



**CITY OF CLERMONT
PLANNING AND ZONING COMMISSION AGENDA
7:00 PM, Tuesday, October 7, 2014
City Hall – 685 W. Montrose Street, Clermont, FL**

**CALL TO ORDER
INVOCATION AND PLEDGE OF ALLEGIANCE**

MINUTES

Approval of the September 2, 2014 Planning and Zoning meeting minutes

REPORTS

NEW BUSINESS

- | | |
|---|---|
| Item 1 - Lemley - 1107 W. Minneola Avenue
Small-scale Comp Plan Amendment | Request to change the future land use
from Medium Density Residential to
Downtown Mixed Use |
| Item 2 - Silver Fox Development
Small-scale Comp Plan Amendment | Request to change the future land use
from Office to Commercial |
| Item 3 - Silver Fox Development
Rezoning | Request to change the zoning from C-1
Light Commercial to C-2 General
Commercial |
| Item 4 - Hartwood Marsh Subdivision (D.R.
Horton)
Large-scale Comp Plan Amendment | Request to change the future land use
from Lake County Urban Low Density to
City of Clermont Low Density
Residential |
| Item 5 - Hartwood Marsh Subdivision (D.R.
Horton)
Rezoning | Request to change the zoning from UE
Urban Estate to R-2 Medium Density
Residential. |
| Item 6 - Heritage Hills
Conditional Use Permit | Request to amend conditional use permit
to allow an adjustment to the road-way
connection points and to allow for a non-
age restricted portion of the site. |
| Item 7 - Land Development Code Amendment | Request to amend Chapter 118, Section
118-35. |

Discussion of Non-Agenda Items

ADJOURN

Any person wishing to appeal any decision made by the Planning and Zoning Commission 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 as defined by the ADA needs special accommodation to participate in this proceeding, then not later than two (2) business days prior to the proceeding, he or she

CITY OF CLERMONT
PLANNING AND ZONING COMMISSION AGENDA
7:00 PM, Tuesday, October 7, 2014
City Hall – 685 W. Montrose Street, Clermont, FL
should contact the Planning and Zoning Department at 352-241-7302.

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 Recording Clerk for the City's records.

**City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
September 2, 2014**

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The meeting of the Planning & Zoning Commission was called to order Tuesday September 2, 2014 at 7:00 p.m. by Chairman Nick Jones. Other members present were Carlos Solis, Herb Smith, Harry Mason, Judy Proli, and Tony Hubbard. Also in attendance were Barbara Hollerand, Development Services Director, Curt Henschel, Planning Manager, John Kruse, Senior Planner, Dan Mantzaris, City Attorney, and Rae Chidlow, Planning Specialist.

Chairman Nick Jones introduced new Commissioner Tony Hubbard.

MINUTES of the Planning and Zoning Commission meeting held August 5, 2014 were approved as written.

REPORTS

There were no reports.

1. REQUEST FOR CONDITIONAL USE PERMIT

DEVELOPMENT NAME: House of Deliverance

APPLICANT: Samuel D. Arthur, Sr.

Planning Manager Curt Henschel presented the staff report as follows:

The applicant is requesting a conditional use permit to operate a house of worship in the C-2 zoning district and to allow monthly outdoor fund raising events.

The applicant/ church originally obtained a conditional use permit in July 2012 to be located in Sunnyside Plaza. They are now seeking to relocate to 1203 Highway 50 within the Emerald Lakes Shopping Plaza (Unit F, 1,300 square feet).

The church has a congregation of 25 for Sunday service, and holds a Tuesday evening bible study at 7:00 p.m.

The applicant would also like to continue the fundraising events approved in 2013 for the previous location. These events are held one day per month on Saturday or Sunday and are centered on food sales during lunch hours (10am to 3pm). A small area with a tent and portable grill will be set up within the parking lot for this event.

Staff recommends approval.

Samuel Arthur, Pastor of House of Deliverance, stated that they are looking to open a new location in the Emerald Lakes Plaza.

Commissioner Herb Smith asked about the restrictions pertaining to selling of alcohol.

City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
September 2, 2014

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Mr. Henschel stated that there is a condition in the conditional use permit that states that the church will not contest any business opening or existing within 500 feet that serves alcohol.

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

2. REQUEST FOR CONDITIONAL USE PERMIT

DEVELOPMENT NAME: River of Glory

APPLICANT: David Young

Senior planner John Kruse presented the staff report as follows:

The applicant is requesting a conditional use permit for a house of worship in the C-2 zoning district.

The church proposes to occupy a 1,000 square foot office space available at 341 North Highway 27. The church has a congregation of approximately 45 people and plans to have meetings on Friday evening, Saturday evening and on Sundays.

Staff recommends approval.

David Young, 701 Wurst Road, Ocoee, stated that they have about 30 to 40 people who meet on a regular basis and they are hoping to open up a church in this location.

Commissioner Judy Proli asked about the facility only having one restroom.

Mr. Kruse stated that when the church submits for permitting, they may be required to add a restroom. The church will have to meet code and health regulations.

Commissioner Harry Mason moved to recommend approval of the conditional use permit; seconded by Commissioner Carlos Solis. The vote was unanimous to recommend approval for the conditional use permit to City Council.

3. REQUEST FOR LAND DEVELOPMENT CODE AMENDMENT

REQUEST: Land Development Code Amendment

APPLICANT: Staff

Planning Manager Curt Henschel presented the staff report as follows:

City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
September 2, 2014

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Staff recommends approval of Ordinance No. 2014-24, which includes updates to the Land Development Code dealing with Home Occupations and Restaurants within the Central Business District.

Under Section 122-349, Home Occupations, a change that has been brought to staff's attention is a request to delete Real Estate Sales and Brokerage under the prohibited home occupation use listed under Section 122-349 (c)(7). With the advance in technology and the use of smart phones and the internet, real estate agents can conduct business at home for consultation with their clients. The actual transactions by real estate professionals will still need to be done in a general office setting through the licensed broker's commercial office. This change would also provide consistency with Lake County's Land Development Regulations, Chapter 10.

Staff recommends approval.

Commissioner Harry Mason asked if the language "Lounge" includes a bar.

Mr. Henschel stated that "Lounge" could be removed from that section of the code.

Commissioner Judy Proli asked if the restaurant will still have to come before City Council.

Mr. Henschel stated that with this ordinance change, they would not need to come before City Council.

Commissioner Harry Mason stated that he has reservations about allowing realtors to operate from their homes. He feels it will bring traffic to the home due to signing contracts.

Chairman Nick Jones stated that typically contracts are signed at a title company or a lawyer's office.

Mr. Henschel stated that the home business restrictions do not allow clients to come to residential homes. He stated that it would become a code enforcement issue if this was to happen.

Commissioner Carlos Solis stated that many people conduct business from their homes.

Commissioner Tony Hubbard stated that he thinks that the Florida Real Estate Commission requires realtors to work from a Brokers office.

Commissioner Harry Mason moved to recommend approval of the restaurants portion without the language of "lounges" and to deny the Real Estate portion of the Land Development Code amendment. The motion fails due to lack of a second.

Judy Proli moved to recommend approval of the land development code amendment, without the language of "lounges"; seconded by Commissioner Harry Mason. The vote was 5-1 to

**City of Clermont
MINUTES
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September 2, 2014**

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recommend approval of the land development code amendment, with Commissioner Herb Smith opposing.

4. REQUEST FOR LAND DEVELOPMENT CODE AMENDMENT

DEVELOPMENT NAME: Land Development Code Amendment

APPLICANT: Staff

Planning Manager Curt Henschel presented the staff report as follows:

Staff recommends approval of Ordinance 2014-25, which is an update to the Land Development Code dealing with property maintenance.

Changes to Chapter 122 Zoning include maintenance details to unimproved property that is left natural or is planted with agricultural crops. The existing City code does not provide direction on maintaining the aesthetics of these types of unimproved parcels.

This administrative request was advertised as including changes to both Chapter 94 (Section 94-52) and to Chapter 122 (Section 122-344); however, only changes to Chapter 122-344 are being brought forward at this time.

Staff recommends approval.

City Attorney Dan Mantzaris stated that the way the code reads now, the property owner would be required to mow the entire piece of property regardless of how large the property is. He stated that this could be a financial burden for those property owners.

Commissioner Carlos Solis moved to recommend approval of the land development code amendment; seconded by Herb Smith. The vote was unanimous to recommend approval for the land development code amendment.

There being no further business, the meeting was adjourned at 7:40 pm.

Nick Jones, Chairman

ATTEST:

Rae Chidlow – Planning Specialist



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date																	
Tuesday, October 7, 2014																	
Agenda Item Name																	
Lemley - 1107 W. Minneola Avenue Small-scale Comp Plan Amendment																	
Requested Action																	
Recommend approval of Ordinance No. 2014-28																	
Staff Report																	
The owner is requesting a future land use map amendment to change from Medium Density Residential to Downtown Mixed Use Land Use Category. The 0.4 +/- acre parcel is located along the south side of W. Minneola Ave. and west of 11th Street. The subject property is entirely contained within the City limits and utilities are available. The proposed Downtown Mixed Use Future Land Use fits the character of the surrounding community and is compatible with the area. The parcel has the Downtown Mixed Use designation adjoining to the north and east of the site. The current underlying zoning of R-3 Residential/Professional is not in conflict with the proposed Downtown Mixed Land Use and allows the owner the opportunity to develop it into a four-unit townhome project. 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 Medium Density Residential to Downtown Mixed Use Land Use Category.																	
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>CPA ORD 2014-28.doc</td></tr><tr><td>2.</td><td>Maps</td><td>1107 W Minneola Maps.pdf</td></tr><tr><td>3.</td><td>Site plan</td><td>Site Plan.pdf</td></tr><tr><td>4.</td><td>Application</td><td>SS Comp plan application.pdf</td></tr><tr><td>5.</td><td>Legal ad</td><td>1107 W Minneola CPA Legal Ad.docx</td></tr></table>			1.	Ordinance	CPA ORD 2014-28.doc	2.	Maps	1107 W Minneola Maps.pdf	3.	Site plan	Site Plan.pdf	4.	Application	SS Comp plan application.pdf	5.	Legal ad	1107 W Minneola CPA Legal Ad.docx
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CITY OF CLERMONT
ORDINANCE No. 2014-28

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

Lots 13 and 14 and the north 25' of Lots 1 and 2, Block 121, Official Map of the City of Clermont, according to the Plat thereof as recorded in Plat Book 8, Pages 17 – 23, Public Records of Lake County, Florida. Containing .41 acre, more or less

CHANGE IN FUTURE LAND USE CLASSIFICATION

Medium Density Residential
to Downtown Mixed Use

CITY OF CLERMONT
ORDINANCE No. 2014-28

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. 2014-28

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida, this 28th day of October, 2014.

