contracts, and references. The Purchasing Manager entered into negotiations with USSI which resulted in a reduction in annual price from \$209,288.76 to \$187,713.72 for a savings of \$21,575.04. The USSI annual cost of \$187,713.72 represents an increase of \$64,262.28 over the current contractor. The increase is primarily due to the cleaning the Arts and Recreation Center (\$58,392) by the new contractor. The facility has been cleaned by city staff. The award recommendation is being made to the most qualified respondent United States Service Industries, Inc. (USSI) for janitorial services. The initial term contract is for three (3) years period with up to two (2) additional one-year renewals at the option of the City, effective September 1, 2014. The evaluation committee determined five (5) proposals to be non-responsive due to not following the instructions stated in the RFP. See attached response tabulation.	
Legal Impact	
Additional Analysis	
Fiscal Impact Summary	
Since the new contract is effective September 1, 2014, there are available funds in the current budget to cover the increase. The increased cost will be included in the proposed FY 2015 budget.	

Fiscal Impact		Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)			
1.	Response Tabulation	RFP 14-030 Response Tabulation.pdf	
2.	Evaluation Summary	RFP 14-030 Evaluation Summary.pdf	
3.	Ad - Janitorial Services	RFP 14-030 Janitorial Services.doc	



**PURCHASING DIVISION
RESPONSE TABULATION**

**RFP 14-030, JANITORIAL SERVICES
DUE DATE/TIME: JULY 17, 2014 AT 2:00 P.M. (EST)**

COMPANY NAME	ADDENDUM 1	ADDENDUM 2	1-ORIGINAL 4-COPIES
JMC Services, Inc. – Winter Garden, FL	Y	Y	Y
United States Service Industries, Inc. (USSI) – Lady Lake, FL	Y	Y	Y
American Janitorial, Inc. – Umatilla, FL	Y	Y	Y
Building Maintenance Services, Inc. – Maitland, FL	Y	Y	Y
Baseboard Brush Company – Minneola, FL	Y	Y	Y
American Facility Services, Inc. – Alpharetta, GA	Y	Y	Y
Professional Building Services – Plantation, FL	Non-Responsive		
All N Professional Services, Inc. – Miami, FL	Non-Responsive		
D.N.S. Janitorial Solutions – Tarzana, CA	Non-Responsive		
Equacleaning Services, Inc. – Gainesville, FL	Non-Responsive		
KeeClean Management, Inc. – Orlando, FL	Non-Responsive		

**** Addendum 1 and 2 were not mandatory submittals with response.**



City of Clermont Shortlist Summary

RFP No. 14-030 PROJECT TITLE: Janitorial Services

Meeting Location and Time:

July 25, 2014 at 1:30p.m. 2nd Floor Conference Room

Selection Committee Members:

Dave Teske

David Vandever

Kathy Johnston

Freddy Suarez (non voting member)

Shortlisted Firms:

	Points Received	Points Received	Points Received	Total Points	Ranking
<u>JMC Services, Inc.</u>	89	65	69	223	3
<u>United States Service Ind.</u>	93	79	86	258	1
<u>American Janitorial</u>	91	68	76	235	2
<u>Building Maintenance Svcs.</u>	95	77	0	172	5
<u>Baseboard Brush Co.</u>	63	39	54	156	6
<u>American Facility Svcs.</u>	75	57	54	186	4

REQUEST FOR PROPOSALS

The City of Clermont is requesting proposals from qualified respondents interested in a term contract to provide Janitorial Services (RFP 14-030). All responses must be received prior to 2:00 P.M. on Thursday, July 17, 2014. Information may be obtained from the City's website at www.cityofclermontfl.com

Publication Date: Lake Sentinel
June 5, 2014
June 12, 2014



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Council Meeting Date		
Tuesday, August 26, 2014		
Agenda Item Name		
Bid Award and Budget Amendment		
Requested Action		
Motion to approve contract with GAI Consultants, Inc. to provide a master plan for the City of Clermont and the Downtown-Waterfront and a budget amendment.		
Staff Report		
THE EVALUATION COMMITTEE RECOMMENDS APPROVAL OF THE ABOVE ACTION. The Purchasing Division issued a Request for Proposal (RFP) number 14-028 on May 5, 2014 to obtain responses from qualified respondents to provide a master plan for the City of Clermont and the Downtown-Waterfront. The RFP was fully competed, advertised and complies with the City of Clermont Purchasing Policy. There were four (4) responses to the RFP. An evaluation committee composed of six (6) City staff members (five voting members and one non-voting member) reviewed, scored and ranked the proposals. GAI Consultants, Inc. was the top ranked company selected for their experience and expertise in conducting large and small scale master plans as well as references of similar services provided to other municipalities. The Purchasing Manager entered into negotiations with GAI Consultants, Inc. which resulted in a reduction of proposed fees from \$273,970 to \$150,000, a savings of \$123,970. The negotiation was conducted with minimal affect to the scope of services and addresses the City's needs. The award recommendation is being made to the most qualified respondent GAI Consultants, Inc.		
Legal Impact		
Additional Analysis		
Fiscal Impact Summary		
Based on the time estimate provided by the consultant, 50% (\$75,000) of the study will pertain to the Downtown, 30% (\$45,000) of the study will pertain to the Waterfront Park and the remaining time, 20% (\$30,000) will pertain to the rest of the city. The time spent pertaining to the Downtown and Waterfront Park is included in the current year budget. However, the time spent pertaining to the rest of the city is not included in the current year budget. Therefore, a budget amendment to the General Fund in the amount of \$30,000 is necessary.		
Fiscal Impact	Fund Number and Description	Available Budget Amount

\$75,000.00	60552-53100	\$150,000.00
\$45,000.00	14542-53100	\$150,000.00
\$30,000.00	10519-53100	\$0.00
Exhibits Attached (copies of original agreements)		
1. Response Tabulation	RFP 14-028 Response Tabulation.pdf	
2. Evaluation Summary	RFP 14-028 Evaluation Summary.pdf	
3. Ad - Master Plan	RFB 14-028.doc	



**City of Clermont
PURCHASING DIVISION
RESPONSE TABULATION**

**RFP 14-028, MASTER PLAN FOR CLERMONT AND THE DOWNTOWN-WATERFRONT
DUE DATE/TIME: JUNE 12, 2014 AT 2:00 P.M. (EST)**

COMPANY NAME	1-ORIGINAL, 6-COPIES
GAI Consultants, Inc. – Orlando, FL	Yes
Cribb Philbeck Weaver Group, Inc. – Tavares, FL	Yes
Littlejohn Engineering Associates, Inc. – Orlando, FL	Yes
Keith and Schnars – Fort Lauderdale, FL	No (1-original, 5-copies)



City of Clermont Evaluation Summary

RFP No. 14-028 PROJECT TITLE: Master Plan for Clermont and the Downtown-Waterfront

Meeting Location and Time:

Wednesday, July 2, 2014 at 10:00 A.M. 3rd Floor Conference Room

Selection Committee Members:

Jim Hitt

Barbara Hollerand

James Kinzler

Charles Broadway (did not score)

Doris Bloodsworth

Freddy Suarez (non voting member)

Shortlisted Firms:

GAI Consultants and Cribb Philbeck Weaver Group

The shortlisted firms above will be schedule to conduct presentations to the Evaluation Committee.

	Points Received	Points Received	Points Received	Points Received	Total Points
GAI Consultants	77	61	80	86	304
Cribb Philbeck Weaver Group	59	76	78	87	300
Littlejohn Engineering	61	68	58	79	266
Keith and Schnars	84	71	54	77	286
NOTES:					

REQUEST FOR PROPOSAL

The City of Clermont is requesting proposals from qualified respondents to provide a Master Plan for Clermont and the Downtown-Waterfront (RFP 14-028). All responses must be received prior to 2:00 P.M. on Thursday, June 12, 2014. Information may be obtained from the City's website at www.cityofclermontfl.com

Publication Date: Newspaper
May 8, 2014
May 16, 2014



REQUEST FOR INFORMATION

Intent to Utilize Lake County B.C.C. Contract for Fire Equipment and Supplies

CONTACT INFORMATION: Freddy Suarez, MPA, CPPB Purchasing Manager EMAIL: fsuarez@clermtfl.org Phone: (352) 241-7386	RFI No. 1408-001	ISSUED DATE: August 1, 2014
	NOTICE OF INTENT TO PIGGYBACK A CONTRACT NOTICE END DATE: <u>August 11, 2014 at 2:00 P.M. (EST)</u> DEADLINE FOR WRITTEN QUESTIONS: <u>Not Applicable</u>	
SOLICITATION RESPONSE: Responses will be received until the response due date specified above or as otherwise amended. No late responses will be accepted. Responses may be submitted electronically to the Purchasing Manager by email. Hardcopy responses may be delivered to: City of Clermont Purchasing Division, 685 West Montrose Street, 2 nd Floor, Clermont, FL 34711.		

This Request for Information (RFI) is intended to notify local vendors of the City's intent to utilize other government entities' contract. **This is not an invitation to submit a bid or quote.** If no local vendor responds to the RFI, the Purchasing Division will proceed with utilizing the referenced contract. Local vendor is defined as businesses located in South Lake County, preferably located within the City limits. This notice will be posted for seven (7) business days.

1 – PIGGYBACK CONTRACT INFORMATION

- (a) Contract Number/Title: 12-0806B / Fire Equipment and Supplies
- (b) Contractor(s): Bennet Fire Products Company, Inc.
- (c) Length of Contract: Expires June 30, 2015.
- (d) Product or Service Provided: Fire fighter equipment and supplies.
- (e) City Department: Fire Department

2 – ACTION TO BE TAKEN

If you're a local vendor, please contact the Purchasing Division by email or by mail prior to the "Response Due Date" indicated above to advise whether your company can provide any of the items/services listed.

Prospective local vendor respondents are requested to provide information regarding their ability to provide the commodities described. **Respondents are not to provide pricing.** All responses will be evaluated by the Purchasing Division and the Department requesting the supplies or services.



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Council Meeting Date														
Tuesday, August 26, 2014														
Agenda Item Name														
Ordinance No. 2014-19; Final Lakeview Village Townhome Annexation														
Requested Action														
Move to approve Ordinance 2014-19.														
Staff Report														
The applicant and owner, RM Plus, LLC, is requesting annexation of a 7.95-acre parcel located along the east side of Grand Highway, halfway between SR 50 to the south and Pitt Street to the north (Exhibit – Location Map). The property is within the City's Joint Planning Area and is contiguous to the City on two sides, west and south of subject property. Water and sewer are available to serve the site. Annexation of this site is consistent with the Goals, Objectives and Policies of the Comprehensive Plan. Policy 1.12.3 states: "The City shall encourage requests for voluntary annexation into the City when those lands are logical extensions of the existing City limits, when services can be properly provided and when proposed uses are compatible with the City's comprehensive plan." This request is being processed concurrently with a small scale comprehensive plan amendment from Lake County's Urban Medium Density Residential to City of Clermont's Medium Density Future Land Use Category, a rezoning to the R-3 Medium Density Residential zoning classification, a conditional use permit to allow a townhome community in the R-3 zoning classification, and a variance request. Staff recommends approval of the annexation.														
Legal Impact														
Additional Analysis														
Fiscal Impact Summary														
Fiscal Impact	Fund Number and Description	Available Budget Amount												
Exhibits Attached (copies of original agreements)														
<table border="0"><tr><td>1.</td><td>Ordinance</td><td>ANN ORD 2014-19.doc</td></tr><tr><td>2.</td><td>Legal ad</td><td>ANN legal ad.docx</td></tr><tr><td>3.</td><td>Application</td><td>ANN Application.pdf</td></tr><tr><td>4.</td><td>Location Map</td><td>Location Map.pdf</td></tr></table>			1.	Ordinance	ANN ORD 2014-19.doc	2.	Legal ad	ANN legal ad.docx	3.	Application	ANN Application.pdf	4.	Location Map	Location Map.pdf
1.	Ordinance	ANN ORD 2014-19.doc												
2.	Legal ad	ANN legal ad.docx												
3.	Application	ANN Application.pdf												
4.	Location Map	Location Map.pdf												

CITY OF CLERMONT
ORDINANCE No. 2014-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, PROVIDING FOR THE ANNEXATION OF A CERTAIN PARCEL OF LAND CONTIGUOUS TO THE PRESENT CITY BOUNDARIES; PROVIDING FOR AN EFFECTIVE DATE, SEVERABILITY, RECORDING, AND PUBLICATION.

WHEREAS, the City Council of the City of Clermont, Florida has received a Petition for Annexation of a parcel of land contiguous to the present corporate limits under Section 171.044, Florida Statutes; and

WHEREAS, the City Council of the City of Clermont, Florida, has determined that it is in the best interest of the City and of the property herein sought to be annexed that the City annex the following described property; and

WHEREAS, the City Council has determined that the area sought to be annexed is contiguous to the City and is in need of the services which the City can offer and the City has determined that such area sought to be annexed will be substantially benefited by annexation; and

WHEREAS, the City Council has determined that all requirements of Section 171.044, Florida Statutes, have been met.

SECTION 1.

NOW, THEREFORE, BE IT ORDAINED, under the provisions of Florida Statute Chapter 171 and the General and Special Laws of the State of Florida; that the City of Clermont, Florida, does hereby annex to and make part of its corporate boundaries; the following described property contiguous to the present City boundary, to-wit:

Legal Description:

Lake Highlands 20-22-26 tract 57-A, north 1/2 of Highland Ave. south of tract 57-A, unnamed road lying northeasterly of tract 57-A, southwesterly of shoreline of Jack's Lake, easterly of east right-of-way line of Grand Highway, northerly of north right-of-way line of Highland Avenue, & southerly of south line of northwest 1/4 of southwest 1/4 PB 3 PG 30 ORB 423 PG 339 ORB 1905 PG 2165 ORB 3377 PG 2213 Containing 7.95 acres, more or less

SECTION 2.

That the aforescribed property shall be and hereby is made part and parcel of the City of Clermont, Florida, and that said property shall be subject to all of the laws, ordinances, and provisions pertaining to the City of Clermont.

CITY OF CLERMONT
ORDINANCE No. 2014-19

SECTION 3.

All property aforescribed shall henceforth be subject to ad valorem taxation by the City of Clermont, and any other general or special taxes or assessments.

SECTION 4.

Should any section or part of a section be declared invalid by any court of competent jurisdiction, such adjudications shall not apply or affect any other provision of this Ordinance, except to the extent that the entire section or part of the section may be separable in meaning and effect from the section to which such holding shall apply.

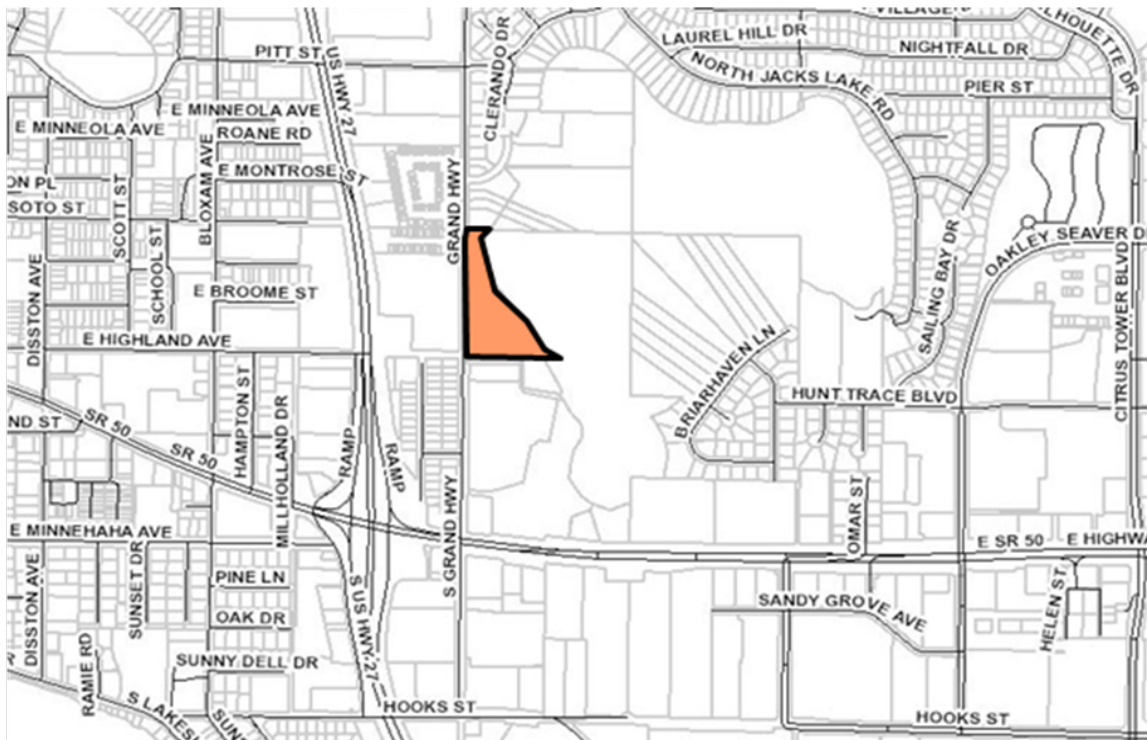
SECTION 5.

This Ordinance shall be recorded in the public records of Lake County, Florida.

SECTION 6.

This Ordinance shall be published as provided by law, and it shall become law and take effect upon its Second Reading and Final Passage.

Location map:



CITY OF CLERMONT
ORDINANCE No. 2014-19

2

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 26th day of August, 2014.

CITY OF CLERMONT

Harold S. Turville, Jr., Mayor

ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

Dan Mantzaris, City Attorney

LEGAL NOTICE

The City Council of the City of Clermont will consider the enactment of the following proposed Ordinance at the regularly scheduled meeting to be held Tuesday August 26, 2014 at 7:00 P.M. at City Hall located at 685 West Montrose Street. All interested parties will be given an opportunity to express their views on this matter.

ORDINANCE NO. 2014-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, PROVIDING FOR THE ANNEXATION OF A CERTAIN PARCEL OF LAND CONTIGUOUS TO THE PRESENT CITY BOUNDARIES; PROVIDING FOR AN EFFECTIVE DATE; SEVERABILITY; RECORDING, AND PUBLICATION.

LOCATION:

Vacant property (Alt. Key 2665602) North of S.R. 50 and Grand Highway Intersection,
East of Grand Highway

LEGAL DESCRIPTION:

LAKE HIGHLANDS 20-22-26 TRACT 57A, N 1/2 OF HIGHLAND AVE SOF
TRACT 57-A, UNNAMED RD LYING NE'LY OF TRACT 57A, SW'LY
OF SHORELINE OF JACK'S LAKE, E'LY OF E R/W LINE OF GRAND HWY, N'LY
OF N R/W LINE OF HIGHLAND AVE, & S'LY OF S LINE OF NW1/4 OF SW 1/4
PB 3 PG 30 ORB 423 PG 339 ORB 1905 PG 2165 ORB 3377 PG 2213
Containing 7.95 acres, more or less

See Map Below

This ordinance is available for public inspection in the office of the City Clerk, 685 W. Montrose Street, Monday through Friday between the hours of 8:00 A.M. and 5:00 P.M.

Please be advised that, under State law, if you should decide to appeal a decision made with respect to this matter, you will need a record of the proceedings, and may need to ensure that a verbatim record is made.

Tracy Ackroyd, MMC

City Clerk
Daily Commercial
August 5 and 12, 2014



CITY OF CLERMONT
ANNEXATION
APPLICATION & PETITION

DATE: June 26, 2014

FEE: \$50.00

Please type or print - use black pen/ink only.

PROJECT NAME (if applicable): Lakeview Village Townhomes

APPLICANT: RM Plus, LLC

Address: 255 South Orange Avenue, Suite 1600

City: Orlando State: FL Zip: 32801

Phone: 407-487-1320 Fax: 407-405-5326

Applicant is: Owner: X Agent: Purchaser: Lessee: Optionee:

OWNER: RM Plus, LLC

Address: 255 South Orange Avenue, Suite 1600

City: Orlando State: FL Zip: 32801

Phone: 407-487-1320 Fax: 407-405-5326

AGENT NAME (Affidavit Required) Jonathan Huels

Address: Lowndes, Drosdick, Doster, Kantor & Reed, P.A., 215 N. Eola Drive

City: Orlando State: FL Zip: 32801

Phone: 407-418-6483 Fax: 407-843-4444

E-Mail: jonathan.huels@lowndes-law.com

Property address and/or general location: 14108 Grand Highway, Clermont, FL 34711

Area of property: 7.95 +/- acres, and/or sq. ft

The property is PRESENTLY used for: Vacant

The property is PROPOSED to be used for: Townhome units with on-site amenities.

Existing Lake County Land Use*: Urban Medium Residential

Existing Lake County Zoning*: Agricultural

*** NOTE: All property annexed into the City of Clermont is automatically zoned Urban Estate Residential (UE) Zoning District. A separate application for a Land Use Plan Amendment & Rezoning is required. Applicable fees shall apply.**

Number of existing structures on the property and their present use: Vacant

State the reason or basis for this request: See attached

EXACT LEGAL DESCRIPTION as shown on the Tax Receipt or Warrant Deed.
(attach copy).

Section 20, Township 22, Range 26

Tract 57A, MAP OF SECTION 20 TOWNSHIP 22 S. RANGE 26 E. LAKE COUNTY, FLORIDA, PROPERTY OF LAKE HIGHLANDS COMPANY, according to the plat thereof recorded in Plat Book 3, page 30, public records of Lake County, Florida, together with the North ½ of Highland Avenue South of Tract 57, and unnamed road lying Northeasterly of Tract 57A, Southwesterly of shoreline of Jack's Lake, Easterly of right of way of Grand Highway, Northerly of North right of way line of Highland Avenue, and Southerly of South line of Northwest ¼ of Southwest ¼ except Northerly of property line running due East of Tract 57A (York property).

City of Clermont
Planning & Zoning Department
685 W. Montrose St.
P.O. Box 120219
Clermont, FL. 34712-0219
(352) 394-4083 Fax: (352) 394-3542

**PETITION OF LANDOWNER(S) FOR ANNEXATION
OF CERTAIN PROPERTY TO THE CITY OF CLERMONT**

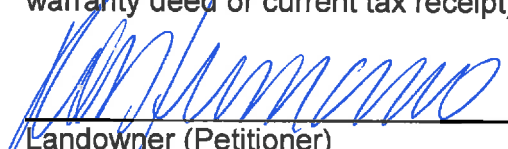
WE, the undersigned landowner(s) pursuant to the provisions of Chapter 59-1497 (Senate Bill No. 912), Laws of Florida, Regular Session 1959, entitled

AN ACT TO AMEND CHAPTER 9820, LAWS OF FLORIDA, SPECIAL ACT OF 1923, AS AMENDED, BEING THE CHARTER OF THE CITY OF CLERMONT, FLORIDA, TO PROVIDE ENABLING LEGISLATION FOR THE FUTURE ANNEXATION OF CONTIGUOUS TERRITORY BY PETITION AND CONSENT OF THE LANDOWNER(S) IN THE AREA SOUGHT TO BE ANNEXED: PROVIDING THAT SAID PROVISIONS SHALL BE CUMULATIVE: PROVIDING THAT THE PROPERTY ANNEXED SHALL BE LIABLE FOR ITS PROPORTIONATE SHARE OF THE EXISTING AND FUTURE INDEBTEDNESS OF SAID CITY, AND PROVIDING THAT SUCH ANNEXED TERRITORY SHALL BE SUBJECT TO ALL LAWS AND ORDINANCES OF SAID CITY AS IF ALL OF SUCH TERRITORY HAD BEEN A PART OF THE CITY OF CLERMONT AT THE TIME OF THE PASSAGE AND APPROVAL OF SAID LAWS AND ORDINANCES, AND FIXING EFFECTIVE DATE,

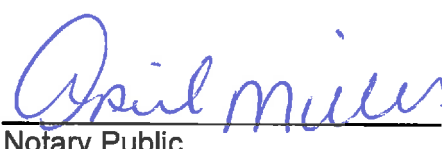
hereby petition that the hereinafter described real estate be annexed to, and become a part of the city limits of the City of Clermont, a municipal corporation in Lake County, Florida, created and existing pursuant to Chapter 9820, Laws of Florida, Special Acts of 1923, and amendatory and supplementary acts thereto, and we, jointly and severally, consent to such annexation of such area to said City of Clermont and upon annexation sought by this petition, all of the property, real and personal, within such area, and the inhabitants thereof, shall be subject to the government, jurisdiction, powers, franchises, duties and privileges of said City of Clermont, Florida and the said property shall be liable, proportionally, for all the present outstanding and existing, as well as future, indebtedness of the said City of Clermont; that all of the ordinances of the City of Clermont and all laws heretofore passed by the Legislature of the State of Florida, relating to and which now or hereafter constitute its Charter shall apply to have the same force and effect in such territory as may be annexed under the provisions hereof as if all of such territory had been part of the City of Clermont at the time of the passage and approval of said laws and ordinances.

IN WITNESS WHEREOF, we, the undersigned landowners, as petitioners, have hereunto set our hands and seals as of the 19th day of June, 2014.

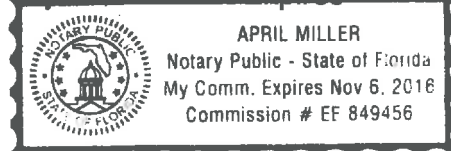
Legal description of the property: (Type, print in black ink, or attach a copy of the warranty deed or current tax receipt).


Landowner (Petitioner)

6/19/14
Date


Notary Public

11/6/16
My Commission Expires



OWNER / AGENT AFFIDAVIT (ANNEXATION)

Date: 6/19/14

Before me, the undersigned authority personally appeared Ross Jermano, as Manager of RM Plus, LLC
(owner(s) name), who being by me duly sworn on oath, deposes and says:

1. That said authority is the fee-simple owner of the property legally described in this application.
2. That said authority desires an ANNEXATION to allow:
The development of the Lakeview Village Townhomes residential project.
3. That said authority (owner) has appointed (agent's name)
Jonathan P. Huels to act in its behalf to accomplish the above, and before me the undersigned authorized agent personally appeared and being by me duly sworn on oath, deposes and says:

A. That he/she affirms and certifies that he/she understands and will comply with all Ordinances, Regulations, and Provisions of the City of Clermont, Florida, and that all statements and diagrams submitted herewith are true and accurate to the best of his/her knowledge and belief, and further, that this application and attachments shall become part of the Official Records of the City of Clermont, Florida, and are not returnable.

B. That the Submittal requirements for the application have been completed and attached hereto as part of that application.

X [Signature]
Owner (signature)

X [Signature]
Agent's (signature)

Sworn to and subscribed before me this 19th day of June, 20 14.

Sworn to and subscribed before me this 27th day of June, 20 14.

[Signature]
Notary Public, State of FL
My commission expires: 11/6/16

[Signature]
Notary Public, State of FL
My commission expires: 11/18/15

*Note: Owner must sign affidavit. When agent is representing case, both agent and owner must sign affidavit.

RETURN

Prepared by and return to:

Jennifer Elszasz

Employee

ATLAS TITLE, INC.

2801 South Bay Street Suite 102

Eustis, FL 32726

352-308-8240

File Number: A13-244

Consideration: \$325,000.00

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 21st day of January, 2014 between JOHN C. YORK, a single man, individually and as Trustee(s) of the YORK REVOCABLE LIVING TRUST AGREEMENT, DATED DECEMBER 13, 1985 whose post office address is 3006 S. Atlantic Avenue, New Smyrna Beach, FL 32169, grantor, and RM PLUS, LLC whose post office address is 255 South Orange Avenue, Suite 1600, Orlando, FL 32801, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Lake County, Florida to-wit:

Tract 57A, MAP OF SECTION 20 TOWNSHIP 22 South RANGE 26 East LAKE COUNTY, FLORIDA, PROPERTY OF LAKE HIGHLANDS COMPANY, according to the plat thereof recorded in Plat Book 3, Page 30, Public Records of Lake County, Florida, together with the North 1/2 of Highland Avenue South of Tract 57, and unnamed road lying Northeasterly of Tract 57A, Southwesterly of shoreline of Jack's Lake, Easterly of right of way of Grand Highway, Northerly of North right of way line of Highland Avenue, and Southerly of South line of Northwest 1/4 of Southwest 1/4 except Northerly of property line running due East of Tract 57A (York property).

Parcel Identification Number: 0922260800-57A-00000

Subject to covenants, conditions, restrictions, easements, reservations and limitations of record, if any; however this reference shall not operate to reimpose the same.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2013.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

① Wendy Kendall
Witness Name: Wendy Kendall

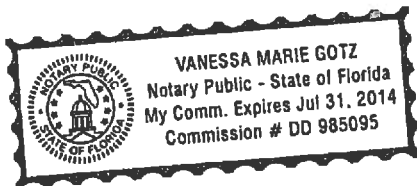
② Tara West
Witness Name: Tara West

X John C. York T.T.F.F.
JOHN C. YORK, Trustee of the York Revocable Living
Trust dated December 15, 1985

State of Florida
County of Volusia

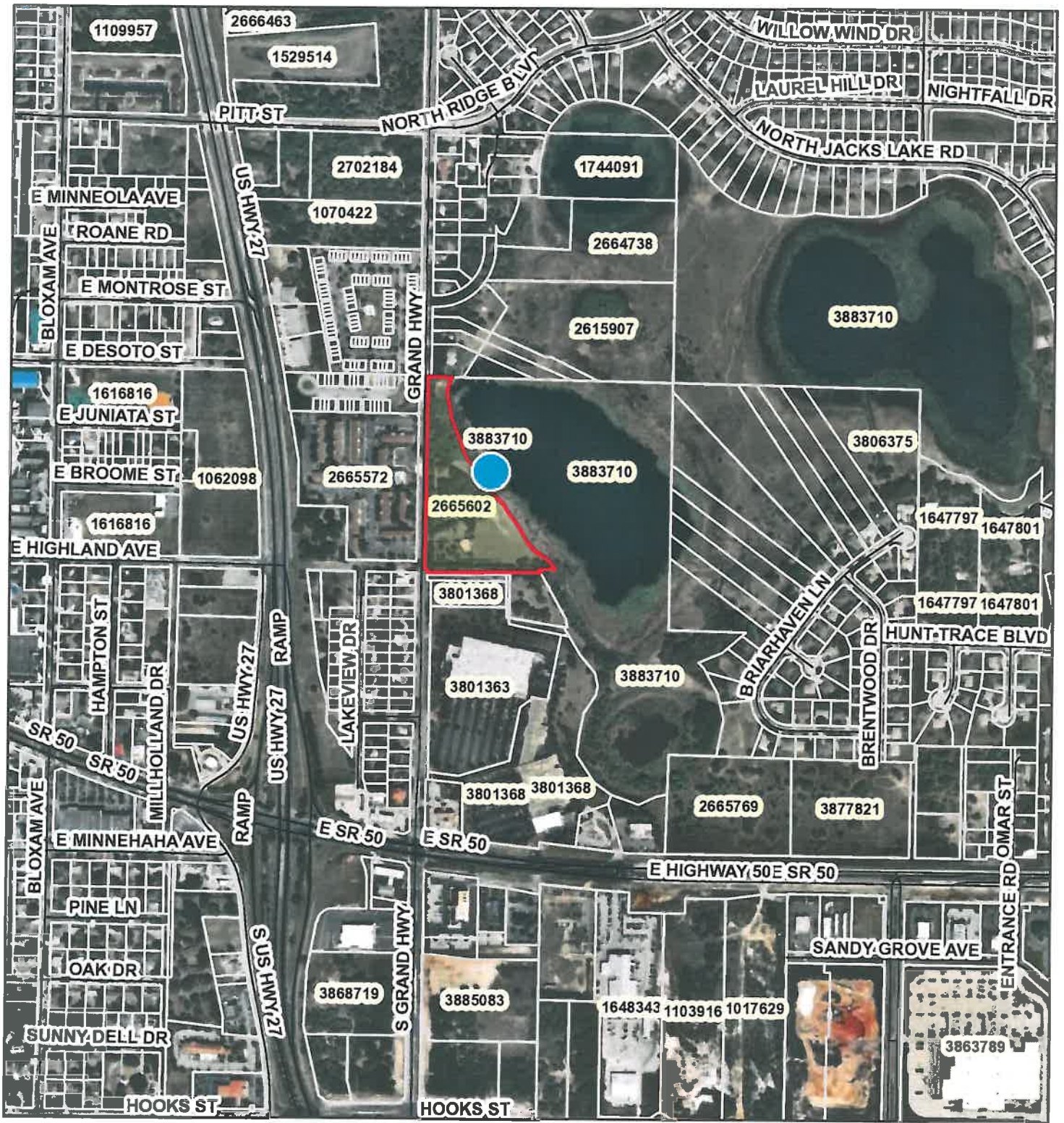
The foregoing instrument was acknowledged before me this 14 day of January, 2014 by JOHN C. YORK, Trustee as Trustee(s) of the JOHN C. YORK TRUST, who ☐ is personally known or ☒ has produced a driver's license as identification.

[Notary Seal]



Vanessa Marie Gotz
Notary Public
Printed Name: Vanessa Marie Gotz
My Commission Expires: 7-31-2014

Lakeview Villas Townhomes



June 26, 2014

1:8,875

 Override 1

Street Names

Override 2

Local Streets

Tax Parcels Alternate Key

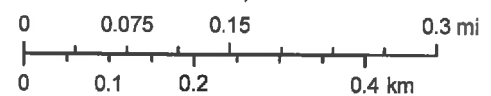
Override 1

Tax Parcels



County Boundary

Surrounding Counties



LAKEVIEW VILLAGE TOWNHOMES

JUSTIFICATION STATEMENT

City of Clermont

General Data

The property is an approximately 7.95 acre parcel (Tax ID No. 092226080057A00000) located in unincorporated Lake County (the "Property"). The Property is located north of SR 50 and bounded on the west by Grand Highway and on the east by Jack's Lake. The Property is currently vacant and has a County zoning designation of Agricultural and a County Comprehensive Plan Future Land Use designation of Urban Medium Density Residential. The following applications are being simultaneously filed with the City of Clermont to annex the Property into the City and develop a 28-unit townhome residential development called Lakeview Village Townhomes (the "Project"):

- (a) Annexation from unincorporated Lake County into the City;
- (b) An amendment to the Comprehensive Plan to change the Future Land Use designation from Urban Medium Density Residential (County) to Medium Density Residential (City);
- (c) Rezoning of the Property to R-2; and
- (d) A Conditional Use Permit to allow townhomes on the Property.

Consistency with and furthering the Comprehensive Plan

(1) The Project is Compatible with the Neighborhood.

The Property is located at the center of a confluence of different uses, including commercial, residential, and vacant land. The Project fits the character of the surrounding community and is compatible with the Property's adjacent parcels which have been developed as a shopping center (south), apartment complex (west), single family residential (north), and lake (east). As infill development, the Project will serve as buffer between the intensive commercial uses established along SR 50 and the residential uses located farther north along Grand Highway.

(2) The Project is consistent with the Comprehensive Plan.

The Project is consistent with, and furthers the Goals, Objectives and Policies of the Comprehensive Plan. As infill development, the Project discourages urban sprawl and will serve as an appropriate transition between the existing commercial uses located south and the residential community located north in furtherance of Policy 1.1.3. The Project is also consistent with Policy 1.2.1 which requires land use changes to be compatible with adjacent properties as discussed in more detail above. The annexation of the Property results in a logical extension of the City limits and allows the development of an undeveloped enclave in furtherance of Policies

1.12.3 and 1.12.4. Further, the proposed City FLU designation of Medium Density Residential (max. 7 du/acre) is analogous to the Property's current County FLU designation of Urban Medium Density Residential (max. 8 du/acre) and results in no net change in the intensity of development that could currently be achieved on the Property. The Project is also consistent Policy 1.6.2, which states that Medium-Density Residential designation permits housing types such as single family detached homes, including zero lot line and cluster developments, duplexes, townhomes, condominiums and apartments.

The Project is consistent with Code Criteria.

Pursuant to the City Code, the intended development of the Property into townhomes will require a Conditional Use Permit. According to Section 86-144(c) of the Code, a Conditional Use Permit must meet the following criteria:

- (1) The granting would not adversely affect the officially adopted Comprehensive Plan;
- (2) Such use will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity;
- (3) The proposed use will comply with the regulations and conditions specified in the code for such use; and
- (4) The proposed use may be considered desirable at the particular location.

The Project satisfies all of the above criteria for granting a Conditional Use Permit as a result of the following:

- (1) As discussed above, the Project is consistent with, and furthers the Goals, Objectives and Policies of the Comprehensive Plan. As such, the Comprehensive Plan would not be adversely affected.
- (2) The Project will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity. Rather, the development will provide new living options that are centrally located in areas close to other residential units and commercial developments as well as serve as an appropriate transition between those uses.
- (3) The Project will be constructed in accordance with all requirements set forth in the Code.
- (4) The Project is desirable not only because of the aesthetic value it will bring to the area, but also because it will be an ideal use of this currently vacant land.

Availability of Utilities

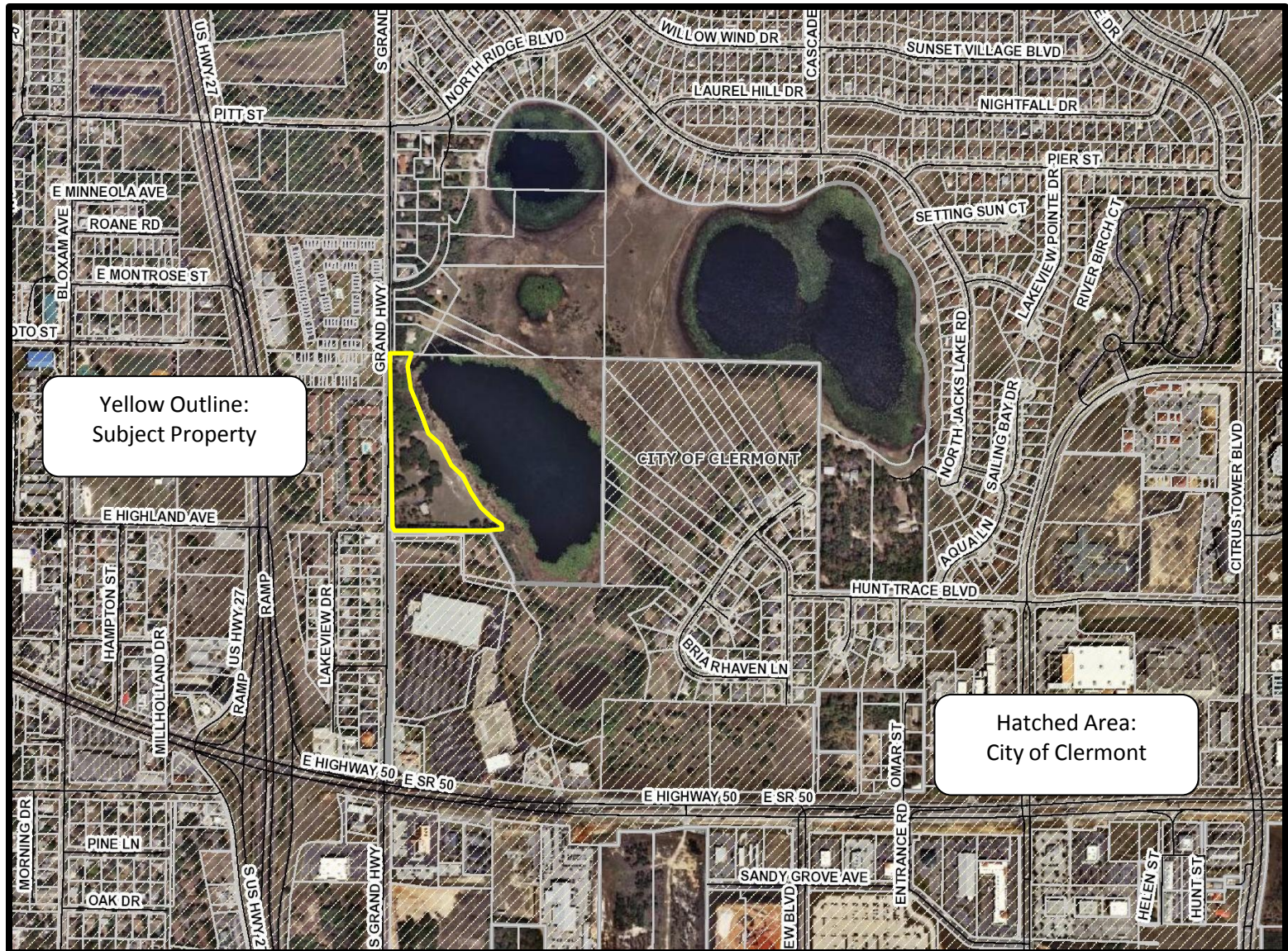
The Property is located within the Lake County/Clermont Joint Planning Area and thus is a designated property that may be annexed into the City. Under the Joint Planning Interlocal

Agreement, water and sewer services are permitted to be provided to the Property without any amendment required to the land use plan. All development on the Property will be designed to the City of Clermont standards. Thus, utilities are available to be provided to the Property and are in compliance with the Joint Planning Interlocal Agreement.

Conclusion

In order to develop the Property as a 28-unit Lakeview Village Townhomes, the owner is seeking annexation of the Property into the City, an amendment to the Comprehensive Plan to allow for a Future Land Use designation of Medium Density Residential, a rezoning of the Property to R-2, and a Conditional Use Permit. The Project is compatible with adjacent land uses and the surrounding neighborhood. The Project also furthers the goals, objectives and policies of the Comprehensive Plan and compiles with all applicable regulations and conditions specified in the City Code.