Harold S. Turville, Jr., Mayor

ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

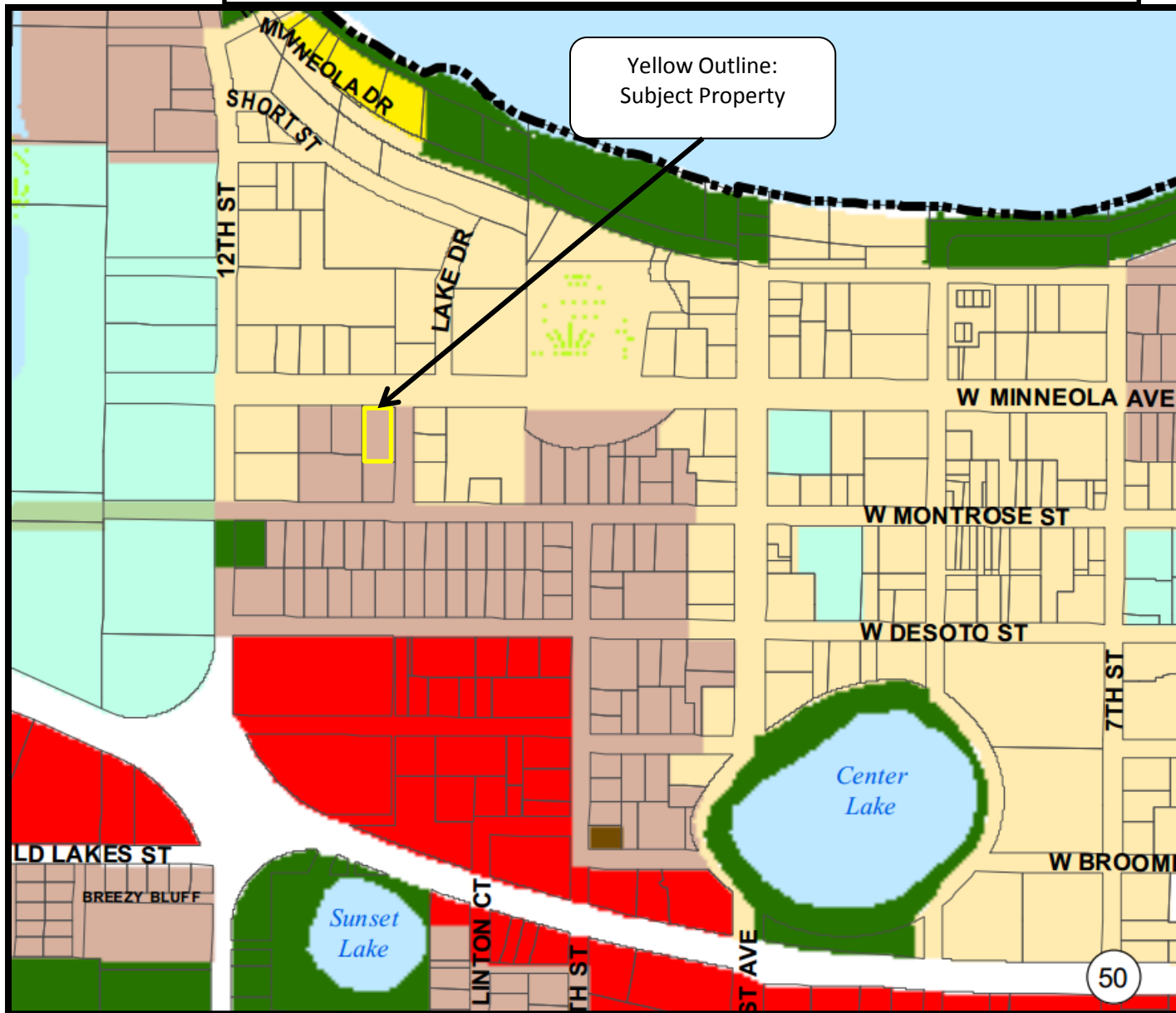
Daniel F. Mantzaris, City Attorney

Exhibit - Location Map
Lemley- 1107 W. Minneola Ave.



Exhibit – City of Clermont – Future Land Use Map
Lemley – 1107 W. Minneola Ave.

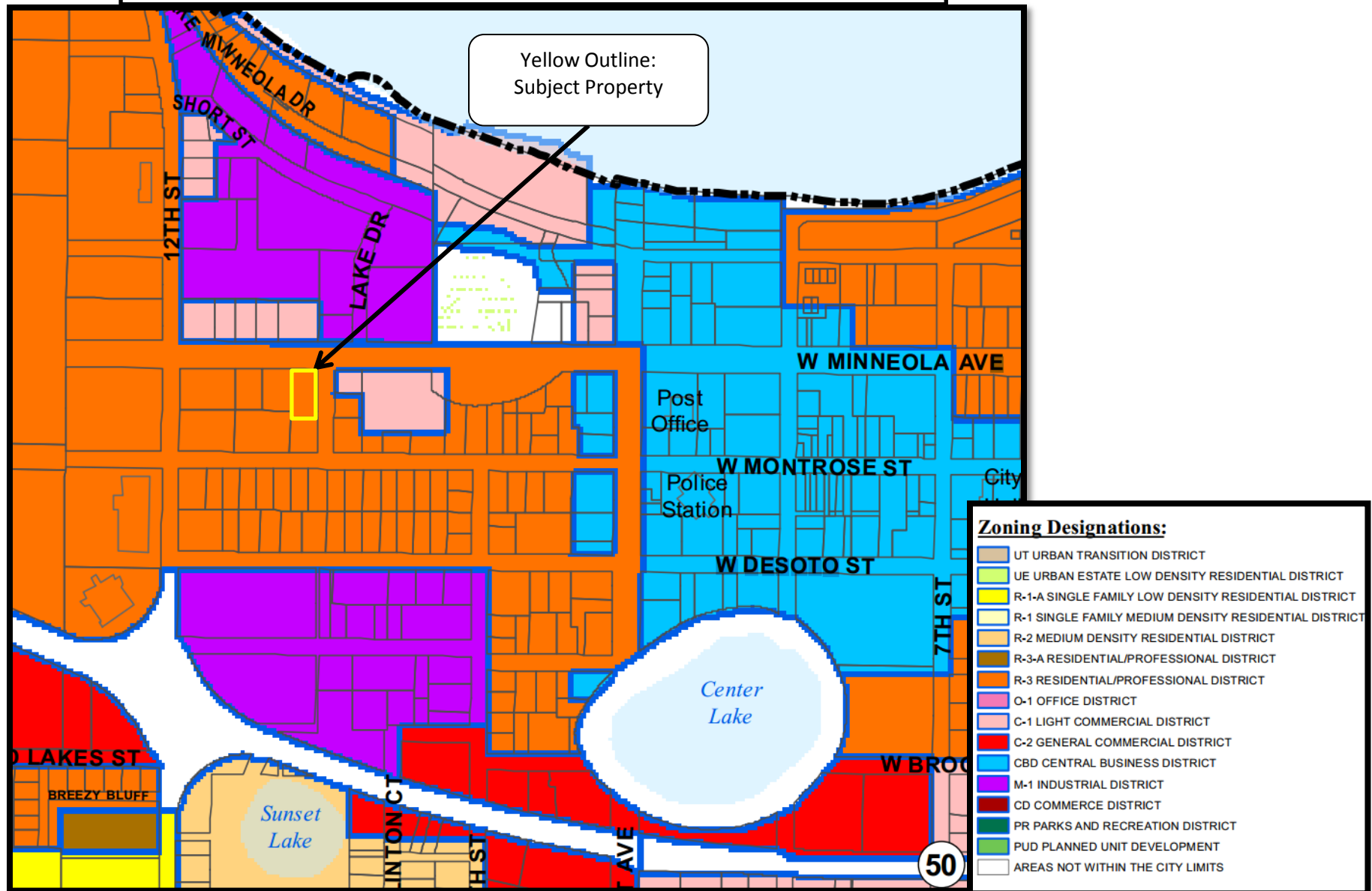
Yellow Outline:
Subject Property

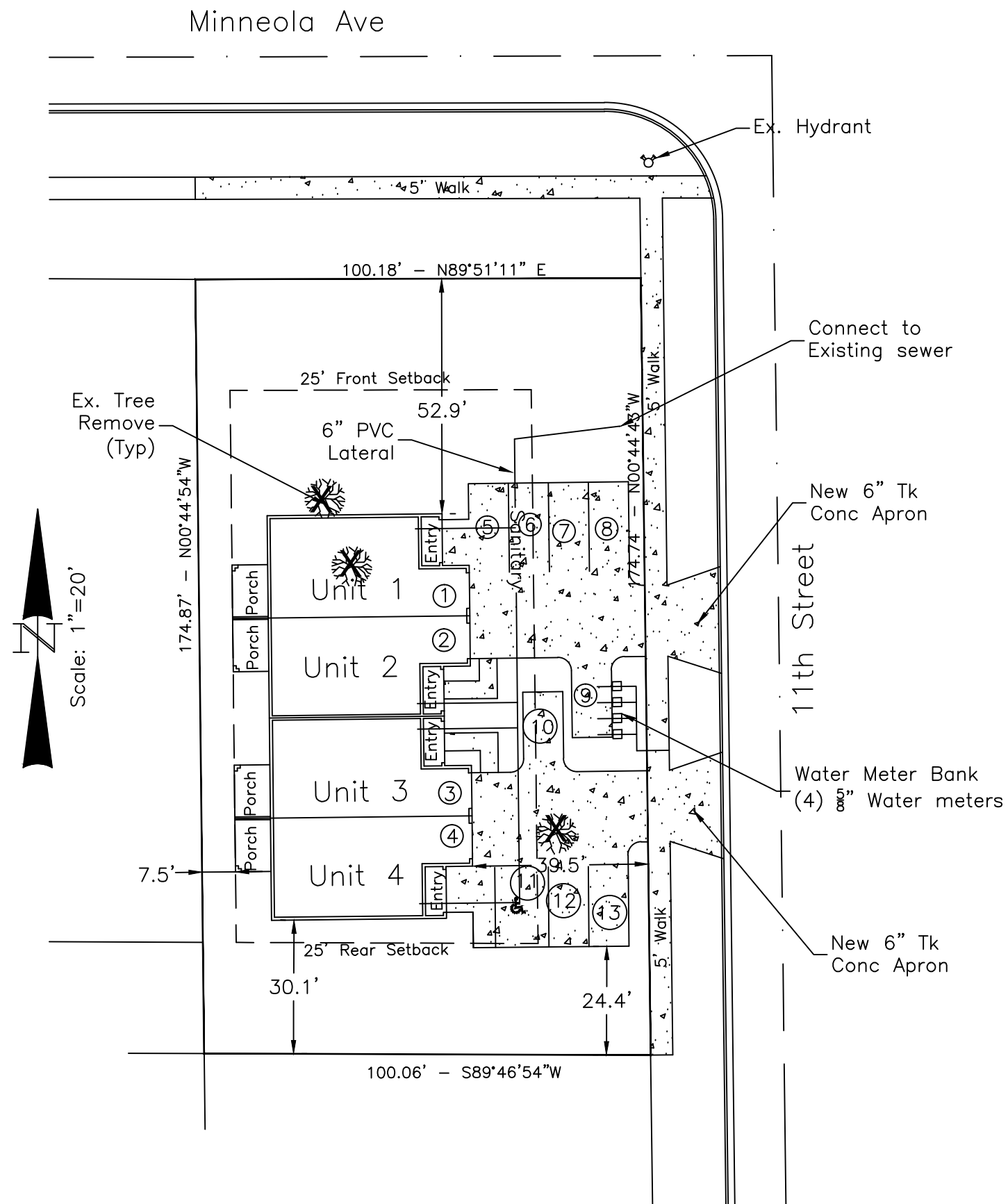


Legend

- City Limits
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Residential/Office
- Office
- Downtown MU
- Commercial
- Conservation
- Industrial
- Master Planned Development
- Parks
- Public Fac/Institutional

Exhibit – City of Clermont – Zoning Map
Lemley– 1107 W. Minneola Ave.





Legal Description

Site Address:
1170 Minneola Drive
Clermont, FL 34711

Owner:
L & JIM PROPERTIES LLC
210 E WASHINGTON ST STE A
MINNEOLA, FL 34755

Total Site area: 17,941 sf (0.41 Ac)

Impervious Areas

Setbacks	Required	Provided
Front (N)	25.0'	52.9'
Front (E)	25.0'	39.5'
Side (W)	7.5'	7.5'
Rear (S)	25.0'	30.1'

Sketch A

1170 W Minneola St - Site Plan

Unroe Engineering, Inc
Civil Engineering/Planning/Scientific Evaluations
PO Box 690942, Orlando, Florida, 32869 ph (407)299-0650

Date: 07/24/14
File: RLG-A
Proj: 1170Minn



CITY OF CLERMONT
COMPREHENSIVE PLAN AMENDMENT
Application

DATE: 8-22-14

FEE: 500

Project Name (if applicable): 4 UNIT TOWNHOME

Applicant: RICHARD A. LEMLEY

Contact Person: Richard Lemley

Address: 221 North Highway 27 Suite B

City: Clermont State: FL Zip: 34711

Phone: 352-242-9528 Fax: 352-242-5356

E-Mail: Rickl@L-Jim.com

OWNER: L & Jim Properties LLC / Luis Jimenez

Address: P. O. Box 725

City: Minneola State: Florida Zip: 34755

Phone: 352-242-9528 Fax: 352-242-5356

E-Mail: Luisj@L-Jim.com

General Location: 1107 West Minneola Avenue Clermont Florida 34711

Legal Description (include copy of survey): _____

Property size (in acres or square feet): _____

Flood hazard area (yes) _____ and approx. acreage .41 (no) X

Existing (Actual) Land Use: _____

Existing Zoning: _____

Existing Future Land Use: Medium Density Residential

Proposed Future Land Use: Downtown MU

Type of development proposed: _____

Proposed density (dwelling units/acre) or intensity: _____

Proposed Zoning District: _____

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).

We see that the surrounding parcels are Downtown MU. We are very close to meeting the criteria for four units on this parcel. We do not see any negative impact to the community by granting this revision. Our goal is to also improve the area, making it safer for all and more conducive to residential growth.

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 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

APPLICANT'S AFFIDAVIT

STATE OF FLORIDA
COUNTY OF LAKE:

Before me, the undersigned authority personally appeared

RICHARD A LEMLEY

_____, 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 Medium Density Residential to Downtown Mixed Use 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.

RICHARD A. LEMLEY

Affiant - Applicant Name (print)

X

Richard A. Lemley
Affiant - Applicant Name (signature)

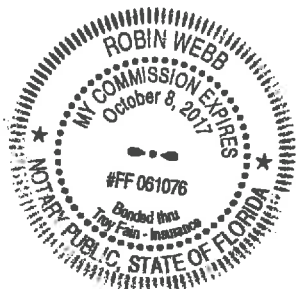
SWORN to and SUBSCRIBED before me by

or personally known by me this 25th day of August, 2014.

X

Robin Webb
Notary Public, State of Florida at Large

My Commission Expires: October 8, 2017



OWNER'S AFFIDAVIT

STATE OF FLORIDA
COUNTY OF LAKE:

Before me, the undersigned authority personally appeared

Luis Jimenez / Owner of L & Jim Properties 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 Medium Density Residential _____ to Downtown MU _____ for the property legally described on the attachment of this application.
3. That the owner of said property has appointed Richard Lemley _____ 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.

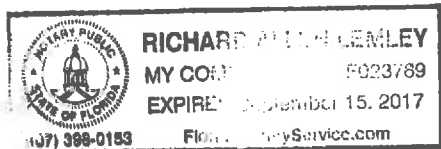
Luis Jimenez

Affiant - Applicant Name (print)

X Richard Lemley
Affiant - Applicant Name (signature)

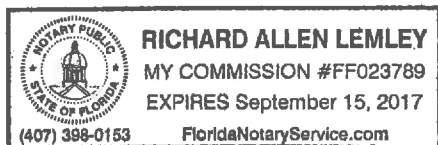
SWORN to and SUBSCRIBED before me by

or personally known by me this 25 day of August, 2014.



X RAZ
Notary Public, State of Florida at Large

My Commission Expires: 9-15-17



Application Information Required

A complete application includes the items below in addition to the attached application:

- Completed application. - Include all signatures
- Proof of ownership – (i.e. Lake County Property record card, tax receipt, deed, or tax receipt)
- Complete legal description [Computer disk with WORD version included (not all capitalized)] or email legal description to chicklow@clermontfl.org
- Current survey and location map (acreage included)
- Signed owner affidavit (unless power of attorney or notarized letter authorizing the applicant to act as the duly authorized agent for the owner is submitted with the application)
- Signed Applicant affidavit
- Application fee

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



CITY OF CLERMONT
COMPREHENSIVE PLAN AMENDMENT
Application Instructions

APPLICATION FEE:

- **Large Scale Comprehensive Plan Amendment - \$1,500**
Includes text amendments that impact the Goals, Objectives and Policies of the comprehensive plan; Future Land Use Map or map series amendment over 10 acres
- **Small Scale Comprehensive Plan Amendment - \$500**
Includes Future Land Use Map amendments of less than 10 acres, with no impact to the Goals, Objectives and Policies.
- **Development of Regional Impact (DRI) - \$10,000 escrow plus actual costs of advertising for a DRI amendment.**

APPLICATION PROCESS:

Applicants must schedule a pre-application meeting with the City's Site Review Committee prior to submitting a completed application. Once an application has been completed, please call a staff planner, (352) 394-4083, to schedule the pre-application meeting.

After the Site Review Committee meeting, and after any requests for additional information have been met by the applicant, the City's planning staff will prepare the amendment with its supporting data and analysis and schedule the Planning & Zoning Commission hearing. The Planning & Zoning Commission meets the first Tuesday of the month, and will make a recommendation on the proposed amendment to the City Council. The Council will then review the proposed amendment at a public hearing and may vote to approve (small scale amendment) or to transmit it (large scale amendment) to the Florida Department of Economic Opportunity (DEO) and all reviewing agencies.

DEO will review the amendment within 60 days and notify the City of any concerns. Other public agencies may file objections separately.

AMENDMENT TIME FRAME:

- *Small Scale Amendments and Large Scale Amendments* – may take up to three months to process depending on meeting schedules, review time frames, staff preparation time, etc. The City does try to consolidate amendments as much as possible to help save on advertising costs. Applicants must have attended a pre-application meeting prior to submitting applications for the deadlines. Please note that all hearing dates are tentative and subject to change.

A Pre-Application meeting with the Planning & Zoning Director (or designated staff) may be required prior to submittal of the application. Please check with the Planning & Zoning Dept. staff.

CITY OF CLERMONT
NOTICE OF PROPOSED LAND USE CHANGE
Small-Scale Comprehensive Plan Amendment
ORDINANCE NO. 2014-28

The City of Clermont will hold public hearings Tuesday, October 7, 2014 at 7 p.m. before the Planning and Zoning Commission and Tuesday, October 14, 2014 (1st reading of the adoption ordinance) and Tuesday, October 28, 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 0.41 +/-acre parcel below from Medium Density Residential to Downtown Mixed Use. AltKey #1615780

□
|

***Location: North of West Montrose Street and South of West Minneola Ave,
Between 11th and 12th Street***

Ordinance #2014-28:

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 Development Services 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
9/22/2014 and 10/14/2014



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, October 7, 2014		
Agenda Item Name		
Silver Fox Development Small-scale Comp Plan Amendment		
Requested Action		
Recommend approval of Ordinance No. 2014-29		
Staff Report		
The owner is requesting a future land use map amendment to change from Office to Commercial Future Land Use Category. The 1+/- acre parcel is located along the north side of SR 50, between 4th and 2nd Street. The subject property is entirely contained within the City limits and utilities are available. Although the proposed Commercial Future Land Use would not directly abut other Commercial Future Land Use parcels, it does fit the character of the surrounding community and is compatible with the area. The zoning on the parcel is C-1 Light Commercial. 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 Office to Commercial Future Land Use Category.		
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 2014-29.doc
2.	Maps	Silver Fox SR50 Maps.pdf
3.	Site plan	SS Comp plan Site.pdf
4.	Application	SS comp plan application.pdf
5.	Legal ad	Silver Fox CPA Legal Ad.docx

CITY OF CLERMONT
ORDINANCE No. 2014-29

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

Lot 4, 5, 6, and 7, all in Block 27, in the City of Clermont, Florida, according to the plat thereof, as recorded in Plat Book 8, Page 17 – 23 inclusive, Public Records of Lake County, Florida. Containing 1 acre, more or less

CHANGE IN FUTURE LAND USE CLASSIFICATION

From Office to Commercial

CITY OF CLERMONT
ORDINANCE No. 2014-29

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. 2014-29

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida, this 28th day of October, 2014.