Exhibit - Location Map Lakeview Village Townhomes





CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Council Meeting Date	
Tuesday, August 26, 2014	
Agenda Item Name	
Ordinance No. 2014-20; Final Small-scale Comprehensive Plan Amendment	
Requested Action	
Move to approve Ordinance No. 2014-20.	
Staff Report	
The applicant and owner, RM Plus, LLC, is requesting a future land use amendment to change from Lake County Urban Medium Density to the City's Medium Density Land Use Category. The 7.95-acre parcel is located along the east side of Grand Highway, halfway between SR 50 to the south and Pitt Street to the north. The subject parcel fronts Jacks Lake on the eastern boundary. The subject property is contiguous to the City limits on the west and south, with the east property across Jacks Lake in the City. The City of Clermont's Future Land Use Map, Map 1.2, has the High Density Residential Land Use abutting the property to the west and south, and the Low Density Residential across the lake. A few properties in this area are still in Lake County and it appears this area is an enclave surrounded by the City. All the properties in the enclave have Lake County's Urban Medium Density Residential Future Land Use. This future land use application is being submitted along with requests for annexation, rezoning to the R-3 Residential/Professional zoning classification, a conditional use permit to allow a townhome community in the R-3 zoning classification, and a variance request. The proposed Medium Density Future Land Use fits the character of the surrounding community and is compatible with the area. The proposed townhome project would provide a transition from the commercial to the south to the single family residences to the north. The project would resemble the existing multifamily projects in the immediate area, including the apartment community to the west and the condominiums to the northwest. This project would remove a portion of the existing property in the enclave since it would be served by City utilities and would provide an opportunity for infill. The City of Clermont's comprehensive plan policies support this request. Based upon the above information, staff recommends approval of the Future Land Use Map amendment from Lake County Urban Medium Density Residential to City of Clermont's Medium Density Future Land Use Category. <i>Commissioner Judy Proli moved to recommend approval of the small-scale comprehensive plan amendment; seconded by Bernadette Dubuss. The vote was unanimous to recommend approval for the small-scale comprehensive plan amendment.</i>	
Legal Impact	
Additional Analysis	

Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Ordinance	CPA ORD 2014-20.doc	
2. Legal ad	CPA Legal Ad.docx	
3. Lakeview Village Maps	Lakeview Village Comp Plan Maps.pdf	
4. Surrounding Conditions	Lakeview Village Surrounding Conditions.docx	
5. Letter	REZ letter scan0002.pdf	
6. Minutes	Lakeview CPA minutes.pdf	
7. Application	CPA Application.pdf	

CITY OF CLERMONT
ORDINANCE No. 2014-20

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, ADOPTING THE SMALL SCALE COMPREHENSIVE PLAN AMENDMENT FOR THE CITY OF CLERMONT, FLORIDA, PURSUANT TO THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING ACT, CHAPTER 163, PART II, FLORIDA STATUTES; SETTING FORTH THE AUTHORITY FOR ADOPTION OF THE SMALL SCALE COMPREHENSIVE PLAN AMENDMENT; SETTING FORTH THE PURPOSE AND INTENT OF THE SMALL SCALE COMPREHENSIVE PLAN AMENDMENT; PROVIDING FOR THE ADOPTION OF THE SMALL SCALE COMPREHENSIVE PLAN AMENDMENT; ESTABLISHING THE LEGAL STATUS OF THE SMALL SCALE COMPREHENSIVE PLAN AMENDMENT; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Comprehensive Plan of the City of Clermont was adopted by the City of Clermont on June 23, 2009, in accordance with the Local Government Planning and Land Development Regulations Act of 1985, Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Comprehensive Plan of the City of Clermont may be amended pursuant to Florida Statute 163.3187; and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Clermont have held public hearings on the proposed amendment to the plan in light of written comments, proposals and objections from the general public;

NOW THEREFORE BE IT RESOLVED AND ENACTED, by the City Council of the City of Clermont, Lake County, Florida that:

Section 1.

After public hearings held by the City of Clermont Local Planning Agency and the Clermont City Council, the Future Land Use Map of the Comprehensive Plan of the City of Clermont is hereby amended by changing the following described property as shown:

LEGAL DESCRIPTION

Lake Highlands 20-22-26 tract 57-A, north 1/2 of Highland Ave. south of tract 57-A, unnamed road lying northeasterly of tract 57-A, southwesterly of shoreline of Jack's Lake, easterly of east right-of-way line of Grand Highway, northerly of north right-of-way line of Highland Avenue, & southerly of south line of northwest 1/4 of southwest 1/4 PB 3 PG 30 ORB 423 PG 339 ORB 1905 PG 2165 ORB 3377 PG 2213 Containing 7.95 acres, more or less

CITY OF CLERMONT
ORDINANCE No. 2014-20

CHANGE IN FUTURE LAND USE CLASSIFICATION
From Lake County - Urban Medium Density Residential
to City of Clermont - Medium Density Residential

Section 2.

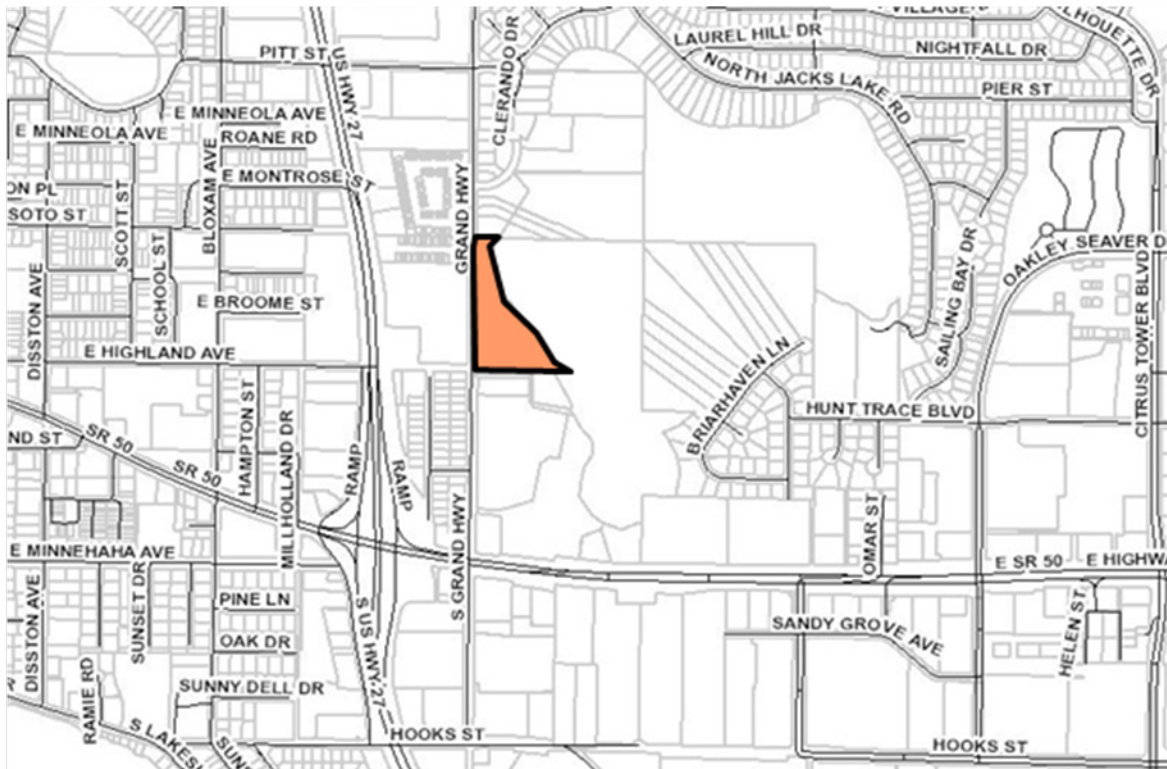
If any portion of this Ordinance is declared invalid, the invalidated portion shall be severed from the remainder of the Ordinance, and the remainder of the Ordinance shall continue in full force and effect as if enacted without the invalidated portion, except in cases where such continued validity of the remainder would clearly and without doubt contradict or frustrate the intent of the Ordinance as a whole.

Section 3.

All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

Section 4.

This Ordinance shall be published as provided by law and it shall become law and shall take effect immediately upon its Second Reading and Final Passage.



CITY OF CLERMONT
ORDINANCE No. 2014-20

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida, this 26th day of August, 2014.

Harold S. Turville, Jr., Mayor

ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

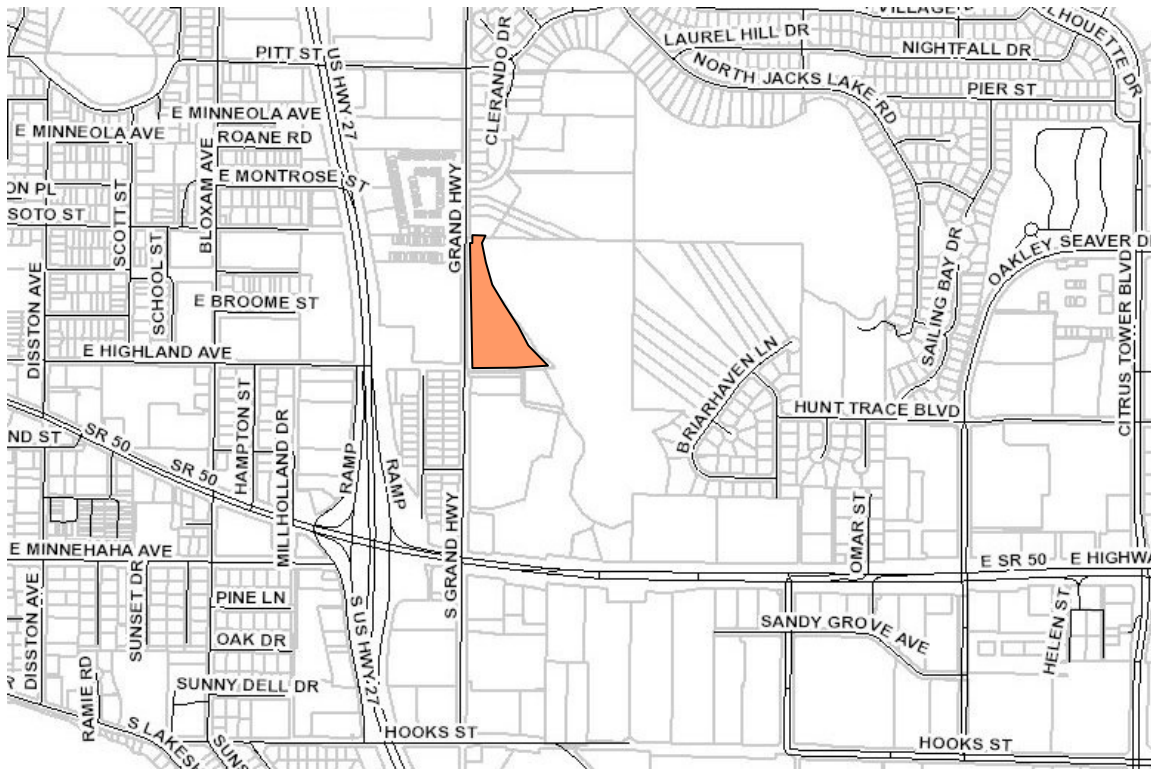
CITY OF CLERMONT

NOTICE OF PROPOSED LAND USE CHANGE

Small-Scale Comprehensive Plan Amendment

ORDINANCE NO. 2014-20

The City of Clermont will hold public hearings Tuesday, August 5, 2014 at 7 p.m. before the Planning and Zoning Commission and Tuesday, August 12, 2014 (1st reading of the adoption ordinance) and Tuesday, August 26, 2014 (final reading of the adoption ordinance) at 7 p.m. before the City Council to consider a proposed change to the City's Future Land Use Map. The map amendment would change the Future Land Use designation for the 7.95-acre parcel below from Lake County - Urban Medium Density Residential to City of Clermont - Medium Density Residential. AltKey #2665602



Location: North of S.R. 50 and Grand Highway Intersection, East of Grand Highway

Ordinance #2014-20:

An ordinance of the City of Clermont, Florida, adopting the small-scale comprehensive plan amendment for the City of Clermont, Florida, pursuant to the Local Government Comprehensive Planning Act, Chapter 163, Part II, Florida Statutes; setting forth the purpose and intent of the small-scale comprehensive plan amendment; establishing the legal status of the small-scale comprehensive plan amendment; providing a severability clause; and providing an effective date.

The public hearings are in the Council chambers of City Hall, 685 W. Montrose Street, and are open to public comment. Please call (352) 241-7302 if you have any questions.

The proposed amendment may be inspected at the City's planning department (1st floor, City Hall) between 8 a.m. and 5 p.m. Monday-Friday.

Please be advised that under state law, any person deciding to appeal a decision made at the public hearings will need a record of the proceedings and may need to ensure a verbatim record is made.

Persons with disabilities who need assistance should contact the City Clerk's office, (352) 241-7330, at least 48 hours prior to the public hearings.

Tracy Ackroyd, MMC
City Clerk

Daily Commercial
7/23/2014 and 8/12/2014

Exhibit - Location Map Lakeview Village Townhomes

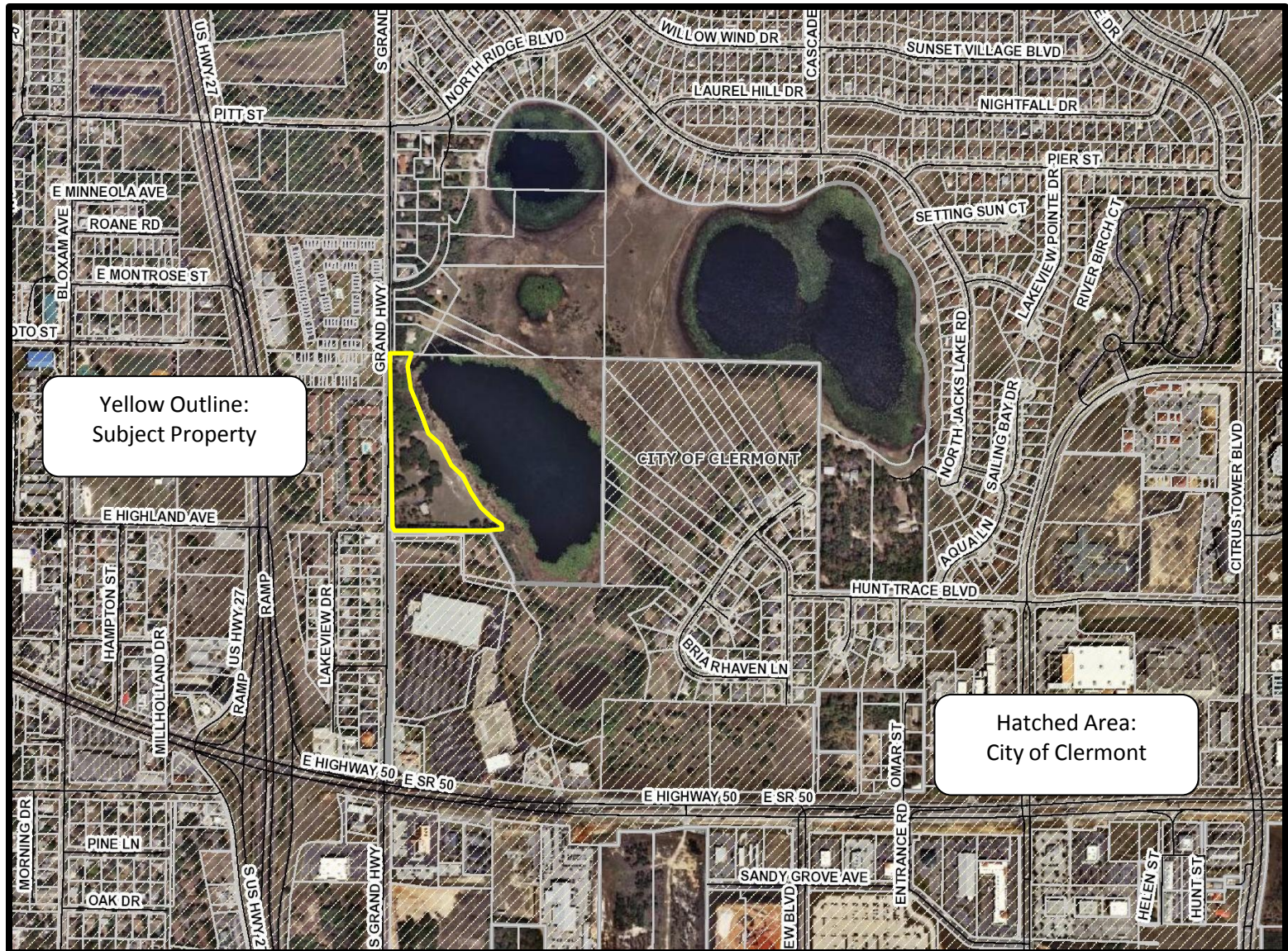
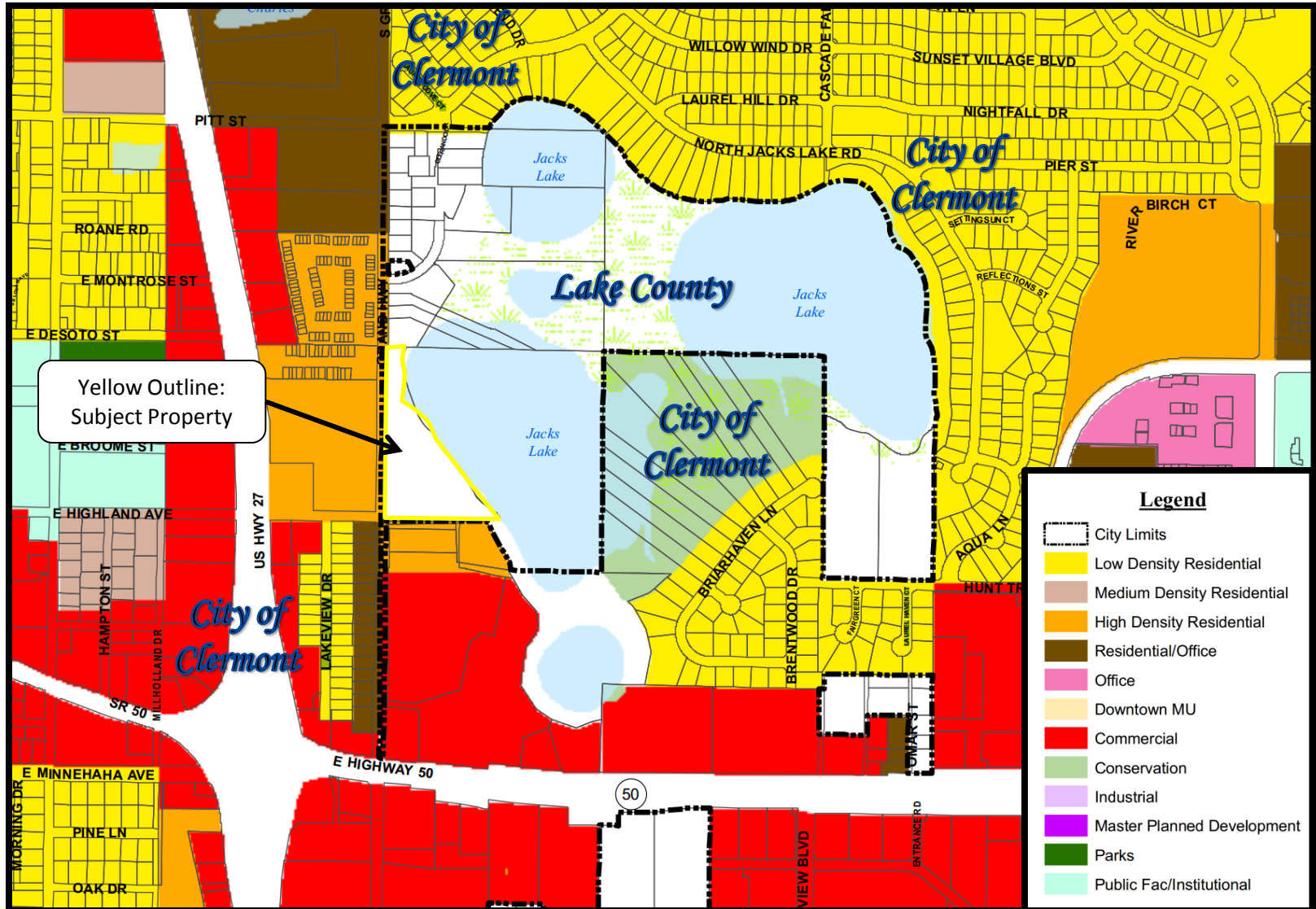


Exhibit – City of Clermont – Future Land Use Map

Map 1.2 – Zoomed in Lakeview Village Townhomes



Surrounding Conditions

DEVELOPMENT NAME: Lakeview Village Townhomes
OWNER/APPLICANT: RM Plus, LLC.
CONTACT: Jonathan Huels, Esq., Lowndes, Drosdick, Doster, Kantor & Reed, P.A.
REQUESTED ACTION: Future land use change from Urban Medium (County) to Medium Density (City)
SIZE OF PARCEL: 7.95 +/- acres
GENERAL LOCATION: East of Grand Highway between Pitt Street and SR 50.
EXISTING ZONING: Lake County Agricultural (Urban Estate upon annexation with request to rezone to R-3)
EXISTING LAND USE: Vacant
FUTURE LAND USE: Lake County Urban Medium

SURROUNDING CONDITIONS:

	<u>ZONING</u>	<u>EXISTING LAND USE</u>	<u>FUTURE LAND USE DISTRICT</u>
NORTH:	Lake County - A	SF Residential	Urban Medium (County)
SOUTH:	Clermont – R-2	Vacant & Commercial	High Density & Commercial
EAST:	Lake County	Jacks Lake	Water body
WEST:	Clermont – C-2	Multifamily Residential	High Density

Road Classification: Grand Highway – Collector
Utility Area: City of Clermont Water / Sewer
Site Utilities: City of Clermont Water / Sewer
Site Visit: July 21, 2014

July 24, 2014

SENT VIA E-MAIL

Barbara Hollerand, Development Services Director
City of Clermont
685 W. Montrose Street, 1st Floor
Clermont, FL 34711

Re: Lakeview Village Townhomes

Barbara,

As you are aware, this law firm is representing RM Plus, LLC with respect to the pending applications for Annexation, Comprehensive Plan Amendment, Rezoning, Conditional Use Permit, and Variance associated with the Lakeview Village Townhomes project (the "Project"). We have been informed by City Planning staff that the Project would not be allowed in the City's R-2 zoning designation due to the exceedance of the maximum density of 12 townhome units permitted in that designation. As such, please let this letter serve as written clarification that the pending Rezoning application is requesting an R-3 zoning designation, under which the Project could be developed as a conditional use. Accordingly, please replace any reference to "R-2" with "R-3" in the pending applications and supporting materials that are now being processed by the City. Please let me know if you have any questions or need any additional clarifications with respect to the Project.

Sincerely,


Jonathan P. Huels

JPH/nle

cc: Ross Jermano (via e-mail)
Curt Henshel (via e-mail)
John Kluse (via e-mail)
Rae Chidlow (via e-mail)

**City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
August 5, 2014**

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Commissioner Herb Smith asked if this will be built out or built in phases.

Steve Smith stated that this will be built out.

Commissioner Bernadette Dubuss moved to recommend approval of the conditional use permit; Chairman passed the gavel; seconded by Chairman Nick Jones. The vote failed with a 2-3 to recommend approval for the conditional use permit; with Commissioners Smith, Mason, and Proli opposing.

Commissioner Harry Mason moved to recommend approval of the conditional use permit; seconded by Commissioner Herb Smith. The vote passed with a 3-2 to recommend denial for the conditional use permit; with Chairman Jones and Commissioner Dubuss opposing.

4. REQUEST FOR SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT

DEVELOPMENT NAME: Lakeview Village Townhomes
APPLICANT: RM Plus, LLC

Senior Planner John Kruse presented the staff report as follows:

The applicant and owner, RM Plus, LLC, is requesting a future land use amendment to change from Lake County Urban Medium Density to the City's Medium Density Land Use Category. The 7.95-acre parcel is located along the east side of Grand Highway, halfway between SR 50 to the south and Pitt Street to the north. The subject parcel fronts Jacks Lake on the eastern boundary. The subject property is contiguous to the City limits on the west and south, with the east property across Jacks Lake in the City. The City of Clermont's Future Land Use Map, Map 1.2, has the High Density Residential Land Use abutting the property to the west and south, and the Low Density Residential across the lake. A few properties in this area are still in Lake County and it appears this area is an enclave surrounded by the City. All the properties in the enclave have Lake County's Urban Medium Density Residential Future Land Use.

This future land use application is being submitted along with requests for annexation, rezoning to the R-3 Residential/Professional zoning classification, a conditional use permit to allow a townhome community in the R-3 zoning classification, and a variance request.

The proposed medium density future land use fits the character of the surrounding community and is compatible with the area. The proposed townhome project would provide a transition from the commercial to the south to the single family residences to the north. The project would resemble the existing multifamily projects in the immediate area, including the apartment community to the west and the condominiums to the northwest. This project would remove a portion of the existing property in the enclave since it would be served by City utilities and

**City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
August 5, 2014**

Page 7

would provide an opportunity for infill. The City of Clermont's comprehensive plan policies support this request.

Staff recommends approval of the future land use map amendment from Lake County Urban Medium Density Residential to City of Clermont's Medium Density Future Land Use Category.

Jonathon Huels, 215 N. Eola Dr., Orlando, gave short presentation. He stated that they are requesting to annex into the City of Clermont. He stated that they are looking to have a three level residence that will be 1600 to 1900 square feet in size, with a two car garage. He stated that due to the elevation, all the units will be partially subterranean. He stated that there will be a homeowner's association for this project. He stated that the project will be compatible with the surrounding properties.

Judy Granucci, 14236 South Grand Highway, stated that she has enjoyed the environmental aspects and wildlife in the area. She stated that she walks around the lake. She stated that there are not many places left in Clermont for the wildlife. She asked if any environmental assessment has been done.

Mr. Kruse stated that environmental aspects are assessed during site review.

Mr. Huels stated that they have attained an environmental consultant and they have stated that there are no wetlands plans and they will have to comply with St. John's River Water Management District.

Commissioner Harry Mason asked if they found any environmental issues.

Mr. Huels stated that they have not found any environmental issues and over 50% will be kept natural and green space.

Commissioner Judy Proli asked if the building height will interfere with the view of the lake from the surrounding properties.

Mr. Huels stated that due to slope and building orientation, the view will stay the same.

Commissioner Judy Proli asked if there is a homeowner's association.

Mr. Huels stated that there is a homeowner's association that will maintain the pool, roads, sidewalks, pedestrian trail, and dock.

Commissioner Herb Smith said he thinks this is a great idea and very low density for apartments.

Commissioner Bernadette Dubuss asked about the floodplain and setback variances.

**City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
August 5, 2014**

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Mr. Huels stated that there will be no pervious structures in the 100 year flood plain. He stated that the retention will encroach in the 100 year flood plain. He stated that they are seeking to reduce front yard setback requirements.

Commissioner Judy Proli moved to recommend approval of the small-scale comprehensive plan amendment; seconded by Bernadette Dubuss. The vote was unanimous to recommend approval for the small-scale comprehensive plan amendment.

5. REQUEST FOR REZONING

DEVELOPMENT NAME: Lakeview Village Townhomes

APPLICANT: RM Plus, LLC

Senior Planner John Kruse presented the staff report as follows:

The applicant and owner, RM Plus, LLC, is requesting a rezoning change from Lake County Agricultural to the City's R-3 Residential/Professional District. The subject parcel, when annexed into the City, comes in with the default city zoning of Urban Estate Low Density Residential. From there, the zoning request will be to change it from the City's Urban Estate to the City's R-3. The 7.95-acre parcel is located along the east side of Grand Highway, halfway between SR 50 to the south and Pitt Street to the north. The subject parcel fronts Jacks Lake on the eastern boundary. The subject property is contiguous to the City limits on the west and south. The City of Clermont's zoning map, Map 2, has R-2 Medium Density Residential District abutting the property to the south and C-2 General Commercial to the west.

The proposed project of 28 townhomes on 7.95 acres equates to a density of 3.52 units per acre.

The R-3 zoning designation allows for more than 12 townhomes within a project with the granting of a conditional use permit. The proposed future land use designation of medium density residential allows a maximum density of 8 dwelling units per acre. The proposed R-3 Residential/Professional District fits the character of the surrounding community and is compatible with the area. Section 122- 81 of the Land Development Code outlines the intent of the R-3 Residential/Professional District. It indicates that the purpose of the R-3 district is to provide medium density townhomes and multiple-family housing in an urban area where needed, and where urban conveniences and facilities can be provided. Central water and sewer services are available and the future land use map of this area does indicate this to be an urban area.

Staff recommends approval of the rezoning to the City of Clermont's R-3 Residential/Professional District.

Commissioner Bernadette Dubuss moved to recommend approval of the rezoning; seconded by Commissioner Judy Proli. The vote was unanimous to recommend approval for the rezoning.



**CITY OF CLERMONT
COMPREHENSIVE PLAN AMENDMENT
APPLICATION**

DATE: June 26, 2014

FEE: \$350.00

Project Name (if applicable): Lakeview Village Townhomes

Applicant: RM Plus, LLC

Contact Person: Jonathan Huels

Address: Lowndes, Drosdick, Doster, Kantor & Reed, P.A., 215 N. Eola Drive

City: Orlando State: FL Zip: 32801

Phone: 407-418-6483 Fax: 407-843-4444

E-Mail: jonathan.huels@lowndes-law.com

OWNER: RM Plus, LLC

Address: 255 South Orange Avenue, Suite 1600

City: Orlando State: FL Zip: 32801

Phone: 407-487-1320 Fax: 407-405-5326

General Location: Northeast of intersection of US Hwy 27 and SR 50.

Legal Description (include copy of survey): Tract 57A, MAP OF SECTION 20 TOWNSHIP 22 S. RANGE 26 E. LAKE COUNTY, FLORIDA, PROPERTY OF LAKE HIGHLANDS COMPANY, according to the plat thereof recorded in Plat Book 3, page 30, public records of Lake County, Florida, together with the North ½ of Highland Avenue South of Tract 57, and unnamed road lying Northeasterly of Tract 57A, Southwesterly of shoreline of Jack's Lake, Easterly of right of way of Grand Highway, Northerly of North right of way line of Highland Avenue, and Southerly of South line of Northwest ¼ of Southwest ¼ except Northerly of property line running due East of Tract 57A (York property).

Property Size (in acres or square feet): 7.95 acres

Flood hazard area (yes) _____ and approx. acreage _____ (no) _____

Existing (Actual) Land Use: Vacant

Existing Zoning: Agricultural

Existing Future Lane Use: Urban Medium Residential

Proposed Future Land Use: Medium Density Residential

Type of development proposed: Townhomes with on-site amenities

Proposed density (dwelling units/acre) or intensity: 28 Townhomes

Proposed Zoning District: R-2

Summary of the proposed amendment content and effect that describes any changed conditions that would justify the proposed amendment, and why there is a need for the proposed amendment (use additional sheets if necessary).

See attached Justification Statement.

The City of Clermont may require additional information to justify, clarify or explain the necessity of the requested Comprehensive Plan Amendment, which may include the following:

- Information regarding the compatibility of the proposed land use amendment(s) with the Goals, Objectives and Policies of the Future Land Use Element and any other affected comprehensive plan elements.
- A description of how the proposed amendment(s) will result in an orderly and logical development pattern with existing and proposed land use(s) of the area.
- A description of the present availability of, and estimated demand on the following public facilities: potable water, sanitary sewer, transportation system and recreation, as appropriate.

*** * * * * NOTICE * * * * ***

**IF THIS APPLICATION IS SUBMITTED INCOMPLETE OR INACCURATE, IT WILL
BE SUBJECT TO A DELAY IN PROCESSING AND WILL NOT BE SCHEDULED
UNTIL SUCH CORRECTIONS ARE MADE.**

City of Clermont
Planning & Zoning Department
685 W. Montrose St.
P.O. Box 120219
Clermont, FL. 34712-0219
(352) 394-4083 Fax: (352) 394-3542

APPLICANT'S AFFIDAVIT

STATE OF FLORIDA
COUNTY OF LAKE:

Before me, the undersigned authority personally appeared Jonathan P. Huels, who being by me first duly sworn on oath, deposes and says:

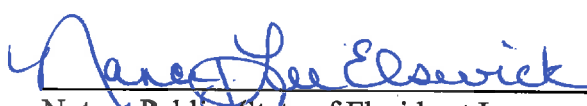
1. That he (she) affirms and certifies that he (she) understands and will comply with all ordinances, regulations and policies of Lake County, Florida, and that all statements and diagrams submitted herewith are true and accurate to the best of his (her) knowledge and belief, and further, that this application and attachments shall become part of the official records of the City of Clermont, Florida, and are not returnable.
2. That he (she) desires a Future Land Use Amendment from Urban Medium Density Residential (Lake County) to Medium Density Residential (City of Clermont) for the property legally described on the attachment of this application.
3. That the submittal requirements for the application have been completed and attached hereto as part of the application.


Affiant - Applicant Name (signature)

SWORN to and SUBSCRIBED before me by Jonathan P. Huels
or personally known by me this 27th day of June, 2014.



NANCY-LEE ELSWICK
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE138190
Expires 11/18/2015


Notary Public, State of Florida at Large

My Commission Expires: 11/18/2015

OWNER'S AFFIDAVIT

STATE OF FLORIDA
COUNTY OF LAKE:

Before me, the undersigned authority personally appeared

ROSS JEREMANO, MONARCH LTD PLUS LLC, who being

by me first duly sworn on oath, deposes and says:

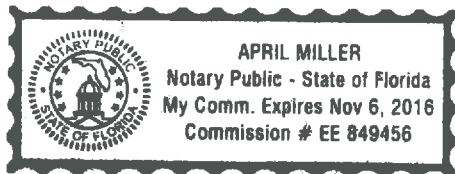
1. That he (she) is the fee-simple owner of the property legally described on the attachment of this application.
2. That he (she) desires a Future Land Use Amendment from Urban Medium Residential to Medium Density Residential for the property legally described on the attachment of this application.
3. That the owner of said property has appointed Jonathan P. Huels to act as agent on his (her) behalf to accomplish the above. The owner is required to complete the APPLICANT'S AFFIDAVIT of this application if no agent is appointed to act in his (her) stead.

X

[Signature]
Affiant – Owner's Name (signature)

SWORN to and SUBSCRIBED before me by _____

or personally known by me this 19th day of June, 2014.



X

[Signature]
Notary Public, State of Florida at Large

My Commission Expires: 11/6/16

LAKEVIEW VILLAGE TOWNHOMES

JUSTIFICATION STATEMENT

City of Clermont

General Data

The property is an approximately 7.95 acre parcel (Tax ID No. 092226080057A00000) located in unincorporated Lake County (the "Property"). The Property is located north of SR 50 and bounded on the west by Grand Highway and on the east by Jack's Lake. The Property is currently vacant and has a County zoning designation of Agricultural and a County Comprehensive Plan Future Land Use designation of Urban Medium Density Residential. The following applications are being simultaneously filed with the City of Clermont to annex the Property into the City and develop a 28-unit townhome residential development called Lakeview Village Townhomes (the "Project"):

- (a) Annexation from unincorporated Lake County into the City;
- (b) An amendment to the Comprehensive Plan to change the Future Land Use designation from Urban Medium Density Residential (County) to Medium Density Residential (City);
- (c) Rezoning of the Property to R-2; and
- (d) A Conditional Use Permit to allow townhomes on the Property.

Consistency with and furthering the Comprehensive Plan

(1) The Project is Compatible with the Neighborhood.

The Property is located at the center of a confluence of different uses, including commercial, residential, and vacant land. The Project fits the character of the surrounding community and is compatible with the Property's adjacent parcels which have been developed as a shopping center (south), apartment complex (west), single family residential (north), and lake (east). As infill development, the Project will serve as buffer between the intensive commercial uses established along SR 50 and the residential uses located farther north along Grand Highway.

(2) The Project is consistent with the Comprehensive Plan.

The Project is consistent with, and furthers the Goals, Objectives and Policies of the Comprehensive Plan. As infill development, the Project discourages urban sprawl and will serve as an appropriate transition between the existing commercial uses located south and the residential community located north in furtherance of Policy 1.1.3. The Project is also consistent with Policy 1.2.1 which requires land use changes to be compatible with adjacent properties as discussed in more detail above. The annexation of the Property results in a logical extension of the City limits and allows the development of an undeveloped enclave in furtherance of Policies

1.12.3 and 1.12.4. Further, the proposed City FLU designation of Medium Density Residential (max. 7 du/acre) is analogous to the Property's current County FLU designation of Urban Medium Density Residential (max. 8 du/acre) and results in no net change in the intensity of development that could currently be achieved on the Property. The Project is also consistent Policy 1.6.2, which states that Medium-Density Residential designation permits housing types such as single family detached homes, including zero lot line and cluster developments, duplexes, townhomes, condominiums and apartments.

The Project is consistent with Code Criteria.

Pursuant to the City Code, the intended development of the Property into townhomes will require a Conditional Use Permit. According to Section 86-144(c) of the Code, a Conditional Use Permit must meet the following criteria:

- (1) The granting would not adversely affect the officially adopted Comprehensive Plan;
- (2) Such use will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity;
- (3) The proposed use will comply with the regulations and conditions specified in the code for such use; and
- (4) The proposed use may be considered desirable at the particular location.

The Project satisfies all of the above criteria for granting a Conditional Use Permit as a result of the following:

- (1) As discussed above, the Project is consistent with, and furthers the Goals, Objectives and Policies of the Comprehensive Plan. As such, the Comprehensive Plan would not be adversely affected.
- (2) The Project will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity. Rather, the development will provide new living options that are centrally located in areas close to other residential units and commercial developments as well as serve as an appropriate transition between those uses.
- (3) The Project will be constructed in accordance with all requirements set forth in the Code.
- (4) The Project is desirable not only because of the aesthetic value it will bring to the area, but also because it will be an ideal use of this currently vacant land.

Availability of Utilities

The Property is located within the Lake County/Clermont Joint Planning Area and thus is a designated property that may be annexed into the City. Under the Joint Planning Interlocal

Agreement, water and sewer services are permitted to be provided to the Property without any amendment required to the land use plan. All development on the Property will be designed to the City of Clermont standards. Thus, utilities are available to be provided to the Property and are in compliance with the Joint Planning Interlocal Agreement.

Conclusion

In order to develop the Property as a 28-unit Lakeview Village Townhomes, the owner is seeking annexation of the Property into the City, an amendment to the Comprehensive Plan to allow for a Future Land Use designation of Medium Density Residential, a rezoning of the Property to R-2, and a Conditional Use Permit. The Project is compatible with adjacent land uses and the surrounding neighborhood. The Project also furthers the goals, objectives and policies of the Comprehensive Plan and compiles with all applicable regulations and conditions specified in the City Code.



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Council Meeting Date	
Tuesday, August 26, 2014	
Agenda Item Name	
Ordinance No. 2014-21; Final Rezoning	
Requested Action	
Move to approve Ordinance No. 2014-21.	
Staff Report	
The applicant and owner, RM Plus, LLC, is requesting a rezoning change from Lake County Agricultural to the City's R-3 Residential/Professional District. The subject parcel, when annexed into the City, comes in with the default City zoning of Urban Estate Low Density Residential. From there, the zoning request will be to change it from the City's Urban Estate to the City's R-3. The 7.95-acre parcel is located along the east side of Grand Highway, halfway between SR 50 to the south and Pitt Street to the north. The subject parcel fronts Jacks Lake on the eastern boundary. The subject property is contiguous to the City limits on the west and south. The City of Clermont's Zoning Map, Map 2, has R-2 Medium Density Residential District abutting the property to the south and C-2 General Commercial to the west. The proposed project of 28 townhomes on 7.95 acres equates to a density of 3.52 units per acre. The R-3 zoning designation allows for more than 12 townhomes within a project with the granting of a conditional use permit. The proposed Future Land Use designation of Medium Density Residential allows a maximum density of 8 dwelling units per acre. The proposed R-3 Residential/Professional District fits the character of the surrounding community and is compatible with the area. Section 122- 81 of the Land Development Code (LDC) outlines the intent of the R-3 Residential/Professional District. It indicates that the purpose of the R-3 district is to provide medium density townhomes and multiple-family housing in an urban area where needed, and where urban conveniences and facilities can be provided. Central water and sewer services are available and the Future Land Use map of this area does indicate this to be an urban area. Staff recommends approval of the rezoning to the City of Clermont's R-3 Residential/Professional District. <i>Commissioner Bernadette Dubuss moved to recommend approval of the rezoning; seconded by Commissioner Judy Proli. The vote was unanimous to recommend approval for the rezoning.</i>	
Legal Impact	
Additional Analysis	
Fiscal Impact Summary	

Fiscal Impact		Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)			
1.	Ordinance	REZ ORD 2014-21.doc	
2.	Legal ad	REZ Lakeview legal ad.docx	
3.	Rezoning amendment letter	REZ letter scan0002.pdf	
4.	Lakeview Village Maps	Lakeview Village Rezoning Maps.pdf	
5.	Minutes	Lakeview rezoning minutes.pdf	
6.	Application	REZ application.pdf	

CITY OF CLERMONT
ORDINANCE No. 2014-21

AN ORDINANCE UNDER THE CODE OF ORDINANCES OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CLERMONT REFERRED TO IN CHAPTER 122 OF ORDINANCE NO. 289-C, CODE OF ORDINANCES; REZONING THE REAL PROPERTIES DESCRIBED HEREIN AS SHOWN BELOW; PROVIDING FOR SEVERABILITY, EFFECTIVE DATE, AND PUBLICATION.

The City Council of the City of Clermont, Lake County, Florida hereby ordains that:

SECTION 1:

The official Zoning Map of the City of Clermont, Lake County, Florida referred to in Chapter 122 of Ordinance No. 289-C, Code of Ordinances, is hereby amended by rezoning the following described property:

LEGAL DESCRIPTIONS

Lake Highlands 20-22-26 tract 57-A, north 1/2 of Highland Ave. south of tract 57-A, unnamed road lying northeasterly of tract 57-A, southwesterly of shoreline of Jack's Lake, easterly of east right-of-way line of Grand Highway, northerly of north right-of-way line of Highland Avenue, & southerly of south line of northwest 1/4 of southwest 1/4 PB 3 PG 30 ORB 423 PG 339 ORB 1905 PG 2165 ORB 3377 PG 2213 Containing 7.95 acres, more or less

From: UE Urban Estate
To: R-3 Residential/Professional

SECTION 2:

All Ordinances or parts of this Ordinance in conflict herewith are hereby repealed.

SECTION 3:

Should any section or part of this section be declared invalid by any court of competent jurisdiction, such adjudications shall not apply to or affect any other provision of this Ordinance, except to the extent that the entire section or part of the section may be inseparable in meaning and effect from the section to which such holding shall apply.

SECTION 4:

The provisions of this Ordinance shall be effective as provided by law.

CITY OF CLERMONT
ORDINANCE No. 2014-21



CITY OF CLERMONT
ORDINANCE No. 2014-21

on this 26th day of August, 2014.

CITY OF CLERMONT

Harold S. Turville, Jr., Mayor

ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form:

Dan Mantzaris, City Attorney

LEGAL NOTICE

Notice is hereby given that the City Council of the City of Clermont will consider the enactment of following proposed ordinance. All interested parties will be given an opportunity to express their views on this matter.