Harold S. Turville, Jr., Mayor

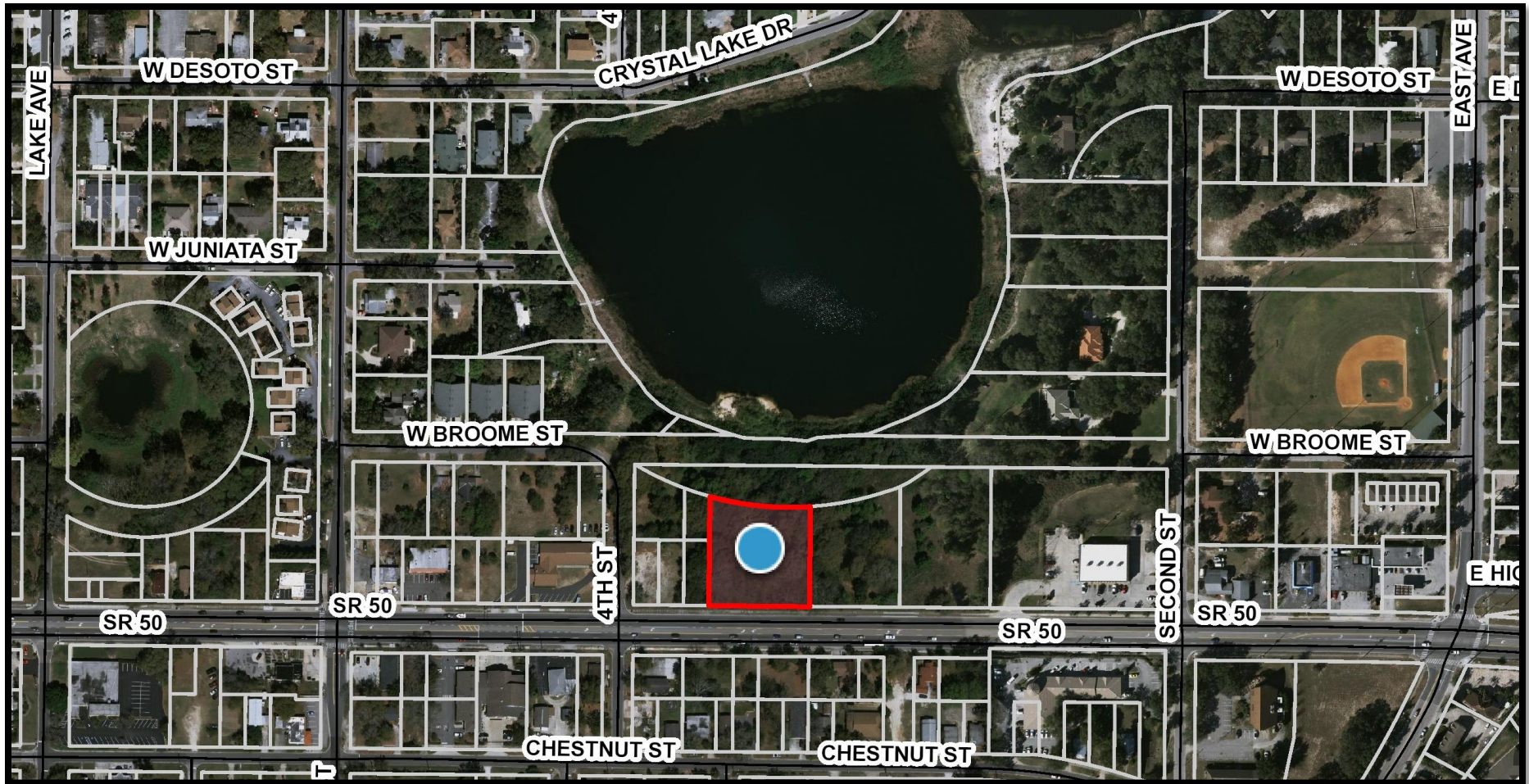
ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Exhibit - Location Map
Silver Fox Development, Inc.



Red Outline:
Subject Property

Exhibit – City of Clermont – Future Land Use Map
Silver Fox Development, Inc.

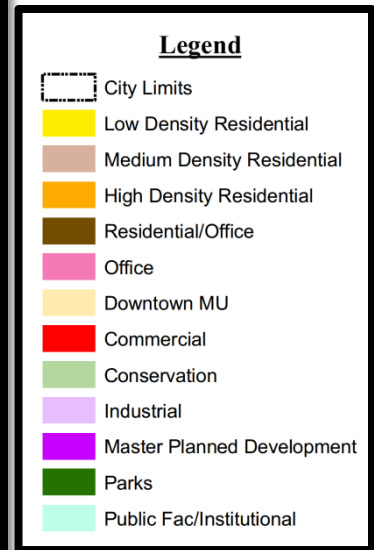
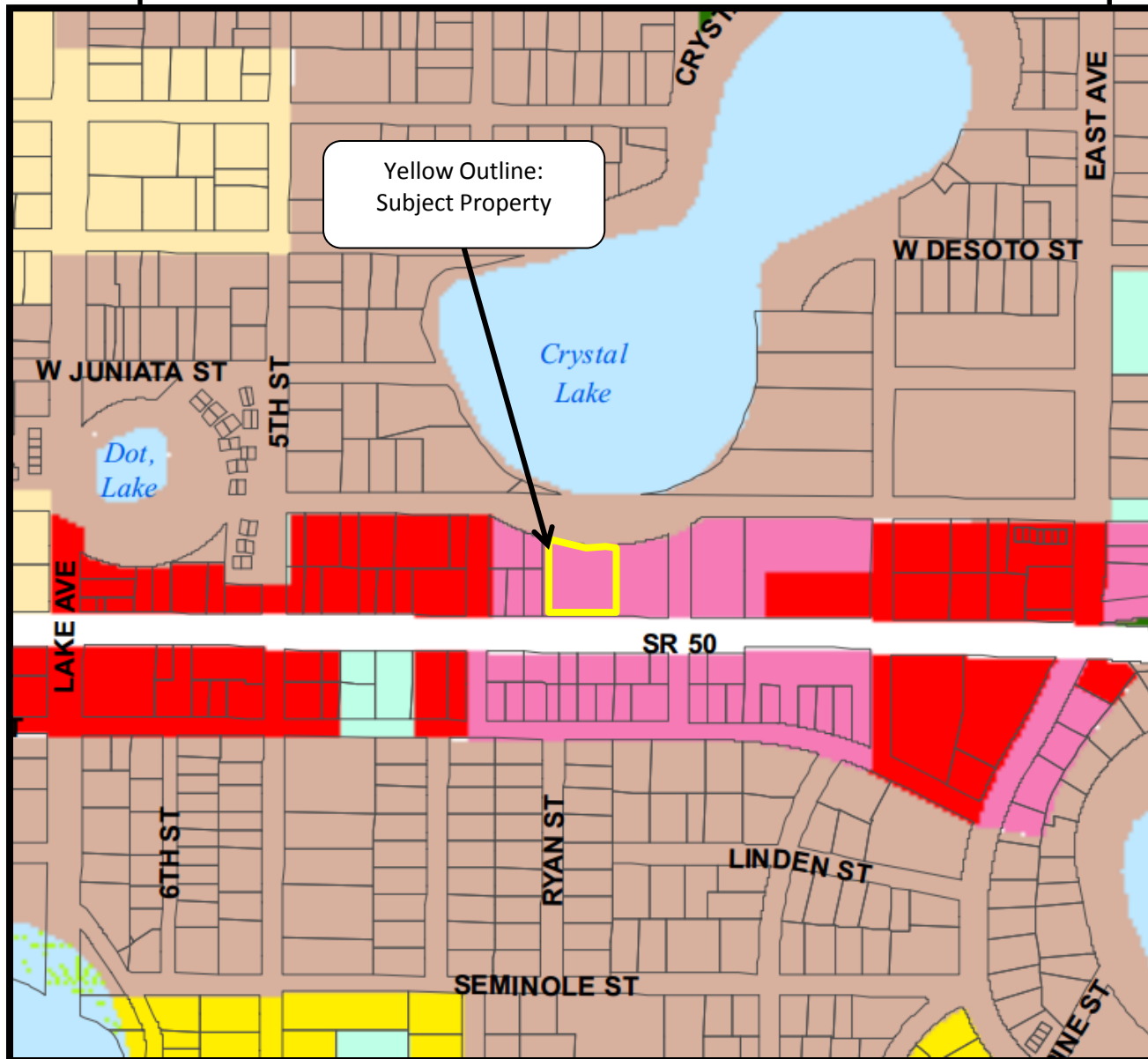
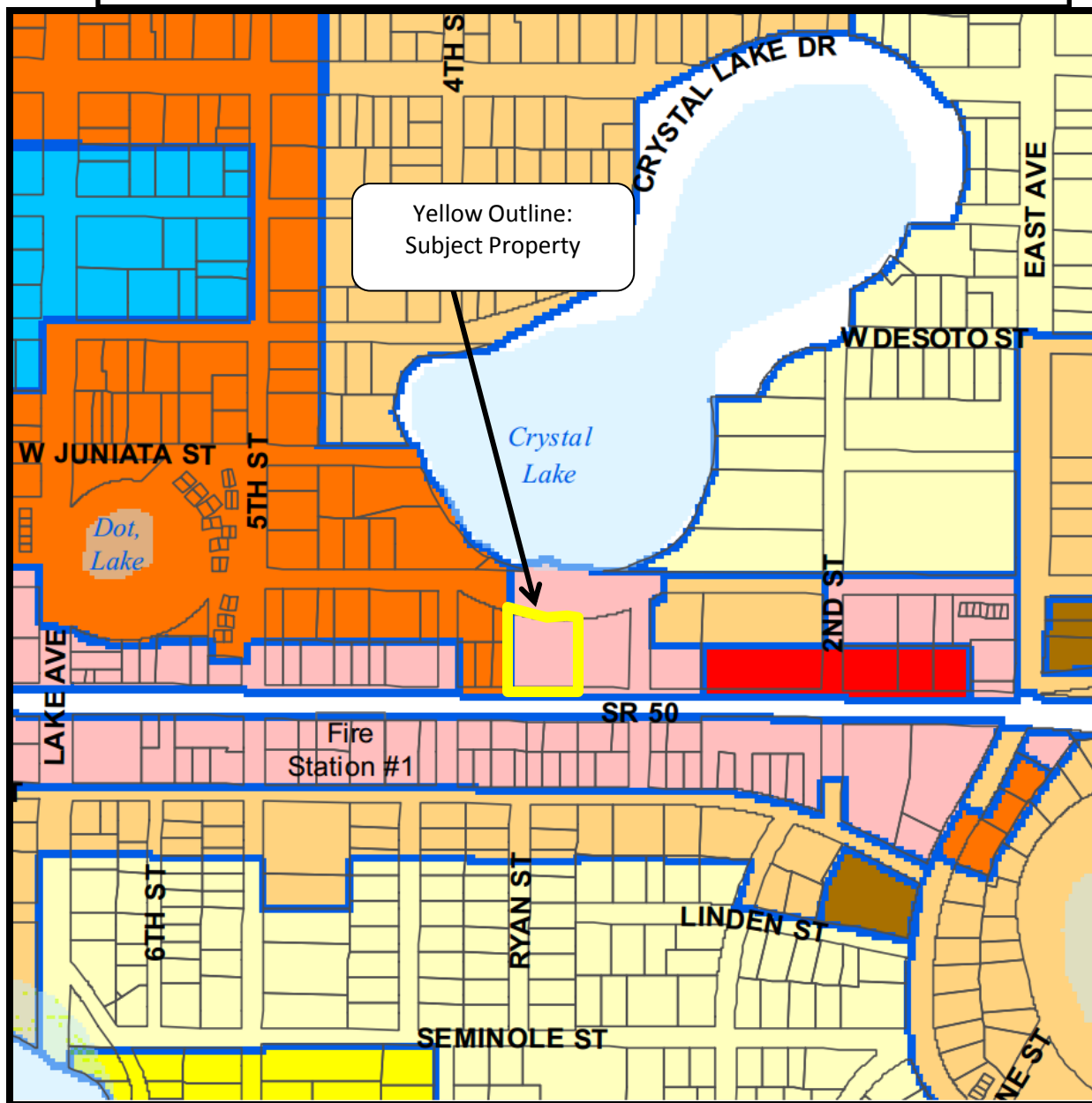


Exhibit – City of Clermont – Zoning Map Silver Fox Development, Inc.