ORDINANCE NO. 2014-21

An ordinance under the Code of Ordinances of the City of Clermont, Lake County, Florida amending the official zoning map of the City of Clermont, referred to in Chapter 122 of Ordinance No. 289-C, Code of Ordinances; Rezoning the real properties described herein as shown below, providing for severability, an effective date and publication.

LOCATION

Vacant property (Alt. Key 2665602) North of S.R. 50 and
Grand Highway Intersection, East of Grand Highway

LEGAL DESCRIPTION

Lake Highlands 20-22-26 tract 57-A, north 1/2 of Highland Ave. south of tract 57-A, unnamed road lying northeasterly of tract 57-A, southwesterly of shoreline of Jack's Lake, easterly of east right-of-way line of Grand Highway, northerly of north right-of-way line of Highland Avenue, & southerly of south line of northwest 1/4 of southwest 1/4 PB 3 PG 30 ORB 423 PG 339 ORB 1905 PG 2165 ORB 3377 PG 2213 Containing 7.95 acres, more or less

FROM UE URBAN ESTATE
TO R-3 RESIDENTIAL/PROFESSIONAL DISTRICT

This request will be considered by the Planning & Zoning Commission on Tuesday, August 5, 2014 at 7:00 p.m.

A public meeting to consider the request will be held before the City Council on Tuesday, August 26, 2014 at 7:00 p.m. for final enactment.

All meetings will be held at City Hall, located at 685 W. Montrose Street.

This ordinance is available for public inspection in the office of the City Clerk, 685 W. Montrose St., Monday through Friday between the hours of 8:00 A.M. and 5:00 P.M.

Please be advised that, under State law, if you should decide to appeal a decision made with respect to this matter, you may need to ensure that a verbatim record is made.

Tracy Ackroyd

City Clerk

Daily Commercial
July 29, 2014 and August 12, 2014

July 24, 2014

SENT VIA E-MAIL

Barbara Hollerand, Development Services Director
City of Clermont
685 W. Montrose Street, 1st Floor
Clermont, FL 34711

Re: Lakeview Village Townhomes

Barbara,

As you are aware, this law firm is representing RM Plus, LLC with respect to the pending applications for Annexation, Comprehensive Plan Amendment, Rezoning, Conditional Use Permit, and Variance associated with the Lakeview Village Townhomes project (the "Project"). We have been informed by City Planning staff that the Project would not be allowed in the City's R-2 zoning designation due to the exceedance of the maximum density of 12 townhome units permitted in that designation. As such, please let this letter serve as written clarification that the pending Rezoning application is requesting an R-3 zoning designation, under which the Project could be developed as a conditional use. Accordingly, please replace any reference to "R-2" with "R-3" in the pending applications and supporting materials that are now being processed by the City. Please let me know if you have any questions or need any additional clarifications with respect to the Project.

Sincerely,


Jonathan P. Huels

JPH/nle

cc: Ross Jermano (via e-mail)
Curt Henshel (via e-mail)
John Kluse (via e-mail)
Rae Chidlow (via e-mail)

Exhibit - Location Map Lakeview Village Townhomes

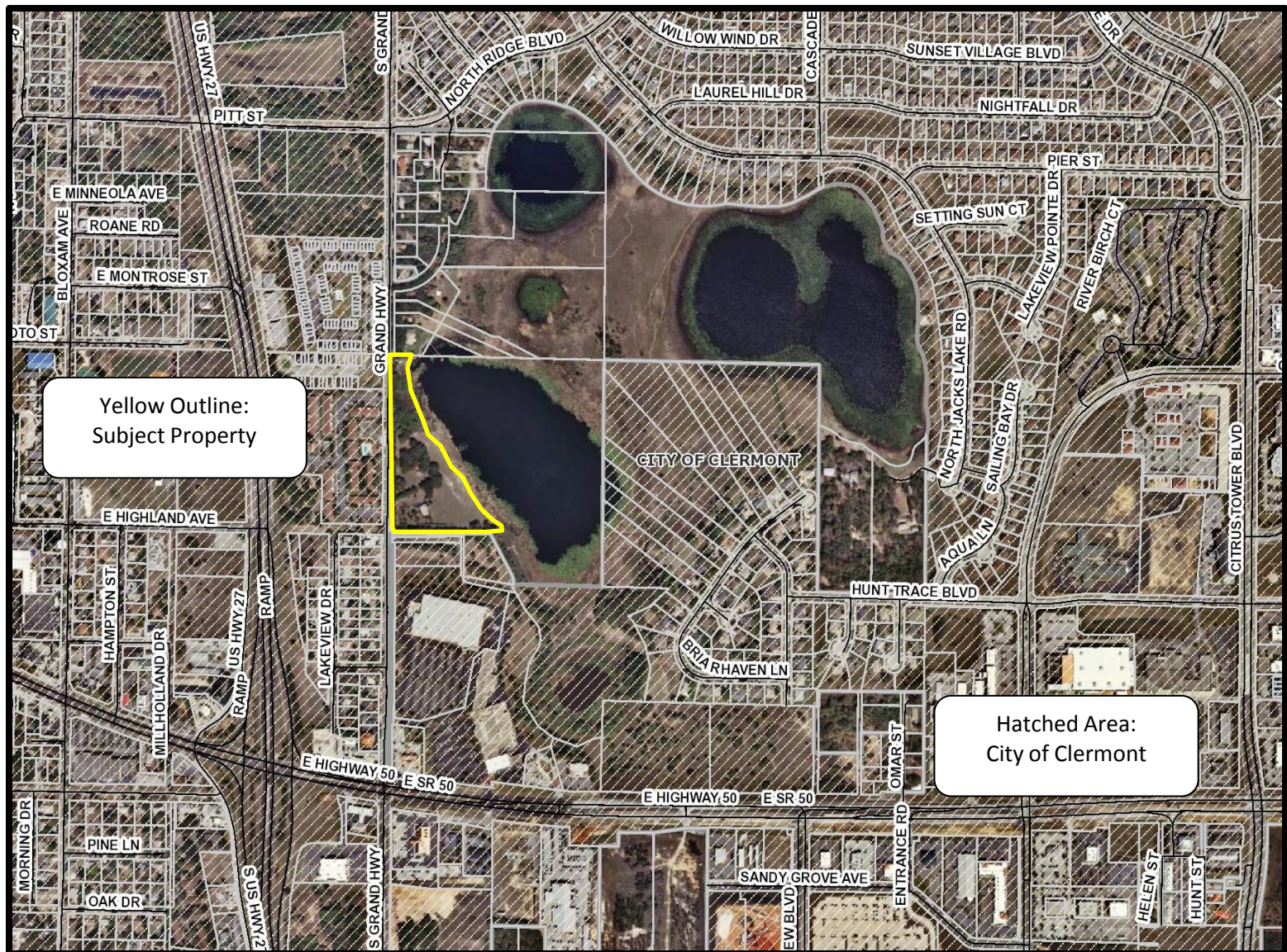
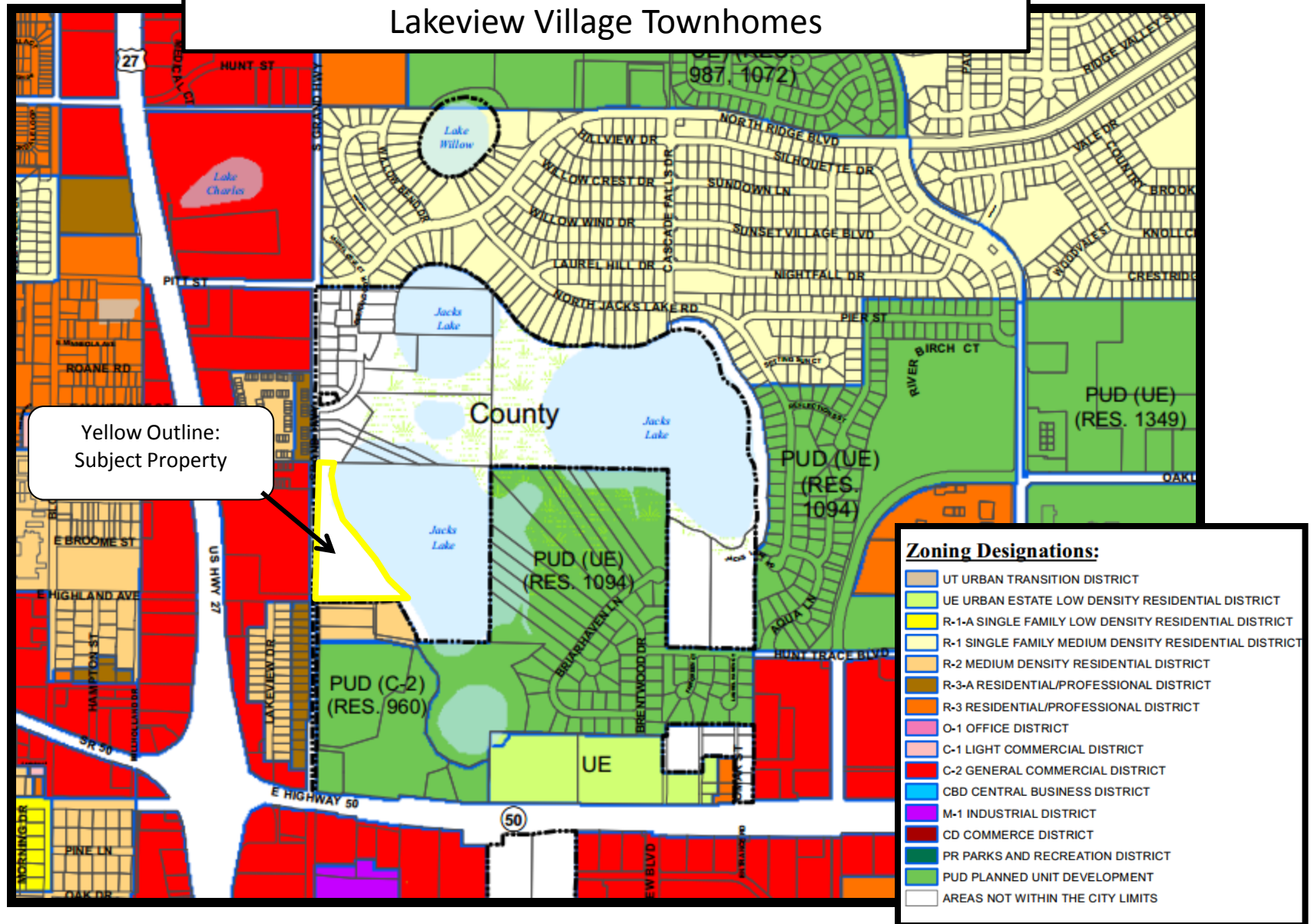


Exhibit – City of Clermont – Zoning Map

Map 2 – Zoomed in

Lakeview Village Townhomes



**City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
August 5, 2014**

Page 8

Mr. Huels stated that there will be no pervious structures in the 100 year flood plain. He stated that the retention will encroach in the 100 year flood plain. He stated that they are seeking to reduce front yard setback requirements.

Commissioner Judy Proli moved to recommend approval of the small-scale comprehensive plan amendment; seconded by Bernadette Dubuss. The vote was unanimous to recommend approval for the small-scale comprehensive plan amendment.

5. REQUEST FOR REZONING

DEVELOPMENT NAME: Lakeview Village Townhomes

APPLICANT: RM Plus, LLC

Senior Planner John Kruse presented the staff report as follows:

The applicant and owner, RM Plus, LLC, is requesting a rezoning change from Lake County Agricultural to the City's R-3 Residential/Professional District. The subject parcel, when annexed into the City, comes in with the default city zoning of Urban Estate Low Density Residential. From there, the zoning request will be to change it from the City's Urban Estate to the City's R-3. The 7.95-acre parcel is located along the east side of Grand Highway, halfway between SR 50 to the south and Pitt Street to the north. The subject parcel fronts Jacks Lake on the eastern boundary. The subject property is contiguous to the City limits on the west and south. The City of Clermont's zoning map, Map 2, has R-2 Medium Density Residential District abutting the property to the south and C-2 General Commercial to the west.

The proposed project of 28 townhomes on 7.95 acres equates to a density of 3.52 units per acre.

The R-3 zoning designation allows for more than 12 townhomes within a project with the granting of a conditional use permit. The proposed future land use designation of medium density residential allows a maximum density of 8 dwelling units per acre. The proposed R-3 Residential/Professional District fits the character of the surrounding community and is compatible with the area. Section 122- 81 of the Land Development Code outlines the intent of the R-3 Residential/Professional District. It indicates that the purpose of the R-3 district is to provide medium density townhomes and multiple-family housing in an urban area where needed, and where urban conveniences and facilities can be provided. Central water and sewer services are available and the future land use map of this area does indicate this to be an urban area.

Staff recommends approval of the rezoning to the City of Clermont's R-3 Residential/Professional District.

Commissioner Bernadette Dubuss moved to recommend approval of the rezoning; seconded by Commissioner Judy Proli. The vote was unanimous to recommend approval for the rezoning.



**CITY OF CLERMONT
REZONING
APPLICATION**

DATE: June 26, 2014

FEE: \$350.00

PROJECT NAME (if applicable): Lakeview Village Townhomes

APPLICANT: RM Plus, LLC

CONTACT PERSON: Jonathan Huels

Address: Lowndes, Drosdick, Doster, Kantor & Reed, P.A., 215 N. Eola Drive

City: Orlando State: FL Zip: 32801

Phone: 407-418-6483 Fax: 407-843-4444

E-Mail: jonathan.huels@lowndes-law.com

OWNER: RM Plus, LLC

Address: 255 South Orange Avenue, Suite 1600

City: Orlando State: FL Zip: 32801

Phone: 407-487-1320 Fax: 407-405-5326

Address of Subject Property: 14108 Grand Highway, Clermont, FL 34711

Legal Description (include copy of survey): Tract 57A, MAP OF SECTION 20 TOWNSHIP 22 S. RANGE 26 E. LAKE COUNTY, FLORIDA, PROPERTY OF LAKE HIGHLANDS COMPANY, according to the plat thereof recorded in Plat Book 3, page 30, public records of Lake County, Florida, together with the North ½ of Highland Avenue South of Tract 57, and unnamed road lying Northeasterly of Tract 57A, Southwesterly of shoreline of Jack's Lake, Easterly of right of way of Grand Highway, Northerly of North right of way line of Highland Avenue, and Southerly of South line of Northwest ¼ of Southwest ¼ except Northerly of property line running due East of Tract 57A (York property).

Acreage: 7.95 Land Use: Vacant
(City verification required)

Present Zoning: Agricultural Proposed Zoning: R-2
(City verification required)

CITY OF CLERMONT
REZONING
APPLICATION
Page 2

Answers to the following questions are required to complete this application.

What are you proposing to do that would require a rezoning?

Please see attached summary.

Jonathan P. Huels

Applicant Name (print)

Agent

X

Applicant Name (signature)

Agent

Ross Jermano, as Manager of RM Plus, LLC

Owner Name (print)

X

Owner Name (signature)

***** NOTICE *****

**IF THIS APPLICATION IS SUBMITTED INCOMPLETE OR INACCURATE, IT WILL
BE SUBJECT TO A DELAY IN PROCESSING AND WILL NOT BE SCHEDULED
UNTIL SUCH CORRECTIONS ARE MADE.**

City of Clermont
Planning & Zoning Department
685 W. Montrose St.
P.O. Box 120219
Clermont, FL. 34712-0219
(352) 394-4083 Fax: (352) 394-3542

LAKEVIEW VILLAGE TOWNHOMES

JUSTIFICATION STATEMENT

City of Clermont

General Data

The property is an approximately 7.95 acre parcel (Tax ID No. 092226080057A00000) located in unincorporated Lake County (the "Property"). The Property is located north of SR 50 and bounded on the west by Grand Highway and on the east by Jack's Lake. The Property is currently vacant and has a County zoning designation of Agricultural and a County Comprehensive Plan Future Land Use designation of Urban Medium Density Residential. The following applications are being simultaneously filed with the City of Clermont to annex the Property into the City and develop a 28-unit townhome residential development called Lakeview Village Townhomes (the "Project"):

- (a) Annexation from unincorporated Lake County into the City;
- (b) An amendment to the Comprehensive Plan to change the Future Land Use designation from Urban Medium Density Residential (County) to Medium Density Residential (City);
- (c) Rezoning of the Property to R-2; and
- (d) A Conditional Use Permit to allow townhomes on the Property.

Consistency with and furthering the Comprehensive Plan

(1) The Project is Compatible with the Neighborhood.

The Property is located at the center of a confluence of different uses, including commercial, residential, and vacant land. The Project fits the character of the surrounding community and is compatible with the Property's adjacent parcels which have been developed as a shopping center (south), apartment complex (west), single family residential (north), and lake (east). As infill development, the Project will serve as buffer between the intensive commercial uses established along SR 50 and the residential uses located farther north along Grand Highway.

(2) The Project is consistent with the Comprehensive Plan.

The Project is consistent with, and furthers the Goals, Objectives and Policies of the Comprehensive Plan. As infill development, the Project discourages urban sprawl and will serve as an appropriate transition between the existing commercial uses located south and the residential community located north in furtherance of Policy 1.1.3. The Project is also consistent with Policy 1.2.1 which requires land use changes to be compatible with adjacent properties as discussed in more detail above. The annexation of the Property results in a logical extension of the City limits and allows the development of an undeveloped enclave in furtherance of Policies

1.12.3 and 1.12.4. Further, the proposed City FLU designation of Medium Density Residential (max. 7 du/acre) is analogous to the Property's current County FLU designation of Urban Medium Density Residential (max. 8 du/acre) and results in no net change in the intensity of development that could currently be achieved on the Property. The Project is also consistent Policy 1.6.2, which states that Medium-Density Residential designation permits housing types such as single family detached homes, including zero lot line and cluster developments, duplexes, townhomes, condominiums and apartments.

The Project is consistent with Code Criteria.

Pursuant to the City Code, the intended development of the Property into townhomes will require a Conditional Use Permit. According to Section 86-144(c) of the Code, a Conditional Use Permit must meet the following criteria:

- (1) The granting would not adversely affect the officially adopted Comprehensive Plan;
- (2) Such use will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity;
- (3) The proposed use will comply with the regulations and conditions specified in the code for such use; and
- (4) The proposed use may be considered desirable at the particular location.

The Project satisfies all of the above criteria for granting a Conditional Use Permit as a result of the following:

- (1) As discussed above, the Project is consistent with, and furthers the Goals, Objectives and Policies of the Comprehensive Plan. As such, the Comprehensive Plan would not be adversely affected.
- (2) The Project will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity. Rather, the development will provide new living options that are centrally located in areas close to other residential units and commercial developments as well as serve as an appropriate transition between those uses.
- (3) The Project will be constructed in accordance with all requirements set forth in the Code.
- (4) The Project is desirable not only because of the aesthetic value it will bring to the area, but also because it will be an ideal use of this currently vacant land.

Availability of Utilities

The Property is located within the Lake County/Clermont Joint Planning Area and thus is a designated property that may be annexed into the City. Under the Joint Planning Interlocal

Agreement, water and sewer services are permitted to be provided to the Property without any amendment required to the land use plan. All development on the Property will be designed to the City of Clermont standards. Thus, utilities are available to be provided to the Property and are in compliance with the Joint Planning Interlocal Agreement.

Conclusion

In order to develop the Property as a 28-unit Lakeview Village Townhomes, the owner is seeking annexation of the Property into the City, an amendment to the Comprehensive Plan to allow for a Future Land Use designation of Medium Density Residential, a rezoning of the Property to R-2, and a Conditional Use Permit. The Project is compatible with adjacent land uses and the surrounding neighborhood. The Project also furthers the goals, objectives and policies of the Comprehensive Plan and compiles with all applicable regulations and conditions specified in the City Code.



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Council Meeting Date	
Tuesday, August 26, 2014	
Agenda Item Name	
Resolution No. 2014-24 Lakeview Village Townhomes	
Requested Action	
Move to approve Resolution No. 2014-24.	
Staff Report	
The Lakeview Village Townhome project is a proposed multi-family development consisting of 28 townhomes with onsite amenities that include a clubhouse and pool. The townhome project will consist of seven multi-story buildings with garages incorporated into the structure. Each building will have 4 units each. Each unit will have a 2 car garage with parking available in front of the garage. The total land area of the project is 7.95 acres. With the proposed 28 townhomes on the 7.95 acres, this provides for a total density of 3.52 units per acre, well under the allowable density of 8 dwelling units per acre in the R-3 zoning district. The CUP request is based upon the development proposal consisting of multi-family developments having 12 or more units in the R-3 zoning district. Sec. 122-184 (a)(7) of the LDC requires a Conditional Use Permit for these uses in the R-3 zoning district. The applicant has indicated that the proposed development fits the character of the surrounding community and is compatible with the adjacent parcels, which include a shopping center (south), apartment complex (west), single family residential (north), and Jacks Lake (east). As infill development, the project will serve as a buffer between the intensive commercial uses established along SR 50 and the residential uses located further north along Grand Highway. The multi-family project and appropriate buffering would provide for a step down of intensities. The site has city utilities adjoining the property. The major challenge in developing the site is the existing 100-year floodplain. The applicant proposes to overcome this challenge by seeking variances for a reduction in front yard and rear yard setbacks and a reduction in roadway width. In addition, the applicant is proposing development activity partially within a flood hazard area that is subject to St. Johns River Water Management District permitting and permissible under Sec. 94-50 of the LDC. Upon approval of this CUP, the Floodplain Permit would be approved for the construction of a stormwater retention area. Staff feels this use is consistent with the uses in the area and would provide an opportunity for infill and buffering of the existing uses. Therefore, staff recommends approval of the proposed CUP request. <i>Commissioner Harry Mason moved to recommend approval of the conditional use permit; seconded by Bernadette Dubuss. The vote was unanimous to recommend approval for the conditional use permit.</i>	
Legal Impact	
Additional Analysis	

Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Resolution	CUP RES 2014-24.docx	
2. Legal ad	CUP Legal Ad.docx	
3. CUP Conditions	Lakeview Village Townhomes CUP Conditions.docx	
4. Lakeview Village Maps	Lakeveiw Village Townhome CUP Map.pdf	
5. Site Plan	C-100A-C-100 11X17.pdf	
6. Elevation - Type 1	CUP Elevation A-001 Building Type 1.pdf	
7. Elevation - Type 2	CUP Elevation A-002 Building Type 2.pdf	
8. School impact	School concurrency.pdf	
9. Letter	REZ letter scan0002.pdf	
10. Minutes	Lakeview CUP minutes.pdf	
11. Application	CUP Application.pdf	

**CITY OF CLERMONT
RESOLUTION NO. 2014-24**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CLERMONT, LAKE COUNTY, FLORIDA, GRANTING A
CONDITIONAL USE PERMIT TO ALLOW FOR A MULTI-FAMILY
COMPLEX WITH MORE THAN 12 UNITS.**

WHEREAS, the Planning and Zoning Commission of the City of Clermont, Lake County, Florida at a meeting held August 5, 2014 recommended approval of this Conditional Use Permit to allow for a multi-family complex with more than 12 units; at the following location:

LOCATION:

Vacant property (Alt. Key 2665602) North of the State Road 50 and
Grand Highway Intersection, East of Grand Highway

The City Council deems it advisable in the interest of the general welfare of the City of Clermont, Lake County, Florida to grant this Conditional Use Permit.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Clermont, Lake County, Florida that:

This application for a Conditional Use Permit to allow for a multi-family complex with more than 12 units; be granted subject to the following conditions:

CONDITIONAL USE PERMIT CONDITIONS:

Section 1 - General Conditions

1. The conditions as set forth in this Conditional Use Permit shall be legally binding upon any heirs, assigns and successors in title or interest.
2. The property shall be developed in substantial accordance with the conceptual site plan dated June 27, 2014 prepared by RMPlus, LLC Planning and Design. Formal construction plans, incorporating all conditions stated in this permit shall be submitted for review and approval by the Site Review Committee prior to the issuance of a zoning clearance of other development permits. The conceptual site plans submitted with the Conditional Use Permit application are not the approved construction plans.
3. No person, firm, corporation or entity shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building or structure, or alter the land in any manner within the boundary of the project without first submitting necessary plans, obtaining necessary approvals, and obtaining necessary permits in accordance with the City of Clermont Land Development Regulations and those of other appropriate jurisdictional entities.

CITY OF CLERMONT
RESOLUTION NO. 2014-24

4. The Conditional Use Permit must be executed and processed through the office of the City Clerk within 90 days of its date of grant by the City Council or the permit shall become null and void.
5. The Applicant shall record in the Public Records of Lake County within 90 days of its date of approval by the City Council, a short-form version of this Conditional Use Permit as provided by the City or a form acceptable to the City, to provide notice to all interested parties, the assigns, successors and heirs of the developer/applicant and all future owners of the above-referenced property that the real property described above is subject to the terms and conditions of the Conditional Use Permit.
6. This permit shall become null and void if substantial construction work has not begun within two (2) years of the date that this Conditional Use Permit is executed and signed by the permittee. "Substantial construction work" means the commencement and continuous prosecution of construction of required improvements ultimately finalized at completion.
7. The structure shall be inspected by the Fire Marshall for life safety requirements. All requirements must be met prior to any Certificate of Occupancy being issued.
8. The structure shall be inspected by the City Building Inspector and all building code violations must be corrected prior to a Certificate of Occupancy being issued.
9. The final Certificate of Occupancy shall not be issued until each of the stated conditions has been met.
10. No business can occupy any portion of a building unless the proposed business has applied for and obtained a Local Business Tax Receipt from the Development Services Department.
11. If any of the stated conditions are violated, the applicant understands and agrees that the City Council may revoke this Conditional Use Permit by resolution.

Section 2- Land Use

1. This Conditional Use Permit is for a multi-family residential development with up to 28 townhomes with onsite amenities that include a clubhouse and pool on 7.95 acres, for a density of 3.52 dwelling units per acre.
2. The City's Site Review Committee must approve the site plan prior to the construction plan approval.

CITY OF CLERMONT
RESOLUTION NO. 2014-24

3. The applicant/owner must coordinate with the Lake County School District for capacity review and requirements pertaining to schools, and in conformance with City Code, prior to issuance of any building permits.

Section 3 – Site Development

1. Detailed grading, erosion control, and dust abatement plans for the entire site shall be submitted to and approved by the Site Review Committee prior to construction plan approval and the initiation of development activity. The dust abatement plan shall detail measures to be taken to eliminate the migration of dust particles from the site.
2. All excavated material shall be stored in a location approved by the City Engineer.
3. Geo-technical information regarding the soil characteristics of the site shall be submitted to the City as part of the final site review process.
4. The permittee/developers shall provide both temporary and permanent grassing on all disturbed areas where construction is not immediately intended. Said plan shall be provided in accordance with an approved ground cover plan acceptable to the City in accordance with the Best Management Practices of the United States Department of Agriculture Soil Conservation Service.
5. The Floodplain Administrator has determined that the proposed development plans require issuance of a Floodplain Development Permit in accordance with Section 94-50 of the City Code. As part of this Conditional Use Permit, the Floodplain Permit is approved for the construction of a stormwater retention area described on sheet C-100 dated June 27, 2014 prepared by RMPlus, LLC Planning and Design. The stormwater retention area will retain a minimum volume equal to the post-development minus pre-development runoff volume from the 25-year 96-hour storm over the contributing basin plus a volume equal to the fill proposed in the floodplain so that no change in the base flood elevation will result from the proposed construction. No impacts to the wetland fringe of Jack's Lake will result from construction of the stormwater retention pond, subject to compliance with St. Johns River Water Management District regulations and all other applicable laws.

Section 4 – Transportation Improvements

1. Sidewalks shall be required along Grand Highway and within the development, in accordance with Florida Department of Transportation regulations and City Codes.
2. The City may require that transportation improvements, necessitated by the portion of the project for which a building permit is sought, be made at the time of construction. Project specific on and off-site transportation designs are the sole responsibility of the developer.

CITY OF CLERMONT
RESOLUTION NO. 2014-24

3. A traffic study in accordance with City Codes shall be required to address Level of Service for the area. The applicant/owner must coordinate with Lake County and the Lake~Sumter Metropolitan Planning Organization for compliance with the Transportation Management System.

Section 5 – Utilities and Stormwater

1. The permittee shall be responsible for purchasing, installing, and maintaining fire hydrants within the project. They shall be installed according to City Code.
2. The project shall be plumbed for reuse water with purple piping. Until such time as reuse water is available, irrigation water shall be provided for by well.

Section 6 – Landscaping

1. The Landscape design for all parking areas, buffers, rights-of-way, pedestrian ways and focal points shall be unified and complementary to the ambiance of the center.
2. All landscape plans and plantings shall meet or exceed the City of Clermont Code.

Section 7 - Architectural Design Standards

1. All structures shall be designed and constructed in accordance with the Architectural Standards of the City of Clermont.
2. The multi-family structures shall be developed in substantial accordance with the conceptual building elevations; Building Type 1 or Building Type 2, submitted on July 23, 2014 as prepared by RMPlus, LLC Planning and Design.
3. All fencing within public view shall be ornamental metal or brick, as approved by the Site Review Committee.

CITY OF CLERMONT
RESOLUTION NO. 2014-24

DONE AND RESOLVED by the City Council of the City of Clermont, Lake County, Florida, this 26th day of August, 2014.

CITY OF CLERMONT

Harold S. Turville, Jr., Mayor

ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

LEGAL NOTICE

Notice is hereby given that the City of Clermont will consider a request for a Conditional Use Permit to allow for a multi-family complex with more than 12 units:

LOCATION

Vacant property (Alt. Key 2665602) North of S.R. 50 and
Grand Highway Intersection, East of Grand Highway

A complete legal description may be obtained in the Development Services Department located at 685 W. Montrose Street, Clermont, FL 34711.

This request will be considered by the Planning & Zoning Commission on Tuesday, August 5, 2014 at 7:00pm.

A public meeting to consider the request will be held before the City Council on Tuesday, August 26, 2014 at 7:00pm.

All meetings will be held in City Hall located at 685 West Montrose Street.

All interested parties will be given an opportunity to express their views on this matter.

Please be advised that, under State law, if you should decide to appeal a decision made with respect to this matter, you will need a record of the proceedings, and may need to ensure that a verbatim record is made.

Tracy Ackroyd, MMC
City Clerk

Daily Commercial
July 29, 2014 and August 19, 2014

Exhibit – CUP CONDITIONS

CUP CONDITIONS:

Section 1 - General Conditions

1. The conditions as set forth in this Conditional Use Permit shall be legally binding upon any heirs, assigns and successors in title or interest.
2. The property shall be developed in substantial accordance with the conceptual site plan dated June 27, 2014 prepared by RMPlus, LLC Planning and Design, sheet C-100. Formal construction plans, incorporating all conditions stated in this permit shall be submitted for review and approval by the Site Review Committee prior to the issuance of a zoning clearance or other development permits. The conceptual site plans submitted with the Conditional Use Permit application are not the approved construction plans.
3. No person, firm, corporation or entity shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building or structure, or alter the land in any manner within the boundary of the project without first submitting necessary plans, obtaining necessary approvals, and obtaining necessary permits in accordance with the City of Clermont Land Development Regulations and those of other appropriate jurisdictional entities.
4. The Conditional Use Permit must be executed and processed through the office of the City Clerk within 90 days of its date of grant by the City Council or the permit shall become null and void.
5. The Applicant shall record in the Public Records of Lake County within 90 days of its date of approval by the City Council, a short-form version of this Conditional Use Permit as provided by the City or a form acceptable to the City, to provide notice to all interested parties, the assigns, successors and heirs of the developer/applicant and all future owners of the above-referenced property that the real property described above is subject to the terms and conditions of the Conditional Use Permit.
6. This permit shall become null and void if substantial construction work has not begun within two (2) years of the date that this Conditional Use Permit is executed and signed by the permittee. “Substantial construction work” means the commencement and continuous prosecution of construction of required improvements ultimately finalized at completion.
7. The structure shall be inspected by the Fire Marshall for life safety requirements. All requirements must be met prior to any Certificate of Occupancy being issued.
8. The structure shall be inspected by the City Building Inspector and all building code violations must be corrected prior to a Certificate of Occupancy being issued.

9. The final Certificate of Occupancy shall not be issued until each of the stated conditions has been met.
10. No business can occupy any portion of a building unless the proposed business has applied for and obtained a Local Business Tax Receipt from the Planning & Zoning Department.
11. If any of the stated conditions are violated, the applicant understands and agrees that the City Council may revoke this Conditional Use Permit by resolution.

Section 2- Land Use

1. This Conditional Use Permit (CUP) is for a multi-family residential development with up to 28 townhomes with onsite amenities that include a clubhouse and pool on 7.95 acres, for a density of 3.52 dwelling units/acre.
2. The City's Site Review Committee must approve the site plan prior to the construction plan approval.
3. The applicant/owner must coordinate with the Lake County School District for capacity review and requirements pertaining to schools, and in conformance with City Code, prior to issuance of any building permits.

Section 3 – Site Development

1. Detailed grading, erosion control, and dust abatement plans for the entire site shall be submitted to and approved by the Site Review Committee prior to construction plan approval and the initiation of development activity. The dust abatement plan shall detail measures to be taken to eliminate the migration of dust particles from the site.
2. All excavated material shall be stored in a location approved by the City Engineer.
3. Geo-technical information regarding the soil characteristics of the site shall be submitted to the City as part of the final site review process.
4. The permittee/developers shall provide both temporary and permanent grassing on all disturbed areas where construction is not immediately intended. Said plan shall be provided in accordance with an approved ground cover plan acceptable to the City in accordance with best management practices (BMP) of the U.S.D.A. Soil Conservation Service.

5. The Floodplain Administrator has determined that the proposed development plans require issuance of a Floodplain Development Permit in accordance with Section 94-50 of the City Code. As part of this CUP, the Floodplain Permit is approved for the construction of a stormwater retention area described on sheet C-100 dated June 27, 2014 prepared by RMPlus, LLC Planning and Design. The stormwater retention area will retain a minimum volume equal to the post-development minus pre-development runoff volume from the 25-year 96-hour storm over the contributing basin plus a volume equal to the fill proposed in the floodplain so that no change in the base flood elevation will result from the proposed construction. No impacts to the wetland fringe of Jack's Lake will result from construction of the stormwater retention pond, subject to compliance with St. Johns River Water Management District regulations and all other applicable laws.

Section 4 – Transportation Improvements

1. Sidewalks shall be required along Grand Highway and within the development, in accordance with Florida Department of Transportation regulations and City Codes.
2. The City may require that transportation improvements, necessitated by the portion of the project for which a building permit is sought, be made at the time of construction. Project specific on and off-site transportation designs are the sole responsibility of the developer.
3. A traffic study in accordance with City Codes shall be required to address level of service (LOS) for the area. The applicant/owner must coordinate with Lake County and the Lake~Sumter Metropolitan Planning Organization (MPO) for compliance with the Transportation Management System (TMS).

Section 5 – Utilities and Stormwater

1. The permittee shall be responsible for purchasing, installing, and maintaining fire Hydrants within the project. They shall be installed according to City Code.
2. The project shall be plumbed for reuse water with purple piping, until such time as reuse water is available, irrigation water shall be provided for by well.

Section 6 – Landscaping

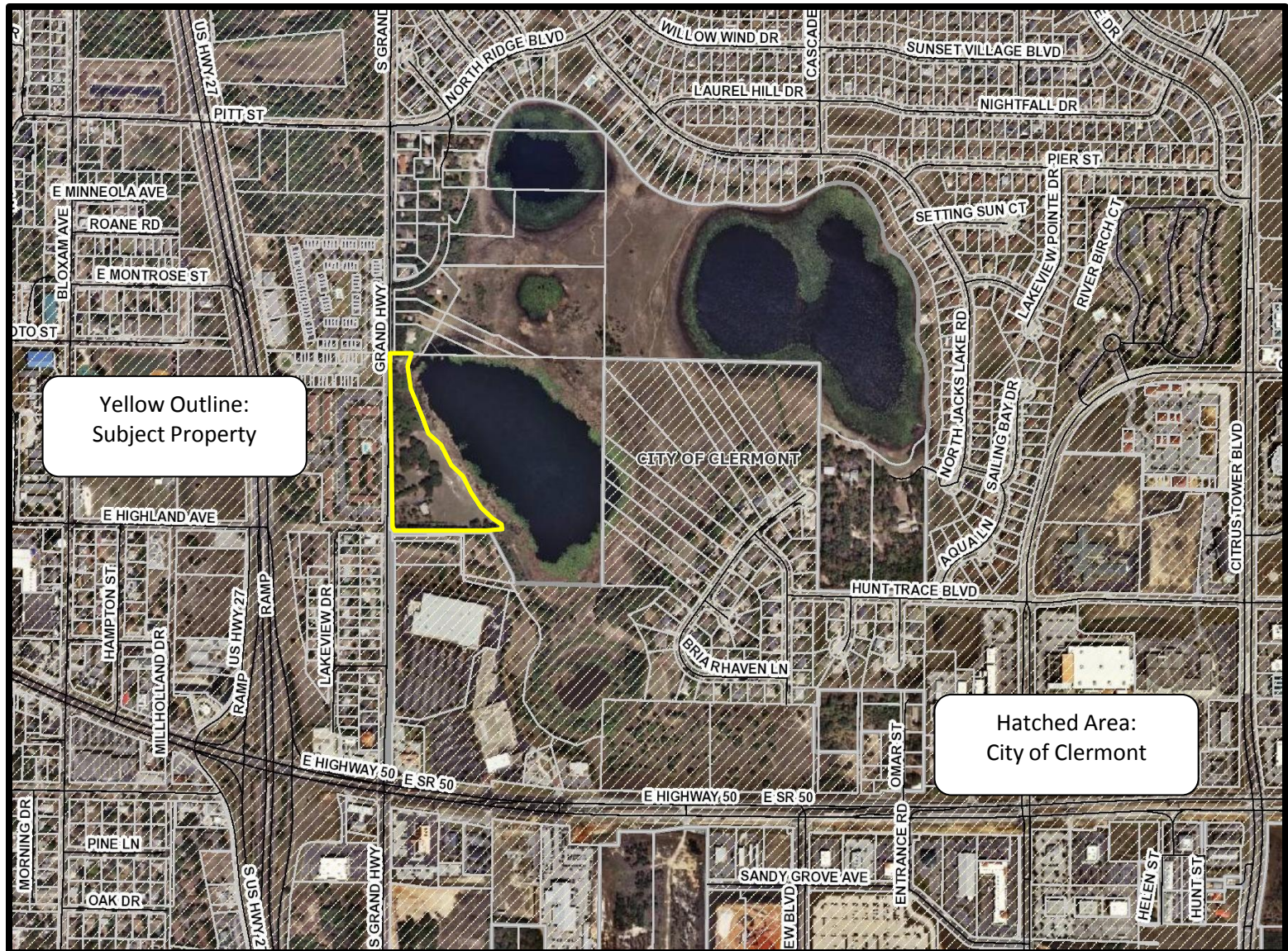
1. The Landscape design for all parking areas, buffers, rights-of-way, pedestrian ways and focal points shall be unified and complementary to the ambiance of the center.
2. All landscape plans and plantings shall meet or exceed the City of Clermont Code.

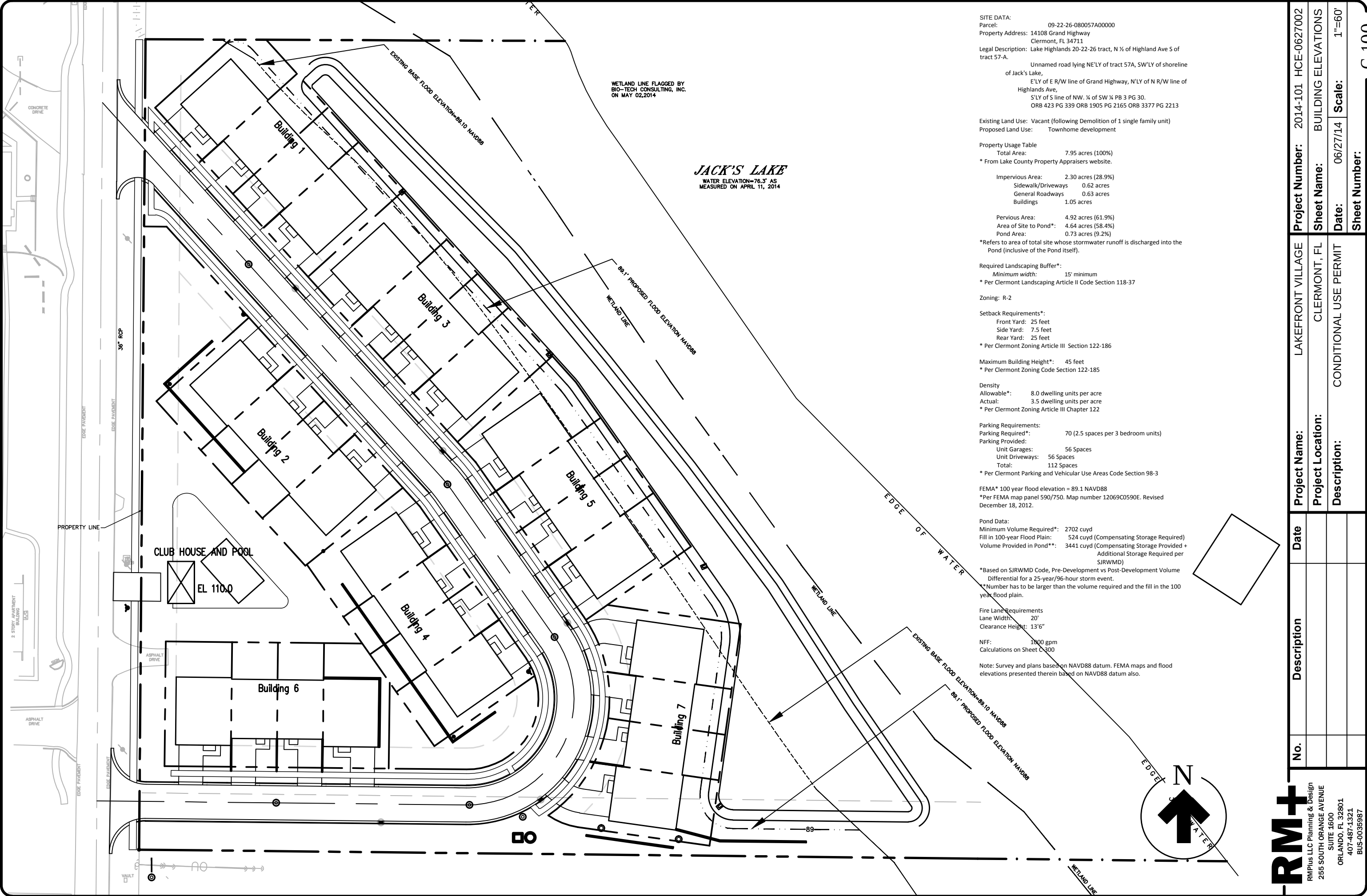
Section 7 - Architectural Design Standards

1. All structures shall be designed and constructed in accordance with the *Architectural Standards* of the City of Clermont.