Zoning Designations:

- UT URBAN TRANSITION DISTRICT
- UE URBAN ESTATE LOW DENSITY RESIDENTIAL DISTRICT
- R-1-A SINGLE FAMILY LOW DENSITY RESIDENTIAL DISTRICT
- R-1 SINGLE FAMILY MEDIUM DENSITY RESIDENTIAL DISTRICT
- R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT
- R-3-A RESIDENTIAL/PROFESSIONAL DISTRICT
- R-3 RESIDENTIAL/PROFESSIONAL DISTRICT
- O-1 OFFICE DISTRICT
- C-1 LIGHT COMMERCIAL DISTRICT
- C-2 GENERAL COMMERCIAL DISTRICT
- CBD CENTRAL BUSINESS DISTRICT
- M-1 INDUSTRIAL DISTRICT
- CD COMMERCE DISTRICT
- PR PARKS AND RECREATION DISTRICT
- PUD PLANNED UNIT DEVELOPMENT
- AREAS NOT WITHIN THE CITY LIMITS

Map of Boundary & Topographic Survey

Description:
Lot 4, 5, 6 and 7, all in Block 27, in the City of Clermont,
Florida, according to the plat thereof, as recorded in
Plat Book 8, Page 17 - 23 Inclusive, Public
Records of Lake County, Florida.

City of Clermont
I hereby declare that based on my
examination of the Flood Insurance Rate
Map panel 120133 0645 D dated July 3,
2002, and that to the best of my knowledge,
belief and my professional opinion that the
subject property lies within flood zones X.

Scale = 1"=30'

DRAINAGE EASEMENT (per Deed Book 339, pg71)
LATERAL DITCH LEFT STATION 639 + 28.00

That part of:

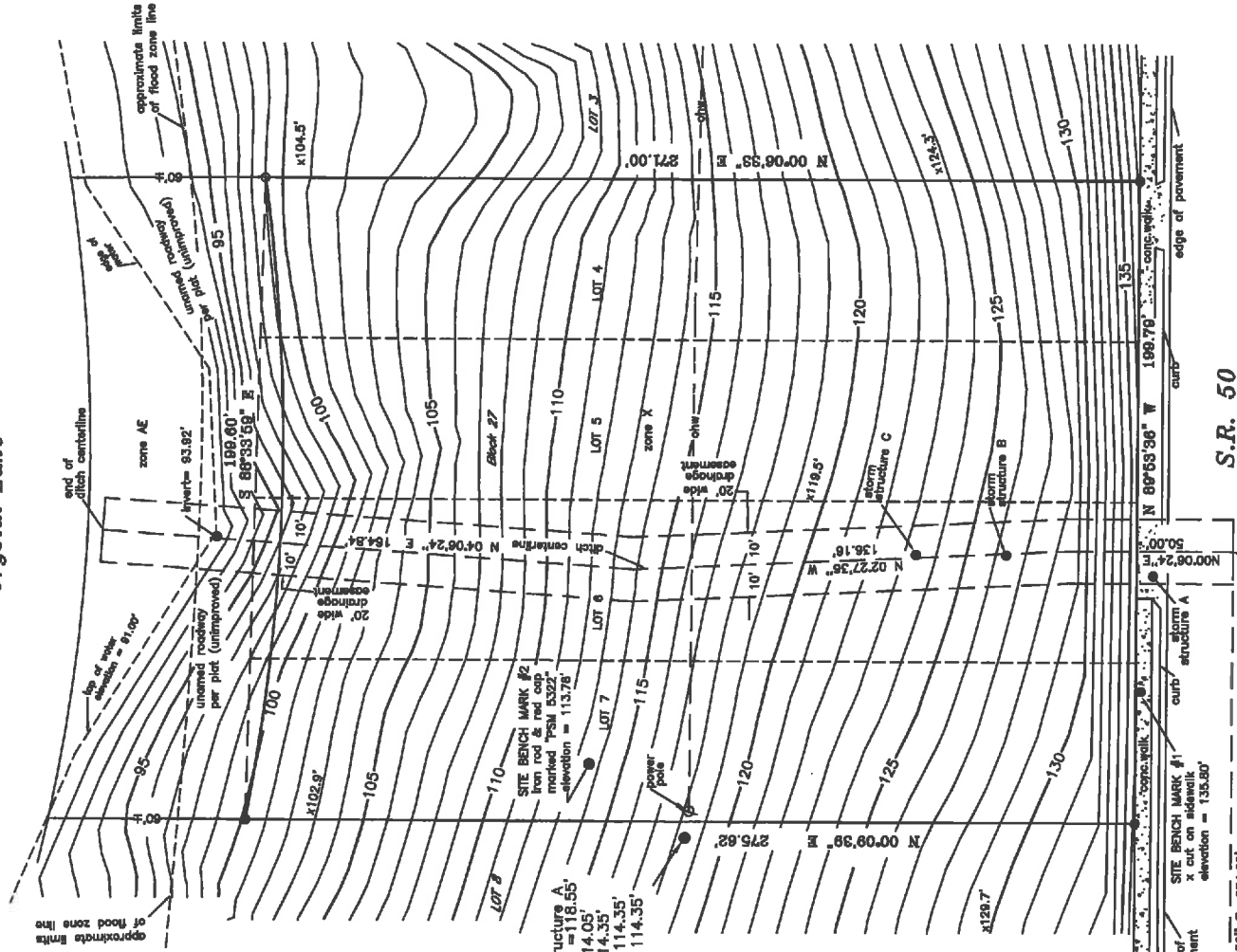
Lot 6, Block 27, North of the right of way
of State Road 50, Section 1107, according
to the official map of the City of Clermont,
Florida, as recorded in Plat Book 8, Page
21, Lake County, Florida,

lying within 10 feet each side of the
following described ditch center line:
Commencing at a point 30 feet South from
the Southwest corner of Lot 12, Block 27
according to the official map of the City of
Clermont, Florida as recorded in plat Book 8,
Page 21, Lake County Records, said point
being on the centerline of State Road 50.
Section 1107; thence run south 89°21'10"
East 234.60 feet to the beginning of ditch
centerline; thence run North 0°38'50" East 50
feet; thence run North 1°55'10" West 136.16
feet; run thence North 4°38'50" East 164.84
feet to the end of said ditch centerline, and
Containing .08 acres more or less.

storm structure A
top of rim = 135.58'
N. inv. = 129.98'
E. inv. = 130.98'
S. inv. = 130.98'

storm structure B
top of rim = 127.14'
N. overflow wall
could not see pipe
S. inv. = 123.54'

storm structure C
top of rim = 125.78'
N. inv. = 120.28'
S. inv. = 121.28'



sanitary structure C
top of rim = 135.69'
full with water

sanitary structure D
top of rim = 135.64'

sanitary structure B
top of rim = 136.97'
could not open

Notes:
-Bearings based on the South line of Lots 4
as being N 89°53'36" W, an assumed
meridian.
-Legal descriptions supplied by client.
-No title commitment or abstract has been
provided for the subject property. There may
be recorded or unrecorded documents which
could affect this parcel.
-No adjacent or underground improvements,
other than those shown, located this date.
-Subject property contains 1.227 acres, more
or less, and is subject to any rights of way or
easements of record.
-There may be a possibility that Sanitary Structures
A, B & C maybe connected together. Underground
sanitary pipe locations would need to be marked
to establish the direction of the sanitary pipes.

Surveyor's Certification
I hereby certify to Highland Real Estate
that this Map of Boundary & Topographic Survey meets
the minimum technical standards for surveys as set forth in
Chapter 61G17 Florida Administrative Code, pursuant to Section
472.027, Florida Statutes.

JEFFREY P. RHODEN
STATE OF FLORIDA
PSM #5322

UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL
RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND
MAPPER, THIS MAP/REPORT IS FOR INFORMATIONAL
PURPOSES ONLY AND IS NOT VALID.

#	Date	Revisions	Field Date	Prepared for:	08051.001
			11/22/08	Highland Real Estate	
			Drawn by:	Rhoden Land Surveying, Inc.	
			JE-C		
			Scale:	1"=30'	
				1000 East Ave Clermont, FL 34711 352-384-6235	

LEGEND:

- Denotes found 1/2" iron rod &
conspicuous unless noted
unless otherwise noted.
- Denotes set 1/2" iron rod &
conspicuous unless noted
unless otherwise noted.
- ⊗ Denotes centerline
- R/W Denotes right of way



CITY OF CLERMONT
COMPREHENSIVE PLAN AMENDMENT
Application

DATE: August 25, 2014

FEE: \$500

Project Name (if applicable): _____

Applicant: SILVER FOX DEVELOPMENT, INC.

Contact Person: DALE LADD

Address: 1135 EAST AVE

City: CLERMONT State: FL Zip: 34711

Phone: 352-394-8686 Fax: 407-641-8618

E-Mail: DLADD@HIGHLANDREALESTATE.BIZ

OWNER: SILVER FOX DEVELOPMENT, INC.

Address: 1135 EAST AVE

City: CLERMONT State: FL Zip: 34711

Phone: 352-394-8686 Fax: 407-641-8618

E-Mail: DLADD@HIGHLANDREALESTATE.BIZ

General Location: NORTH OF HIGHWAY 50, APPROXIMATELY 150' EAST OF 4TH STREET

Legal Description (include copy of survey): CLERMONT LOTS 4, 5, 6, 7 BLOCK 27

Property size (in acres or square feet): _____

Flood hazard area (yes) _____ and approx. acreage 1 +/- ACRE (no) X

Existing (Actual) Land Use: VACANT

Existing Zoning: C-1

Existing Future Land Use: OFFICE

Proposed Future Land Use: COMMERCIAL

Type of development proposed: BOUTIQUE USED CAR LOT

Proposed density (dwelling units/acre) or intensity: _____

Proposed Zoning District: C-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).

PRESENT ZONING WILL ALLOW A USED CAR LOT BUT PRESENT FUTURE LAND USE DOES NOT.

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 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

APPLICANT'S AFFIDAVIT

STATE OF FLORIDA
COUNTY OF LAKE:

Before me, the undersigned authority personally appeared

Dave J. Ladd, 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 Office to Commercial 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.

Dave J. Ladd
Affiant - Applicant Name (print)

X [Signature]
Affiant - Applicant Name (signature)

SWORN to and SUBSCRIBED before me by

or personally known by me this 26 day of Aug., 2014.



X [Signature]
Notary Public, State of Florida at Large

My Commission Expires: 8-7-17

OWNER'S AFFIDAVIT

STATE OF FLORIDA
COUNTY OF LAKE:

Before me, the undersigned authority personally appeared

Dale J. Ladd, 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 Office to Commercial for the property legally described on the attachment of this application.
3. That the owner of said property has appointed _____ 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.

Dale J. Ladd
Affiant - Applicant Name (print)

X [Signature]
Affiant - Applicant Name (signature)

SWORN to and SUBSCRIBED before me by

or personally known by me this 26 day of August, 2014.



X [Signature]
Notary Public, State of Florida at Large

My Commission Expires: 8-7-17

Property Record Card

General Information

Owner Name:	SILVER FOX DEVELOPMENT INC	Alternate Key:	1612209
Mailing Address:	1135 EAST AVE CLERMONT, FL 34711	Parcel Number:	24-22-25-010002700400
Property Location:	CLERMONT FL 34711	Millage Group and City:	000C (Clermont) : 17.5789
Property Description:	CLERMONT LOTS 4, 5, 6, 7 BLK 27 PB 8 PG 17 ORB 981 PG 1580		

Land Data

Line	Land Use	Frontage	Depth	Notes	No. Units	Type	Class Value	Just Value
1	VACANT COMMERCIAL (1000)	0	0		41400	SF	\$0.00	\$86,940.00

Miscellaneous Improvements

There is no improvement information to display.

Sales History

O.R. Book / Page	Sale Date	Instrument	O/U	Vac./Imp.	Sale Price
<u>925 / 2181</u>	6/1/1987	WD	Q	V	\$38,000.00
<u>981 / 1580</u>	9/1/1988	WD	Q	V	\$40,000.00

Values and Estimated Taxes

Tax Authority	Just Value	Assessed Value	Taxable Value	Millage	Estimated Taxes
LAKE COUNTY BCC	\$86,940	\$86,940	\$86,940	5.61240	\$487.94
LAKE COUNTY MSTU AMBULANCE	\$86,940	\$86,940	\$86,940	0.48230	\$41.93
SCHOOL BOARD STATE	\$86,940	\$86,940	\$86,940	4.99800	\$434.53
SCHOOL BOARD LOCAL	\$86,940	\$86,940	\$86,940	2.24800	\$195.44
CITY OF CLERMONT	\$86,940	\$86,940	\$86,940	3.72900	\$324.20
ST JOHNS RIVER FL WATER MGMT DIST	\$86,940	\$86,940	\$86,940	0.31640	\$27.51
LAKE COUNTY VOTED DEBT SERVICE	\$86,940	\$86,940	\$86,940	0.16000	\$13.91
LAKE COUNTY WATER AUTHORITY	\$86,940	\$86,940	\$86,940	0.25540	\$22.20
SOUTH LAKE HOSPITAL DIST	\$86,940	\$86,940	\$86,940	0.76500	\$66.51
			Total:	18.5665	Total: \$1,614.17

The values displayed above may NOT reflect certified values and therefore are subject to change before being finalized for ad valorem assessment purposes. The estimated tax totals are based on prior year adopted millage rates until each taxing authority certifies proposed rates (annually in mid-August) and adopts final millage rates (late September) of each year. Estimated tax totals do not reflect non-ad valorem assessments. (Fire Fees, Solid Waste, etc.) Please consult the Tax Collector for actual taxation amounts.

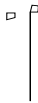
CITY OF CLERMONT

NOTICE OF PROPOSED LAND USE CHANGE

Small-Scale Comprehensive Plan Amendment

ORDINANCE NO. 2014-29

The City of Clermont will hold public hearings Tuesday, October 7, 2014 at 7 p.m. before the Planning and Zoning Commission; Tuesday, October 14, 2014 (1st reading of the adoption ordinance) and Tuesday, October 28, 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 1+/-acre parcel below from Office to Commercial. AltKey #1612209



Location: North of S.R. 50, Between 4th Street and 2nd Street

Ordinance #2014-29:

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 Development Services 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
9/22/2014 and 10/14/2014



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, October 7, 2014		
Agenda Item Name		
Silver Fox Development Rezoning		
Requested Action		
Recommend denial of Ordinance No. 2014-33		
Staff Report		
The owner is requesting a rezoning change from C-1 Light Commercial to C-2 General Commercial. The owner has indicated that the zoning change request is due to the property being proposed for development as a used car sales lot. The current C-1 zoning district does not allow this type of use, even with a conditional use permit. The C-2 zoning district permits this type of use. The 1+/- acre parcel is located along the north side of SR 50, between 4th and 2nd Street. The subject property is entirely contained within the City limits and utilities are available. The purpose of the C-1 district is to provide light retail sales and services. The C-2 district is intended for full-scale retail sales and service needs of the community. The C-2 zoning district allows more intensive commercial uses, including, but not limited to lounges, laundries, hotels and motels, convenience stores and gas stations. In addition, conditional uses in the C-2 zoning district offer a larger variety of uses that are not applicable in the C-1 zoning district with conditional uses. The zoning change from C-1 to C-2 provides the applicant with a broader range of options to develop the site, including the used car sales lot. However, staff believes the C-2 zoning district does not fit the character of the surrounding community and is not compatible with the area. The majority of properties in this area along SR 50 have the C-1 zoning designation. The adjacent parcels do not have the C-2 zoning designation and uses, and other C-2 properties in the vicinity are on parcels that have had these uses prior to adoption of the Land Development Code. In addition, the traffic volume of the C-2 related uses is generally more demanding, and the site is located on a main arterial roadway, SR 50. The site does not appear to have any other ingress/egress options, such as a local road or side street, and the only access point is SR 50. Based upon the above information, staff recommends <u>denial</u> of the rezoning change from C-1 Light Commercial to C-2 General Commercial.		
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 2014-33.doc
2.	Maps	Silver Fox SR50 Maps.pdf
3.	Application	2014 rezoning application.pdf
4.	Legal ad	REZ legal ad.docx

CITY OF CLERMONT
ORDINANCE No. 2014-33

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

Lot 4, 5, 6, and 7, all in Block 27, in the City of Clermont, Florida, according to the plat thereof, as recorded in Plat Book 8, Page 17 – 23 inclusive, Public Records of Lake County, Florida. Containing 1 acre, more or less

From: C-1 Light Commercial
To: C-2 General Commercial

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. 2014-33



CITY OF CLERMONT
ORDINANCE No. 2014-33

on this 28th day of October, 2014.

CITY OF CLERMONT

Harold S. Turville, Jr., Mayor

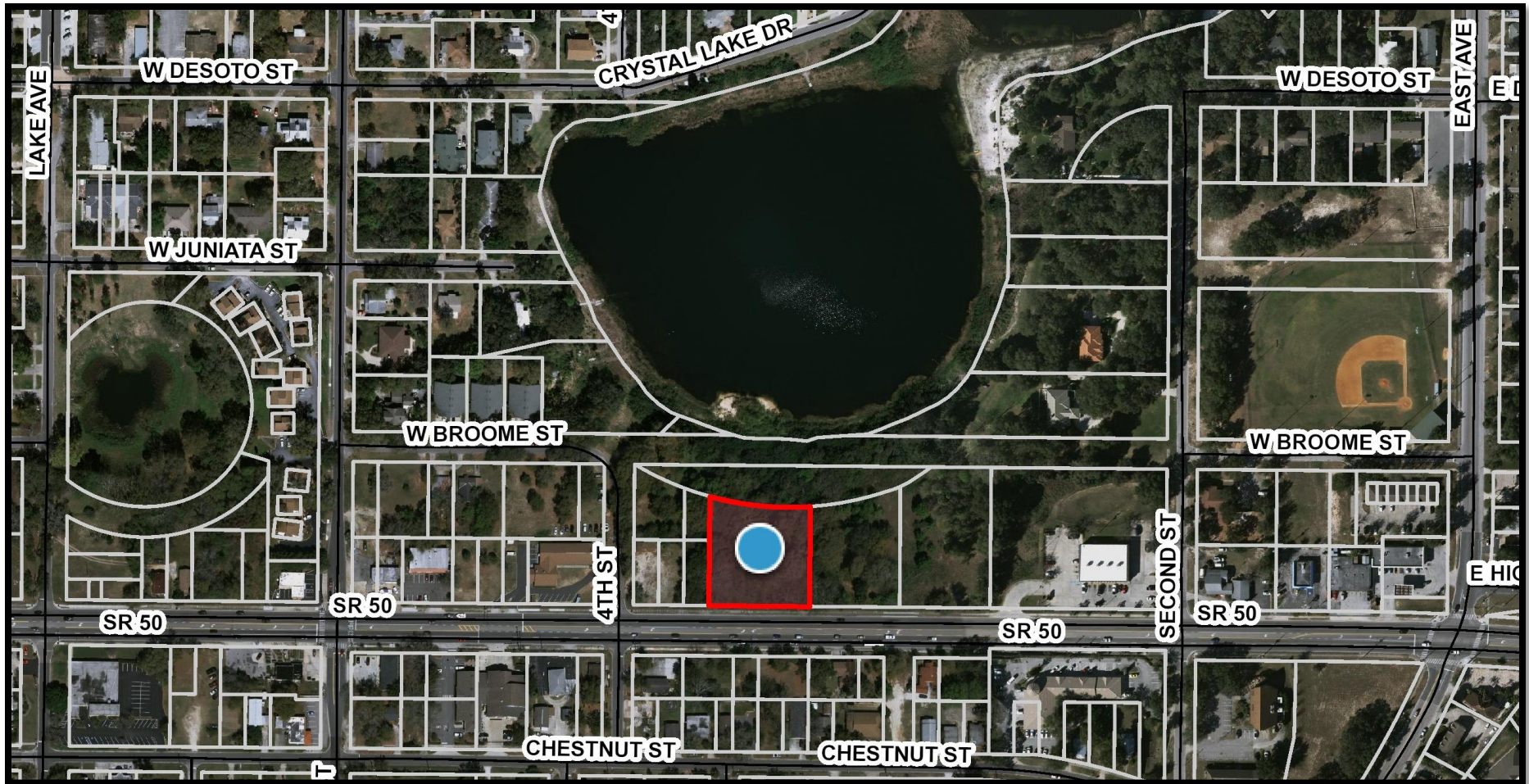
ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form:

Dan Mantzaris, City Attorney

Exhibit - Location Map
Silver Fox Development, Inc.



Red Outline:
Subject Property

Exhibit – City of Clermont – Future Land Use Map
Silver Fox Development, Inc.