2. The multi-family structures shall be developed in substantial accordance with the conceptual building elevations (Building Type 1 or Building Type 2) submitted on July 23, 2014 prepared by RMPlus, LLC Planning and Design, sheet A-001 and A-002.
3. All fencing within public view shall be ornamental metal or brick, as approved by the Site Review Committee.

Exhibit - Location Map Lakeview Village Townhomes





SITE DATA:
Parcel: 09-22-26-080057A00000
Property Address: 14108 Grand Highway
Clermont, FL 34711
Legal Description: Lake Highlands 20-22-26 tract, N ¼ of Highland Ave S of tract 57-A.
Unnamed road lying NE'LY of tract 57A, SW'LY of shoreline of Jack's Lake,
E'LY of E R/W line of Grand Highway, N'LY of N R/W line of Highlands Ave,
S'LY of S line of NW. ¼ of SW ¼ PB 3 PG 30.
ORB 423 PG 339 ORB 1905 PG 2165 ORB 3377 PG 2213

Existing Land Use: Vacant (following Demolition of 1 single family unit)
Proposed Land Use: Townhome development

Property Usage Table
Total Area: 7.95 acres (100%)
* From Lake County Property Appraisers website.

Impervious Area: 2.30 acres (28.9%)
Sidewalk/Driveways 0.62 acres
General Roadways 0.63 acres
Buildings 1.05 acres

Pervious Area: 4.92 acres (61.9%)
Area of Site to Pond*: 4.64 acres (58.4%)
Pond Area: 0.73 acres (9.2%)

*Refers to area of total site whose stormwater runoff is discharged into the Pond (inclusive of the Pond itself).

Required Landscaping Buffer*:
Minimum width: 15' minimum
* Per Clermont Landscaping Article II Code Section 118-37

Zoning: R-2

Setback Requirements*:
Front Yard: 25 feet
Side Yard: 7.5 feet
Rear Yard: 25 feet
* Per Clermont Zoning Article III Section 122-186

Maximum Building Height*: 45 feet
* Per Clermont Zoning Code Section 122-185

Density
Allowable*: 8.0 dwelling units per acre
Actual: 3.5 dwelling units per acre
* Per Clermont Zoning Article III Chapter 122

Parking Requirements:
Parking Required*: 70 (2.5 spaces per 3 bedroom units)
Parking Provided:
Unit Garages: 56 Spaces
Unit Driveways: 56 Spaces
Total: 112 Spaces
* Per Clermont Parking and Vehicular Use Areas Code Section 98-3

FEMA* 100 year flood elevation = 89.1 NAVD88
*Per FEMA map panel 590/750. Map number 12069C0590E. Revised December 18, 2012.

Pond Data:
Minimum Volume Required*: 2702 cuyd
Fill in 100-year Flood Plain: 524 cuyd (Compensating Storage Required)
Volume Provided in Pond**: 3441 cuyd (Compensating Storage Provided + Additional Storage Required per SJRWMD)

*Based on SJRWMD Code, Pre-Development vs Post-Development Volume Differential for a 25-year/96-hour storm event.
**Number has to be larger than the volume required and the fill in the 100 year flood plain.

Fire Lane Requirements
Lane Width: 20'
Clearance Height: 13'6"

NFF: 1800 gpm
Calculations on Sheet C-300

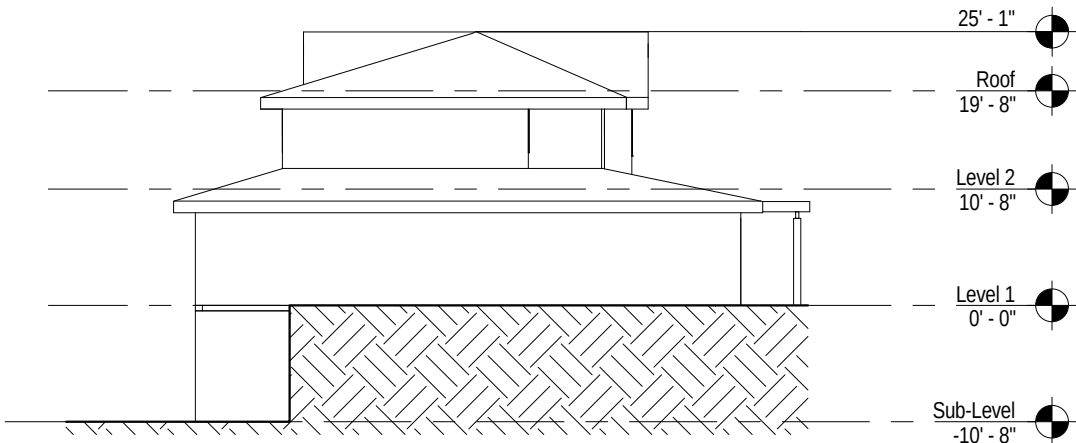
Note: Survey and plans based on NAVD88 datum. FEMA maps and flood elevations presented therein based on NAVD88 datum also.

RM+ RMPius LLC Planning & Design 255 SOUTH ORANGE AVENUE SUITE 1600 ORLANDO, FL 32801 407-487-1321 BUS-0035987	No.	Description	Date	Project Name:	LAKEFRONT VILLAGE	Project Number:	2014-101 HCE-0627002
				Project Location:	CLERMONT, FL	Sheet Name:	BUILDING ELEVATIONS
				Description:	CONDITIONAL USE PERMIT	Date:	06/27/14
						Scale:	1"=60'
				Sheet Number:			



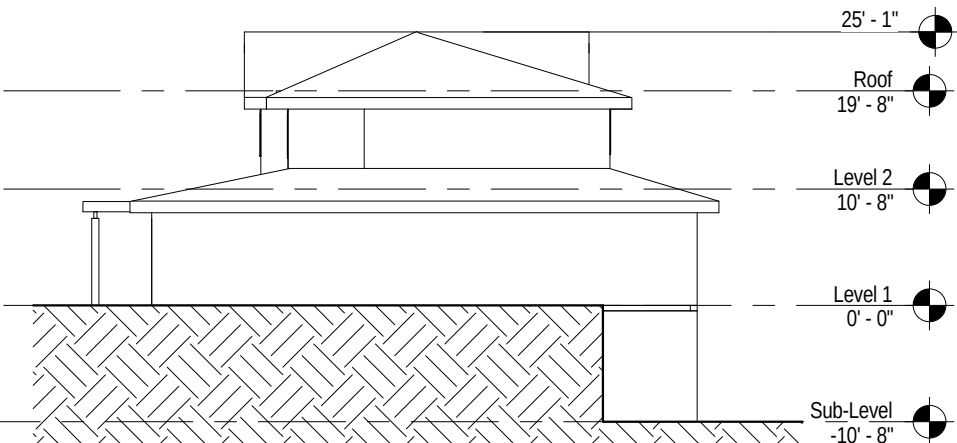
ELEVATION 4 - BUILDING TYPE 1
1/16" = 1'-0"

04
A-001



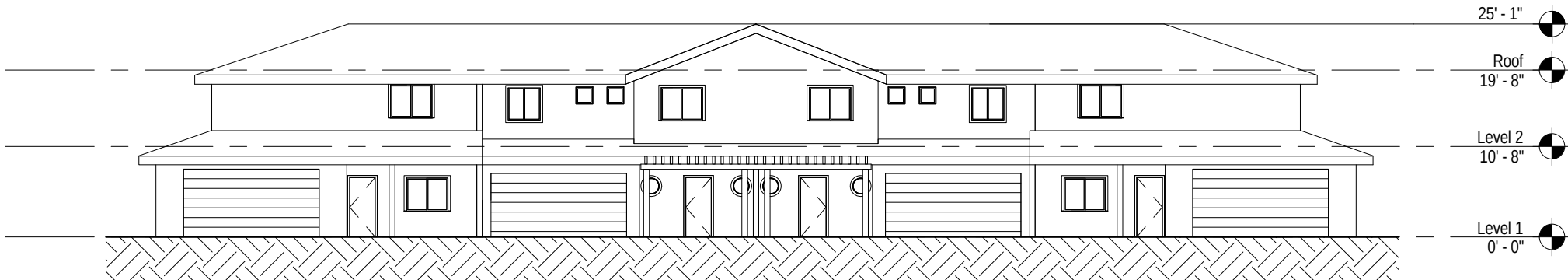
ELEVATION 3 - BUILDING TYPE 1
1/16" = 1'-0"

03
A-001



ELEVATION 2 - BUILDING TYPE 1
1/16" = 1'-0"

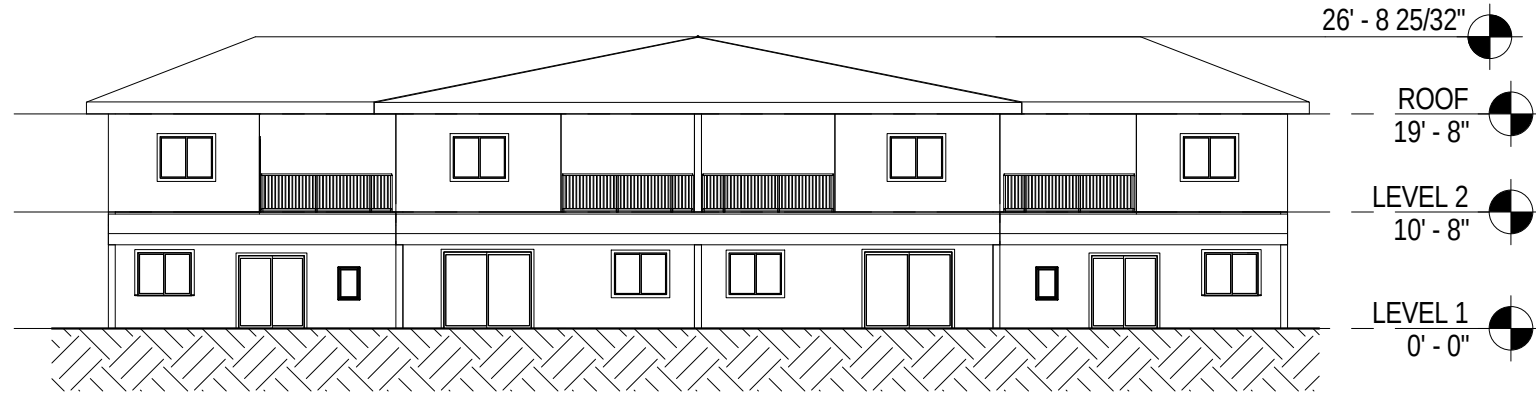
02
A-001



ELEVATION 1 - BUILDING TYPE 1
1/16" = 1'-0"

01
A-001

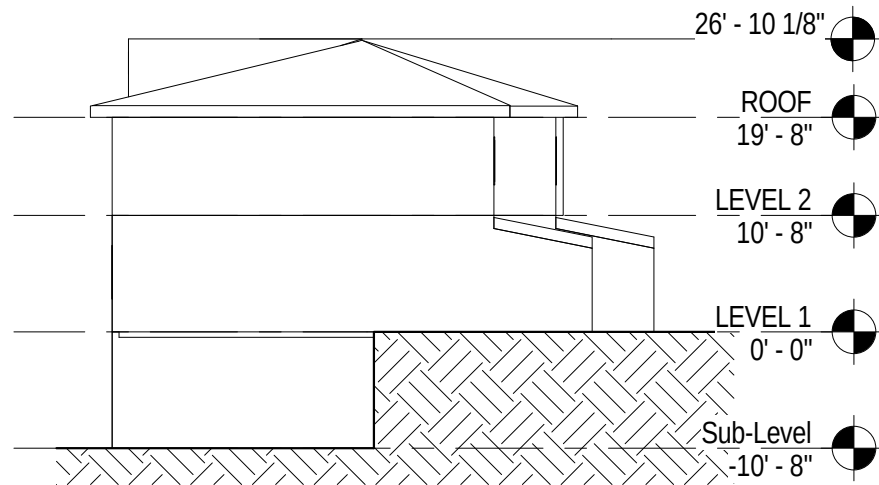
RM+ RMPlus LLC Planning & Design 255 SOUTH ORANGE AVENUE SUITE 1600 ORLANDO, FL 32801 407-487-1321 BUS-0035987	No.	Description	Date	Project Name: LAKEFRONT VILLAGE		Project Number: 2014-101	
				Project Location: CLERMONT, FL		Sheet Name: BUILDING ELEVATIONS	
				Description: CONDITIONAL USE PERMIT		Date: 07/23/14	Scale: 1/16" = 1'-0"
						Sheet Number: A-001	



ELEVATION 4 - BUILDING TYPE 2

1/16" = 1'-0"

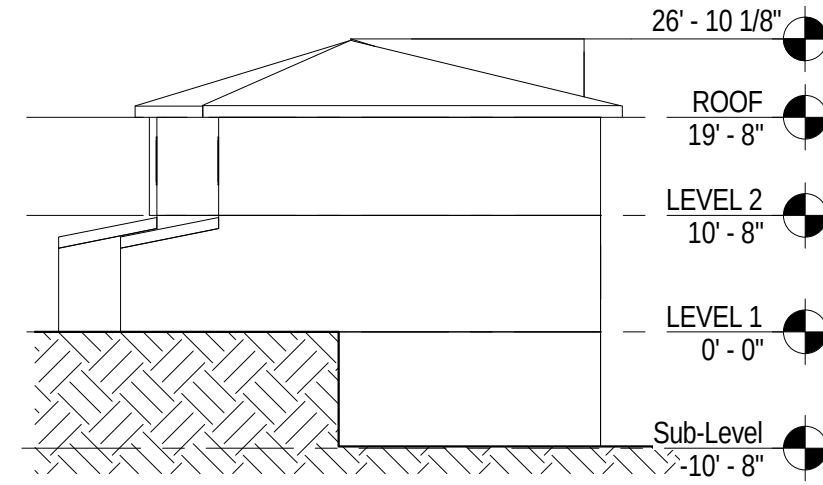
04
A-002



ELEVATION 3 - BUILDING TYPE 2

1/16" = 1'-0"

03
A-002



ELEVATION 2 - BUILDING TYPE 2

1/16" = 1'-0"

02
A-002



ELEVATION 1 - BUILDING TYPE 2

1/16" = 1'-0"

01
A-002

RM+
RMPlus LLC Planning & Design
255 SOUTH ORANGE AVENUE
SUITE 1600
ORLANDO, FL 32801
407-487-1321
BUS-0035987

No.	Description	Date	Project Name:		Project Number:	
			LAKEFRONT VILLAGE	CLERMONT, FL	2014-101	BUILDING ELEVATIONS
			Project Location:		Sheet Name:	
			Description:		Date:	
			CONDITIONAL USE PERMIT		07/23/14	
					Scale:	
					1/16" = 1'-0"	
					Sheet Number:	
					A-002	



Leading our Children to Success

201 West Burleigh Boulevard • Tavares • FL 32778-2496
(352) 253-6500 • Fax: (352) 343-0198 • www.lake.k12.fl.us

Superintendent:
Susan Moxley, Ed.D.

School Board Members:
District 1
Bill Mathias
District 2
Rosanne Brandenburg
District 3
Tod Howard
District 4
Debbie Stivender
District 5
Kyleen Fischer

July 29, 2014

Ms. Barbara Hollerand, Planning & Zoning Director
Community Development Department
City of Clermont
685 West Montrose Street
Clermont, Florida 34711

RE: City of Clermont Lakeview Village Townhomes (Ordinance Number 2014-21)

Dear Ms. Hollerand:

The City is currently reviewing an applicant's request to rezone 7.95 acres from Lake County Agriculture District to City of Clermont Residential/Professional District (R-3). As the School Board of Lake County's authorized representative, I am forwarding the School Board's comments to your attention so they can be included with your planning report.

The School Board of Lake County Florida believes the rezoning will have an adverse impact on Lake County Public Schools. The following School Board comments reflect projected enrollment data from the District's Five-Year Facilities Master Plan, FY 2014-2018, and student generation rates from the Impact Fee Study.

The proposed rezoning has the potential to add 28 new townhomes that will contribute 10 new students to the Lake County School system. Based on current school attendance zones, schools that will be adversely affected by the rezoning and their projected five-year capacity status are as follows:

- | | |
|-------------------------------------|---------------------------|
| • Clermont Elementary School | 16% Under Capacity |
| • East Ridge Middle School | 31% Under Capacity |
| • Lake Minneola High School | 18% Over Capacity |

Please see the attached District Growth Impact Report, which indicates the potential impact of the proposed rezoning on the public schools which currently serve the area under consideration. Should you have any questions or need additional information please contact me at (352) 253-6694.

Sincerely,

Dawn McDonald, Senior Planner
Growth Planning Department

Enclosure

LAKE COUNTY PUBLIC SCHOOLS RESIDENTIAL GROWTH IMPACT REPORT

REVIEWING AUTHORITY

City of Clermont Community Development Department, Planning & Zoning Division

NAME / CASE NUMBER

Lakeview Village Townhomes / Ordinance Number 2014-21 (Rezoning)

DEVELOPER/OWNER

RM Plus, LLC / Johnathan Huels, Applicant's Representative

ITEM DESCRIPTION

The applicant proposes a Future Land Use Map change from Lake County Urban Medium Residential (7 dwelling units/1 acre) to City of Clermont Medium Density Residential (7 dwelling units/1 acre) and a rezoning from Lake County Agriculture District to City of Clermont Residential/Professional District (R-3) on 7.95 acres.

LOCATION

Section 9, Township 22S, Range 26E
North of State Road 50, south of North Ridge Boulevard, east of South Grand Highway, and west of Jack's Lake

CURRENT LAND USE

Lake County Urban Medium Residential (7 dwelling units/1 acre)

PROPOSED LAND USE

City of Clermont Medium Density Residential (7 dwelling units/1 acre)

CURRENT ZONING

Lake County Agriculture District

PROPOSED ZONING

City of Clermont Residential/Professional District (R-3)

NEW DU IMPACT**STUDENT GENERATION**

Elementary School

Middle School

High School

SF-DU	MF-DU	Mobile	SF Impacts	
			28	Dwelling Units
0.374	0.235	0.126	10	
0.172	0.133	0.065	5	
0.085	0.051	0.029	2	
0.117	0.051	0.032	3	

SCHOOL NAME

Clermont Elementary

East Ridge Middle

Lake Minneola High

Projected Enrollment 2017-2018*	Permanent Student Capacity*	Projected Five-Year Capacity %	Student Enrollment w/ Impact	% of Perm. Capacity w/ Impact	Planned Capacity On Site
526	634	83%	531	84%	No
1,090	1,590	69%	1,092	69%	No
2,159	1,835	118%	2,162	118%	No

**Lake County School District Five-Year Facilities Master Plan, Fiscal Year 2014-2018*

CSA 12

Elementary School

Middle School

High School

Student Enrollment 2017-2018*	Permanent Student Capacity*	% of Permanent Capacity
4,298	4,928	87%
1,848	2,501	74%
4,491	4,483	100%

**Lake County School District Five-Year Facilities Master Plan, Fiscal Year 2014-2018*

COMMENTS:

The proposed rezoning will add 28 townhomes, which will adversely impact area schools.

School Concurrency became effective in Lake County on June 1, 2008. Subsequent development orders, including but not limited to, site plans and subdivisions are subject to the school concurrency process. This Growth Impact Report (adequate public facilities analysis) is not intended to be an approval of, or an exemption from, any school concurrency regulations, including the school concurrency requirements in the Lake County School Concurrency Interlocal Agreement.

Prepared By: Dawn McDonald, Senior Planner, Lake County School District

Date: 7/29/2014

July 24, 2014

SENT VIA E-MAIL

Barbara Hollerand, Development Services Director
City of Clermont
685 W. Montrose Street, 1st Floor
Clermont, FL 34711

Re: Lakeview Village Townhomes

Barbara,

As you are aware, this law firm is representing RM Plus, LLC with respect to the pending applications for Annexation, Comprehensive Plan Amendment, Rezoning, Conditional Use Permit, and Variance associated with the Lakeview Village Townhomes project (the "Project"). We have been informed by City Planning staff that the Project would not be allowed in the City's R-2 zoning designation due to the exceedance of the maximum density of 12 townhome units permitted in that designation. As such, please let this letter serve as written clarification that the pending Rezoning application is requesting an R-3 zoning designation, under which the Project could be developed as a conditional use. Accordingly, please replace any reference to "R-2" with "R-3" in the pending applications and supporting materials that are now being processed by the City. Please let me know if you have any questions or need any additional clarifications with respect to the Project.

Sincerely,


Jonathan P. Huels

JPH/nle

cc: Ross Jermano (via e-mail)
Curt Henshel (via e-mail)
John Kluse (via e-mail)
Rae Chidlow (via e-mail)

**City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
August 5, 2014**

Page 9

6. REQUEST FOR CONDITIONAL USE PERMIT

DEVELOPMENT NAME: Lakeview Village Townhomes

APPLICANT: RM Plus, LLC

Senior Planner John Kruse presented the staff report as follows:

The Lakeview Village Townhome project is a proposed multi-family development consisting of 28 townhomes with onsite amenities that include a clubhouse and pool. The townhome project will consist of seven multi-story buildings with garages incorporated into the structure. Each building will have 4 units each. Each unit will have a 2 car garage with parking available in front of the garage.

The total land area of the project is 7.95 acres. With the proposed 28 townhomes on the 7.95 acres, this provides for a total density of 3.52 units per acre, well under the allowable density of 8 dwelling units per acre in the R-3 zoning district. The conditional use permit request is based upon the development proposal consisting of multi-family developments having 12 or more units in the R-3 zoning district. Sec. 122-184 (a)(7) of the Land Development Code requires a conditional use permit for these uses in the R-3 zoning district.

The applicant has indicated that the proposed development fits the character of the surrounding community and is compatible with the adjacent parcels, which include a shopping center (south), apartment complex (west), single family residential (north), and Jacks Lake (east). As infill development, the project will serve as a buffer between the intensive commercial uses established along SR 50 and the residential uses located further north along Grand Highway. The multi-family project and appropriate buffering would provide for a step down of intensities. The site has city utilities adjoining the property. The major challenge in developing the site is the existing 100-year floodplain. The applicant proposes to overcome this challenge by seeking variances for a reduction in front yard and rear yard setbacks and a reduction in roadway width.

In addition, the applicant is proposing development activity partially within a flood hazard area that is subject to St. Johns River Water Management District permitting and permissible under Sec. 94-50 of the Land Development Code. Upon approval of this conditional use permit, the floodplain permit would be approved for the construction of a stormwater retention area.

Staff feels this use is consistent with the uses in the area and would provide an opportunity for infill and buffering of the existing uses. Therefore, staff recommends approval of the proposed conditional use permit request.

Commissioner Harry Mason moved to recommend approval of the conditional use permit; seconded by Bernadette Dubuss. The vote was unanimous to recommend approval for the conditional use permit.



CITY OF CLERMONT
CONDITIONAL USE PERMIT (CUP)
APPLICATION

DATE: June 26, 2014

FEE: \$350.00

PROJECT NAME (if applicable): Lakeview Village Townhomes

APPLICANT: RM Plus, LLC

CONTACT PERSON: Jonathan Huels

Address: Lowndes, Drosdick, Doster, Kantor & Reed, P.A., 215 N. Eola Drive

City: Orlando State: FL Zip: 32801

Phone: 407-418-6483 Fax: 407-843-4444

E-Mail: jonathan.huels@lowndes-law.com

OWNER: RM Plus, LLC

Address: 255 South Orange Avenue, Suite 1600

City: Orlando State: FL Zip: 32801

Phone: 407-487-1320 Fax: 407-405-5326

Address of Subject Property: 14108 Grand Highway, Clermont, FL 34711

General Location: Northeast of intersection of US Hwy 27 and SR 50.

Legal Description (include copy of survey): Tract 57A, MAP OF SECTION 20 TOWNSHIP 22 S. RANGE 26 E. LAKE COUNTY, FLORIDA, PROPERTY OF LAKE HIGHLANDS COMPANY, according to the plat thereof recorded in Plat Book 3, page 30, public records of Lake County, Florida, together with the North ½ of Highland Avenue South of Tract 57, and unnamed road lying Northeasterly of Tract 57A, Southwesterly of shoreline of Jack's Lake, Easterly of right of way of Grand Highway, Northerly of North right of way line of Highland Avenue, and Southerly of South line of Northwest ¼ of Southwest ¼ except Northerly of property line running due East of Tract 57A (York property).

Land Use (City verification required): Urban Medium Density

Zoning (City verification required): Agricultural

Detailed Description of request (What are you proposing to do and why is it appropriate for this location? Attach additional page is necessary).

X Agent
Applicant Name (signature)
X Owner
Owner Name (signature)

******* NOTICE *****/*******

IF THIS APPLICATION IS SUBMITTED INCOMPLETE OR INACCURATE, IT WILL BE SUBJECT TO A DELAY ON PROCESSING AND WILL NOT BE SCHEDULED UNTIL CORRECTIONS ARE MADE.

City of Clermont
Planning & Zoning Department
685 W. Montrose St.
P.O. Box 120219
Clermont, FL. 34712-0219
(352) 394-4083 Fax: (352) 394-3542

LAKEVIEW VILLAGE TOWNHOMES

JUSTIFICATION STATEMENT

City of Clermont

General Data

The property is an approximately 7.95 acre parcel (Tax ID No. 092226080057A00000) located in unincorporated Lake County (the "Property"). The Property is located north of SR 50 and bounded on the west by Grand Highway and on the east by Jack's Lake. The Property is currently vacant and has a County zoning designation of Agricultural and a County Comprehensive Plan Future Land Use designation of Urban Medium Density Residential. The following applications are being simultaneously filed with the City of Clermont to annex the Property into the City and develop a 28-unit townhome residential development called Lakeview Village Townhomes (the "Project"):

- (a) Annexation from unincorporated Lake County into the City;
- (b) An amendment to the Comprehensive Plan to change the Future Land Use designation from Urban Medium Density Residential (County) to Medium Density Residential (City);
- (c) Rezoning of the Property to R-2; and
- (d) A Conditional Use Permit to allow townhomes on the Property.

Consistency with and furthering the Comprehensive Plan

(1) The Project is Compatible with the Neighborhood.

The Property is located at the center of a confluence of different uses, including commercial, residential, and vacant land. The Project fits the character of the surrounding community and is compatible with the Property's adjacent parcels which have been developed as a shopping center (south), apartment complex (west), single family residential (north), and lake (east). As infill development, the Project will serve as buffer between the intensive commercial uses established along SR 50 and the residential uses located farther north along Grand Highway.

(2) The Project is consistent with the Comprehensive Plan.

The Project is consistent with, and furthers the Goals, Objectives and Policies of the Comprehensive Plan. As infill development, the Project discourages urban sprawl and will serve as an appropriate transition between the existing commercial uses located south and the residential community located north in furtherance of Policy 1.1.3. The Project is also consistent with Policy 1.2.1 which requires land use changes to be compatible with adjacent properties as discussed in more detail above. The annexation of the Property results in a logical extension of the City limits and allows the development of an undeveloped enclave in furtherance of Policies

1.12.3 and 1.12.4. Further, the proposed City FLU designation of Medium Density Residential (max. 7 du/acre) is analogous to the Property's current County FLU designation of Urban Medium Density Residential (max. 8 du/acre) and results in no net change in the intensity of development that could currently be achieved on the Property. The Project is also consistent Policy 1.6.2, which states that Medium-Density Residential designation permits housing types such as single family detached homes, including zero lot line and cluster developments, duplexes, townhomes, condominiums and apartments.

The Project is consistent with Code Criteria.

Pursuant to the City Code, the intended development of the Property into townhomes will require a Conditional Use Permit. According to Section 86-144(c) of the Code, a Conditional Use Permit must meet the following criteria:

- (1) The granting would not adversely affect the officially adopted Comprehensive Plan;
- (2) Such use will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity;
- (3) The proposed use will comply with the regulations and conditions specified in the code for such use; and
- (4) The proposed use may be considered desirable at the particular location.

The Project satisfies all of the above criteria for granting a Conditional Use Permit as a result of the following:

- (1) As discussed above, the Project is consistent with, and furthers the Goals, Objectives and Policies of the Comprehensive Plan. As such, the Comprehensive Plan would not be adversely affected.
- (2) The Project will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity. Rather, the development will provide new living options that are centrally located in areas close to other residential units and commercial developments as well as serve as an appropriate transition between those uses.
- (3) The Project will be constructed in accordance with all requirements set forth in the Code.
- (4) The Project is desirable not only because of the aesthetic value it will bring to the area, but also because it will be an ideal use of this currently vacant land.

Availability of Utilities

The Property is located within the Lake County/Clermont Joint Planning Area and thus is a designated property that may be annexed into the City. Under the Joint Planning Interlocal

Agreement, water and sewer services are permitted to be provided to the Property without any amendment required to the land use plan. All development on the Property will be designed to the City of Clermont standards. Thus, utilities are available to be provided to the Property and are in compliance with the Joint Planning Interlocal Agreement.

Conclusion

In order to develop the Property as a 28-unit Lakeview Village Townhomes, the owner is seeking annexation of the Property into the City, an amendment to the Comprehensive Plan to allow for a Future Land Use designation of Medium Density Residential, a rezoning of the Property to R-2, and a Conditional Use Permit. The Project is compatible with adjacent land uses and the surrounding neighborhood. The Project also furthers the goals, objectives and policies of the Comprehensive Plan and compiles with all applicable regulations and conditions specified in the City Code.



AGENDA ITEM

Council Meeting Date		
Tuesday, August 26, 2014		
Agenda Item Name		
Variance Lakeview Village Townhomes		
Requested Action		
Move to deny variances.		
Staff Report		
The applicant is requesting five (5) variances in order to develop the site for the proposed project. Due to the site's characteristics and configuration of the parcel, developing the site for a reasonable beneficial use has presented challenges for the applicant. The variances requested are: 1) To allow for a front yard setback of 15 feet – rather than 25 feet as required by the Land Development Code, Section 122-186(1) 2) To allow for a rear yard setback of 19 feet – rather than 25 feet as required by the Land Development Code, Section 122-186(3) 3) To allow for a right-of-way width of 50 feet – rather than 60 feet as required by the Land Development Code, Section 110-193 4) To allow for a lot size less than 3,500 square feet per dwelling unit – other than required by the Land Development Code, Section 122-185(1) 5) To allow for a lot width of 30 feet – rather than 50 feet as required by the Land Development Code, Section 122-185(2)		
Legal Impact		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Legal ad VAR Legal AD.docx 2. Application VAR Application.pdf 3. Sec 86-174 Review Criteria Sec 86-174 Lakeview Village Townhomes.docx		

4.	Location Map	Lakeveiw Village Townhome CUP Map.pdf
5.	Conceptual Site Plan	C-100A-C-100 11X17.pdf

LEGAL NOTICE

Notice is hereby given that the City Council of the City of Clermont will consider a request for the following five variances: (1) to allow for a front yard setback of 15 feet – rather than 25 feet as required by the Land Development Code, Section 122-186(1); (2) to allow for a rear yard setback of 19 feet – rather than 25 feet as required by the Land Development Code, Section 122-186(3); (3) to allow for a right-of-way width of 50 feet – rather than 60 feet as required by the Land Development Code, Section 110-193; (4) to allow for a lot size less than 3,500 square feet per dwelling unit – other than required by the Land Development Code, Section 122-185(1); and (5) to allow for a lot width of 30 feet – rather than 50 feet as required by the Land Development Code, Section 122-185(2) at the following location:

LOCATION

Vacant property (Alt. Key 2665602)
North of S.R. 50 and Grand Highway Intersection,
East of Grand Highway

A complete legal description may be obtained in the Development Services Department located at 685 West Montrose Street, Clermont, FL 34711.

This request will be heard by the City Council at a public hearing to be held on Tuesday, August 26, 2014 at 7:00 P.M. in the Clermont City Hall located at 685 West Montrose Street.

All interested parties will be given an opportunity to express their views on this matter.

Please be advised that, under State law, if you should decide to appeal a decision made with respect to this matter, you will need a record of the proceedings, and may need to ensure that a verbatim record is made.

Tracy Ackroyd
City Clerk

Daily Commercial
August 19, 2014



CITY OF CLERMONT
VARIANCE
Application

DATE: June 26, 2014

FEE: \$200.⁰⁰

PROJECT NAME (if applicable): Lakeview Village Townhomes

APPLICANT: RM Plus, LLC

CONTACT PERSON: Ross Jermano

Address: 255 South Orange Avenue, Suite 1600

City: Orlando

State: FL

Zip: 32801

Phone: (407) 487-1320

Fax: 407-405-5326

E-Mail: ross.jermano@rm-plus.com

OWNER: Same as applicant

Address: _____

City: _____

State: _____

Zip: _____

Phone: _____

Fax: _____

Address of Subject Property: 14108 Grand Highway, Clermont, FL

General Location: Northeast of intersection of US 27 and SR 50

Legal Description (include copy of survey): See attached survey.

Land Use (City verification required): Urban Medium Density (County)

Zoning (City verification required): Agricultural (County)

CITY OF CLERMONT

VARIANCE

Application

Page 2

Answers to the following questions are required to complete this application.

City Zoning Ordinance (Land Development Code Section) from which you are requesting relief:
Sec. 112-146(1)[Front Yard Setback(25' to 15', all bldg)]; Sect 122-146(3)[Rear Yard Setback(25' to 19.2',
bldg 1)]; Sec. 110.193[roadway width, 60' to 50']].

What are you proposing to do that would require a variance and why?

The development of a 28-Unit Lakeside Village Townhomes project on a 7.55 acre lake front parcel requires the variances in order to comply with location of the 100-yr. flood plain.

How does the Code create a hardship?

The strict application of the Land Development Code coupled with the location of the 100-yr flood plain results in an undue hardship on the applicant and does not allow for the reasonable beneficial use of the property.

*** * * * The following justifications must be completed * * * *
for any variance requested:**

Variance requested – subject and code section: See above.

Sec. 86-174. Review criteria and findings.

When reviewing an application for a variance, the board of zoning adjustment shall not vary the requirements of any provision of this land development code unless it makes a positive finding, based on substantial competent evidence, on each of the following:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district;

The location of the 100-year floodplain on the subject property has resulted in an extremely small building envelope. This condition is not applicable to other properties located in the proposed R-2 zoning district, which do not front on hydrologically dynamic waterbodies similar to Jack's Lake.

- (2) The condition giving rise to the requested variance has not been created by any person presently having an interest in the property;

The applicant did not create the hydrology of Jack's Lake that results in the location of the 100-year floodplain on the subject property.

CITY OF CLERMONT

VARIANCE

Application

Page 3

3) Literal interpretation and enforcement of the land development code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development code, and would work unnecessary and undue hardship on the applicant;

~~Other properties in the R-2 zoning district are not similarly constrained by the 100-year floodplain boundary of a hydrologically dynamic waterbody like Jack's Lake. As such, the literal enforcement of the LDC would result in an unnecessary and undue hardship on the applicant.~~

(4) The variance request is not based exclusively upon a desire to reduce the cost of developing the site or otherwise economically founded;

~~The requested variance will not result in any reduction of cost in developing the property as the Lakeside Village project.~~

(5) The variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building or structure;

~~The variance is the minimum necessary to allow for a reasonable use of the property without encroachment into the 100-year floodplain boundary.~~

(6) Granting of the variance request will not confer on the applicant any special privilege that is denied by the land development code to other lands, buildings or structures in the same zoning district;

~~No special benefits will be conferred on the applicant. Instead, the variance will allow the development of the property in a manner that is enjoyed by other R-2 properties that are not constrained by development issues associated with the 100-year floodplain.~~

(7) The proposed variance will not substantially diminish property value in, or alter the essential character of, the area surrounding the site; and

~~The variance will not diminish the value of the property or the essential character of the surrounding area.~~

(8) The granting of the variance will be in harmony with the general intent and purpose of this land development code, and will not be injurious to the surrounding properties or detrimental to the public welfare.

~~No injury to the surrounding area or detriment to the public welfare will result from the variance.~~

~~The granting of the variance will be in harmony with the intent of the LDC and will better the community by allowing the Lakeview Village Townhomes to be developed on the Property.~~

CITY OF CLERMONT

VARIANCE

Application

Page 4

Jonathan Huels
Applicant Name (print)
Agent

ROSS JERMANO
Owner Name (print)

X Jonathan P. Huels
Applicant Name (signature)
Agent

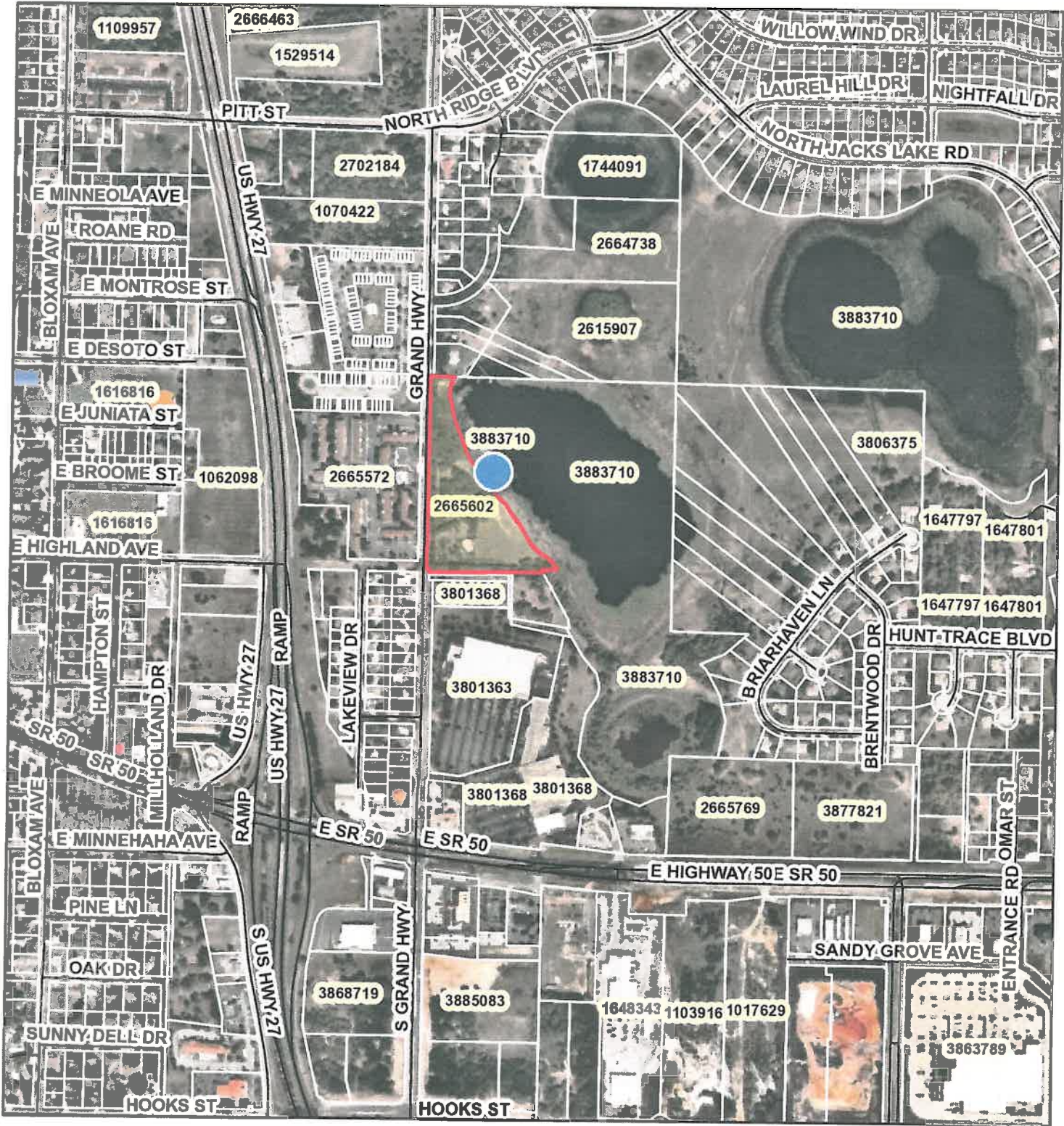
X ROSS JERMANO
Owner Name (signature)

***** NOTICE *****

IF THIS APPLICATION IS SUBMITTED INCOMPLETE OR INACCURATE, IT WILL BE SUBJECT TO A DELAY IN PROCESSING AND WILL NOT BE SCHEDULED UNTIL SUCH CORRECTIONS ARE MADE. APPLICATION FOR VARIANCE DOES NOT GUARANTEE APPROVAL. THE APPLICANT MUST BE PRESENT AT ANY MEETINGS TO JUSTIFY AND SUPPORT THE REQUEST.

City of Clermont
Planning & Zoning Department.
685 W. Montrose St.
P.O. Box 120219
Clermont, FL. 34712-0219
(352) 394-4083 Fax: (352) 394-3542

Lakeview Villas Townhomes



June 26, 2014

- Override 1
- Override 2
- Override 1
- County Boundary

- Street Names
- Local Streets
- Tax Parcels Alternate Key
- Tax Parcels
- Surrounding Counties

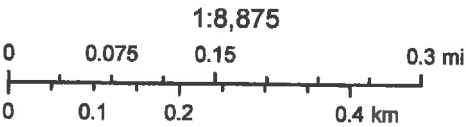


Exhibit Sec. 86-174 Review Criteria and Finding

The requirements for a variance are as follows:

“Sec. 86-174, Review Criteria and Finding. When reviewing an application for a variance, the board of zoning adjustment shall not vary the requirements of any provision of this land development code unless it makes a positive finding, based on substantial competent evidence, on each of the following:”

There are eight items that the applicant is required to respond to. Staff’s comments, based on the eight requirements for a positive finding as they relate to this request, are as follows:

FINDINGS:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district;
Applicant response: The location of the 100-year floodplain on the subject property has resulted in an extremely small building envelope. This condition is not applicable to other properties located in the proposed R-3 zoning district, which do not front on hydrologically dynamic waterbodies similar to Jack’s Lake.

Staff comments: Staff agrees that special conditions or circumstances are demonstrated in the development of this parcel. Previous projects with challenging site characteristics have received variances for reduction in setbacks.

Positive finding

- (2) The condition giving rise to the requested variance has not been created by any person presently having an interest in the property;
Applicant response: The applicant did not create the hydrology of Jack’s Lake that results in the location of the 100-year floodplain on the subject property.

Staff comments: Staff agrees that the current owner or applicant did not create the site’s characteristics and parcel configuration. However, the applicant does have an interest in the property and the variances are being requested due to their proposed development of the site.

Negative finding

- (3) Literal interpretation and enforcement of the land development code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development code, and would work unnecessary and undue hardship on the applicant;
Applicant response: Other properties in the R-3 zoning district are not similarly constrained by the 100-year floodplain boundary of a hydrologically dynamic water body like Jack’s Lake. As such, the literal enforcement of the LDC would result in an unnecessary and undue hardship on the applicant.

Staff comments: The applicant can still develop the property in conformance with the LDC, with modifications to the overall project and density.

Negative finding

- (4) The variance request is not based exclusively upon a desire to reduce the cost of developing the site or otherwise economically founded;
Applicant response: The requested variance will not result in any reduction of cost in developing the property as the Lakeview Village project.

Staff comments: No evidence of decreased costs due to the variance request.

Positive finding

- (5) The variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building or structure;

Applicant response: *The variance is the minimum necessary to allow for a reasonable use of the property without encroachment into the 100-year floodplain boundary.*

Staff comments: *The applicant is trying to maximize the potential use of the site by requesting the variances.*

Positive finding

- (6) Granting of the variance request will not confer on the applicant any special privilege that is denied by the land development code to other lands, buildings or structures in the same zoning district;

Applicant response: *No special benefits will be conferred on the applicant. Instead, the variance will allow the development of the property in a manner that is enjoyed by other R-3 properties that are not constrained by development issues associated with the 100-year floodplain.*

Staff comments: *The City Council has granted similar variance requests in the past for a reduction in setbacks.*

Positive finding

- (7) The proposed variance will not substantially diminish property value in, or alter the essential character of the area surrounding the site; and

Applicant response: *The variance will not diminish the value of the property or the essential character of the surrounding area.*

Staff comments: *The proposed variance does not seem to substantially diminish property values or alter the essential character of the area. The proposed development fits the character of the surrounding community and is compatible with the adjacent uses.*

Positive finding

- (8) The granting of the variance will be in harmony with the general intent and purpose of this land development code, and will not be injurious to the surrounding properties or detrimental to the public welfare.

Applicant response: *No injury to the surrounding area or detriment to the public welfare will result from the variance. The granting of the variance will be in harmony with the intent of the LDC and will better the community by allowing the Lakeview Village Townhomes to be developed on the property.*

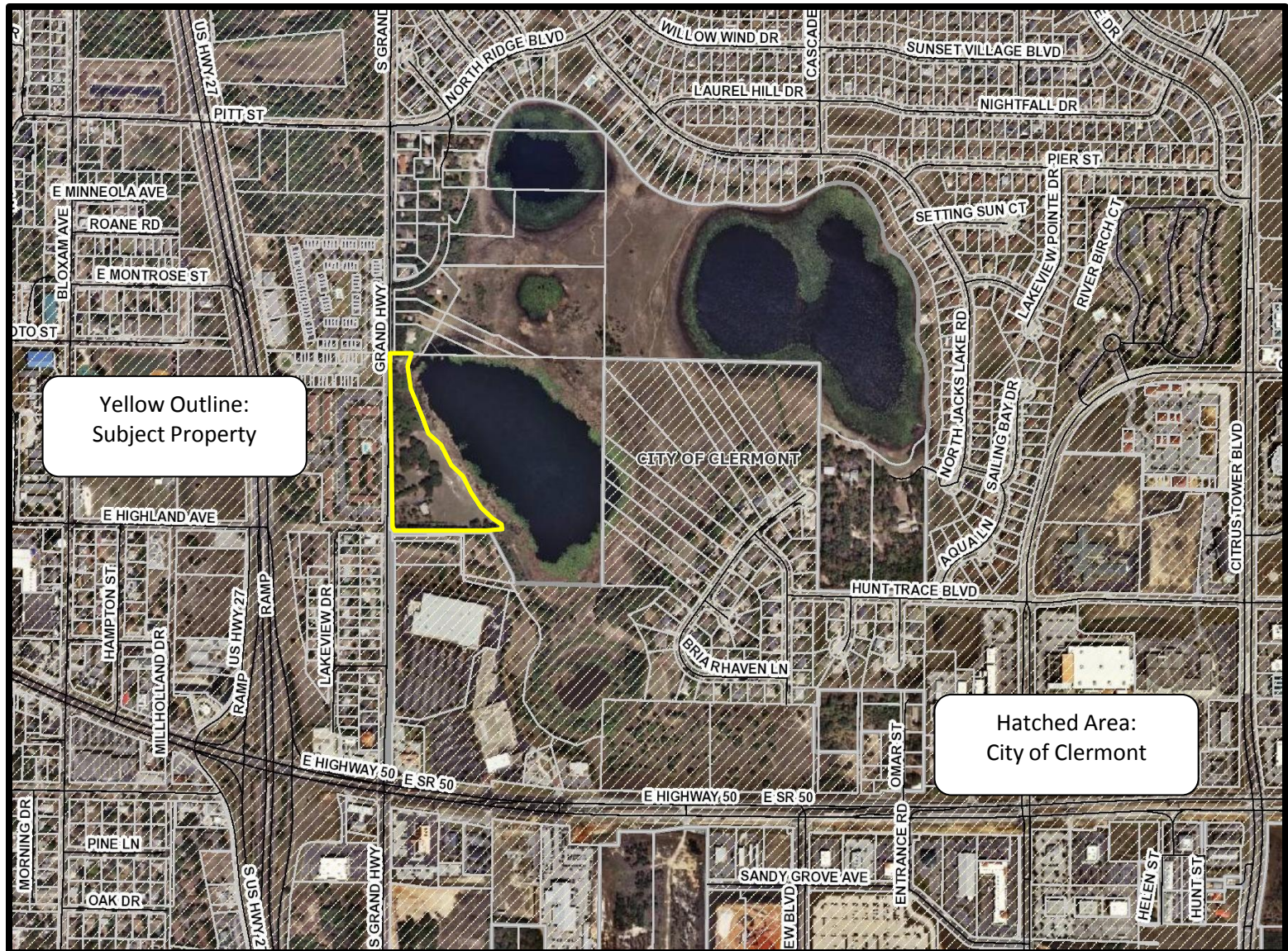
Staff comments: *Staff feels that the proposed project will be in harmony with the general intent and purpose of the land development code. This parcel is located in the Medium Density Residential Future Land Use Category and has the appropriate zoning for the proposed development. Site characteristics make the site challenging to develop.*

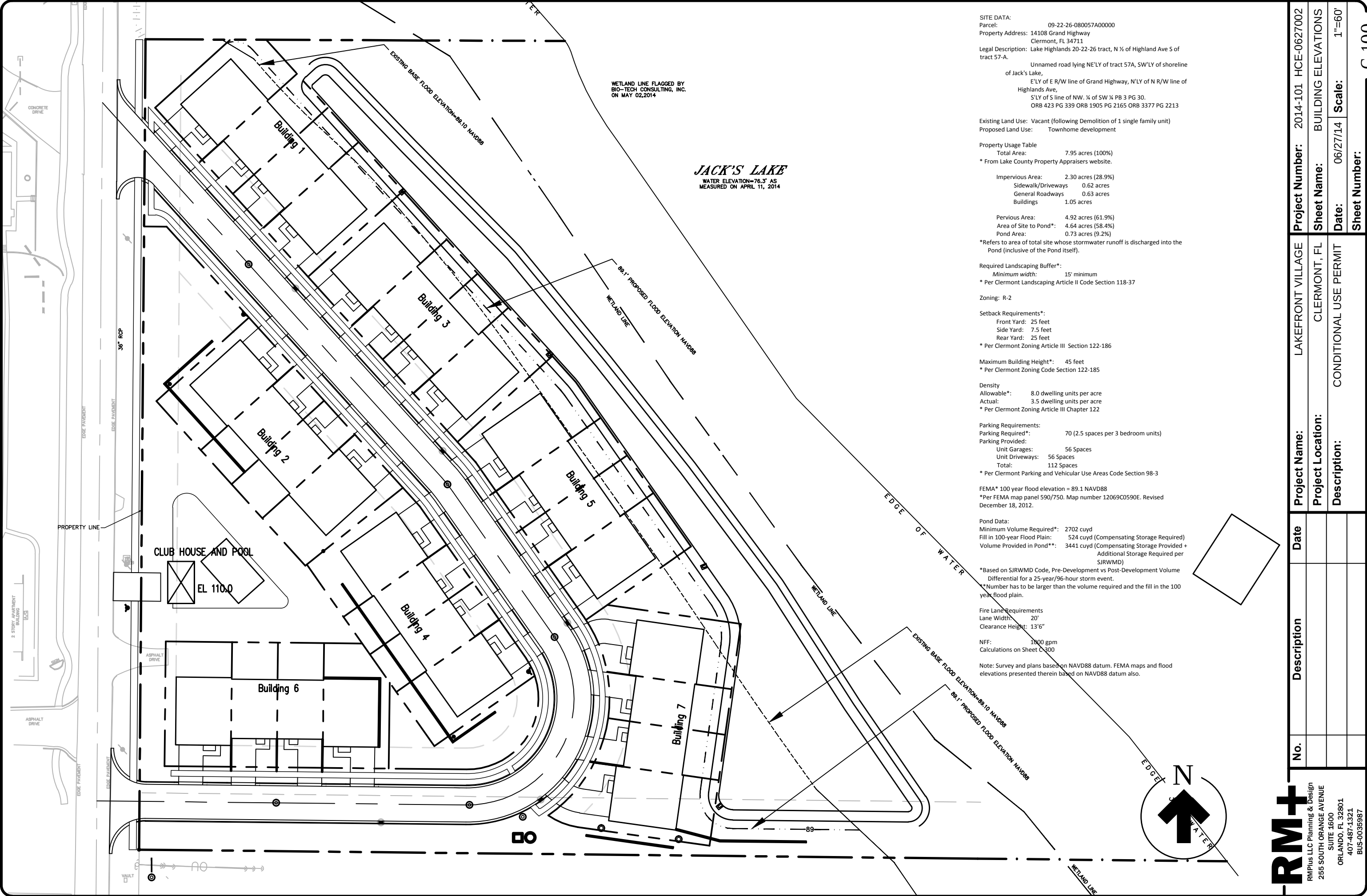
Positive finding

STAFF RECOMMENDATION:

Section 86-174 of the LDC requires a positive finding on eight items in order to grant a variance, and staff believes that **two** of the eight that do not meet these findings. Therefore, staff recommends denial of the five variance requests by the applicant to the Clermont Land Development Code.

Exhibit - Location Map Lakeview Village Townhomes





SITE DATA:
Parcel: 09-22-26-080057A00000
Property Address: 14108 Grand Highway
Clermont, FL 34711
Legal Description: Lake Highlands 20-22-26 tract, N ¼ of Highland Ave S of tract 57-A.
Unnamed road lying NE'LY of tract 57A, SW'LY of shoreline of Jack's Lake,
E'LY of E R/W line of Grand Highway, N'LY of N R/W line of Highlands Ave,
S'LY of S line of NW. ¼ of SW ¼ PB 3 PG 30.
ORB 423 PG 339 ORB 1905 PG 2165 ORB 3377 PG 2213

Existing Land Use: Vacant (following Demolition of 1 single family unit)
Proposed Land Use: Townhome development

Property Usage Table
Total Area: 7.95 acres (100%)
* From Lake County Property Appraisers website.

Impervious Area: 2.30 acres (28.9%)
Sidewalk/Driveways 0.62 acres
General Roadways 0.63 acres
Buildings 1.05 acres

Pervious Area: 4.92 acres (61.9%)
Area of Site to Pond*: 4.64 acres (58.4%)
Pond Area: 0.73 acres (9.2%)

*Refers to area of total site whose stormwater runoff is discharged into the Pond (inclusive of the Pond itself).

Required Landscaping Buffer*:
Minimum width: 15' minimum
* Per Clermont Landscaping Article II Code Section 118-37

Zoning: R-2

Setback Requirements*:
Front Yard: 25 feet
Side Yard: 7.5 feet
Rear Yard: 25 feet
* Per Clermont Zoning Article III Section 122-186

Maximum Building Height*: 45 feet
* Per Clermont Zoning Code Section 122-185

Density
Allowable*: 8.0 dwelling units per acre
Actual: 3.5 dwelling units per acre
* Per Clermont Zoning Article III Chapter 122

Parking Requirements:
Parking Required*: 70 (2.5 spaces per 3 bedroom units)
Parking Provided:
Unit Garages: 56 Spaces
Unit Driveways: 56 Spaces
Total: 112 Spaces
* Per Clermont Parking and Vehicular Use Areas Code Section 98-3

FEMA* 100 year flood elevation = 89.1 NAVD88
*Per FEMA map panel 590/750. Map number 12069C0590E. Revised December 18, 2012.

Pond Data:
Minimum Volume Required*: 2702 cuyd
Fill in 100-year Flood Plain: 524 cuyd (Compensating Storage Required)
Volume Provided in Pond**: 3441 cuyd (Compensating Storage Provided + Additional Storage Required per SJRWMD)

*Based on SJRWMD Code, Pre-Development vs Post-Development Volume Differential for a 25-year/96-hour storm event.
**Number has to be larger than the volume required and the fill in the 100 year flood plain.

Fire Lane Requirements
Lane Width: 20'
Clearance Height: 13'6"

NFF: 1800 gpm
Calculations on Sheet C-300

Note: Survey and plans based on NAVD88 datum. FEMA maps and flood elevations presented therein based on NAVD88 datum also.

RM+ RMPius LLC Planning & Design 255 SOUTH ORANGE AVENUE SUITE 1600 ORLANDO, FL 32801 407-487-1321 BUS-0035987	No.	Description	Date	Project Name:	Project Number:
				LAKEFRONT VILLAGE	2014-101 HCE-0627002
				Project Location:	Sheet Name:
				CLERMONT, FL	BUILDING ELEVATIONS
				Description:	Date:
				CONDITIONAL USE PERMIT	06/27/14
					Scale:
					1"=60'
					Sheet Number:
					C 100



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Council Meeting Date		
Tuesday, August 26, 2014		
Agenda Item Name		
Resolution No. 2014-19 Lifestyle Community Church		
Requested Action		
Move to approve Resolution 2014-19.		
Staff Report		
The applicant is requesting a Conditional Use Permit (CUP) amendment to add a house of worship and daycare use to the existing Clermont Hillside Terrace CUP located at 2400 South Highway 27. The current CUP for Clermont Hillside Terrace includes retail sales, lounges, restaurants, personal services, professional & medical offices, and residential uses on pads E, F, G & H. The church currently has a congregation of 50 members and plans to meet in the 2,145 square foot space available at Clermont Hillside Terrace. Their plans are to hold service on Sundays, and hold bible class on Thursday evenings. They also would like to operate a daycare center for children Monday through Friday when the church is not in service. Commissioner Harry Mason called the vote to recommend approval of the conditional use permit with denial of daycare; seconded by Commissioner Judy Proli. The vote was 3-2 to recommend approval for the conditional use permit without the daycare to City Council, with Commissioner Dubuss and Chairman Jones opposing.		
Legal Impact		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Resolution CUP RES 2014-19.docx		
2. Legal ad CUP Legal AD.docx		

3.	Map and Conditions	Lifestyle Community Church Attachments.doc
4.	Minutes	Lifestyle minutes.pdf
5.	Application	Application.pdf

CITY OF CLERMONT
RESOLUTION NO. 2014-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR A HOUSE OF WORSHIP IN THE C-2 GENERAL COMMERCIAL ZONING DISTRICT.

WHEREAS, the Planning and Zoning Commission of the City of Clermont, Lake County, Florida at a meeting held August 5, 2014 recommended approval of this Conditional Use Permit to allow for a house of worship in the C-2 General Commercial zoning district; at the following location:

LOCATION:

2400 South Highway 27, Unit 4209

The City Council deems it advisable in the interest of the general welfare of the City of Clermont, Lake County, Florida to grant this Conditional Use Permit.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Clermont, Lake County, Florida that:

This application for a Conditional Use Permit allow for a house of worship in the C-2 General Commercial zoning district; be granted subject to the following conditions:

CONDITIONAL USE PERMIT CONDITIONS:

Section 1 - General Conditions

1. The conditions as set forth in this Conditional Use Permit shall be legally binding upon any heirs, assigns and successors in title or interest.
2. No further expansion of the use or additions to the facility shall be permitted except as approved by another Conditional Use Permit.
3. For the remaining pads E, F, G & H, all formal construction plans incorporating all conditions stated in this permit shall be submitted for review and approved by the Site Review Committee prior to the issuance of a zoning clearance or other development permits. The conceptual site plans submitted with the Conditional Use Permit application are not the approved construction plans.
4. No person, firm, corporation or entity shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building or structure, or alter the land in any manner within the boundary of the project without first submitting necessary plans, obtaining necessary approvals, and obtaining necessary permits in accordance with the City of Clermont Land Development Regulations and those of other appropriate jurisdictional entities.

CITY OF CLERMONT
RESOLUTION NO. 2014-19

5. If any of the stated conditions are violated, the applicant understands and agrees that the City Council may revoke this Conditional Use Permit by resolution or require further conditions as deemed appropriate.
6. The Conditional Use Permit must be executed and processed through the office of the City Clerk within 90 days of its date of approval by the City Council or the permit shall become null and void.
7. The Applicant shall record in the Public Records of Lake County within 90 days of its date of approval by the City Council, a short-form version of this Conditional Use Permit as provided by the City or a form acceptable to the City, to provide notice to all interested parties, the assigns, successors and heirs of the developer/applicant and all future owners of the above-referenced property that the real property described above is subject to the terms and conditions of the Conditional Use Permit.
8. For the remaining pads E, F, G & H, the final Certificate of Occupancy shall not be issued for each building/pad until each of the stated conditions have been met. If any of the stated conditions are violated, the applicant understands and agrees that the City Council may open the Conditional Use Permit for further conditions or revoke this Conditional Use Permit by resolution.
9. No business can occupy any portion of the building(s) after construction and final Certificate of Occupancy unless the proposed business has applied for and obtained a Local Business Tax Receipt from the Clermont Planning & Zoning Department.
10. Should all approved uses cease operation for more than one year, a new Conditional Use Permit shall be required for the same or similar operations.
11. In the event that parking at this site proves inadequate the City reserves the right to open the Conditional Use Permit for further review and additional conditions which may include additional parking requirements or revocation of the Conditional Use Permit.
12. In the event that the noise levels create a nuisance to the surrounding property owners, the City reserves the right to open the Conditional Use Permit for further review and additional conditions.
13. For the remaining pads E, F, G & H, all backflows must be brought up to code when each individual building is completed in conjunction with the Certificate of Occupancy.
14. All grease traps must be pumped at a minimum of once per quarter, unless otherwise approved by the Director of Utilities. The City reserves the right to open the Conditional Use Permit for further review and additional conditions if violation of this CUP condition occurs, which may include revocation of the Conditional Use Permit and Code Enforcement actions.

CITY OF CLERMONT
RESOLUTION NO. 2014-19

15. All other conditions as previously approved in Resolution No. 1472 (Exhibit A) shall remain in effect where applicable, with the exception of Parcel C, which will be removed from the Conditional Use Permit along with the residential use originally allowed.
16. Parcel C from the original Conditional Use Permit (Res. No. 1472) shall be provided access as provided by State, County and City requirements.
17. Student drop-off and pick-up locations and access to and from the site, if determined to be unsafe or inadequate due to: backed up conditions into public right-of-way; interference with neighboring businesses or property; pedestrian access or accidents; police/fire response interference; or other public safety or general welfare conditions; the City reserves the right to open the Conditional Use Permit for further review and additional conditions which may include additional requirements, revocation of those uses listed in Section 2 Land Use #2 below, or revocation of the Conditional Use Permit.

Section 2 – Land Use

1. The property is approved for the following uses within the C-2 General Commercial zoning District: retail, professional & medical offices, personal service, lounge, church, children's daycare, financial institution, restaurant uses and residential uses on pads E, F, G & H. All uses must adhere to the requirements of the Land Development Code.
2. Other uses may include pre-school, day care, nursery schools, churches and related activities as approved by the Site Review Committee.
3. Should a business that sells alcoholic beverages for onsite consumption wish to locate within 500 feet of those uses listed in Section 2 Land Use #2, those uses would not contest a variance application to allow said business within 500 feet of those uses.

Section 3 – Landscaping

1. At the original site development 1,407 tree inches were deficient from the overall site which included Parcel B - buildings A, B, C and D. The costs for the deficient inches/trees are to be paid into the City's tree fund. 1,407 inches equals a minimum of 469 trees at the Code required three inch (3") caliper (and further, the Land Development Code requires 12' ht, 6' spread, 65 gallon containers, Florida grade #1).

To date 600 inches (200 trees) have been paid for (based on replacement tree costs as agreed on with the City). Prior to permitting of any of the remaining proposed buildings E, F, G or H, or any further building development on the site, the remaining inches/tress must be paid for in full to the City. Tree costs and a payment timeline for the remaining 807 inches (269 trees) shall be negotiated with the City Manager's office.

CITY OF CLERMONT
RESOLUTION NO. 2014-19

In the event the City Manager is unsuccessful in negotiating an acceptable payment plan within a reasonable time frame, the CUP shall be brought back to the Council for amendment or ratification.

2. All further landscaping shall adhere to the current Land Development Code.

Section 4 - Architectural Design Standards

1. All structures shall be designed and constructed in accordance with the Architectural Standards of the City of Clermont.
2. All fencing within public view shall be ornamental metal or brick, as approved by the Site Review Committee.

CITY OF CLERMONT
RESOLUTION NO. 2014-19

DONE AND RESOLVED by the City Council of the City of Clermont, Lake County, Florida, this 26th day of August, 2014.

CITY OF CLERMONT

Harold S. Turville, Jr., Mayor

ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

LEGAL NOTICE

Notice is hereby given that the City of Clermont will consider a request for a Conditional Use Permit for a house of worship in the C-2 General Commercial zoning district, at the following location:

LOCATION

2400 South Highway 27, Unit 4209

A complete legal description may be obtained in the Development Services Department located at 685 W. Montrose Street, Clermont, FL 34711.

This request will be considered by the Planning & Zoning Commission on Tuesday, August 5, 2014 at 7:00pm.

A public meeting to consider the request will be held before the City Council on Tuesday, August 26, 2014 at 7:00pm.

All meetings will be held in City Hall located at 685 West Montrose Street.

All interested parties will be given an opportunity to express their views on this matter.

Please be advised that, under State law, if you should decide to appeal a decision made with respect to this matter, you will need a record of the proceedings, and may need to ensure that a verbatim record is made.

Tracy Ackroyd, MMC
City Clerk

Daily Commercial
July 29, 2014 and August 19, 2014

Aerial view:





CUP CONDITIONS:

Section 1 - General Conditions

1. The conditions as set forth in this Conditional Use Permit shall be legally binding upon any heirs, assigns and successors in title or interest.
2. No further expansion of the use or additions to the facility shall be permitted except as approved by another Conditional Use Permit.
3. For the remaining pads E, F, G & H, all formal construction plans, incorporating all conditions stated in this permit shall be submitted for review and approved by the Site Review Committee prior to the issuance of a zoning clearance or other development permits. The conceptual site plans submitted with the CUP application are not the approved construction plans.
4. No person, firm, corporation or entity shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building or structure, or alter the land in any manner within the boundary of the project without first submitting necessary plans, obtaining necessary approvals, and obtaining necessary permits in accordance with the City of Clermont Land Development Regulations and those of other appropriate jurisdictional entities.
5. If any of the stated conditions are violated, the applicant understands and agrees that the City Council may revoke this Conditional Use Permit by resolution or require further conditions as deemed appropriate.
6. The Conditional Use Permit must be executed and processed through the office of the City Clerk within 90 days of its date of approval by the City Council or the permit shall become null and void.
7. The Applicant shall record in the Public Records of Lake County within 90 days of its date of approval by the City Council, a short-form version of this Conditional Use Permit as provided by the City or a form acceptable to the City, to provide notice to all interested parties, the assigns, successors and heirs of the developer/applicant and all future owners of the above-referenced property that the real property described above is subject to the terms and conditions of the Conditional Use Permit.
8. For the remaining pads E, F, G & H, the final Certificate of Occupancy shall not be issued for each building/pad until each of the stated conditions have been met. If any of the stated conditions are violated, the applicant understands and agrees that the City Council may open the Conditional Use Permit for further conditions or revoke this Conditional Use Permit by resolution.
9. No business can occupy any portion of the building(s) after construction and final Certificate of Occupancy unless the proposed business has applied for and

obtained a *Local Business Tax Receipt* from the Clermont Planning & Zoning Department.

10. Should all approved uses cease operation for more than one year, a new CUP shall be required for the same or similar operations.
11. In the event that parking at this site proves inadequate the City reserves the right to open the CUP for further review and additional conditions which may include additional parking requirements or revocation of the Conditional Use Permit.
12. In the event that the noise levels create a nuisance to the surrounding property owners, the City reserves the right to open the CUP for further review and additional conditions.
13. For the remaining pads E, F, G & H, all backflows must be brought up to code when each individual building is completed in conjunction with the certificate of occupancy.
14. All grease traps must be pumped at a minimum of once per quarter, unless otherwise approved by the Director of Utilities. The City reserves the right to open the CUP for further review and additional conditions if violation of this CUP condition occurs, which may include revocation of the CUP and Code Enforcement actions.
15. All other conditions as previously approved in Resolution No. 1472 (Exhibit A) shall remain in effect where applicable, with the exception of Parcel C, which will be removed from the CUP along with the residential use originally allowed.
16. Parcel C from the original CUP (Res. No. 1472) shall be provided access as provided by State, County and City requirements.
17. Student drop-off/pick-up locations and access to/from the site, if determined to be unsafe or inadequate due to: backed up conditions into public right-of-way; interference with neighboring businesses or property; pedestrian access or accidents; police/fire response interference; or other public safety or general welfare conditions; the City reserves the right to open the CUP for further review and additional conditions which may include additional requirements, revocation of those uses listed in *Section 2-Land Use #2*, or revocation of the Conditional Use Permit.

Section 2 – Land Use

1. The property is approved for the following uses within the C-2 General Commercial zoning District: retail, professional & medical offices, personal service, lounge, church, children's daycare, financial institution, restaurant uses and residential

uses on pads E, F, G & H. All uses must adhere to the requirements of the Land Development Code.

2. Other uses may include pre-school, day care, nursery schools, churches and related activities as approved by the Site Review Committee.
3. Should a business that sells alcoholic beverages for onsite consumption wish to locate within 500 feet of those uses listed in Section 2 – Land Use, #2, those uses would not contest a variance application to allow said business within 500 feet of those uses.

Section 3 – Landscaping

1. At the original site development 1,407 tree inches were deficient from the overall site which included Parcel B - buildings A, B, C and D. The costs for the deficient inches/trees are to be paid into the City's tree fund. 1,407 inches equals a minimum of 469 trees at the Code required three inch (3") caliper (and further, the Land Development Code requires 12' ht, 6' spread, 65 gallon containers, Florida grade #1).

To date 600 inches (200 trees) have been paid for (based on replacement tree costs as agreed on with the City). Prior to permitting of any of the remaining proposed buildings E, F, G or H, or any further building development on the site, the remaining inches/trees must be paid for in full to the City. Tree costs and a payment timeline for the remaining 807 inches (269 trees) shall be negotiated with the City Manager's office.

In the event the City Manager is unsuccessful in negotiating an acceptable payment plan within a reasonable time frame, the CUP shall be brought back to the Council for amendment or ratification.

2. All further landscaping shall adhere to the current Land Development Code.

Section 4 - Architectural Design Standards

1. All structures shall be designed and constructed in accordance with the ***Architectural Standards*** of the City of Clermont.
2. All fencing within public view shall be ornamental metal or brick, as approved by the Site Review Committee.

**City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
August 5, 2014**

Page 1

The meeting of the Planning & Zoning Commission was called to order Tuesday August 5, 2014 at 7:00 p.m. by Chairman Nick Jones. Other members present were Bernadette Dubuss, Herb Smith, Harry Mason, and Judy Proli. Also in attendance were Curt Henschel, Planning Manager, John Kruse, Senior Planner, Dan Mantzaris, City Attorney, and Denise Noak, Deputy City Clerk.

MINUTES of the Planning and Zoning Commission meeting held June 3, 2014 were approved as written.

REPORTS

Commissioner Judy Proli suggested that when hiring anyone to do work around your home, make sure the contractor has insurance as well as a license to do the work.

1. REQUEST FOR CONDITIONAL USE PERMIT

DEVELOPMENT NAME: Lifestyle Community Church

APPLICANT: David Rosa

Planning Manager Curt Henschel presented the staff report as follows:

The applicant is requesting an amendment to include a house of worship and daycare to the existing Clermont Hillside Terrace conditional use permit located at 2400 South Highway 27. The current conditional use permit for Clermont Hillside Terrace includes retails sales, lounges, restaurants, personal services, professional & medical offices, and residential uses on pads E, F, G & H.

The church currently has a congregation of 50 members and plans to meet in the 2,145 square foot space available at Clermont Hillside Terrace. Their plans are to hold service on Sundays, and to hold bible class on Thursday evenings. They also would like to operate a daycare center for children Monday through Friday when the church is not in service.

Staff recommends approval.

David Rosa, 1823 Rachels Ridge Loop, Ocoee, stated that this is a bilingual church that wants to help the community.

Commissioner Harry Mason asked about the qualifications the church had for a daycare operation and playground arrangements.

Pastor Rosa stated that the daycare will be implemented later to help single mothers to work. He stated that the daycare will be for two or three year olds and they will provide an indoor play

**City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
August 5, 2014**

Page 2

area. He stated that the property owner has agreed to an outdoor playground if that need is required in the future. He stated that he has contacted the State for their regulations.

Commissioner Harry Mason stated that there is a single bathroom that would not meet the requirements for a church and daycare.

Pastor Rosa stated that they would be required to add an additional bathroom.

Commissioner Harry Mason asked Pastor Rosa if he was going to remove the daycare from the application, since it did not meet code.

Pastor Rosa stated that the daycare was not a priority at this time; however, when he decides to open the daycare, the codes and requirements would be met at that time.

City Attorney Dan Mantzaris stated that the daycare could not operate without state approval.

Commissioner Harry Mason moved to recommend approval of the conditional use permit with denial of daycare; seconded by Commissioner Judy Proli.

Commissioner Judy Proli stated that on prior request for that location, there was a charter school that wanted to go in the plaza and the surrounding businesses did not want a daycare or playground.

Pastor Rosa stated that he could do an indoor playground and would like to have that option available so that he can help young single mothers.

Commissioner Herb Smith stated that he sees the business owner has signed the application, but there is a liability issue on the property owner as it is a three story building.

Chairman Nick Jones asked if the surrounding property owners were notified.

Planning Manager Curt Henschel stated that the property owners have been notified and there were no concerns brought forward by any of them.

Commissioner Harry Mason called the vote to recommend approval of the conditional use permit with denial of daycare; seconded by Commissioner Judy Proli. The vote was 3-2 to recommend approval for the conditional use permit without the daycare to City Council, with Commissioner Dubuss and Chairman Jones opposing.



**CITY OF CLERMONT
CONDITIONAL USE PERMIT (CUP)
APPLICATION**

DATE: 05/27/2014

FEE: \$ 300 CK 2124

PROJECT NAME (if applicable): Lifestyle Community Church

APPLICANT: Pastor David Rosa

CONTACT PERSON: David Rosa

Address: 1823 Rachels Ridge Loop

City: Ocoee State: FL Zip: 34761

Phone: (407)459-6259 C Fax: (407)299-1783

E-Mail: pastordavid@estilodevida.cc

OWNER: Clermont Hillside Lender, LLC

Address: 2400 S US Highway 27

City: Clermont State: FL Zip: 34711

Phone: (407)629-5595 Fax: (407)645-2035

Address of Subject Property: 2400 S US Highway 27 Unit 4209 Clermont FL 34711

General Location: Clermont Hillside Terrace

AK 3800456

Legal Description (include copy of survey): _____

Land Use (City verification required): Commercial

Zoning (City verification required): C-2

**CITY OF CLERMONT
CONDITIONAL USE PERMIT (CUP)
APPLICATION**

Page 2

Detailed Description of request (What are you proposing to do and why is it appropriate for this location? Attach additional page is necessary.

We are a church of currently about 40 to 50 people. On this unit we will like to accommodate between 80 to 100 people. We have bible class on thursday at 7:30pm and sunday service at 10:45am. with sunday school for the kids.

In addition, we would like to provide affordable after school care for children and/or VPK care for the community

David Rosa

Applicant Name (print)

Bradley H. Mindlin

Owner Name (print)

X

Applicant Name (signature)

Clermont Hills Center, LLC

X

Owner Name (signature)

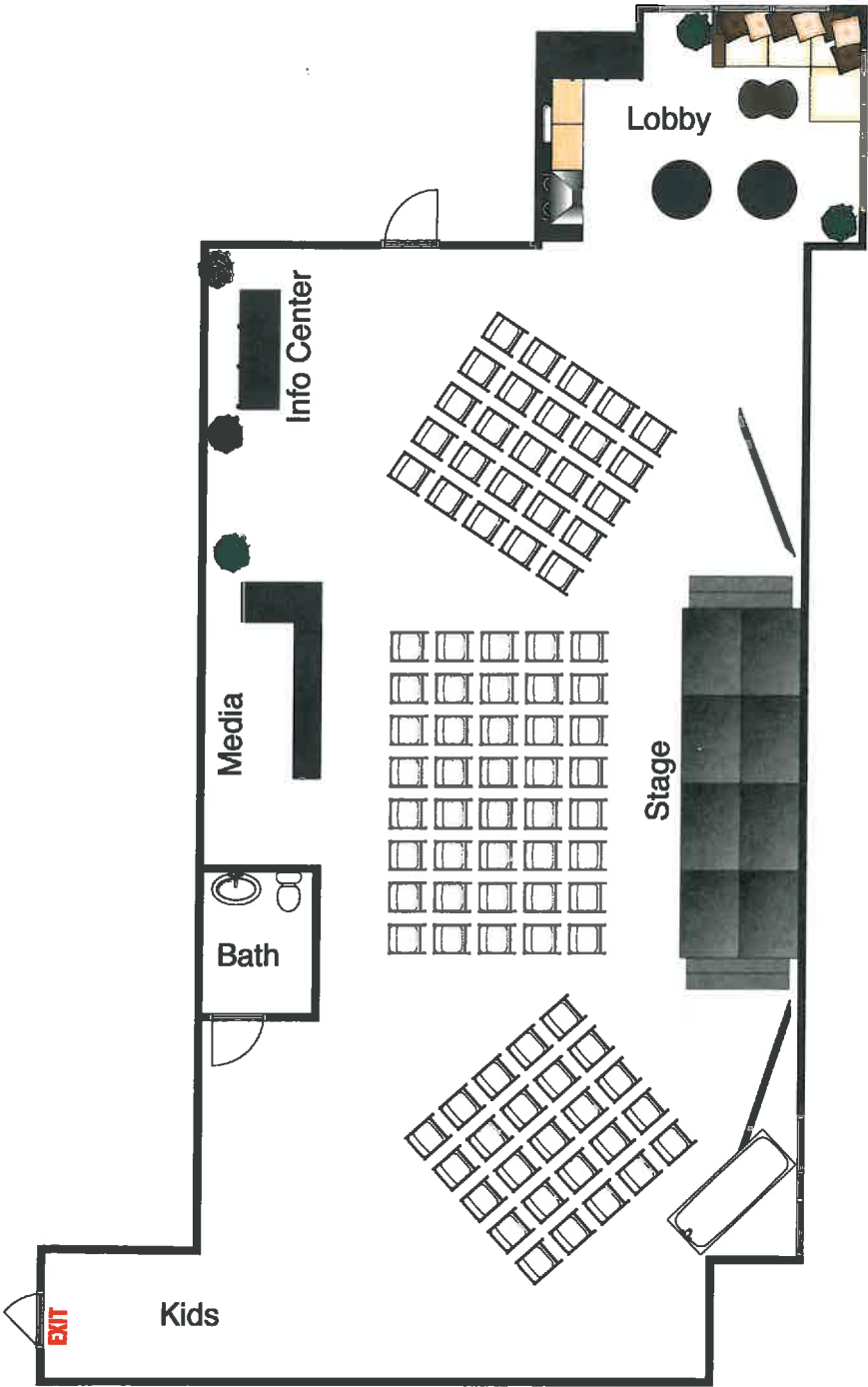
Bradley mindlin, Mg. member

***** NOTICE *****

IF THIS APPLICATION IS SUBMITTED INCOMPLETE OR INACCURATE, IT WILL BE SUBJECT TO A DELAY ON PROCESSING AND WILL NOT BE SCHEDULED UNTIL CORRECTIONS ARE MADE.

City of Clermont
Planning & Zoning Department
685 W. Montrose St.
P.O. Box 120219
Clermont, FL 34712-0219
(352) 394-4083 Fax: (352) 394-3542

Unit 4209



Floor 1



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Council Meeting Date		
Tuesday, August 26, 2014		
Agenda Item Name		
Resolution No. 2014-20 Clermont Central Church		
Requested Action		
Move to approve Resolution 2014-20.		
Staff Report		
The applicant is requesting a Conditional Use Permit (CUP) for a house of worship at 1 Westgate Plaza. The church currently has a congregation of 50 members and plans to meet in the upper level of the building with approximately 2,300 square feet of available space. Their plans are to hold service on Sundays and on Wednesday evenings. <i>Commissioner Bernadette Dubuss moved to recommend approval of the conditional use permit; seconded by Commissioner Judy Proli. The vote was unanimous to recommend approval for the conditional use permit to City Council.</i>		
Legal Impact		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Resolution	CUP RES 2014-20.docx	
2. Legal ad	CUP Legal AD.docx	
3. Map and Conditions	Clermont Central Church Attachment.doc	
4. Minutes	Clermont Central minutes.pdf	
5. Application	Application.pdf	

**CITY OF CLERMONT
RESOLUTION NO. 2014-20**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CLERMONT, LAKE COUNTY, FLORIDA, GRANTING A
CONDITIONAL USE PERMIT TO ALLOW FOR A HOUSE OF
WORSHIP IN THE C-2 GENERAL COMMERCIAL ZONING DISTRICT.**

WHEREAS, the Planning and Zoning Commission of the City of Clermont, Lake County, Florida at a meeting held August 5, 2014 recommended approval of this Conditional Use Permit to allow for a house of worship in the C-2 General Commercial zoning district; at the following location:

LOCATION:

1 Westgate Plaza (top floor)

The City Council deems it advisable in the interest of the general welfare of the City of Clermont, Lake County, Florida to grant this Conditional Use Permit.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Clermont, Lake County, Florida that:

This application for a Conditional Use Permit to allow for a house of worship in the C-2 General Commercial zoning district; be granted subject to the following conditions:

CONDITIONAL USE PERMIT CONDITIONS:

Section 1 - General Conditions

1. The conditions as set forth in this Conditional Use Permit shall be legally binding upon any heirs, assigns and successors in title or interest.
2. No further expansion of the use or additions to the facility shall be permitted except as approved by another Conditional Use Permit.
3. No person, firm, corporation or entity shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building or structure, or alter the land in any manner within the boundary of the project without first submitting necessary plans, obtaining necessary approvals, and obtaining necessary permits in accordance with the City of Clermont Land Development Regulations and those of other appropriate jurisdictional entities.
4. If any of the stated conditions are violated, the applicant understands and agrees that the City Council may revoke this Conditional Use Permit by resolution or require further conditions as deemed appropriate.

CITY OF CLERMONT
RESOLUTION NO. 2014-20

5. The Conditional Use Permit must be executed and processed through the office of the City Clerk within 90 days of its date of approval by the City Council or the permit shall become null and void.
7. The Applicant shall record in the Public Records of Lake County within 90 days of its date of approval by the City Council, a short-form version of this Conditional Use Permit as provided by the City or a form acceptable to the City, to provide notice to all interested parties, the assigns, successors and heirs of the developer/applicant and all future owners of the above-referenced property that the real property described above is subject to the terms and conditions of the Conditional Use Permit.
8. If any of the stated conditions are violated, the applicant understands and agrees that the City Council may open the Conditional Use Permit for further conditions or revoke this Conditional Use Permit by resolution.
9. No business can occupy any portion of the building(s) after construction and final Certificate of Occupancy unless the proposed business has applied for and obtained a Local Business Tax Receipt from the Clermont Development Services Department.
10. Should approved uses cease operation for more than one year, a new Conditional Use Permit shall be required for the same or similar operations.
11. In the event that parking at this site proves inadequate the City reserves the right to open the Conditional Use Permit for further review and additional conditions which may include additional parking requirements or revocation of the Conditional Use Permit.
12. In the event that the noise levels create a nuisance to the surrounding property owners, the City reserves the right to open the Conditional Use Permit for further review and additional conditions.
13. Should the church use cease operations for a period greater than 180 days, a new Conditional Use Permit shall be required.
14. Should a new business that sells alcoholic beverages for onsite consumption wish to locate within 500 feet of the church, the church would not contest said use within 500 feet of the church.

Section 2 – Land Use

1. The property is approved for a house of worship as well as any approved C-2 commercial uses.

CITY OF CLERMONT
RESOLUTION NO. 2014-20

DONE AND RESOLVED by the City Council of the City of Clermont, Lake County, Florida, this 26th day of August, 2014.

CITY OF CLERMONT

Harold S. Turville, Jr., Mayor

ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

LEGAL NOTICE

Notice is hereby given that the City of Clermont will consider a request for a Conditional Use Permit for a house of worship in the C-2 General Commercial zoning district, at the following location:

LOCATION

1 Westgate Plaza (top floor)

A complete legal description may be obtained in the Development Services Department located at 685 W. Montrose Street, Clermont, FL 34711.

This request will be considered by the Planning & Zoning Commission on Tuesday, August 5, 2014 at 7:00pm.

A public meeting to consider the request will be held before the City Council on Tuesday, August 26, 2014 at 7:00pm.

All meetings will be held in City Hall located at 685 West Montrose Street.

All interested parties will be given an opportunity to express their views on this matter.

Please be advised that, under State law, if you should decide to appeal a decision made with respect to this matter, you will need a record of the proceedings, and may need to ensure that a verbatim record is made.