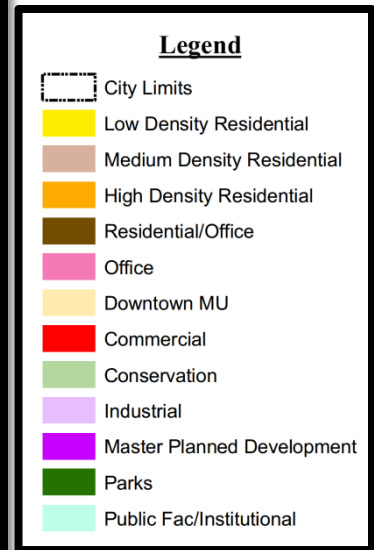
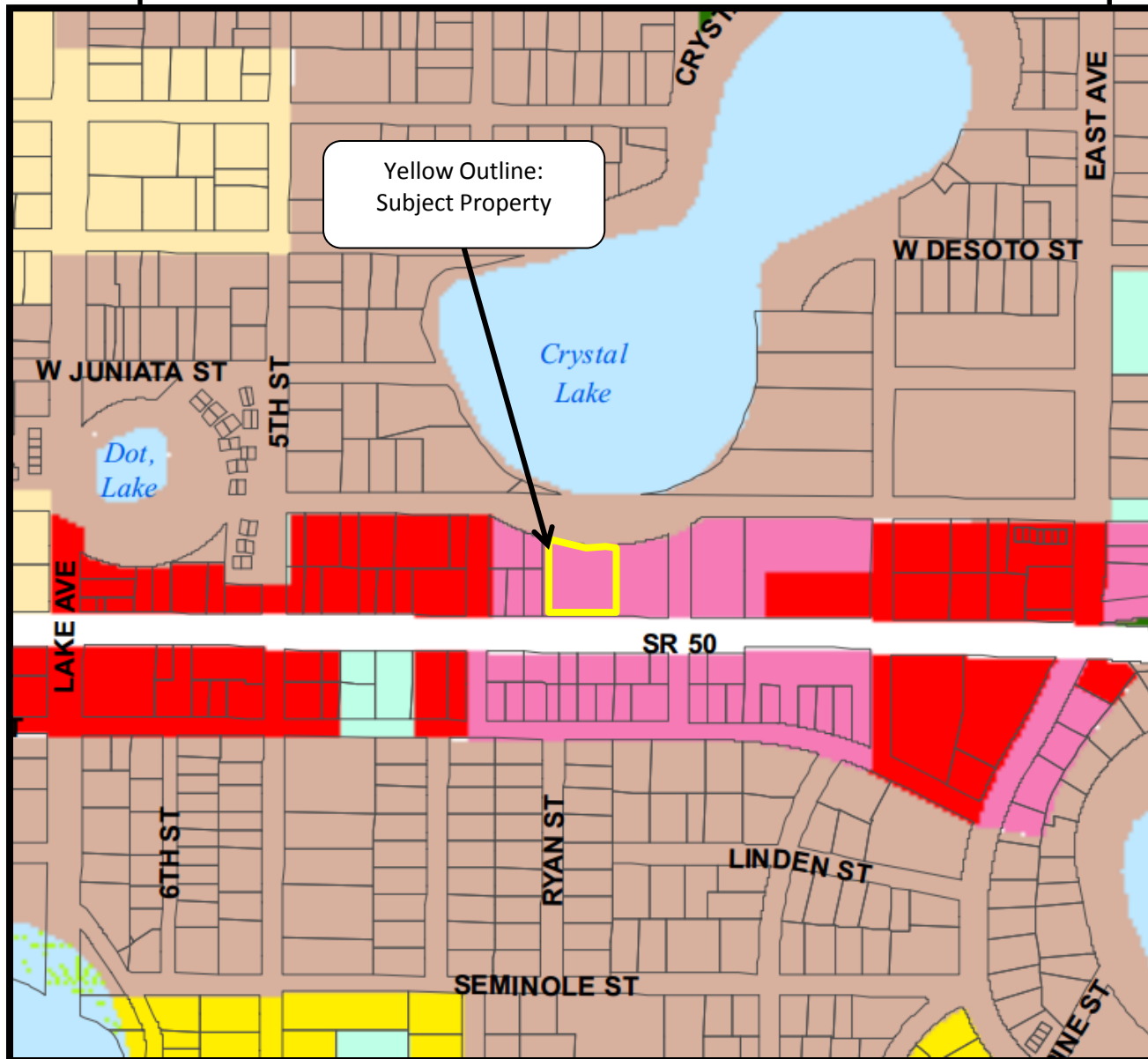
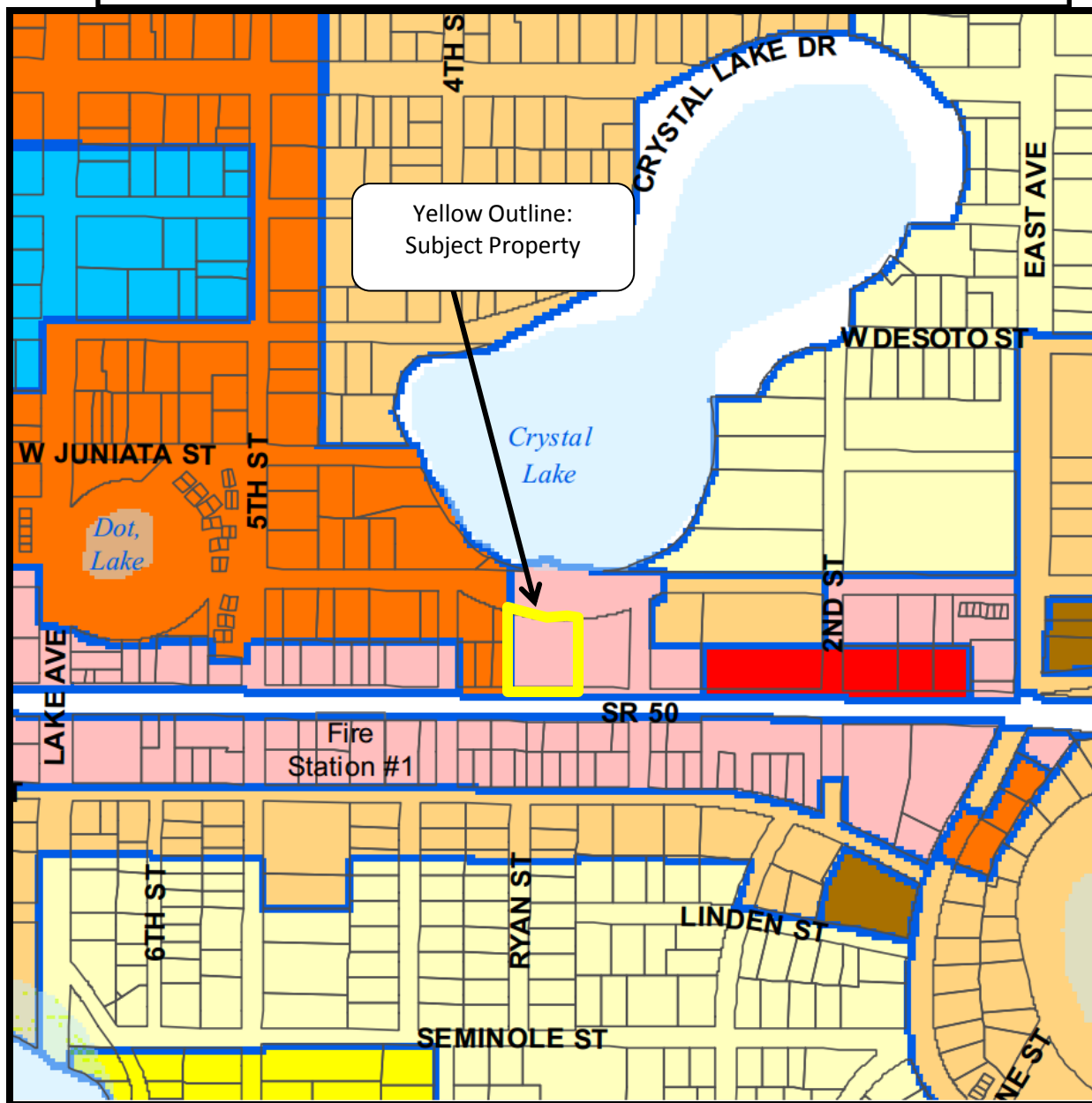


Exhibit – City of Clermont – Zoning Map Silver Fox Development, Inc.



Zoning Designations:

- UT URBAN TRANSITION DISTRICT
- UE URBAN ESTATE LOW DENSITY RESIDENTIAL DISTRICT
- R-1-A SINGLE FAMILY LOW DENSITY RESIDENTIAL DISTRICT
- R-1 SINGLE FAMILY MEDIUM DENSITY RESIDENTIAL DISTRICT
- R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT
- R-3-A RESIDENTIAL/PROFESSIONAL DISTRICT
- R-3 RESIDENTIAL/PROFESSIONAL DISTRICT
- O-1 OFFICE DISTRICT
- C-1 LIGHT COMMERCIAL DISTRICT
- C-2 GENERAL COMMERCIAL DISTRICT
- CBD CENTRAL BUSINESS DISTRICT
- M-1 INDUSTRIAL DISTRICT
- CD COMMERCE DISTRICT
- PR PARKS AND RECREATION DISTRICT
- PUD PLANNED UNIT DEVELOPMENT
- AREAS NOT WITHIN THE CITY LIMITS



CITY OF CLERMONT
REZONING
APPLICATION

DATE: Sept 15, 2014

FEE: \$350.⁰⁰

PROJECT NAME (if applicable): _____

APPLICANT: SILVER FOX DEVELOPMENT, INC.

CONTACT PERSON: DALE LADD

Address: 1135 EAST AVENUE

City: CLERMONT State: FL Zip: 34711

Phone: 352-394-8686 Fax: 407-641-8618

E-Mail: MIMI@HIGHLANDREALESTATE.BIZ

OWNER: SILVER FOX DEVELOPMENT, INC.

Address: 1135 EAST AVENUE

City: CLERMONT State: FL Zip: 34711

Phone: 352-394-8686 Fax: 407-641-8618

Address of Subject Property: N OF HWY 50, APPROXIMATELY 150' EAST OF 4TH ST

Legal Description (include copy of survey): CLERMONT LOTS 4, 5, 6, 7 BLOCK 27

Acreage: 1+/- ACRES Land Use: PENDING LUA FOR COMMERCIAL
(City verification required)

Present Zoning: C-1 Proposed Zoning: C-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?

BOUTIQUE USED CAR LOT

Dale J. Ladd
Applicant Name (print)

x [Signature]
Applicant Name (signature)

Dale J. Ladd
Owner Name (print)

x [Signature]
Owner Name (signature)

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

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. 2014-33

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

(Alternate Key 1612209) North of S.R. 50, Between 4th Street and 2nd Street

LEGAL DESCRIPTION

Lot 4, 5, 6, and 7, all in Block 27, in the City of Clermont, Florida, according to the plat thereof, as recorded in Plat Book 8, Page 17 – 23 inclusive, Public Records of Lake County, Florida. Containing 1 acre, more or less

FROM C-1 LIGHT COMMERCIAL
TO C-2 GENERAL COMMERCIAL

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

A public meeting to consider the request will be held before the City Council on Tuesday, October 28, 2014 at 7:00 p.m. for final enactment.