Tracy Ackroyd, MMC
City Clerk

Daily Commercial
July 29, 2014 and August 19, 2014

Aerial view:



CUP CONDITIONS:

Section 1 - General Conditions

1. The conditions as set forth in this Conditional Use Permit shall be legally binding upon any heirs, assigns and successors in title or interest.
2. No further expansion of the use or additions to the facility shall be permitted except as approved by another Conditional Use Permit.
3. No person, firm, corporation or entity shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building or structure, or alter the land in any manner within the boundary of the project without first submitting necessary plans, obtaining necessary approvals, and obtaining necessary permits in accordance with the City of Clermont Land Development Regulations and those of other appropriate jurisdictional entities.
4. If any of the stated conditions are violated, the applicant understands and agrees that the City Council may revoke this Conditional Use Permit by resolution or require further conditions as deemed appropriate.

5. The Conditional Use Permit must be executed and processed through the office of the City Clerk within 90 days of its date of approval by the City Council or the permit shall become null and void.
7. The Applicant shall record in the Public Records of Lake County within 90 days of its date of approval by the City Council, a short-form version of this Conditional Use Permit as provided by the City or a form acceptable to the City, to provide notice to all interested parties, the assigns, successors and heirs of the developer/applicant and all future owners of the above-referenced property that the real property described above is subject to the terms and conditions of the Conditional Use Permit.
8. If any of the stated conditions are violated, the applicant understands and agrees that the City Council may open the Conditional Use Permit for further conditions or revoke this Conditional Use Permit by resolution.
9. No business can occupy any portion of the building(s) after construction and final Certificate of Occupancy unless the proposed business has applied for and obtained a *Local Business Tax Receipt* from the Clermont Planning & Zoning Department.
10. Should approved uses cease operation for more than one year, a new CUP shall be required for the same or similar operations.
11. In the event that parking at this site proves inadequate the City reserves the right to open the CUP for further review and additional conditions which may include additional parking requirements or revocation of the Conditional Use Permit.
12. In the event that the noise levels create a nuisance to the surrounding property owners, the City reserves the right to open the CUP for further review and additional conditions.
13. Should the church use cease operations for a period greater than 180 days, a new Conditional Use Permit shall be required.
14. Should a new business that sells alcoholic beverages for onsite consumption wish to locate within 500 feet of the church, the church would not contest said use within 500 feet of the church.

Section 2 – Land Use

1. The property is approved for a house of worship as well as any approved C-2 commercial uses.

**City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
August 5, 2014**

Page 3

2. REQUEST FOR CONDITIONAL USE PERMIT

DEVELOPMENT NAME: Clermont Central Church

APPLICANT: Arthur Eaton

Planning Manager Curt Henschel presented the staff report as follows:

The applicant is requesting a Conditional Use Permit for a house of worship at 1 Westgate Plaza.

The church currently has a congregation of 50 members and plans to meet in the upper level of the building with approximately 2,300 square feet of available space. Their plans are to hold service on Sundays and Wednesday evenings.

Staff recommends approval.

Arthur Eaton, 12037 Cypress Lane, stated that this would be a standard house of worship and it has plenty of parking.

Commissioner Bernadette Dubuss moved to recommend approval of the conditional use permit; seconded by Commissioner Judy Proli. The vote was unanimous to recommend approval for the conditional use permit to City Council.

3. REQUEST FOR CONDITIONAL USE PERMIT

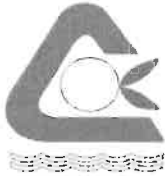
DEVELOPMENT NAME: Woodwinds

APPLICANT: Steve Smith

Senior Planner John Kruse presented the staff report as follows:

The Woodwinds Apartments project is a proposed multi-family development consisting of 108 apartments with onsite amenities that include a community center. The apartment project will consist of four 3 story buildings with parking located in front of the units and around the access drive. Each building will house from 24 apartments up to 36 apartments each. A mix of 1, 2, and 3 bedroom apartments will be offered in each building. The proposal consists of 24 – 1 bedroom units, 72 – 2 bedroom units, and 12 – 3 bedroom units. Based upon the ratio of apartment bedroom mix and the 259 parking stalls provided, the average is 2.40 parking stalls per unit, with a surplus of 49 parking stalls over the required 210 for the project.

The total land area of the project is 10.12 acres. With the proposed 108 apartments on the 10.12 acres, this provides for a total density of 10.67 units per acre. The proposed density is below the allowable density of 12 dwelling units per acre in the high density residential future land use



**CITY OF CLERMONT
CONDITIONAL USE PERMIT (CUP)
APPLICATION**

DATE: 6/25/2014

FEE: 350.00

PROJECT NAME (if applicable): _____

APPLICANT: CLERMONT CENTRAL CHURCH

CONTACT PERSON: ARTHUR J. EATON

Address: 12037 CYPRESS LANE

City: CLERMONT State: FL Zip: 34711

Phone: 352-394-5029 Fax: _____

E-Mail: art41@cfl.rr.com

OWNER: Edward L. Augustine

Address: 10462 LANE MINNEDIA SHORES

City: Clermont State: FL Zip: 34711

Phone: 352-267-8576 Fax: _____

Address of Subject Property: 1 Westgate Plaza, (Old City Hall - Top Floor)

General Location: CORNER OF 50 & West Ave.

Legal Description (include copy of survey): SEE SURVEY ATTACHED FOR LEGAL.

Land Use (City verification required): _____

Zoning (City verification required): _____

CITY OF CLERMONT
CONDITIONAL USE PERMIT (CUP)
APPLICATION
Page 2

Detailed Description of request (What are you proposing to do and why is it appropriate for this location? Attach additional page is necessary.

CLERMONT CENTRAL CHURCH IS REQUESTING A
CONDITIONAL USE PERMIT TO ESTABLISH A HOUSE OF
WORSHIP IN THE OLD CITY HALL AT 3 WESTGATE
PLAZA IN THE C-2 ZONING DISTRICT. THE CHURCH
WOULD OCCUPY THE UPPER FLOOR (APPROX 2300 SQ FT).
THE CHURCH HAS A CONGREGATION OF APPROXIMATELY 50
AND PLANS TO HAVE MEETINGS ON SUNDAY MORNINGS,
SUNDAY EVENINGS AND WEDNESDAY EVENINGS. WE
BELIEVE THE EXPOSURE TO HWY 50, THE VERY ADEQUATE
PARKING AND THE BUILDING MAKE FOR A GOOD LOCATION.
WE ALSO BELIEVE A HOUSE OF WORSHIP HERE WILL BE
APPROPRIATE FOR THE SURROUNDING COMMUNITY.

ARTHUR J. EATON
Applicant Name (print)

x Arthur J. Eaton
Applicant Name (signature)

Ed Augustine
Owner Name (print)

x Ed Augustine
Owner Name (signature)

***** NOTICE *****

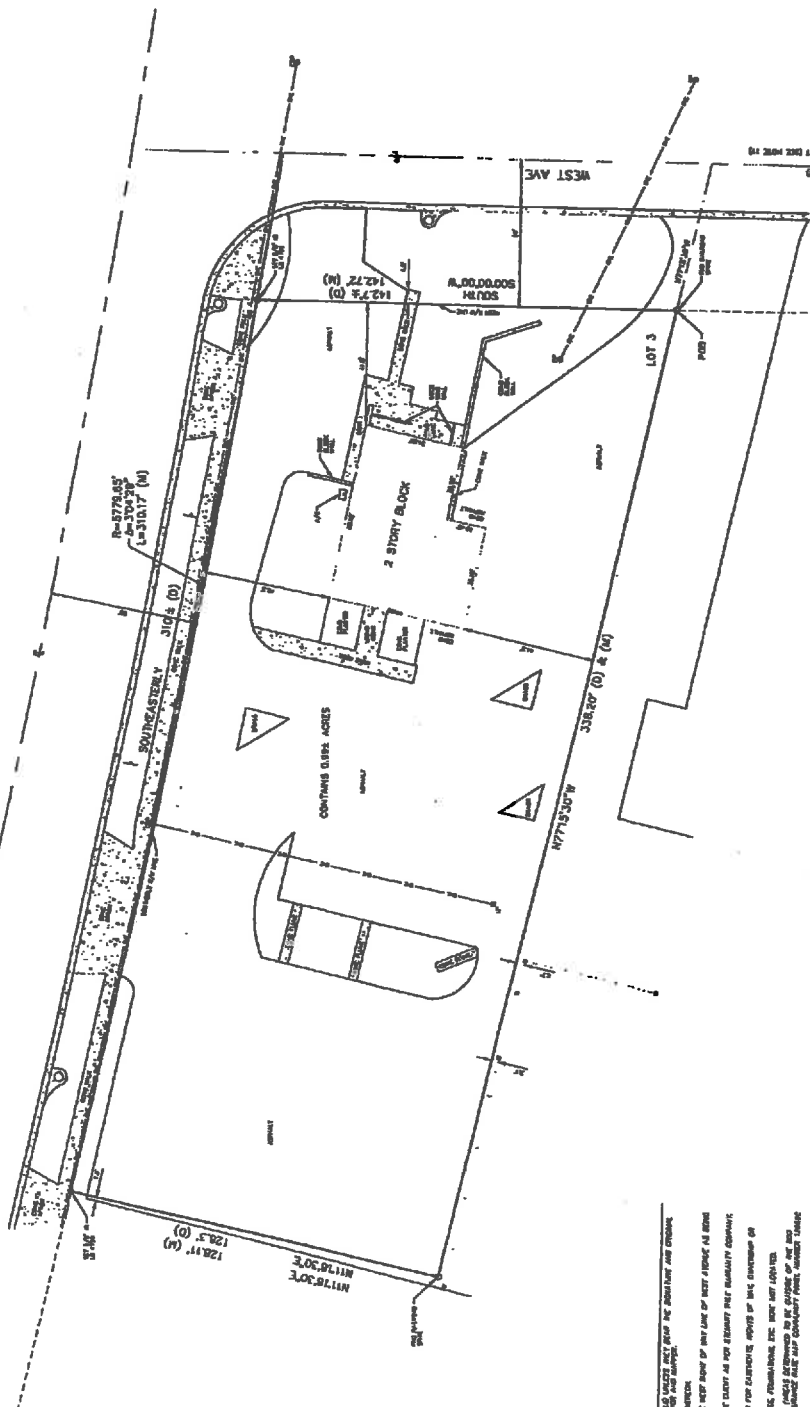
IF THIS APPLICATION IS SUBMITTED INCOMPLETE OR INACCURATE, IT WILL
BE SUBJECT TO A DELAY ON PROCESSING AND WILL NOT BE SCHEDULED
UNTIL CORRECTIONS ARE MADE.

City of Clermont
Planning & Zoning Department
685 W. Montrose St.
P.O. Box 120219
Clermont, FL 34712-0219
(352) 394-4083 Fax: (352) 394-3542

GRAPHIC SCALE



FROM THE INTERSECTION OF THE CENTER LINE OF WEST AVENUE AND CHESTNUT STREET, RUN NORTH ALONG THE CENTER LINE OF WEST AVENUE 172 FEET; THENCE 37°15'30" W. 120.00 FEET TO P.O.B. ON THE RIGHT-OF-WAY LINE OF WEST AVENUE; 18°12'00" E. 120.00 FEET; THENCE 10°10'00" N. 128.3 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 90; THENCE SOUTH-EASTERLY ALONG STATE ROAD RIGHT-OF-WAY LINE 31.0 FEET MORE OR LESS, TO A POINT ON THE RIGHT-OF-WAY LINE OF WEST AVENUE; 10°10'00" S. 128.3 FEET; THENCE 18°12'00" W. 120.00 FEET TO A POINT ON THE RIGHT-OF-WAY LINE OF STATE ROAD NO. 90; THENCE SOUTH 142.7 FEET MORE OR LESS, TO THE P.O.B. ALL ACCORDING TO THE PLAT OF THE CITY OF CLARK, IT, AS RECORDED IN THE PUBLIC RECORDS OF CLAY COUNTY, FLORIDA.



- [illegible]

CALL 1-800-368-7272

DATE 4.29.05
JAMES H. STRAUSS, PERSONAL EMPLOYER IN MATTER OF
JAMES H. STRAUSS, JR., DECEASED

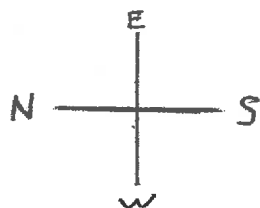
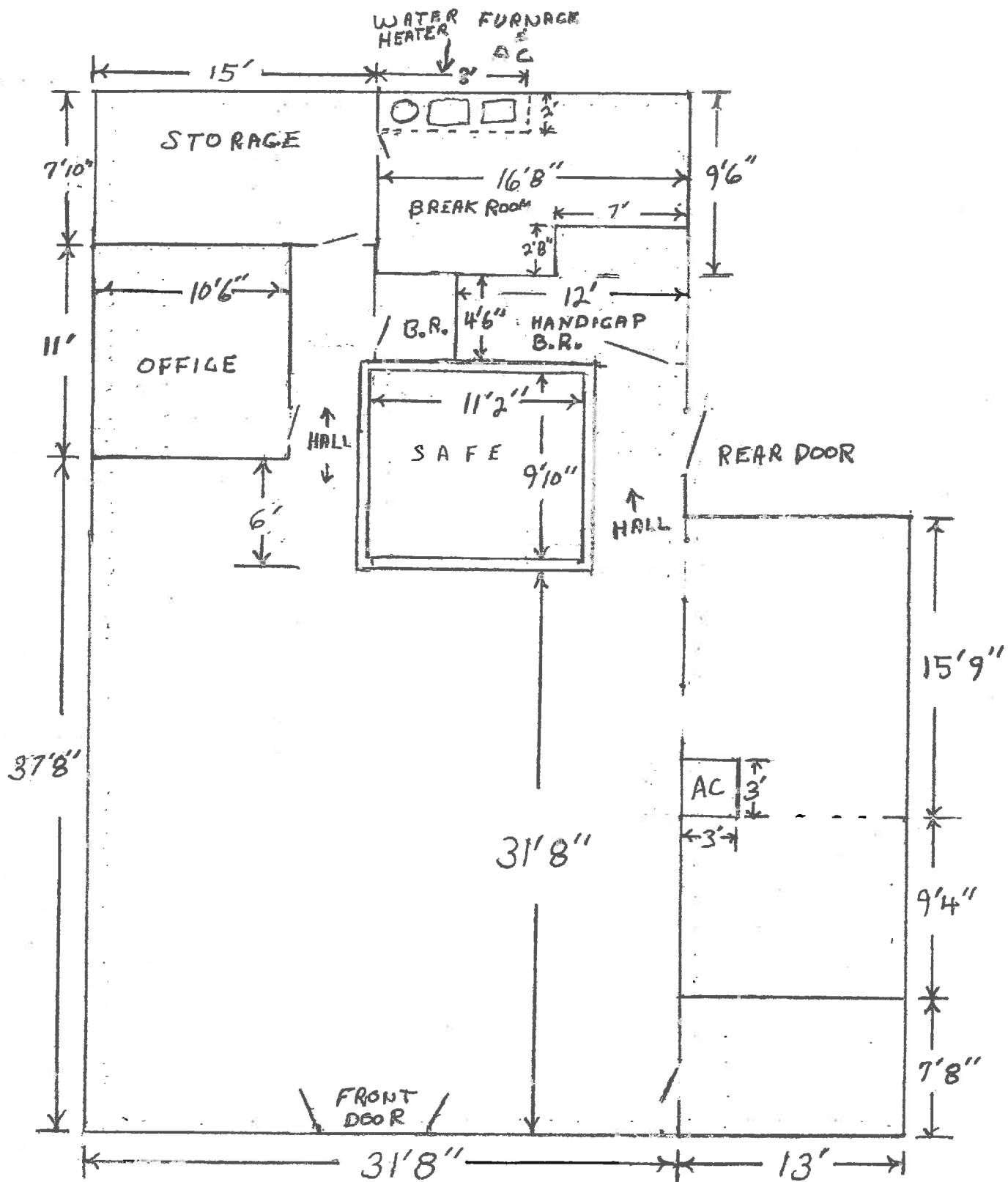
NAME	AGE	SEX	ETHNICITY	RELIGION	EDUCATION	PROFESSION	RESIDENCE	DATE OF BIRTH	DATE OF DEATH	CAUSE OF DEATH	DATE OF BURIAL	PLACE OF BURIAL	DATE OF CREMATION	PLACE OF CREMATION	DATE OF INTERMENT	PLACE OF INTERMENT	DATE OF REINTERMENT	PLACE OF REINTERMENT	DATE OF EXHUMATION	PLACE OF EXHUMATION	DATE OF REINTERMENT	PLACE OF REINTERMENT
ALLEN, JAMES	45	M	W	C	H	DRIVER	1234 MAIN ST, NEW YORK, NY	1935-01-15	1980-03-20	HEART DISEASE	1980-03-25	ST. JOHN'S CATHEDRAL	1980-03-25	ST. JOHN'S CATHEDRAL	1980-03-25	ST. JOHN'S CATHEDRAL	1980-03-25	ST. JOHN'S CATHEDRAL	1980-03-25	ST. JOHN'S CATHEDRAL	1980-03-25	ST. JOHN'S CATHEDRAL
BROWN, SARAH	62	F	W	C	H	HOUSEWIFE	5678 PINE ST, NEW YORK, NY	1918-05-10	1980-08-15	ALZHEIMER'S DISEASE	1980-08-20	ST. JOHN'S CATHEDRAL	1980-08-20	ST. JOHN'S CATHEDRAL	1980-08-20	ST. JOHN'S CATHEDRAL	1980-08-20	ST. JOHN'S CATHEDRAL	1980-08-20	ST. JOHN'S CATHEDRAL	1980-08-20	ST. JOHN'S CATHEDRAL
CHEN, DAVID	38	M	W	C	H	ENGINEER	9012 OAK ST, NEW YORK, NY	1942-02-28	1980-06-10	ACCIDENT	1980-06-15	ST. JOHN'S CATHEDRAL	1980-06-15	ST. JOHN'S CATHEDRAL	1980-06-15	ST. JOHN'S CATHEDRAL	1980-06-15	ST. JOHN'S CATHEDRAL	1980-06-15	ST. JOHN'S CATHEDRAL	1980-06-15	ST. JOHN'S CATHEDRAL
DAVIS, LUCAS	55	M	W	C	H	TEACHER	3456 MAPLE ST, NEW YORK, NY	1925-09-05	1980-11-20	HEART DISEASE	1980-11-25	ST. JOHN'S CATHEDRAL	1980-11-25	ST. JOHN'S CATHEDRAL	1980-11-25	ST. JOHN'S CATHEDRAL	1980-11-25	ST. JOHN'S CATHEDRAL	1980-11-25	ST. JOHN'S CATHEDRAL	1980-11-25	ST. JOHN'S CATHEDRAL
EVANS, MICHAEL	41	M	W	C	H	DOCTOR	7890 BROADWAY, NEW YORK, NY	1939-04-12	1980-07-05	HEART DISEASE	1980-07-10	ST. JOHN'S CATHEDRAL	1980-07-10	ST. JOHN'S CATHEDRAL	1980-07-10	ST. JOHN'S CATHEDRAL	1980-07-10	ST. JOHN'S CATHEDRAL	1980-07-10	ST. JOHN'S CATHEDRAL	1980-07-10	ST. JOHN'S CATHEDRAL
FERRELL, JANE	58	F	W	C	H	ARTIST	2345 EIGHTH AVE, NEW YORK, NY	1922-03-01	1980-09-18	HEART DISEASE	1980-09-23	ST. JOHN'S CATHEDRAL	1980-09-23	ST. JOHN'S CATHEDRAL	1980-09-23	ST. JOHN'S CATHEDRAL	1980-09-23	ST. JOHN'S CATHEDRAL	1980-09-23	ST. JOHN'S CATHEDRAL	1980-09-23	ST. JOHN'S CATHEDRAL
GARCIA, CARLOS	33	M	W	C	H	STUDENT	6789 FIFTH AVE, NEW YORK, NY	1947-06-20	1980-04-10	HEART DISEASE	1980-04-15	ST. JOHN'S CATHEDRAL	1980-04-15	ST. JOHN'S CATHEDRAL	1980-04-15	ST. JOHN'S CATHEDRAL	1980-04-15	ST. JOHN'S CATHEDRAL	1980-04-15	ST. JOHN'S CATHEDRAL	1980-04-15	ST. JOHN'S CATHEDRAL
HARRIS, ROBERT	67	M	W	C	H	RETIRED	1011 SEVENTH AVE, NEW YORK, NY	1913-01-08	1980-12-01	HEART DISEASE	1980-12-06	ST. JOHN'S CATHEDRAL	1980-12-06	ST. JOHN'S CATHEDRAL	1980-12-06	ST. JOHN'S CATHEDRAL	1980-12-06	ST. JOHN'S CATHEDRAL	1980-12-06	ST. JOHN'S CATHEDRAL	1980-12-06	ST. JOHN'S CATHEDRAL
HILL, PATRICIA	49	F	W	C	H	MARKETING	4567 SIXTH AVE, NEW YORK, NY	1931-07-14	1980-05-25	HEART DISEASE	1980-05-30	ST. JOHN'S CATHEDRAL	1980-05-30	ST. JOHN'S CATHEDRAL	1980-05-30	ST. JOHN'S CATHEDRAL	1980-05-30	ST. JOHN'S CATHEDRAL	1980-05-30	ST. JOHN'S CATHEDRAL	1980-05-30	ST. JOHN'S CATHEDRAL
JACKSON, WILLIAM	52	M	W	C	H	SALES	8901 SEVENTH AVE, NEW YORK, NY	1928-02-03	1980-10-12	HEART DISEASE	1980-10-17	ST. JOHN'S CATHEDRAL	1980-10-17	ST. JOHN'S CATHEDRAL	1980-10-17	ST. JOHN'S CATHEDRAL	1980-10-17	ST. JOHN'S CATHEDRAL	1980-10-17	ST. JOHN'S CATHEDRAL	1980-10-17	ST. JOHN'S CATHEDRAL
KELLY, JENNIFER	36	F	W	C	H	WOMAN	1234 EIGHTH AVE, NEW YORK, NY	1944-08-22	1980-06-08	HEART DISEASE	1980-06-13	ST. JOHN'S CATHEDRAL	1980-06-13	ST. JOHN'S CATHEDRAL	1980-06-13	ST. JOHN'S CATHEDRAL	1980-06-13	ST. JOHN'S CATHEDRAL	1980-06-13	ST. JOHN'S CATHEDRAL	1980-06-13	ST. JOHN'S CATHEDRAL
LEWIS, THOMAS	60	M	W	C	H	ENGINEER	5678 NINTH AVE, NEW YORK, NY	1920-04-18	1980-11-05	HEART DISEASE	1980-11-10	ST. JOHN'S CATHEDRAL	1980-11-10	ST. JOHN'S CATHEDRAL	1980-11-10	ST. JOHN'S CATHEDRAL	1980-11-10	ST. JOHN'S CATHEDRAL	1980-11-10	ST. JOHN'S CATHEDRAL	1980-11-10	ST. JOHN'S CATHEDRAL
MARTIN, ANNE	54	F	W	C	H	TEACHER	9012 TENTH AVE, NEW YORK, NY	1926-09-01	1980-07-20	HEART DISEASE	1980-07-25	ST. JOHN'S CATHEDRAL	1980-07-25	ST. JOHN'S CATHEDRAL	1980-07-25	ST. JOHN'S CATHEDRAL	1980-07-25					

SHEET 1 OF 1

BOUNDARY SURVEY
ON SECTION 24, TOWNSHIP 22 NORTH, RANGE 15 EAST,
LAKE COUNTY, FLORIDA
CITY OF CLEMATIS

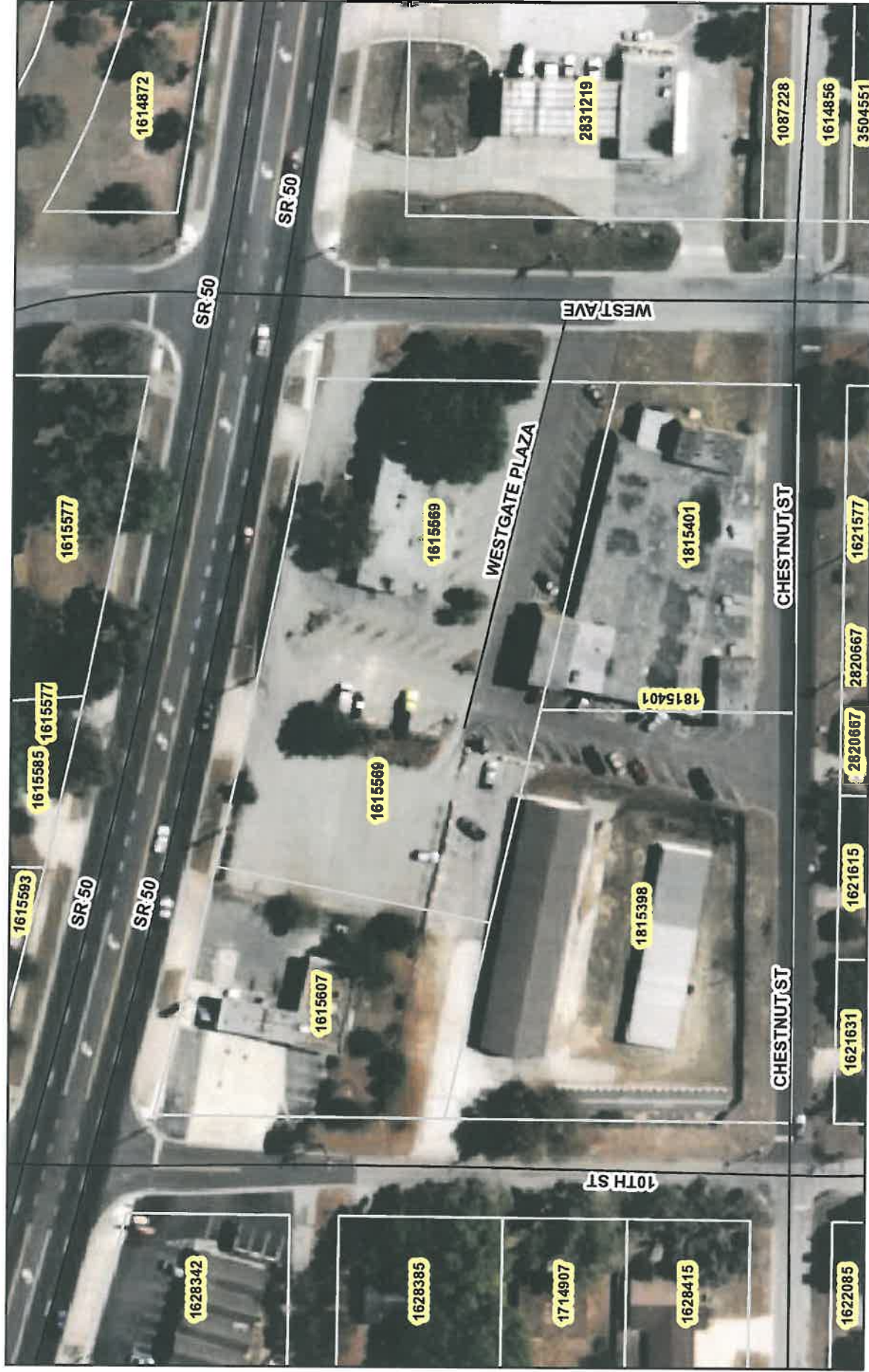


文部科学省

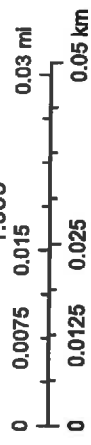


OLD CITY HALL UPPER FLOOR
SCALE = APPROX 1'6" PER SQUARE

Ed Augustine



June 16, 2014



☐ County Boundary ☐ Tax Parcels Alternate Key

☐ Street Names ☐ Tax Parcels

☐ Local Streets ☐ Surrounding Counties



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Council Meeting Date	
Tuesday, August 26, 2014	
Agenda Item Name	
Resolution No. 2014-21 Woodwinds Apartments	
Requested Action	
Move to approve Resolution 2014-21.	
Staff Report	
The Woodwinds Apartments project is a proposed multi-family development consisting of 108 apartments with onsite amenities that include a community center. The apartment project will consist of four 3 story buildings with parking located in front of the units and around the access drive (Exhibit – Conceptual Site Map). Each building will house from 24 apartments up to 36 apartments each. A mix of 1, 2, and 3 bedroom apartments will be offered in each building. The proposal consists of 24 – 1 bedroom units, 72 – 2 bedroom units, and 12 – 3 bedroom units. Based upon the ratio of apartment bedroom mix and the 259 parking stalls provided, the average is 2.40 parking stalls per unit, with a surplus of 49 parking stalls over the required 210 for the project. The total land area of the project is 10.12 acres. With the proposed 108 apartments on the 10.12 acres, this provides for a total density of 10.67 units per acre. The proposed density is below the allowable density of 12 dwelling units per acre in the High Density Residential Future Land Use Category in the R-3 zoning district. The CUP request for a PUD is based upon the development proposal consisting of multi- family developments having 12 or more units in the R-3 zoning district and the project consisting of 10 acres or more. This subject parcel has had multiple resolutions granted by the City of Clermont regarding development proposals. A similar Conditional Use Permit request was previously approved on August 22, 2006 (Res. No. 1475); September 23, 2008 (Res. No. 1592); October 26, 2010 (Res. No. 2010-23) and January 22, 2013 (Res. No. 2013-01) for a 108 unit condominium development. Because of market conditions, the owner has not started construction within the required two years and a subsequent CUP was sought to retain the development rights for the project. The owner is requesting to convert the 108 condominiums to 108 apartment units with the latest proposal. In addition, the owner is seeking variances for: (1) retaining walls greater than six feet high, up to a height of 12 feet in height, (2) cut/fill of more than 15 feet with a maximum of 24 feet, and (3) building height to exceed 45 feet, up to 60 feet. Staff feels this use is consistent with the uses in the area and the conversion from condominiums to apartments with no increase in density is very similar to the previously approved development proposals. Therefore, staff recommends approval of the proposed CUP request for a PUD with 108 apartments. <i>Commissioner Bernadette Dubuss moved to recommend approval of the conditional use permit; Chairman passed the gavel; seconded by Chairman Nick Jones. The vote failed with a 2-3 to recommend approval for the conditional use permit; with Commissioners Smith, Mason, and Proli opposing.</i> <i>Commissioner Harry Mason moved to recommend denial of the conditional use permit; seconded by Commissioner Herb Smith. The vote passed with a 3-2 to recommend denial for the conditional use permit; with Chairman Jones</i>	

and Commissioner Dubuss opposing.

Legal Impact

Additional Analysis

Fiscal Impact Summary

Fiscal Impact

Fund Number and Description

Available Budget Amount

Exhibits Attached (copies of original agreements)

- | | | |
|----|------------------------|--|
| 1. | Resolution | CUP RES 2014-21.docx |
| 2. | Legal ad | CUP Legal AD.docx |
| 3. | CUP Conditions | CUP Conditions Woodwinds Apts.docx |
| 4. | Surrounding Conditions | Woodwinds Apts Surrounding Conditions.docx |
| 5. | Woodwinds Maps | Woodwinds Apts Maps.pdf |
| 6. | Site plan | 2014-7-24 Woodwinds CUP.pdf |
| 7. | School impact | School impact letter.pdf |
| 8. | Minutes | Woodwinds minutes.pdf |
| 9. | Application | CUP application.pdf |

**CITY OF CLERMONT
RESOLUTION NO. 2014-21**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR A PLANNED UNIT DEVELOPMENT FOR A PROPOSED 108 UNIT APARTMENT DEVELOPMENT.

WHEREAS, the Planning and Zoning Commission of the City of Clermont, Lake County, Florida at a meeting held August 5, 2014 recommended approval of this Conditional Use Permit to allow for a Planned Unit Development for a proposed 108 unit apartment development; at the following location:

LOCATION:

Vacant property (Alt. Key 3801239)
North of the intersection of Hunt Street and Grand Highway;
East of Grand Highway and south of Citrus Tower Boulevard

The City Council deems it advisable in the interest of the general welfare of the City of Clermont, Lake County, Florida to grant this Conditional Use Permit.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Clermont, Lake County, Florida that:

This application for a Conditional Use Permit to allow for a multi-family complex with more than 12 units; be granted subject to the following conditions:

CONDITIONAL USE PERMIT CONDITIONS:

Section 1 - General Conditions

1. The conditions as set forth in this Conditional Use Permit shall be legally binding upon any heirs, assigns and successors in title or interest.
2. The property shall be developed in substantial accordance with the conceptual site plan dated July 24, 2014 prepared by Montverde Engineering, Inc. Formal construction plans, incorporating all conditions stated in this permit shall be submitted for review and approval by the Site Review Committee prior to the issuance of a zoning clearance of other development permits. The conceptual site plans submitted with the Conditional Use Permit application are not the approved construction plans.

CITY OF CLERMONT
RESOLUTION NO. 2014-21

3. No person, firm, corporation or entity shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building or structure, or alter the land in any manner within the boundary of the project without first submitting necessary plans, obtaining necessary approvals, and obtaining necessary permits in accordance with the City of Clermont Land Development Regulations and those of other appropriate jurisdictional entities.
4. The Conditional Use Permit must be executed and processed through the office of the City Clerk within 90 days of its date of grant by the City Council or the permit shall become null and void.
5. The Applicant shall record in the Public Records of Lake County within 90 days of its date of approval by the City Council, a short-form version of this Conditional Use Permit as provided by the City or a form acceptable to the City, to provide notice to all interested parties, the assigns, successors and heirs of the developer/applicant and all future owners of the above-referenced property that the real property described above is subject to the terms and conditions of the Conditional Use Permit.
6. This permit shall become null and void if substantial construction work has not begun within two (2) years of the date that this Conditional Use Permit is executed and signed by the permittee. "Substantial construction work" means the commencement and continuous prosecution of construction of required improvements ultimately finalized at completion.
7. The structure shall be inspected by the Fire Marshall for life safety requirements. All requirements must be met prior to any Certificate of Occupancy being issued.
8. The structure shall be inspected by the City Building Inspector and all building code violations must be corrected prior to a Certificate of Occupancy being issued.
9. The final Certificate of Occupancy shall not be issued until each of the stated conditions has been met.
10. No business can occupy any portion of a building unless the proposed business has applied for and obtained a Local Business Tax Receipt from the Planning & Zoning Department.
11. If any of the stated conditions are violated, the applicant understands and agrees that the City Council may revoke this Conditional Use Permit by resolution.

CITY OF CLERMONT
RESOLUTION NO. 2014-21

Section 2- Land Use

1. This Conditional Use Permit is for a multi-family residential development with up to 108 apartments with onsite amenities that include a community center on 10.12 acres, for a density of 10.67 dwelling units per acre.
2. The City's Site Review Committee must approve the site plan prior to the construction plan approval.
3. The applicant/owner must coordinate with the Lake County School District for capacity review and requirements pertaining to schools, and in conformance with City Code, prior to issuance of any building permits.

Section 3 – Site Development

1. Detailed grading, erosion control, and dust abatement plans for the entire site shall be submitted to and approved by the Site Review Committee prior to construction plan approval and the initiation of development activity. The dust abatement plan shall detail measures to be taken to eliminate the migration of dust particles from the site.
2. All excavated material shall be stored in a location approved by the City Engineer.
3. Geo-technical information regarding the soil characteristics of the site shall be submitted to the City as part of the final site review process.
4. The permittee/developers shall provide both temporary and permanent grassing including fertilizer application on all disturbed areas where construction is not immediately intended. Said plan shall be provided in accordance with an approved ground cover plan acceptable to the City in accordance with the Best Management Practices of the United States Department of Agriculture Soil Conservation Service.

Section 4 – Transportation Improvements

1. Sidewalks shall be required along Grand Highway and within the development, in accordance with Florida Department of Transportation regulations and City Codes.
2. The City may require that transportation improvements, necessitated by the portion of the project for which a building permit is sought, be made at the time of construction. Project specific on and off-site transportation designs are the sole responsibility of the developer.
- 3.
4. A traffic study in accordance with City Codes shall be required to address Level of Service for the area. The applicant/owner must coordinate with Lake County and the Lake-Sumter Metropolitan Planning Organization for compliance with the Transportation Management System.

CITY OF CLERMONT
RESOLUTION NO. 2014-21

Section 5 – Utilities and Stormwater

1. The permittee shall be responsible for purchasing, installing, and maintaining fire hydrants within the project. They shall be installed according to City Code.
2. The project shall be plumbed for reuse water with purple piping. Until such time as reuse water is available, irrigation water shall be provided for by well.

Section 6 – Landscaping

1. The Landscape design for all parking areas, buffers, rights-of-way, pedestrian ways and focal points shall be unified and complementary to the ambiance of the center.
2. All landscape plans and plantings shall meet or exceed the City of Clermont Code.

Section 7 - Architectural Design Standards

1. All structures shall be designed and constructed in accordance with the Architectural Standards of the City of Clermont.
2. The multi-family structures shall be developed in substantial accordance with the conceptual building elevations submitted on July 24, 2014 prepared by Montverde Engineering, Inc.
3. All fencing within public view shall be ornamental metal or brick, as approved by the Site Review Committee.

CITY OF CLERMONT
RESOLUTION NO. 2014-21

DONE AND RESOLVED by the City Council of the City of Clermont, Lake County, Florida, this 26th day of August, 2014.

CITY OF CLERMONT

Harold S. Turville, Jr., Mayor

ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

LEGAL NOTICE

Notice is hereby given that the City of Clermont will consider a request for a Conditional Use Permit for a Planned Unit Development for a proposed 108 unit apartment development, at the following location:

LOCATION

Vacant property (Alt. Key 3801239)
North of the intersection of Hunt Street and Grand Highway;
East of Grand Highway and south of Citrus Tower Boulevard

A complete legal description may be obtained in the Development Services Department located at 685 W. Montrose Street, Clermont, FL 34711.

This request will be considered by the Planning & Zoning Commission on Tuesday, August 5, 2014 at 7:00pm.

A public meeting to consider the request will be held before the City Council on Tuesday, August 26, 2014 at 7:00pm.

All meetings will be held in City Hall located at 685 West Montrose Street.

All interested parties will be given an opportunity to express their views on this matter.

Please be advised that, under State law, if you should decide to appeal a decision made with respect to this matter, you will need a record of the proceedings, and may need to ensure that a verbatim record is made.

Tracy Ackroyd, MMC
City Clerk

Daily Commercial
July 29, 2014 and August 19, 2014

Exhibit – CUP CONDITIONS

CUP CONDITIONS:

Section 1 - General Conditions

1. The conditions as set forth in this Conditional Use Permit shall be legally binding upon any heirs, assigns and successors in title or interest.
2. The property shall be developed in substantial accordance with the conceptual site plan dated July 24, 2014 prepared by Montverde Engineering, Inc. Formal construction plans, incorporating all conditions stated in this permit shall be submitted for review and approval by the Site Review Committee prior to the issuance of a zoning clearance of other development permits. The conceptual site plans submitted with the Conditional Use Permit application are not the approved construction plans.
3. No person, firm, corporation or entity shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building or structure, or alter the land in any manner within the boundary of the project without first submitting necessary plans, obtaining necessary approvals, and obtaining necessary permits in accordance with the City of Clermont Land Development Regulations and those of other appropriate jurisdictional entities.
4. The Conditional Use Permit must be executed and processed through the office of the City Clerk within 90 days of its date of grant by the City Council or the permit shall become null and void.
5. The Applicant shall record in the Public Records of Lake County within 90 days of its date of approval by the City Council, a short-form version of this Conditional Use Permit as provided by the City or a form acceptable to the City, to provide notice to all interested parties, the assigns, successors and heirs of the developer/applicant and all future owners of the above-referenced property that the real property described above is subject to the terms and conditions of the Conditional Use Permit.
6. This permit shall become null and void if substantial construction work has not begun within two (2) years of the date that this Conditional Use Permit is executed and signed by the permittee. “Substantial construction work” means the commencement and continuous prosecution of construction of required improvements ultimately finalized at completion.
7. The structure shall be inspected by the Fire Marshall for life safety requirements. All requirements must be met prior to any Certificate of Occupancy being issued.
8. The structure shall be inspected by the City Building Inspector and all building code violations must be corrected prior to a Certificate of Occupancy being issued.

9. The final Certificate of Occupancy shall not be issued until each of the stated conditions has been met.
10. No business can occupy any portion of a building unless the proposed business has applied for and obtained a Local Business Tax Receipt from the Planning & Zoning Department.
11. If any of the stated conditions are violated, the applicant understands and agrees that the City Council may revoke this Conditional Use Permit by resolution.

Section 2- Land Use

1. This Conditional Use Permit (CUP) is for a multi-family residential development with up to 108 apartments with onsite amenities that include a community center on 10.12 acres, for a density of 10.67 dwelling units/acre.
2. The City's Site Review Committee must approve the site plan prior to the construction plan approval.
3. The applicant/owner must coordinate with the Lake County School District for capacity review and requirements pertaining to schools, and in conformance with City Code, prior to issuance of any building permits.

Section 3 – Site Development

1. Detailed grading, erosion control, and dust abatement plans for the entire site shall be submitted to and approved by the Site Review Committee prior to construction plan approval and the initiation of development activity. The dust abatement plan shall detail measures to be taken to eliminate the migration of dust particles from the site.
2. All excavated material shall be stored in a location approved by the City Engineer.
3. Geo-technical information regarding the soil characteristics of the site shall be submitted to the City as part of the final site review process.
4. The permittee/developers shall provide both temporary and permanent grassing including fertilizer application on all disturbed areas where construction is not immediately intended. Said plan shall be provided in accordance with an approved ground cover plan acceptable to the City in accordance with best management practices (BMP) of the U.S.D.A. Soil Conservation Service.

Section 4 – Transportation Improvements

1. Sidewalks shall be required along Grand Highway and within the development, in accordance with Florida Department of Transportation regulations and City Codes.
2. The City may require that transportation improvements, necessitated by the portion of the project for which a building permit is sought, be made at the time of construction. Project specific on and off-site transportation designs are the sole responsibility of the developer.

3. A traffic study in accordance with City Codes shall be required to address level of service (LOS) for the area. The applicant/owner must coordinate with Lake County and the Lake~Sumter Metropolitan Planning Organization (MPO) for compliance with the Transportation Management System (TMS).

Section 5 – Utilities and Stormwater

1. The permittee shall be responsible for purchasing, installing, and maintaining fire Hydrants within the project. They shall be installed according to City Code.
2. The project shall be plumbed for reuse water with purple piping, until such time as reuse water is available, irrigation water shall be provided for by well.

Section 6 – Landscaping

1. The Landscape design for all parking areas, buffers, rights-of-way, pedestrian ways and focal points shall be unified and complementary to the ambiance of the center.
2. All landscape plans and plantings shall meet or exceed the City of Clermont Code.

Section 7 - Architectural Design Standards

1. All structures shall be designed and constructed in accordance with the *Architectural Standards* of the City of Clermont.
2. The multi-family structures shall be developed in substantial accordance with the conceptual building elevations submitted on July 24, 2014 prepared by Montverde Engineering, Inc.
3. All fencing within public view shall be ornamental metal or brick, as approved by the Site Review Committee.

Surrounding Conditions

DEVELOPMENT NAME: Woodwinds Apartments
OWNER: Charles Sharkus, Trustee
APPLICANT/CONTACT: New Beginnings c/o Steve Smith
REQUESTED ACTION: A CUP request for PUD for a multi-family development with more than 12 units
SIZE OF PARCEL: 10.12 +/- acres
GENERAL LOCATION: East of the intersection of Hunt & Grand Highway, South of Citrus Tower Blvd
EXISTING ZONING: R-3 Residential/Professional
EXISTING LAND USE: Vacant
FUTURE LAND USE: High Density Residential

SURROUNDING CONDITIONS:

	<u>ZONING</u>	<u>EXISTING LAND USE</u>	<u>FUTURE LAND USE DISTRICT</u>
NORTH:	R-3 Residential /Professional	Church	Public Facilities/Institutional
SOUTH:	R-1 Single Family Medium Density	Single Family Homes	Low Density Residential
EAST:	PUD	Multi-family	High Density Residential
WEST:	C-2 General Commercial	Vacant & Commercial	Commercial

Road Classification: Grand Highway – Collector
Utility Area: City of Clermont Water / Sewer
Site Utilities: City of Clermont Water / Sewer
Site Visit: July 21, 2014

Exhibit - Location Map
Woodwinds Apartments



Yellow Outline:
Subject Property

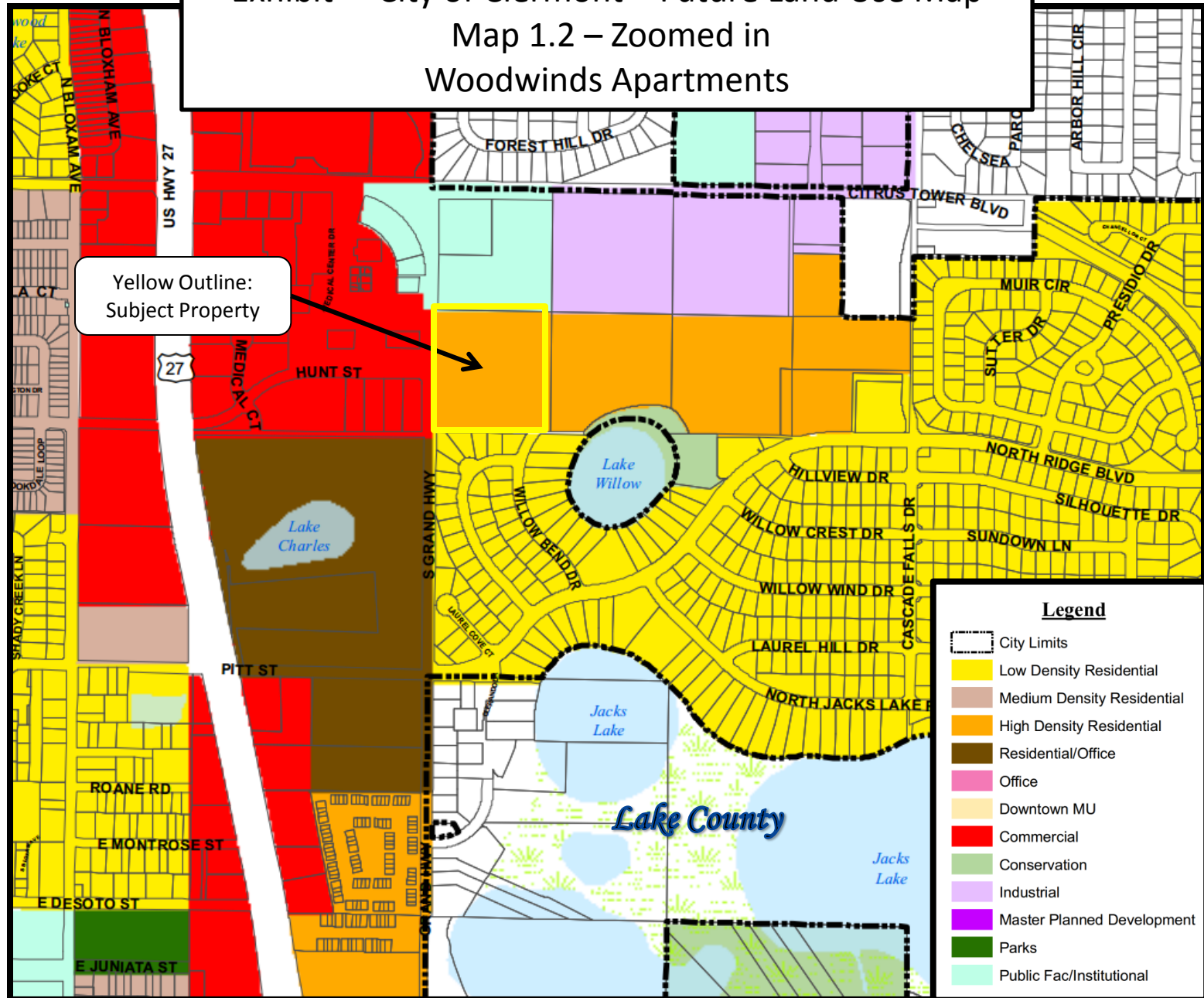
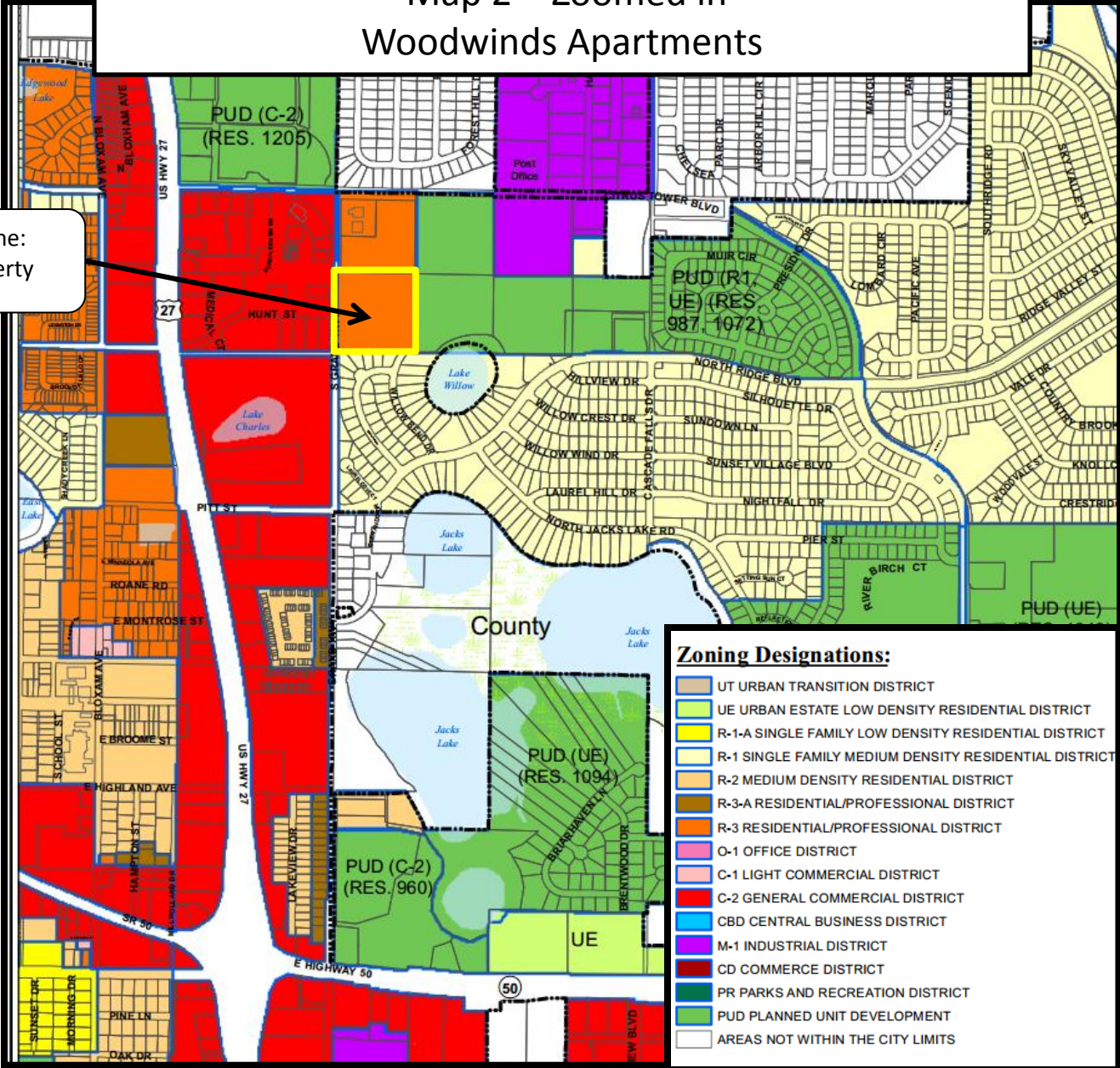
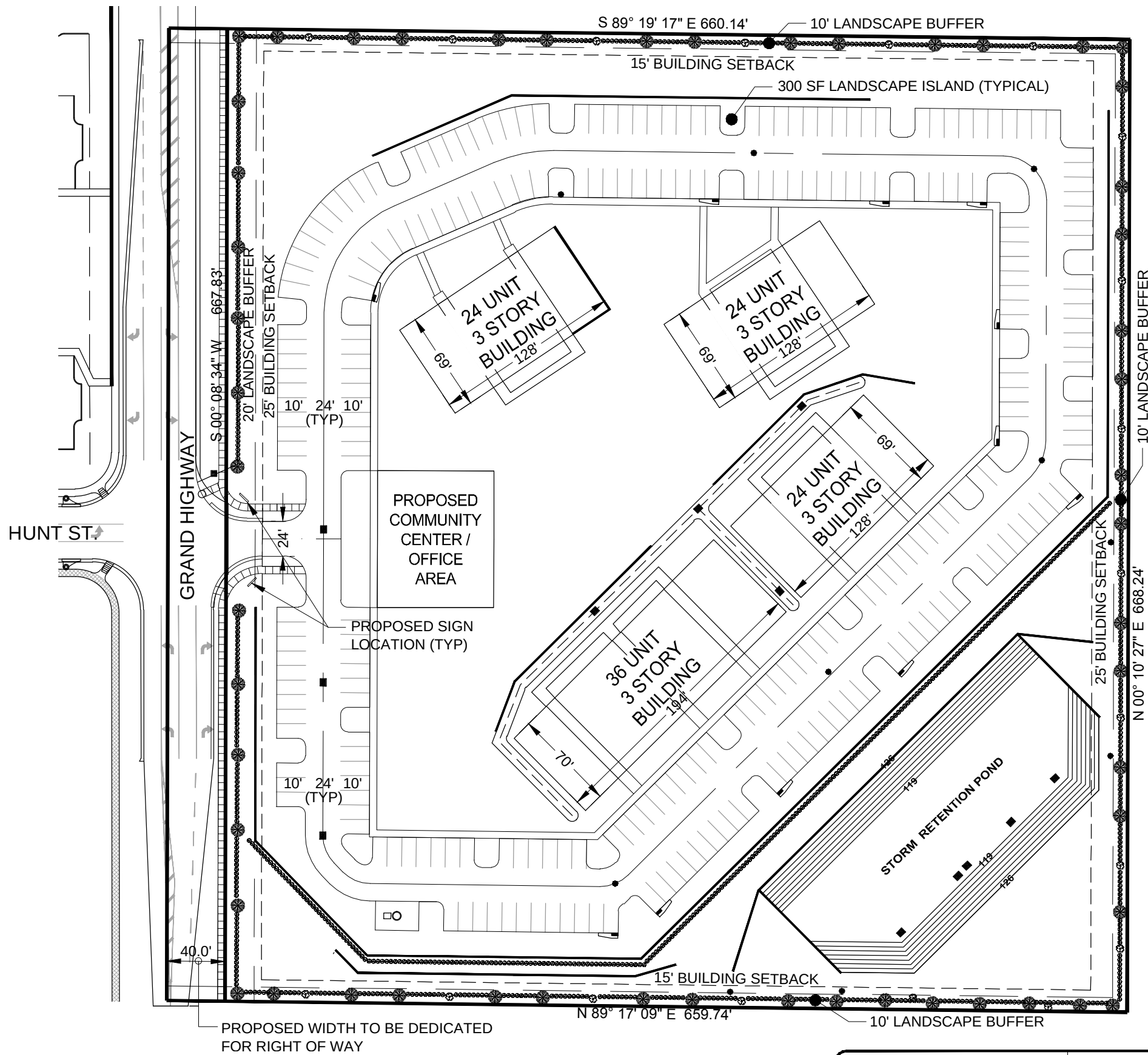


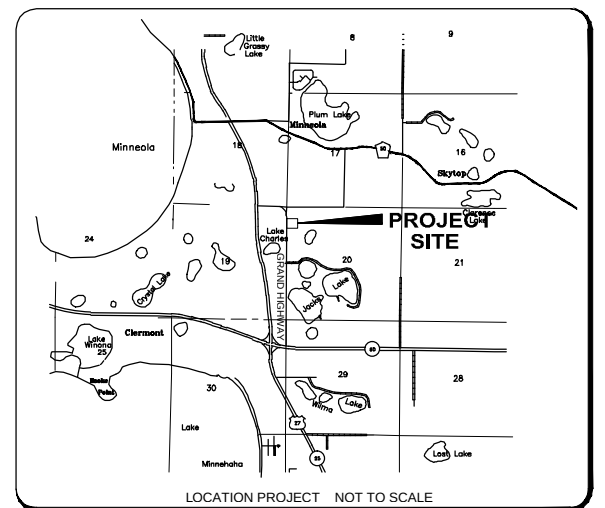
Exhibit – City of Clermont – Zoning Map
Map 2 – Zoomed in
Woodwinds Apartments

Yellow Outline:
Subject Property





SCALE 1" = 80'



OWNER:
CHARLES SHARKUS
WOODWINDS DEVELOPMENT LLC
541 SW TIMBER TRAIL
STUART, FL 34997

ENGINEER:
ARTHUR C. NIX, PE
MONTVERDE ENGINEERING INC.
P.O. BOX 560116
MONTVERDE, FL 34756

CLIENT/DEVELOPER:
STEVE SMITH
NEW BEGINNINGS
200 E. WASHINGTON STREET
MINNEOLA, FL 34715

LEGAL DESCRIPTION:
TRACT 9, ACCORDING TO THE LAKE HIGHLANDS COMPANY PLAT OF SECTION 20, TOWNSHIP 22 SOUTH, RANGE 26 EAST, AS RECORDED IN PLAT BOOK 3, PAGE 30, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, SUBJECT TO A ROAD RIGHT-OF-WAY OVER THE WEST 30 FEET AND THE SOUTH 15 FEET THEREOF. CONTAINING 10.12 ACRES, MORE OR LESS.

CONDITIONAL USE PERMIT DESCRIPTION:
A PLANNED DEVELOPMENT TO ALLOW FOR A PROPOSED 108 UNIT RESIDENTIAL APARTMENT COMPLEX.

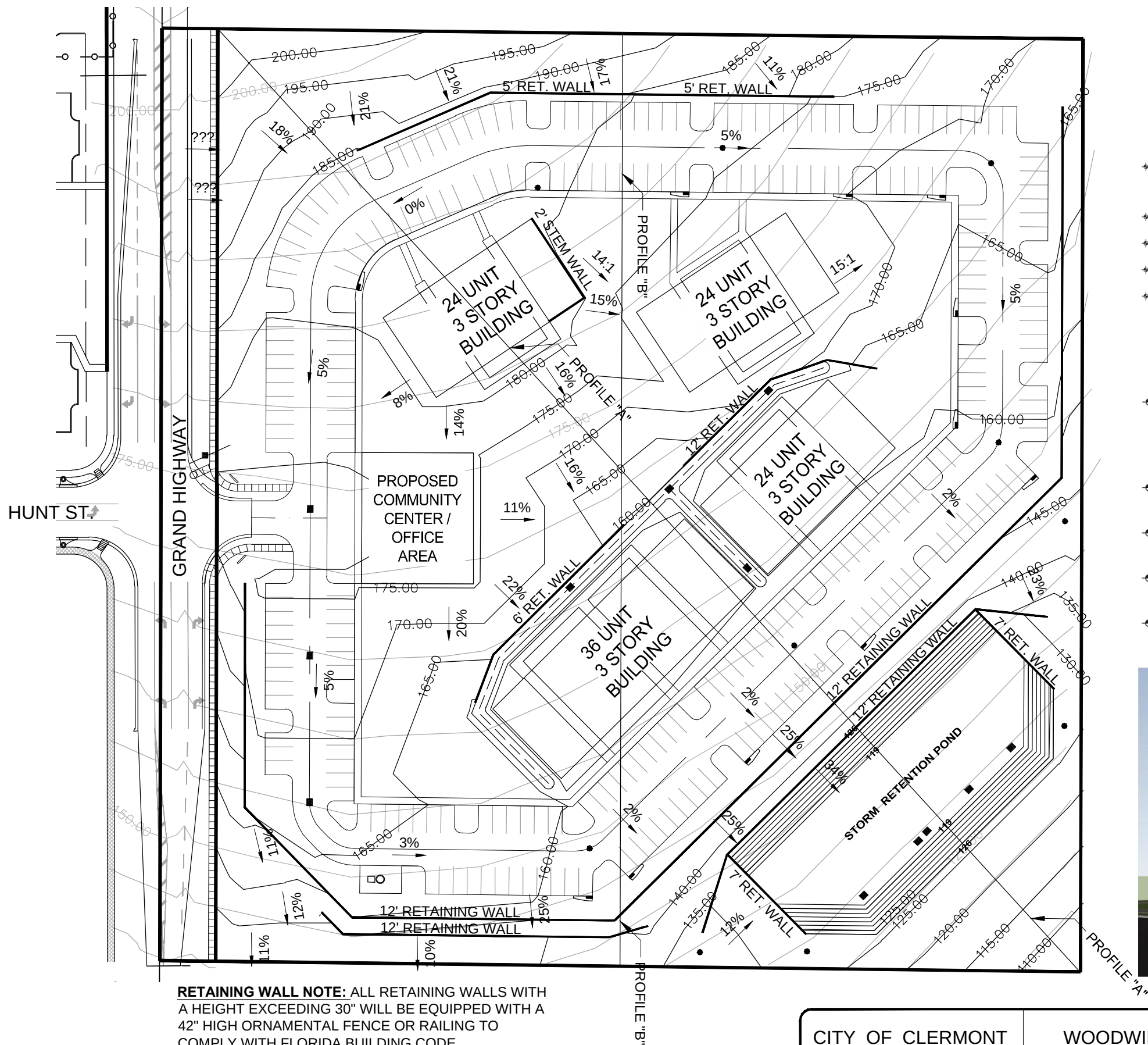
PROJECT INFORMATION:

AREA PARCEL = 10.12 ACRES
NUMBER OF UNITS PER BUILDING = 3 EA @ 24 UNITS, 1 EA @ 36 UNITS
TOTAL NUMBER OF DWELLING UNITS = 108 EACH
PROPOSED DENSITY = 10.67 UNITS PER ACRE
ZONING: R-3, RESIDENTIAL / PROFESSIONAL DISTRICT
FUTURE LAND USE: HIGH DENSITY RESIDENTIAL (UP TO 12 DU/ACRE)

IMPERVIOUS AREA = 3.61 ACRES (35.7%)

PARKING CALCULATIONS:

REQUIRED PARKING STALLS PER 1 BEDROOM UNIT	= 1.5 EACH UNIT
24 EACH PROPOSED X 1.5	= 36 STALLS REQUIRED
REQUIRED PARKING STALLS PER 2 BEDROOM UNIT	= 2 EACH UNIT
72 EACH PROPOSED X 2	= 144 STALLS REQUIRED
REQUIRED PARKING STALLS PER 3 BEDROOM UNIT	= 2.5 EACH UNIT
12 EACH PROPOSED X 2.5	= 30 STALLS REQUIRED
PARKING STALLS REQUIRED FOR MULTIFAMILY	= 210 STALLS
PARKING STALLS PROVIDED:	= 259 STALLS (+49 STALL SURPLUS)



SCALE 1" = 80'



TYPICAL FRONT / REAR ELEVATION



TYPICAL SIDE ELEVATION



PERSPECTIVE RENDERING

CITY OF CLERMONT

WOODWINDS APARTMENTS

PE# 36859

COA# 5543

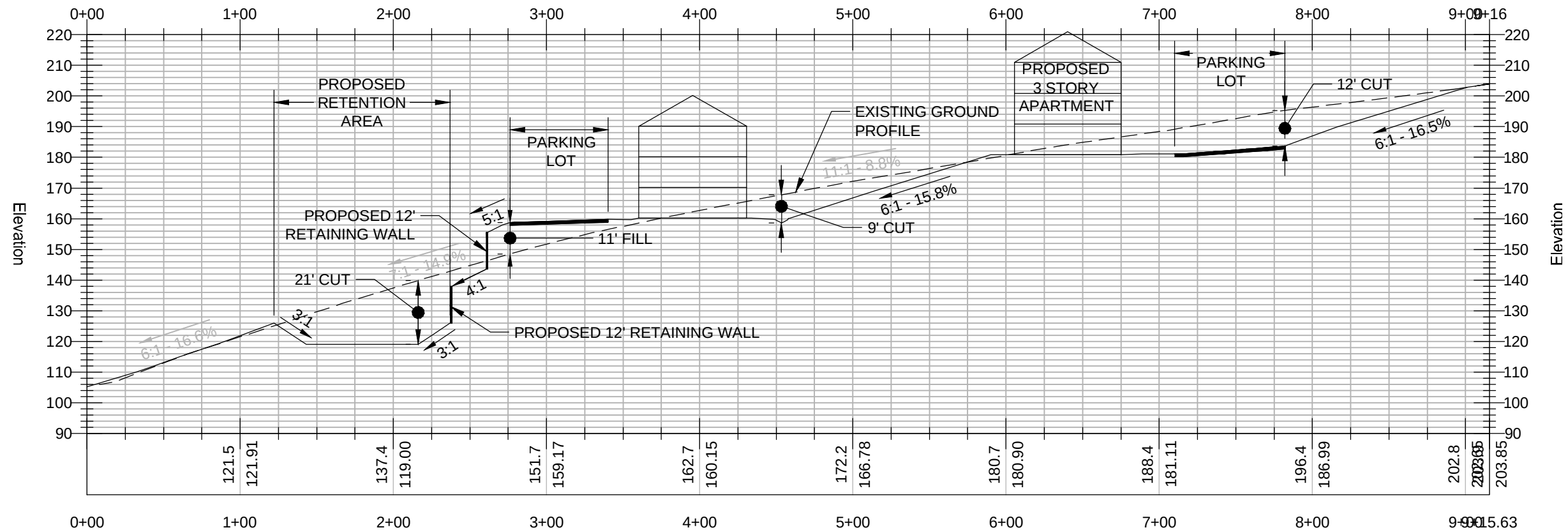
MONTVERDE
ENGINEERING INC.
P.O. BOX 280118, MONTVERDE, FL 34781 - PHONE 407-466-4529

SHEET NO.

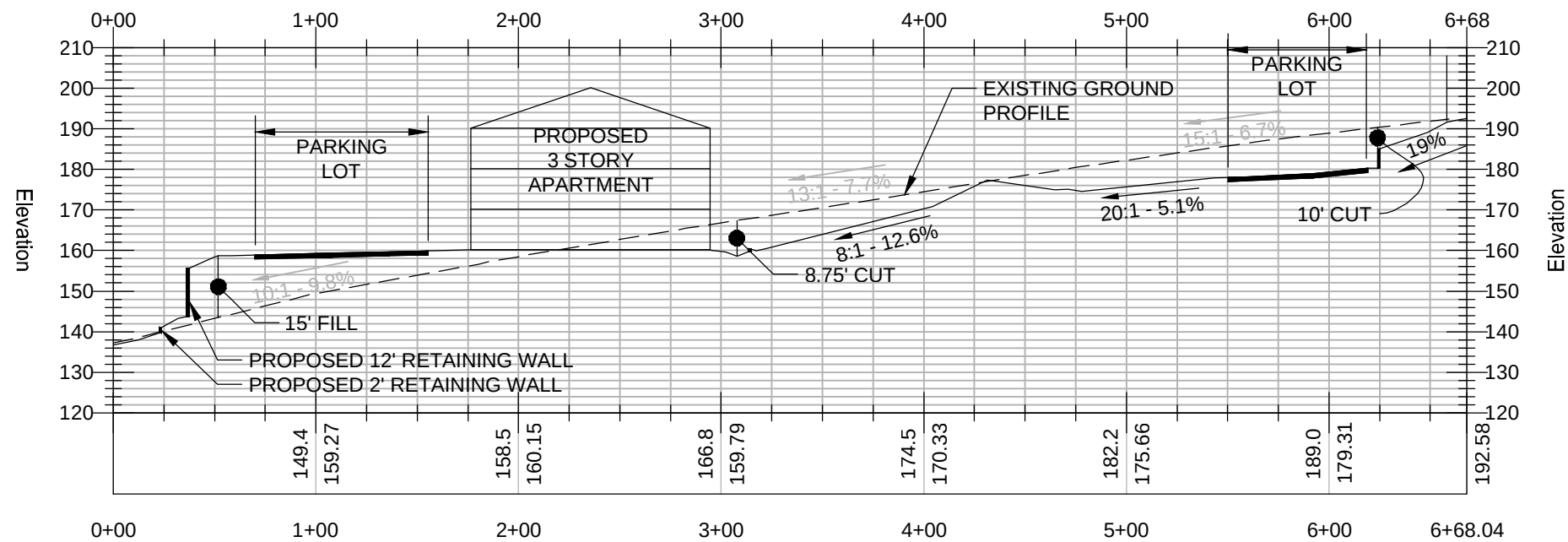
1 OF 1

DATE

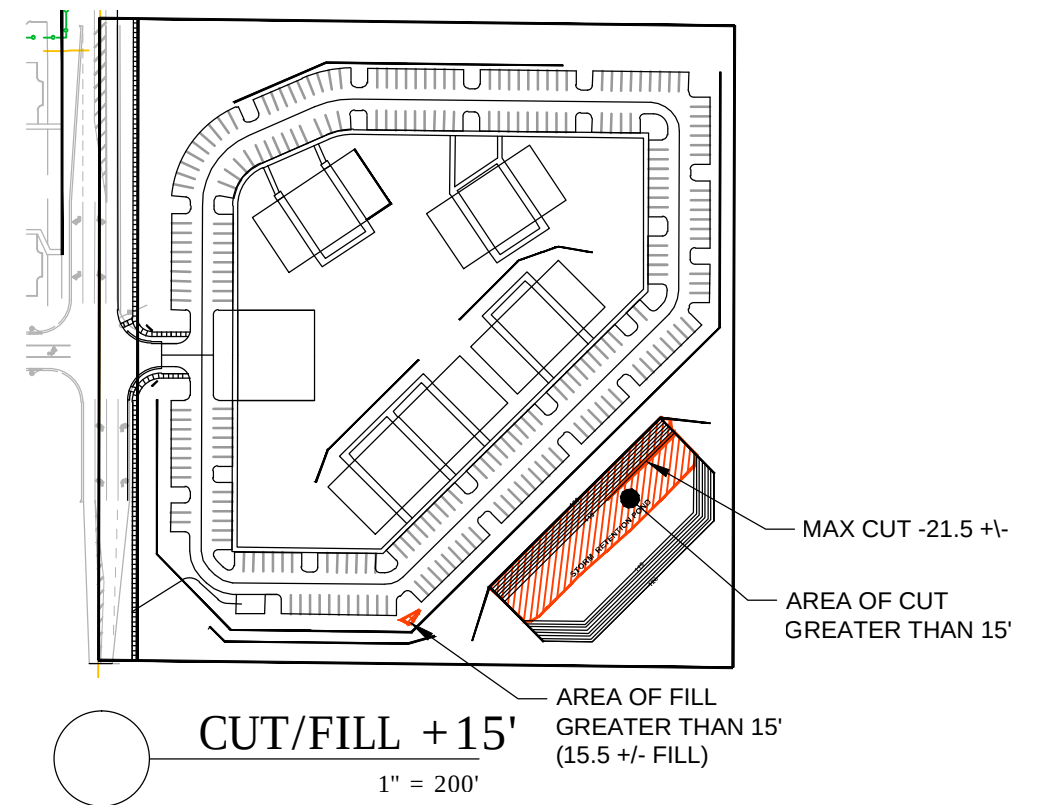
7/24/2014



PROFILE "A"
1" = 80' H, 1" = 40' V.



PROFILE "B"
1" = 80' H, 1" = 40' V.



CITY OF CLERMONT

WOODWINDS APARTMENTS

PE# 36859

COA# 5543

MONTVERDE
ENGINEERING INC.
P.O. BOX 280118, MONTEVERDE, FL 34708 - PHONE 407-466-4529

SHEET NO.

1 OF 1

DATE

7/24/2014



Leading our Children to Success

201 West Burleigh Boulevard • Tavares • FL 32778-2496
(352) 253-6500 • Fax: (352) 343-0198 • www.lake.k12.fl.us

Superintendent:
Susan Moxley, Ed.D.

School Board Members:
District 1
Bill Mathias
District 2
Rosanne Brandenburg
District 3
Tod Howard
District 4
Debbie Stivender
District 5
Kyleen Fischer

July 28, 2014

Ms. Barbara Hollerand, Planning & Zoning Director
Community Development Department
City of Clermont
685 West Montrose Street
Clermont, Florida 34711

RE: City of Clermont Woodwinds Apartments Conditional Use Permit (CUP) Request (Resolution Number 2014-21)

Dear Ms. Hollerand:

The City is currently reviewing an applicant's request to revise an existing Conditional Use Permit (CUP) to allow a maximum of 108 apartments on 10.12 acres. As the School Board of Lake County's authorized representative, I am forwarding the School Board's comments to your attention so they can be included with your planning report.

The School Board of Lake County Florida believes the CUP revision will have an adverse impact on Lake County Public Schools. The following School Board comments reflect projected enrollment data from the District's Five-Year Facilities Master Plan, FY 2014-2018, and student generation rates from the Impact Fee Study.

The proposed CUP revision has the potential to add 108 new apartments that will contribute 26 new students to the Lake County School system. Based on current school attendance zones, schools that will be adversely affected by the revised CUP and their projected five-year capacity status are as follows:

- | | |
|-------------------------------------|---------------------------|
| • Clermont Elementary School | 15% Under Capacity |
| • East Ridge Middle School | 31% Under Capacity |
| • Lake Minneola High School | 18% Over Capacity |

Please see the attached District Growth Impact Report, which indicates the potential impact of the proposed CUP revision on the public schools which currently serve the area under consideration. Should you have any questions or need additional information please contact me at (352) 253-6694.

Sincerely,

Dawn McDonald, Senior Planner
Growth Planning Department

Enclosure

REVIEWING AUTHORITY

City of Clermont Community Development Department, Planning & Zoning Division

NAME / CASE NUMBER

Woodwinds Apartments / CUP Resolution Number 2014-21

DEVELOPER/OWNER

Steve Smith, New Beginnings / Charles Sharkus

ITEM DESCRIPTION

The applicant proposes to revise the existing Conditional Use Permit (CUP) to allow a maximum of 108 apartments on 10.12 acres.

LOCATION

Section 9, Township 22S, Range 26E

Located north of Pleasant Hill Drive, south of Citrus Tower Boulevard, east of South Grand Highway, and west of Century Citrus Tower Apartments

CURRENT LAND USE

City of Clermont High-Density Residential (12 dwelling units/1 acre)

CURRENT ZONING

City of Clermont Residential/Professional District (R-3) with (CUP)

NEW DU IMPACT**STUDENT GENERATION**

Elementary School

Middle School

High School

SF-DU	MF-DU	Mobile	MF Impacts	
			108	Dwelling Units
0.374	0.235	0.126	26	
0.172	0.133	0.065	14	
0.085	0.051	0.029	6	
0.117	0.051	0.032	6	

SCHOOL NAME

Clermont Elementary

East Ridge Middle

Lake Minneola High

Projected Enrollment 2017-2018*	Permanent Student Capacity*	Projected Five-Year Capacity %	Student Enrollment w/ Impact	% of Perm. Capacity w/ Impact	Planned Capacity On Site
526	634	83%	540	85%	No
1,090	1,590	69%	1,096	69%	No
2,159	1,835	118%	2,165	118%	No

**Lake County School District Five-Year Facilities Master Plan, Fiscal Year 2014-2018*

CSA 12

Elementary School

Middle School

High School

Student Enrollment 2017-2018*	Permanent Student Capacity*	% of Permanent Capacity
4,298	4,928	87%
1,848	2,501	74%
4,491	4,483	100%

**Lake County School District Five-Year Facilities Master Plan, Fiscal Year 2014-2018*

COMMENTS:

The proposed revision to the Conditional Use Permit (CUP) will add 108 apartments, which will adversely impact area schools.

School Concurrency became effective in Lake County on June 1, 2008. Subsequent development orders, including but not limited to, site plans and subdivisions are subject to the school concurrency process. This Growth Impact Report (adequate public facilities analysis) is not intended to be an approval of, or an exemption from, any school concurrency regulations, including the school concurrency requirements in the Lake County School Concurrency Interlocal Agreement.

Prepared By: Dawn McDonald, Senior Planner, Lake County School District

Date: 7/28/2014

**City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
August 5, 2014**

Page 3

2. REQUEST FOR CONDITIONAL USE PERMIT

DEVELOPMENT NAME: Clermont Central Church

APPLICANT: Arthur Eaton

Planning Manager Curt Henschel presented the staff report as follows:

The applicant is requesting a Conditional Use Permit for a house of worship at 1 Westgate Plaza.

The church currently has a congregation of 50 members and plans to meet in the upper level of the building with approximately 2,300 square feet of available space. Their plans are to hold service on Sundays and Wednesday evenings.

Staff recommends approval.

Arthur Eaton, 12037 Cypress Lane, stated that this would be a standard house of worship and it has plenty of parking.

Commissioner Bernadette Dubuss moved to recommend approval of the conditional use permit; seconded by Commissioner Judy Proli. The vote was unanimous to recommend approval for the conditional use permit to City Council.

3. REQUEST FOR CONDITIONAL USE PERMIT

DEVELOPMENT NAME: Woodwinds

APPLICANT: Steve Smith

Senior Planner John Kruse presented the staff report as follows:

The Woodwinds Apartments project is a proposed multi-family development consisting of 108 apartments with onsite amenities that include a community center. The apartment project will consist of four 3 story buildings with parking located in front of the units and around the access drive. Each building will house from 24 apartments up to 36 apartments each. A mix of 1, 2, and 3 bedroom apartments will be offered in each building. The proposal consists of 24 – 1 bedroom units, 72 – 2 bedroom units, and 12 – 3 bedroom units. Based upon the ratio of apartment bedroom mix and the 259 parking stalls provided, the average is 2.40 parking stalls per unit, with a surplus of 49 parking stalls over the required 210 for the project.

The total land area of the project is 10.12 acres. With the proposed 108 apartments on the 10.12 acres, this provides for a total density of 10.67 units per acre. The proposed density is below the allowable density of 12 dwelling units per acre in the high density residential future land use

**City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
August 5, 2014**

Page 4

category in the R-3 zoning district. The conditional use permit request for a planned unit development is based upon the development proposal consisting of multi- family developments having 12 or more units in the R-3 zoning district and the project consisting of 10 acres or more.

This subject parcel has had multiple resolutions granted by the City of Clermont regarding development proposals. A similar conditional use permit request was previously approved on August 22, 2006 (Res. No. 1475); September 23, 2008 (Res. No. 1592); October 26, 2010 (Res. No. 2010-23) and January 22, 2013 (Res. No. 2013-01) for a 108 unit condominium development. Because of market conditions, the owner has not started construction within the required two years and a subsequent conditional use permit was sought to retain the development rights for the project. The owner is requesting to convert the 108 condominiums to 108 apartment units with the latest proposal. In addition, the owner is seeking variances for: (1) retaining walls greater than six feet high, up to a height of 12 feet in height, (2) cut/fill of more than 15 feet with a maximum of 24 feet, and (3) building height to exceed 45 feet, up to 60 feet.

Staff feels this use is consistent with the uses in the area and the conversion from condominiums to apartments with no increase in density is very similar to the previously approved development proposals. Therefore, staff recommends approval of the proposed conditional use permit request for a planned unit development with 108 apartments.

Steve Smith, 1323 Briarhaven Lane, stated that there is a need for affordable apartments in the Clermont area for the working class family. He stated that these will be designed for people who make less than \$12 per hour. He stated that these would be low density with one, two, and three bedroom units.

Ed Freeman, 226 Pleasant Hill Dr., stated that he is against the project and so are the neighbors. He stated that they already have a problem with crime in the area and this will add to the problem. He stated that with condos that are owned by the tenants they would take better care of the property and would be paying taxes in the city. He stated that there are a lot of trees and wildlife in that area that will be taken out due to the apartments.

Kerry Harris, 202 Pleasant Hill Dr., stated that they are looking to lessen the buffer. He stated that they have children that cut through their yards already. He stated that the police can't keep up with the amount of people who are moving into Clermont.

Mr. Freeman stated that they have Southridge Apartments down the road, and they already listen to loud music and parties. He asked if these will become low income units funded by the federal government.

Steve Smith stated that these apartments will not be federally funded. He stated that he has checked with Clermont Police Department, and they said there is no difference with apartments

**City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
August 5, 2014**

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and crime verses subdivisions and crime. He stated that the tenants will be people who work here in Clermont. He stated that the apartment complex pays the taxes rather than the tenants.

Commissioner Bernadette Dubuss stated that she has worked previously with lower income facilities and the crime was not any higher. She stated that she believes there is a need for these types of apartments in Clermont.

Commissioner Judy Proli asked how much the rent will be for the apartments.

Steve Smith stated that it will be \$550 for the one bedroom, \$650 for the two bedrooms, and \$750 for the three bedroom apartments. He stated that it is governed by the county.

Commissioner Judy Proli stated that she would like for them to come to an agreement with the nearby residents.

Commissioner Harry Mason asked if this is low income housing.

Steve Smith said medium to low income housing.

Commissioner Harry Mason asked if this was part of New Beginnings.

Steve Smith stated that this is completely separate from New Beginnings.

Commissioner Harry Mason asked what kind of background checks will be done on the tenants.

Steve Smith stated that there will be credit, police, and drug background checks and they would be required to be employed.

Chairman Nick Jones stated that there are no zoning issues for this project.

Senior Planner John Kruse stated that this is correct.

Commissioner Herb Smith asked what the prior zoning was.

Planning Manager Curt Henschel stated that it has always been R-3.

Commissioner Herb Smith stated that he has never heard of a tax deal on rental homes. He asked if this was in writing or speculation.

City Attorney Dan Mantzaris stated that there is a program in place called workforce housing and there are certain financing arrangements that are available for projects like this.

**City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
August 5, 2014**

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Commissioner Herb Smith asked if this will be built out or built in phases.

Steve Smith stated that this will be built out.

Commissioner Bernadette Dubuss moved to recommend approval of the conditional use permit; Chairman passed the gavel; seconded by Chairman Nick Jones. The vote failed with a 2-3 to recommend approval for the conditional use permit; with Commissioners Smith, Mason, and Proli opposing.

Commissioner Harry Mason moved to recommend denial of the conditional use permit; seconded by Commissioner Herb Smith. The vote passed with a 3-2 to recommend denial for the conditional use permit; with Chairman Jones and Commissioner Dubuss opposing.

4. REQUEST FOR SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT

DEVELOPMENT NAME: Lakeview Village Townhomes

APPLICANT: RM Plus, LLC

Senior Planner John Kruse presented the staff report as follows:

The applicant and owner, RM Plus, LLC, is requesting a future land use amendment to change from Lake County Urban Medium Density to the City's Medium Density Land Use Category. The 7.95-acre parcel is located along the east side of Grand Highway, halfway between SR 50 to the south and Pitt Street to the north. The subject parcel fronts Jacks Lake on the eastern boundary. The subject property is contiguous to the City limits on the west and south, with the east property across Jacks Lake in the City. The City of Clermont's Future Land Use Map, Map 1.2, has the High Density Residential Land Use abutting the property to the west and south, and the Low Density Residential across the lake. A few properties in this area are still in Lake County and it appears this area is an enclave surrounded by the City. All the properties in the enclave have Lake County's Urban Medium Density Residential Future Land Use.

This future land use application is being submitted along with requests for annexation, rezoning to the R-3 Residential/Professional zoning classification, a conditional use permit to allow a townhome community in the R-3 zoning classification, and a variance request.

The proposed medium density future land use fits the character of the surrounding community and is compatible with the area. The proposed townhome project would provide a transition from the commercial to the south to the single family residences to the north. The project would resemble the existing multifamily projects in the immediate area, including the apartment community to the west and the condominiums to the northwest. This project would remove a portion of the existing property in the enclave since it would be served by City utilities and



**CITY OF CLERMONT
CONDITIONAL USE PERMIT (CUP)
APPLICATION**

DATE: 6/24/14

FEE: 300

PROJECT NAME (if applicable): Woodwinds Apartments

APPLICANT: New Beginnings

CONTACT PERSON: Steve Smith

Address: 792 East Montrose Street

City: Clermont State: FL Zip: 34711

Phone: (352)404-6946 Fax: N/A

E-Mail: stevesmith@newbeginningslake.org

OWNER: Charles Sharkus Trustee

Address: 2414 Caledonian Street

City: Clermont State: FL Zip: 34711

Phone: 352-396-1026 Fax: _____

Address of Subject Property: Grand Highway, Clermont, FL 34711 (Not Addressed)

General Location: East side of Grand Highway at the intersection of Hunt Street and Grand Highway. 1/4" mile south of Citrus Tower Blvd.

Legal Description (include copy of survey): Tract 9, According to the Lake Highlands Company Plat of sec 20, twp 22S, Rng 26E, as recorded in PB 3 PG30, public records of Lake County, Florida, subject to a road right-of-way over the west 30 feet and the south 15 feet thereof, Containing 10.12 acres more or less.

Land Use (City verification required): Commercial

Zoning (City verification required): C-2, General Commercial District



AGENDA ITEM

Council Meeting Date		
Tuesday, August 26, 2014		
Agenda Item Name		
Variance Woodwinds Apartments		
Requested Action		
Move to deny variance requests.		
Staff Report		
The applicant is requesting three (3) variances in order to develop the site for the proposed project. The previous development proposal, Woodwind Condos, also included similar variance requests due to the severe topographical change over the site. 1) To allow retaining wall heights up to 12 feet – rather than six feet as required by the Land Development Code, Section 94-195(d)(5) 2) To allow topographical elevation change up to 24 feet – rather than 15 feet as required by the Land Development Code, Section 94-195(d)(4) 3) To allow for a building height up to 60 feet – rather than 45 feet as required by the Land Development Code, Section 122-185(4)		
Legal Impact		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Legal ad	VAR Legal AD.docx	
2. Sec 86-174 Review Criteria	Woodwinds Apt Variance Sec 86-174 Review Criteria.docx	
3. Location Map	Woodwinds Location Map.pdf	
4. Site Plan and Cut/Fill Calculations	2014-7-24 Woodwinds CUP.pdf	
5. Application	VAR application.pdf	

LEGAL NOTICE

Notice is hereby given that the City Council of the City of Clermont will consider a request for the following three variances: (1) to allow retaining wall heights up to 12 feet – rather than six feet as required by the Land Development Code, Section 94-195(d)(5); (2) to allow topographical elevation change up to 24 feet – rather than 15 feet as required by the Land Development Code, Section 94-195(d)(4); and (3) to allow for a building height up to 60 feet – rather than 45 feet as required by the Land Development Code, Section 122-185(4) at the following location:

LOCATION

Vacant property (Alt. Key 3801239)
East of Grand Highway;
south of Citrus Tower Boulevard

A complete legal description may be obtained in the Development Services Department located at 685 West Montrose Street, Clermont, FL 34711.

This request will be heard by the City Council at a public hearing to be held on Tuesday, August 26, 2014 at 7:00 P.M. in the Clermont City Hall located at 685 West Montrose Street.

All interested parties will be given an opportunity to express their views on this matter.

Please be advised that, under State law, if you should decide to appeal a decision made with respect to this matter, you will need a record of the proceedings, and may need to ensure that a verbatim record is made.

Tracy Ackroyd
City Clerk

Daily Commercial
August 19, 2014

Exhibit – Sec. 86-174 Review Criteria and Findings

The requirements for a variance are as follows:

“Sec. 86-174, Review Criteria and Finding. When reviewing an application for a variance, the board of zoning adjustment shall not vary the requirements of any provision of this land development code unless it makes a positive finding, based on substantial competent evidence, on each of the following:”

There are eight items that the applicant is required to respond to. Staff’s comments, based on the eight requirements for a positive finding as they relate to this request, are as follows:

FINDINGS:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district;

Applicant response: *The property has an existing slope across the site of 8%-20% with a total elevation change of 95+/- feet. The proposed retaining wall height, max cut/fill, and building height variances together are requested to make this site developable to the density and intent of its existing zoning.*

Staff comments: *Staff agrees that special conditions or circumstances are demonstrated in the development of this parcel. Previous projects with similar site characteristics have received variances for cut and fill in order to develop the site along with retaining wall heights.*

Positive finding

- (2) The condition giving rise to the requested variance has not been created by any person presently having an interest in the property;

Applicant response: *The existing site conditions are historical natural grade and have not been created by the owner or applicant.*

Staff comments: *Staff agrees that the current owner or applicant did not create the condition severe topographical change over the site. However, the applicant does have an interest in the property and the variances are being requested due to the proposed development of the site.*

Negative finding

- (3) Literal interpretation and enforcement of the land development code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development code, and would work unnecessary and undue hardship on the applicant;

Applicant response: *This site is not developable to the density allowed by its zoning because of its extreme grade. The proposed grading and building height variances will make this property developable to its zoned density.*

Staff comments: *The applicant can still develop the property in conformance with the LDC, with modifications to the overall project and density.*

Negative finding

- (4) The variance request is not based exclusively upon a desire to reduce the cost of developing the site or otherwise economically founded;

Applicant response: *The variances will not reduce the cost of the development of the property.*

Staff comments: *No evidence of decreased costs due to the variance request.*

Positive finding

- (5) The variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building or structure;

Applicant response: *The variances requested have been determined to be the minimum necessary to develop the site to meet the necessary site plan.*

Staff comments: *The applicant is trying to maximize the potential use of the site by requesting the variances. With the proposed cut/fill areas greater than 15 feet comprising of less than 5% of the overall site, the variance could be considered the minimum variance necessary for the applicant to develop the site for the desired project. The retaining walls greater than 6 feet allow the applicant the opportunity to develop the site.*

Positive finding

- (6) Granting of the variance request will not confer on the applicant any special privilege that is denied by the land development code to other lands, buildings or structures in the same zoning district;

Applicant response: *The variances requested do confer conditions that are greater than that of the LDR. These conditions are necessary for development of this particular site.*

Staff comments: *The city council has granted a variance request for this in the past for a topographical elevation change greater than 15 feet. Variances for exceeding building height requirements and retaining wall heights have also been granted on projects in the city.*

Positive finding

- (7) The proposed variance will not substantially diminish property value in, or alter the essential character of the area surrounding the site; and

Applicant response: *The variances requested should not substantially effect property values of surrounding properties any differently than if the property was developed without the variances.*

Staff comments: *The proposed variance does not seem to substantially diminish property values. The applicant is seeking similar variances that were approved for the previous development project at this location.*

Positive finding

- (8) The granting of the variance will be in harmony with the general intent and purpose of this land development code, and will not be injurious to the surrounding properties or detrimental to the public welfare.

Applicant response: The variances requested are similar to other variances granted around the City. Landscaping and screening will be installed harmonious to the LDR's. The proposed variances should not be found injurious or detrimental to the public welfare.

Staff comments: Staff feels that the proposed project will be in harmony with the general intent and purpose of the land development code. This parcel is located in the High Density Residential Future Land Use Category and has the appropriate zoning for the proposed development. Site characteristics make the site challenging to develop.

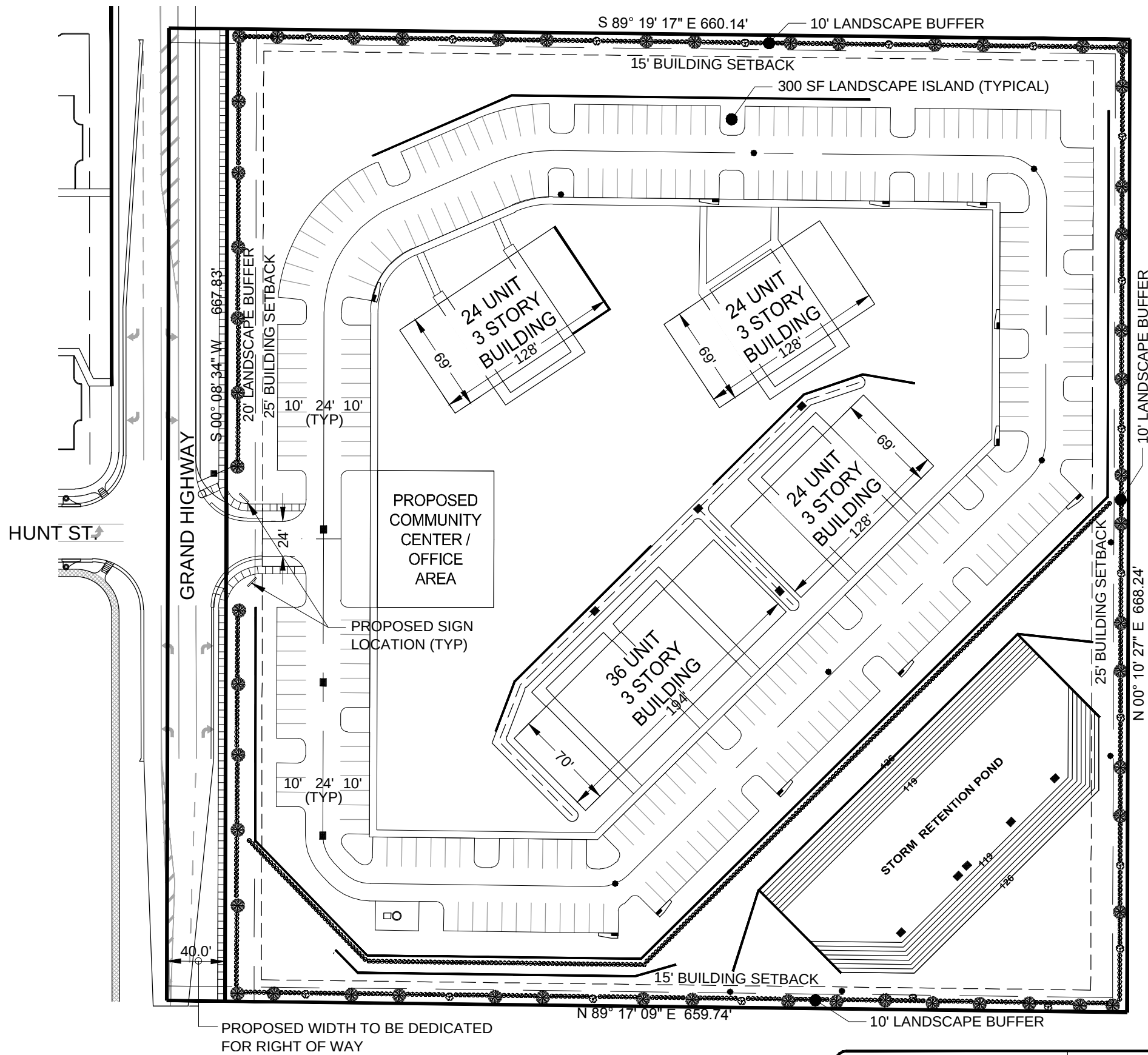
Positive finding

STAFF RECOMMENDATION:

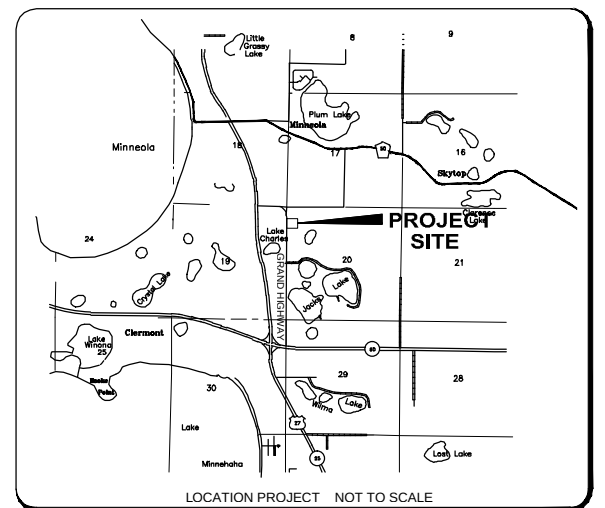
Section 86-174 of the LDC requires a positive finding on eight items in order to grant a variance, and staff believes that **two** of the eight that do not meet these findings. Therefore, staff recommends denial of the three variance requests by the applicant to the Clermont Land Development Code.

Exhibit - Location Map
Woodwinds Apartments





SCALE 1" = 80'



OWNER:
CHARLES SHARKUS
WOODWINDS DEVELOPMENT LLC
541 SW TIMBER TRAIL
STUART, FL 34997

ENGINEER:
ARTHUR C. NIX, PE
MONTVERDE ENGINEERING INC.
P.O. BOX 560116
MONTVERDE, FL 34756

CLIENT/DEVELOPER:
STEVE SMITH
NEW BEGINNINGS
200 E. WASHINGTON STREET
MINNEOLA, FL 34715

LEGAL DESCRIPTION:
TRACT 9, ACCORDING TO THE LAKE HIGHLANDS COMPANY PLAT OF SECTION 20, TOWNSHIP 22 SOUTH, RANGE 26 EAST, AS RECORDED IN PLAT BOOK 3, PAGE 30, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, SUBJECT TO A ROAD RIGHT-OF-WAY OVER THE WEST 30 FEET AND THE SOUTH 15 FEET THEREOF. CONTAINING 10.12 ACRES, MORE OR LESS.

CONDITIONAL USE PERMIT DESCRIPTION:
A PLANNED DEVELOPMENT TO ALLOW FOR A PROPOSED 108 UNIT RESIDENTIAL APARTMENT COMPLEX.

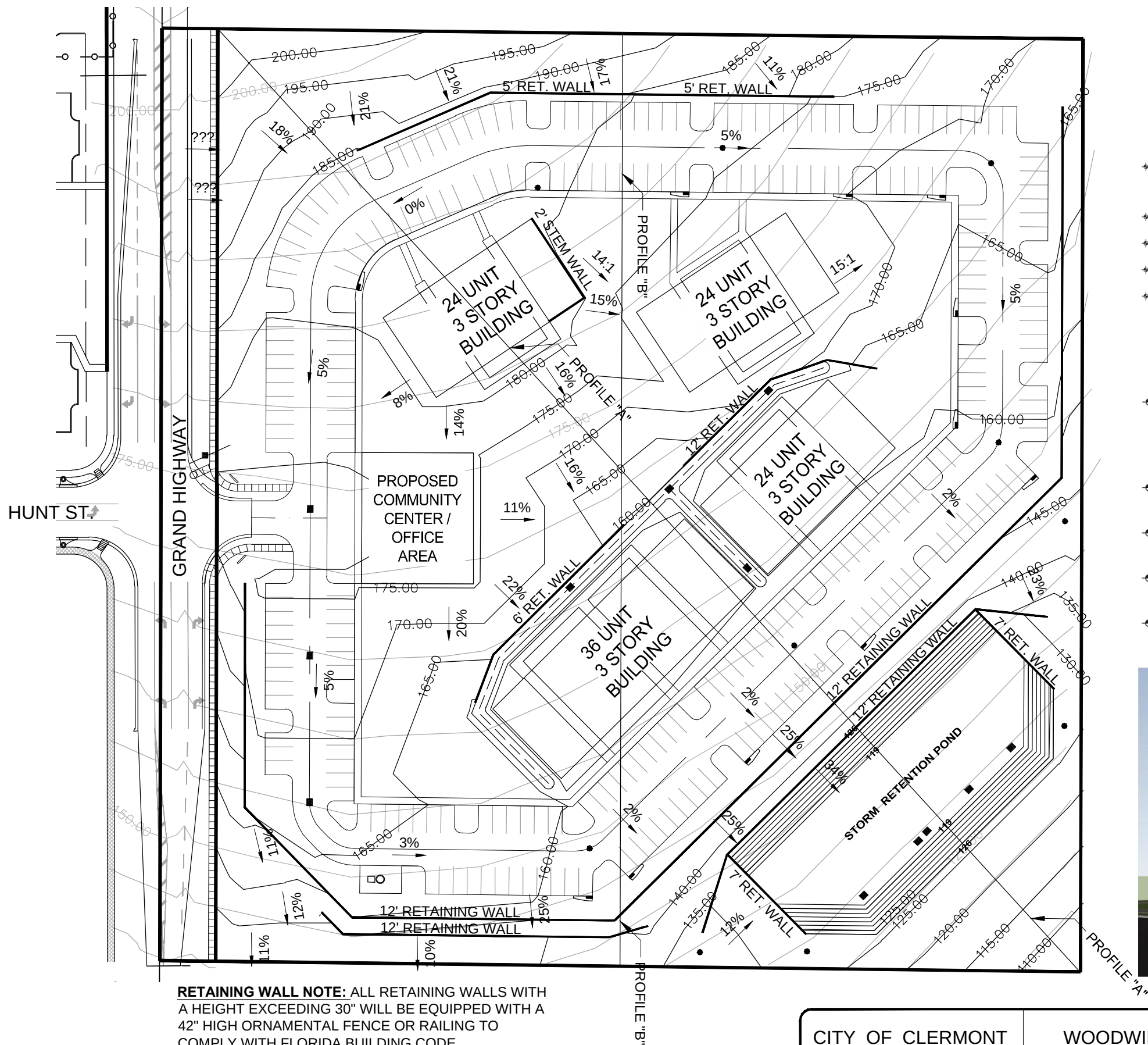
PROJECT INFORMATION:

AREA PARCEL = 10.12 ACRES
NUMBER OF UNITS PER BUILDING = 3 EA @ 24 UNITS, 1 EA @ 36 UNITS
TOTAL NUMBER OF DWELLING UNITS = 108 EACH
PROPOSED DENSITY = 10.67 UNITS PER ACRE
ZONING: R-3, RESIDENTIAL / PROFESSIONAL DISTRICT
FUTURE LAND USE: HIGH DENSITY RESIDENTIAL (UP TO 12 DU/ACRE)

IMPERVIOUS AREA = 3.61 ACRES (35.7%)

PARKING CALCULATIONS:

REQUIRED PARKING STALLS PER 1 BEDROOM UNIT = 1.5 EACH UNIT
24 EACH PROPOSED X 1.5 = 36 STALLS REQUIRED
REQUIRED PARKING STALLS PER 2 BEDROOM UNIT = 2 EACH UNIT
72 EACH PROPOSED X 2 = 144 STALLS REQUIRED
REQUIRED PARKING STALLS PER 3 BEDROOM UNIT = 2.5 EACH UNIT
12 EACH PROPOSED X 2.5 = 30 STALLS REQUIRED
PARKING STALLS REQUIRED FOR MULTIFAMILY = 210 STALLS
PARKING STALLS PROVIDED: = 259 STALLS (+49 STALL SURPLUS)



SCALE 1" = 80'



TYPICAL FRONT / REAR ELEVATION



TYPICAL SIDE ELEVATION



PERSPECTIVE RENDERING

CITY OF CLERMONT

WOODWINDS APARTMENTS

PE# 36859



COA# 5543

SHEET NO.

1 OF 1

DATE

7/24/2014



CITY OF CLERMONT
VARIANCE
Application

DATE: _____

FEE: \$200.⁰⁰

PROJECT NAME (if applicable): Woodwinds Apartments

APPLICANT: New Beginnings

CONTACT PERSON: Steve Smith

Address: 792 East Montrose Street

City: Clermont State: FL Zip: 34711

Phone: (352)404-6946 Fax: N/A

E-Mail: stevesmith@newbeginningslake.org

OWNER: Charles Sharkus Trustee

Address: 2414 Caledonian Street

City: Clermont State: FL Zip: 34711

Phone: 352-396-1026 Fax: N/A

Address of Subject Property: Grand Highway, Clermont, FL 34711 (Not Addressed)

General Location: East side of Grand Highway at the intersection of Hunt Street and Grand Highway.
1/4" mile south of Citrus Tower Blvd.

Legal Description (include copy of survey): Tract 9, According to the Lake Highlands Company Plat of
sec 20, twp 22S, Rng 26E, as recorded in PB 3 PG30, public records of Lake County, Florida, subject to a road
right-of-way over the west 30 feet and the south 15 feet thereof, Containing 10.12 acres more or less.

Land Use (City verification required): Commercial

Zoning (City verification required): C-2, General Commercial District

CITY OF CLERMONT
VARIANCE
Application
Page 2

Answers to the following questions are required to complete this application.

City Zoning Ordinance (Land Development Code Section) from which you are requesting relief: 1: Retaining Wall Height 6' allow 12' (Sec 94-195(d)(5)), 2: 15' Max Cut/Fill limit 15' allow 22' (Sec 94-195(d)(4)), 3: Building Height Max 55' to allow 60' (Sec 122-225(2)),

What are you proposing to do that would require a variance and why?

Due to the extreme existing grade of the property retaining wall and major grading is required to make the property developable. Multiple 12' walls would be necessary in order to bring the property to a usable slope. Making these modifications to the site would also require additional cut than what the current LDR allow in the retention pond area. The retention area will require a cut of approximately 22'. Three story buildings are proposed the building height will be 59-60'. Three story buildings are necessary due to the topography of the site the building footprints must be smaller in order to allow for changes in grade.

How does the Code create a hardship?

The LDR's create a hardship due to the topography and natural slope of the property. This particular site is one of the more steep sites in the city.

*** * * * ***
The following justifications must be completed
for any variance requested:

Variance requested – subject and code section:1: Retaining Wall Ht 6' allow 12' (Sec94-195(d)(5)),2: 15' Max Cut/Fill limit 15' allow 22' (Sec 94-195(d)(4)), 3: Building Height Max 55' to allow 60' (Sec122-225(2))

Sec. 86-174. Review criteria and findings.

When reviewing an application for a variance, the board of zoning adjustment shall not vary the requirements of any provision of this land development code unless it makes a positive finding, based on substantial competent evidence, on each of the following:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district;

The property has an existing slope across the site of 8%-20% with a total elevation change of 95 +/- feet.

The proposed retaining wall height, max cut/fill, and building height variances together are requested to make this site developable to the density and intent of its existing zoning

- (2) The condition giving rise to the requested variance has not been created by any person presently having an interest in the property;

The existing site conditions are historical natural grade and are have not been created by the owner or applicant.

CITY OF CLERMONT
VARIANCE
Application
Page 3

3) Literal interpretation and enforcement of the land development code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development code, and would work unnecessary and undue hardship on the applicant;

This site is not developable to the density allowed by its zoning because of its extreme grade. The proposed grading and building height variances will make this property developable to its zoned density.

(4) The variance request is not based exclusively upon a desire to reduce the cost of developing the site or otherwise economically founded;

The variances will not reduce the cost of the development of the property.

(5) The variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building or structure;

The variances requested have been determined to be the minimum necessary to develop the site to meet the necessary site plan.

(6) Granting of the variance request will not confer on the applicant any special privilege that is denied by the land development code to other lands, buildings or structures in the same zoning district;

The variances requested do confer conditions that are greater than that of the LDR. These conditions are necessary for development of this particular site.

(7) The proposed variance will not substantially diminish property value in, or alter the essential character of, the area surrounding the site; and

The variances requested should not substantially effect property values of surrounding properties any differently than if the property was developed without the variances.

(8) The granting of the variance will be in harmony with the general intent and purpose of this land development code, and will not be injurious to the surrounding properties or detrimental to the public welfare.

The variances requested are similar to other variances granted around the City. Landscaping and screening will be installed harmonious to the LDR's. The proposed variances should not be found injurious or detrimental to the public welfare.

CITY OF CLERMONT
VARIANCE
Application
Page 4

Applicant Name (print)

X _____
Applicant Name (*signature*)

Owner Name (print)

X _____
Owner Name (*signature*)

***** NOTICE *****

IF THIS APPLICATION IS SUBMITTED INCOMPLETE OR INACCURATE, IT WILL BE SUBJECT TO A DELAY IN PROCESSING AND WILL NOT BE SCHEDULED UNTIL SUCH CORRECTIONS ARE MADE. APPLICATION FOR VARIANCE DOES NOT GUARANTEE APPROVAL. THE APPLICANT MUST BE PRESENT AT ANY MEETINGS TO JUSTIFY AND SUPPORT THE REQUEST.

City of Clermont

Planning & Zoning Department.
685 W. Montrose St.
P.O. Box 120219
Clermont, FL. 34712-021 9
(352) 394-4083 Fax: (352) 394-3542

**** Please DO NOT copy these codes as part of your application ****

ARTICLE IV. VARIANCES

Sec. 86-171. Permitted variances; exclusions.

(a) *Hardship relief.* A hardship may exist in which the strict application of one or several requirements of this land development code would render a parcel incapable of reasonable use. Specified provisions set forth in this land development code or in the development standards may be waived when, because of the particular physical shape, surroundings or topographical condition of the property, compliance would result in a particular hardship upon the owner. A hardship is distinguished from a mere inconvenience or a desire to increase monetary gain.

(b) *Exclusions.* Requests for variances from requirements of the land development code shall generally be considered for those provisions which regulate proposed site development and the requirements applicable to existing development. The following request for variances shall not be considered:

- (1) Requests for variances to the adopted comprehensive plan.
 - (2) Requests for variances to permit a use which is not allowed as a permitted use or as a conditional use within the specific zoning district.
 - (3) Requests for variances to permit the expansion of a nonconforming use of any land or structure, or the continuance of any nonconforming use which has ceased by discontinuance or abandonment for a period of one year, or the reestablishment of a nonconforming building or structure which has been destroyed or damaged by fire, explosion or act of God or in another manner to the extent of 50 percent or more of its assessed valuation.
- (c) *Final decision.* Final determination of a hardship relief decision is vested in the city council sitting as the board of adjustment as provided for in this article.

(Ord. No. 281-C, § 1(ch. 8, § 1), 11-8-94)

Sec. 86-172. Application.

Sec. 86-173. Notice of public hearing.

Sec. 86-174. Review criteria and findings.

When reviewing an application for a variance, the board of zoning adjustment shall not vary the requirements of any provision of this land development code unless it makes a positive finding, based on substantial competent evidence, on each of the following:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district;
- (2) The condition giving rise to the requested variance has not been created by any person presently having an interest in the property;

CITY OF CLERMONT
VARIANCE
Application
Page 4

NEW BEGINNINGS
Applicant Name (print)

X [Signature]
Applicant Name (signature)

CHARLES STANLEY TRUSTEE
Owner Name (print)

X [Signature]
Owner Name (signature)

***** NOTICE *****

IF THIS APPLICATION IS SUBMITTED INCOMPLETE OR INACCURATE, IT WILL BE SUBJECT TO A DELAY IN PROCESSING AND WILL NOT BE SCHEDULED UNTIL SUCH CORRECTIONS ARE MADE. APPLICATION FOR VARIANCE DOES NOT GUARANTEE APPROVAL. THE APPLICANT MUST BE PRESENT AT ANY MEETINGS TO JUSTIFY AND SUPPORT THE REQUEST.

City of Clermont
Planning & Zoning Department.
685 W. Montrose St.
P.O. Box 120219
Clermont, FL. 34712-021 9
(352) 394-4083 Fax: (352) 394-3542



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Council Meeting Date		
Tuesday, August 26, 2014		
Agenda Item Name		
Intergovernmental Coordination Element Comprehensive Plan Amendment; Transmittal Hearing Table to September 23, 2014		
Requested Action		
Move to table to September 23, 2014.		
Staff Report		
The Intergovernmental Coordination Element of the City of Clermont's Comprehensive Plan is being amended to include the recent adoption of the Interlocal Service Boundary Agreement (ISBA) between the City and Lake County. The ISBA addresses lands that may be annexed, water and sewer service delivery, maintenance of right-of-way, land development regulations, solid waste, sharing of equipment and resources, and fire and rescue services. The ISBA was first introduced to the Council on May 13, 2014 with approval on June 10, 2014. The ISBA was sent to Lake County for approval and was approved by the Lake County Board of County Commissioners on July 8, 2014 with changes. The changes were incorporated into the revised ISBA document that was introduced to the Council on July 22, 2014. Since the ISBA is an intergovernmental agreement between the City and Lake County, it must be referenced in the City's Comprehensive Plan. This proposed amendment is to incorporate the ISBA into the Intergovernmental Coordination Element. Transmittal to the Florida Department of Economic Opportunity (formally Department of Community Affairs) for review will be done to satisfy the requirements to add this amendment to the Comprehensive Plan. A request for Council adoption of the ordinance will follow in the fall of 2014. <i>Commissioner Judy Proli moved to recommend approval of the transmittal of the Intergovernmental Coordination Element; seconded by Commissioner Bernadette Dubuss. The vote was unanimous to recommend approval of the transmittal.</i>		
Legal Impact		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount

Exhibits Attached (copies of original agreements)

- | | | |
|----|---------------|--------------------------|
| 1. | ICE Comp Plan | ICE Draft 2014 PZ.docx |
| 2. | Legal ad | ICE Legal ad 8-2014,.doc |
| 3. | Minutes | ICE minutes.pdf |



CITY OF CLERMONT COMPREHENSIVE PLAN

CHAPTER XII INTERGOVERNMENTAL COORDINATION ELEMENT

Adopted June 23, 2009
Amended October 28, 2014

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CHAPTER XII INTERGOVERNMENTAL COORDINATION

Goal 1: To establish viable mechanisms among the pertinent governmental, public and private entities to ensure awareness and coordination of all development activities, and to provide effective and efficient utilization of all available resources to ultimately enhance the quality of life for present and future populations.

Objective 1.1: Coordinate Comprehensive Plan. The City of Clermont shall coordinate comprehensive planning activities with Lake County, the cities of Minneola and Groveland, the Town of Montverde and the East Central Florida Regional Planning Council (ECFRPC).

Policy 1.1.1: When considering comprehensive plan amendments the City shall review the Lake County, Minneola, Montverde and Groveland comprehensive plans, as applicable.

Policy 1.1.2: The City shall review and compare municipal and Lake County land development regulations applicable to respective adjacent lands for compatibility and for conflict with growth management goals, objectives and policies.

Policy 1.1.3: The City shall participate in the ECFRPC's Strategic Regional Policy Plan review and update process as mandated by state statute.

Objective 1.2: Impacts of Development. The City shall ensure that the impacts of development proposed in the City's comprehensive plan are coordinated with adjacent municipalities, Lake County, the Lake County School Board, the ECFRPC's Strategic Regional Policy Plan, the Lake-Sumter Metropolitan Planning Organization (MPO), and the state.

Policy 1.2.1: The City shall notify Lake County and adjacent municipalities as part of the development review process when impacts of a development may impact those jurisdictions.

Policy 1.2.2: The City shall coordinate with the ECFRPC and other applicable governmental agencies when developments requiring Chapter 380, Florida Statutes review are within the City's jurisdiction.

Policy 1.2.3: The City shall coordinate transportation planning activities with the Florida Department of Transportation (FDOT), ECFRPC, Lake-Sumter MPO, Lake County and the adjacent municipalities to protect and preserve necessary future rights-of-way.

Policy 1.2.4: The City shall coordinate planning activities with the FDOT, the Florida Department of Agriculture, the ECFRPC, the Lake-Sumter MPO and Lake County to establish mechanisms for delineation and adoption of corridor roadway systems in and around the City of Clermont.

Objective 1.3: Coordinate Level of Service (LOS) Standards. The City shall implement formal and informal process, memorandums of agreement and coordination mechanisms that establish appropriate level of service standards, consistency and compatibility between the City's

adopted comprehensive plan and the mandated plans and legislated activities of federal, state and regional governments or agencies empowered with jurisdictional and quasi-jurisdictional authority and/or service facility provision and maintenance responsibility.

Policy 1.3.1: The City shall coordinate with the Lake-Sumter MPO, Lake County and the FDOT to establish concurrency management mechanisms that will provide consistent LOS standards to be maintained on major roadways in and around the City of Clermont.

Policy 1.3.2: The City will coordinate adopted solid waste LOS standards with Lake County.

Policy 1.3.3: The City shall coordinate with St. Johns River Water Management District (SJRWMD), Florida Department of Environmental Protection (FDEP), Federal Emergency Management Agency (FEMA) and other appropriate state and federal agencies that have jurisdictional authority or responsibility in the City to ensure water quality, stormwater drainage and flood control measures are addressed consistent with impacts of development.

Policy 1.3.4: The City in conjunction with Lake County, SJRWMD, FDEP and other affected federal, state and local entities shall designate respective personnel to investigate and formulate planning strategies for potential placement and implementation of regional wastewater treatment facilities.

Policy 1.3.5: The City shall coordinate necessary activities with the plans, programs and administered legislative actions of FDEP and Lake County to implement proper operation, storage and disposal of both solid and hazardous waste.

Policy 1.3.6: The City shall coordinate appropriate activities with the FDEP, SJRWMD (including consistency with the District's ERP and CUP rules), Lake County Water Authority and Lake County to effectively manage the preservation and protection of surface and ground water quality and quantity, and aquifer recharge areas.

Policy 1.3.7: The City shall ensure that natural resources occurring in, or affecting more than one governmental jurisdiction, are effectively managed to preserve, protect, and enhance natural systems, wildlife, fisheries and habitat. This includes ensuring its stormwater management, aquifer recharge and reuse water policies and projects are consistent with the goals of the SJRWMD Lake Apopka Surface Water Improvement and Management (SWIM) Plan and the Upper Ocklawaha River Basin SWIM Plan to protect or enhance water quality and natural systems.

Policy 1.3.8: The City shall coordinate with existing resource protection plans of other government agencies and entities including the FDEP, SJRWMD, Lake County and the Lake County Water Authority, as well as with nonprofit environmental organizations to appropriately conserve and manage natural areas and open space.

Policy 1.3.9: The City shall participate in the development of updates to the SJRWMD's Water Supply Assessment and District Water Supply Plan and in other water supply development-related initiatives facilitated by SJRWMD that affect the City.

Objective 1.4: Conflict Resolution. The City will provide for informal or formal conflict resolution mechanisms when necessary to deal with issues of intergovernmental coordination.

Policy 1.4.1: The City shall utilize the informal mediation process provided by the ECFRPC for resolving conflicts with other local governments when applicable.

Policy 1.4.2: The City shall provide for joint meetings of the City Council and the Lake County Board of County Commissioners to resolve issues relating to intergovernmental coordination.

Objective 1.5: Coordinate Growth Management Issues. The City shall coordinate growth management issues transcending jurisdictional areas through cooperative communications with Lake County and neighboring municipalities at the staff and elected official levels by presenting the City of Clermont's concerns through documented transmittals, scheduled meetings, attendance at Lake County and adjacent cities' public hearings, joint ad hoc technical coordination committees, execution of interlocal agreements if applicable and, where relevant, less formal communications within one year of the adoption of this element.

Policy 1.5.1: The City shall coordinate growth management activities with Lake County to pursue appropriate, compatible land management for areas adjacent to the City, including enclaves, to avoid conflict created by possible placement of incompatible land uses and to establish compatibility between City, county and the adjacent cities' growth management efforts.

Policy 1.5.2: The City shall engage in mutual discussion with Lake County, the Town of Montverde, and the cities of Minneola and Groveland to establish an annexation policy to direct an orderly and timely process of annexing unincorporated lands adjacent to the City.

Policy 1.5.3: The City shall develop mutually agreeable land use designations for unincorporated areas within the confines of any service area or delineated annexation zone. The emphasis shall be on compatibility with both the City and adjacent governments' comprehensive plan future land use elements.

Policy 1.5.4: The City shall focus commercial development along state roads to commercial nodes in the incorporated areas where there are central services, and shall designate lands in unincorporated areas adjacent to municipalities to lower residential densities, and less intensive land uses than permitted in the City or designated service areas.

Policy 1.5.5: The City shall amend the existing interlocal agreement for the presently designated Joint Planning Area to adequately address mutual issues, logistics, responsibilities for managing future growth and legal requirements necessary to validate any such agreement. The City shall participate with Lake County to amend the current interlocal agreement, as needed, to address the following issues:

- Expansion of the county's technical review committee to include representatives from the City of Clermont on issues concerning any development of land or land use action within any agreed upon Joint Planning Area;

- Determination of land use authority for land within any agreed-upon Joint Planning Area; and
- Identification of applicable level of service criteria for any agreed-upon Joint Planning Area

Policy 1.5.6: The City shall coordinate with Lake County through the adopted Interlocal Service Boundary Agreement (ISBA), formally adopted XXX, 2014, which addresses lands that may be annexed, water and sewer service delivery, maintenance of right-of-way, land development regulations, solid waste, sharing of equipment and resources, and fire and rescue services. (Adopted XXX, 2014; Ord. 2014-17)

Policy 1.5.7: The City shall establish joint processes for the siting of facilities with county-wide significance, including locally unwanted land uses, such as solid waste disposal facilities.

Objective 1.6: Housing and Recreational Facilities. The City shall provide appropriate mechanisms to coordinate information and programs for the provision of housing and recreational facilities.

Policy 1.6.1: The City shall solicit recommendations and assistance from various public agencies and quasi-public organizations such as the Florida Department of State, Division of Historic Resources, the Florida Department of Community Affairs (DCA), Farmers Home Administration, HUD, Florida Department of Children & Families, Lake County Housing Authority and South Lake Chamber of Commerce to assist in program funding, identification of structures and areas to be preserved for historical purposes, and identification of potential areas to be recommended for future community revitalization type actions.

Policy 1.6.2: The City shall continue both formal and informal communication with appropriate state and regional agencies, such as the DCA and the ECFRPC, to sustain availability of information on specific programs, projects, and legislation pertinent to local governments and to provide technical assistance for potential grants and Development of Regional Impact (DRI) reviews.

Policy 1.6.3: The City shall continue to coordinate with officials of the Lake County School Board to ensure provision and availability of necessary infrastructure and utilities consistent with location and construction of new educational facilities and/or improvements to existing facilities.

Policy 1.6.4: The City shall engage in efforts with Lake County and the Lake County School Board for procurement, operation and maintenance of parks and recreation facilities.

Policy 1.6.5: The City shall continue to cooperate with state agencies in identifying programs and funding sources to promote further development of community parks, open space and recreation facilities.

Policy 1.6.6: The City shall continue to cooperate with state agencies as well as with nonprofit environmental organizations in identifying programs and funding sources to promote further development of community parks, open space and recreation facilities and to coordinate with them in effectively managing existing natural areas and open space.

Objective 1.7: School Coordination. The City of Clermont will coordinate with the Lake County School Board with regard to school siting criteria, collocation of facilities and planning coordination within one year of the adoption of this element.

Policy 1.7.1: The City and the Lake County School Board shall discuss and coordinate development plans for expansion of existing schools or development of new education facilities within the City to assure such activities are consistent with growth management directives established within the City's comprehensive plan. Issues shall include the impacts of facilities on adopted LOS standards established for public school facilities, transportation, potable water, wastewater, drainage and solid waste services.

Policy 1.7.2: The City shall provide the Lake County School Board with information regarding proposed new developments to assist its efforts in planning new schools and to solicit its review comments.

Policy 1.7.3: The City shall abide by and enforce the interlocal agreement between the City and the Lake County School Board to require cooperation in terms of population projection and school siting.

Policy 1.7.4: The Lake County School Board shall provide facilities plans and population projections on an annual basis to ensure that consistency is maintained between the two.

Policy 1.7.5: The Lake County School Board shall provide the City with any plans to site schools within the corporate limits or joint planning area.

Policy 1.7.6: The City shall provide to the Lake County School Board all applications for land use plan amendments that have the potential of increasing residential density and that may affect student enrollment, student enrollment projections or school facilities.

Policy 1.7.7: The City shall allow a member of the Lake County School Board to sit as an ex-officio member on the Local Planning Agency and comment on proposals that have the potential to increase density.

Policy 1.7.8: The City will take part in the Lake County Educational Concurrency Review Committee established by Lake County, Lake County School Board and the municipalities of Lake County that shall meet at least annually as outlined in the interlocal agreement between Lake County, Lake County School Board and municipalities for school facilities planning and siting, and will hear reports and discuss issues concerning school concurrency.

Policy 1.7.9: The City will take part in the Joint Staff School Concurrency Review Group, comprised of staff of Lake County, the municipalities of Lake County, and the

Lake County School Board, that shall meet at least quarterly, as outlined in the interlocal agreement between Lake County, Lake County School Board and the municipalities of the county, for school facilities planning and siting, to discuss issues concerning school concurrency. These issues shall include but not be limited to land use, school facilities planning, including such issues as population and student projections, level of service, capacity, development trends, school needs, co-location and joint use, and ancillary infrastructure improvements needed to support schools and ensure safe student access. The Lake County School Board staff shall be responsible for making meeting arrangements.

Policy 1.7.10: The City will provide full cooperation and coordination with the Lake County School Board, as needed, to coordinate planning activities and maximize the use of available public facilities.

Policy 1.7.11: The City will pursue formalization of existing agreements with the Lake County School Board for the use of school facilities for recreation services and activities. Agreements should establish a level of service ratio to determine the maximum allowable use of the facilities for public access to optimize the use of the facilities and to help the City determine its long-term recreation needs.

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CITY OF CLERMONT

NOTICE OF PROPOSED AMENDMENT TO COMPREHENSIVE PLAN

The City of Clermont will hold a public hearing Tuesday, August 5, 2014 at 7pm before the City of Clermont Planning and Zoning Commission and Tuesday, August 26, 2014 (transmittal) at 7pm before the City Council to consider proposed changes to the Intergovernmental Coordination Element of the City's adopted comprehensive plan.

The public hearings will be in the Council chambers of City Hall, 685 W. Montrose St., and are open to public comment. Please call (352) 241-7309 if you have any questions.

The proposed amendment may be inspected at the City's planning department (first floor, City Hall) between 8am and 5pm. Monday-Friday.

Please be advised that under state law, any person deciding to appeal a decision made at the public hearing will need a record of the proceedings and may need to ensure a verbatim record is made. Persons with disabilities who need assistance should contact the City Clerk's office, (352) 241-7330, at least 48 hours prior to the public hearing.

Tracy Ackroyd
City Clerk

Daily Commercial
July 23, 2014 & August 12, 2014

**City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
August 5, 2014**

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7. REQUEST FOR COMPREHENSIVE PLAN AMENDMENT

DEVELOPMENT NAME: Intergovernmental Coordination Element
APPLICANT: Staff

Senior Planner John Kruse presented the staff report as follows:

The Intergovernmental Coordination Element of the City of Clermont's Comprehensive Plan is being amended to include the recent adoption of the Interlocal Service Boundary Agreement (ISBA) between the City and Lake County. The ISBA addresses lands that may be annexed, water and sewer service delivery, maintenance of right-of-way, land development regulations, solid waste, sharing of equipment and resources, and fire and rescue services. The ISBA was first introduced to the Council on May 13, 2014 with approval on June 10, 2014. The ISBA was sent to Lake County for approval and was approved by the Lake County Board of County Commissioners on July 8, 2014 with changes. The changes were incorporated into the revised ISBA document that was introduced to the Council on July 22, 2014. Since the ISBA is an intergovernmental agreement between the City and Lake County, it must be referenced in the City's Comprehensive Plan. This proposed amendment is to incorporate the ISBA into the Intergovernmental Coordination Element.

Transmittal to the Florida Department of Economic Opportunity (formally Department of Community Affairs) for review will be done to satisfy the requirements to add this amendment to the Comprehensive Plan. A request for Council adoption of the ordinance will follow in the fall of 2014.

Commissioner Judy Proli moved to recommend approval of the transmittal of the Intergovernmental Coordination Element; seconded by Commissioner Bernadette Dubuss. The vote was unanimous to recommend approval of the transmittal

There being no further business, the meeting was adjourned at 8:25 pm.

Nick Jones, Chairman

ATTEST:

Rae Chidlow – Administrative Assistant