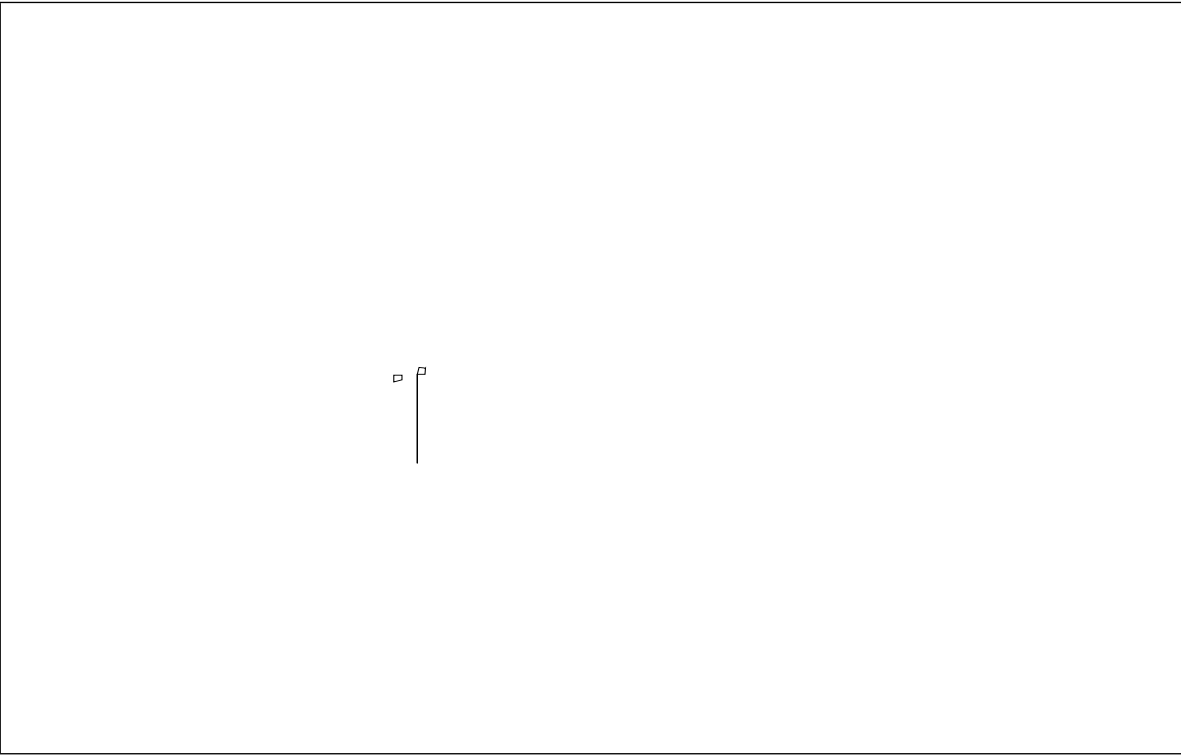
All meetings will be held at City Hall, located at 685 W. Montrose Street.

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
September 30, 2014 and October 14, 2014





CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date	
Tuesday, October 7, 2014	
Agenda Item Name	
Hartwood Marsh Subdivision (D.R. Horton) Large-scale Comp Plan Amendment	
Requested Action	
Recommend approval of Ordinance No. 2014-31	
Staff Report	
The applicant, home builder D.R. Horton, is requesting a future land use map amendment to change from Lake County Urban Low Density to the City's Low Density Residential Future Land Use Category. The subject parcel is located on the south side of Hartwood Marsh Road approximately $\frac{3}{4}$ mile east of the Hancock Road/Hartwood Marsh Road intersection. The property is currently in planted pines. The property has been previously included in the Wellness Way Sector Plan; however, the applicant would like to move forward on this request due to timing of the market. The applicant is proposing to develop the eastern half of the overall 40-acre site, or 19.94 +/- acres. At this time, the western 20 acres of the parent parcel is being retained by the current owner. The applicant also has submitted applications for annexation and rezoning to R-2. The subject parcel is surrounded by the City of Clermont and is adjoined on two sides by the City. The existing Future Land Use in this area is predominantly City of Clermont Low Density Residential. Under Lake County's Urban Low Density Future Land Use designation, the maximum density allowable is 4 dwelling units per acre. The City's Low Density Residential Land Use is 3 dwelling units per acre. The City's Future Land Use caps density at a lower level. The density proposed by the applicant is 2.66 units per acre. The property has City utilities available and would be developed to City standards. The City of Clermont's comprehensive plan policies support this request. Should the large-scale comprehensive plan amendment be approved by the City Council, the proposed amendment would be sent to the Florida Department of Economic Opportunity (DEO) and the reviewing agencies for review. DEO would then issue an Objections, Recommendations and Comments letter to the City, and the amendment would then be scheduled for a final public hearing in December. Staff recommends approval of the transmittal of the proposed Future Land Use Map amendment from Lake County Urban Low to City of Clermont's Low Density Residential Future Land Use Category.	
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 2014-31.doc	
2.	Maps	Hartwood Marsh DR Horton Maps.pdf	
3.	School impact	Hartwod Marsh School Board comments.pdf	
4.	Application	CPA application.pdf	
5.	Legal ad	CPA Legal Ad.docx	

CITY OF CLERMONT
ORDINANCE No. 2014-31

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, ADOPTING THE LARGE 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 LARGE SCALE COMPREHENSIVE PLAN AMENDMENT; SETTING FORTH THE PURPOSE AND INTENT OF THE LARGE SCALE COMPREHENSIVE PLAN AMENDMENT; PROVIDING FOR THE ADOPTION OF THE LARGE SCALE COMPREHENSIVE PLAN AMENDMENT; ESTABLISHING THE LEGAL STATUS OF THE LARGE 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

Parcel 2

A parcel of land lying in the southeast quarter of Section 10, Township 23 South, Range 26 East being described as follows:

Commence at the northwest corner of Lot 28, Southern Fields Phase 1, according to the plat thereof as recorded Plat Book 53, Pages 30-32, Public Records of Lake County,

CITY OF CLERMONT
ORDINANCE No. 2014-31

Florida for a point of reference; thence run south 89°58'20" east, along the north line of said Southern Fields Phase 1, 663.08 feet to the point of beginning; thence run north 00°47'10" east, 1294.52 feet to the south right-of-way line of Hartwood Marsh Road; thence run north 89°59'36" east, along said south right-of-way line, 671.06 feet to the west line of aforesaid Southern Fields Phase 1; thence departing said south right-of-way line, run south 00°47'10" west, along said west line, 1294.92 feet to the north line of aforesaid plat of Southern Fields Phase 1; thence run north 89°58'20" west, along said north line, 671.06 feet to the point of beginning.

The above described parcel of land lies in Lake County, Florida and contains 19.944 acres more or less.

**CHANGE IN FUTURE LAND USE CLASSIFICATION
FROM LAKE COUNTY – URBAN LOW DENSITY
TO CITY OF CLERMONT LOW 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.

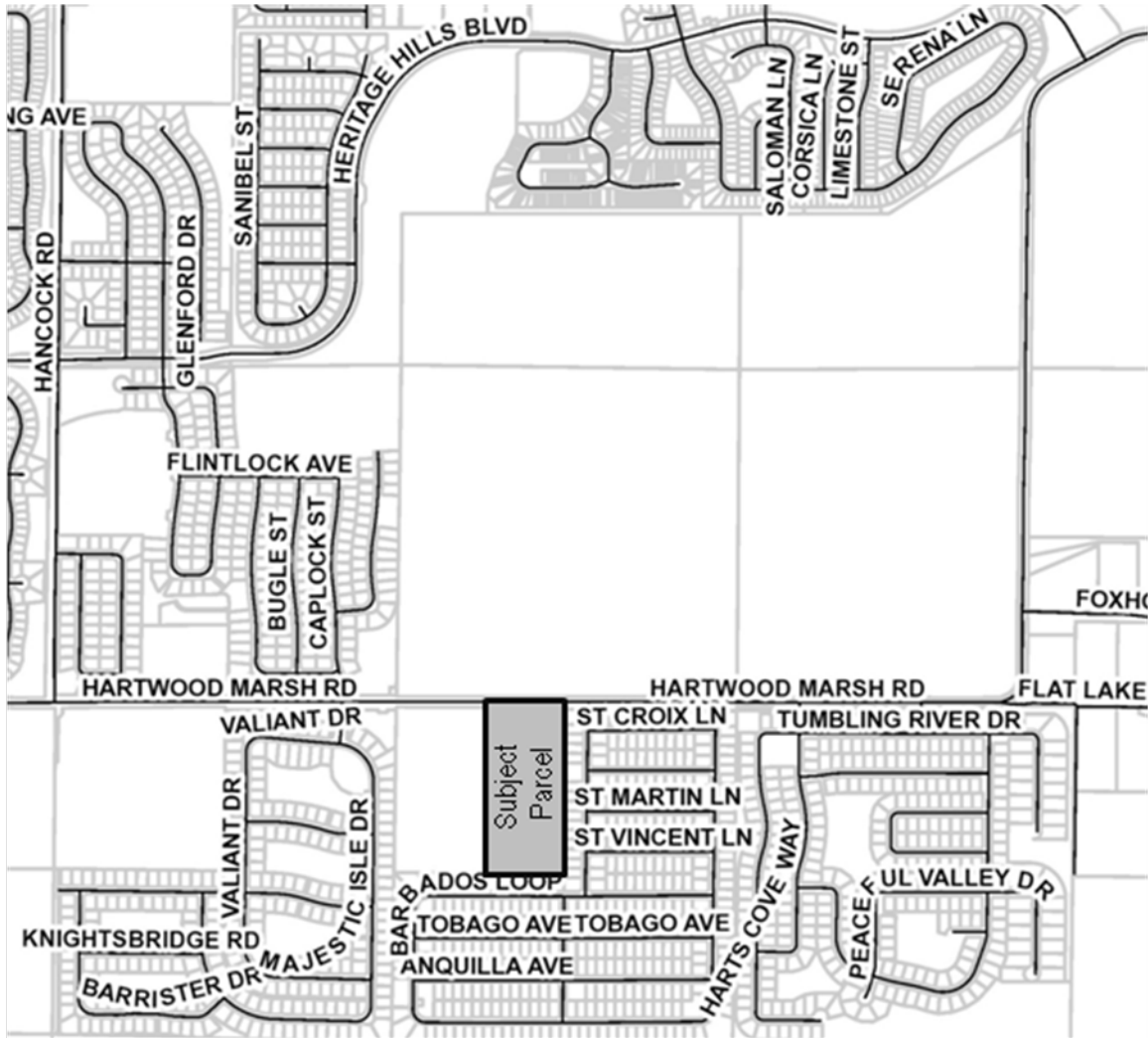
Section 3.

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. 2014-31



CITY OF CLERMONT
ORDINANCE No. 2014-31

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida, this 9th day of December, 2014.

Harold S. Turville, Jr., Mayor

ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Exhibit - Location Map
Hartwood Marsh Subdivision



Exhibit – City of Clermont – Future Land Use Map Hartwood Marsh Subdivision

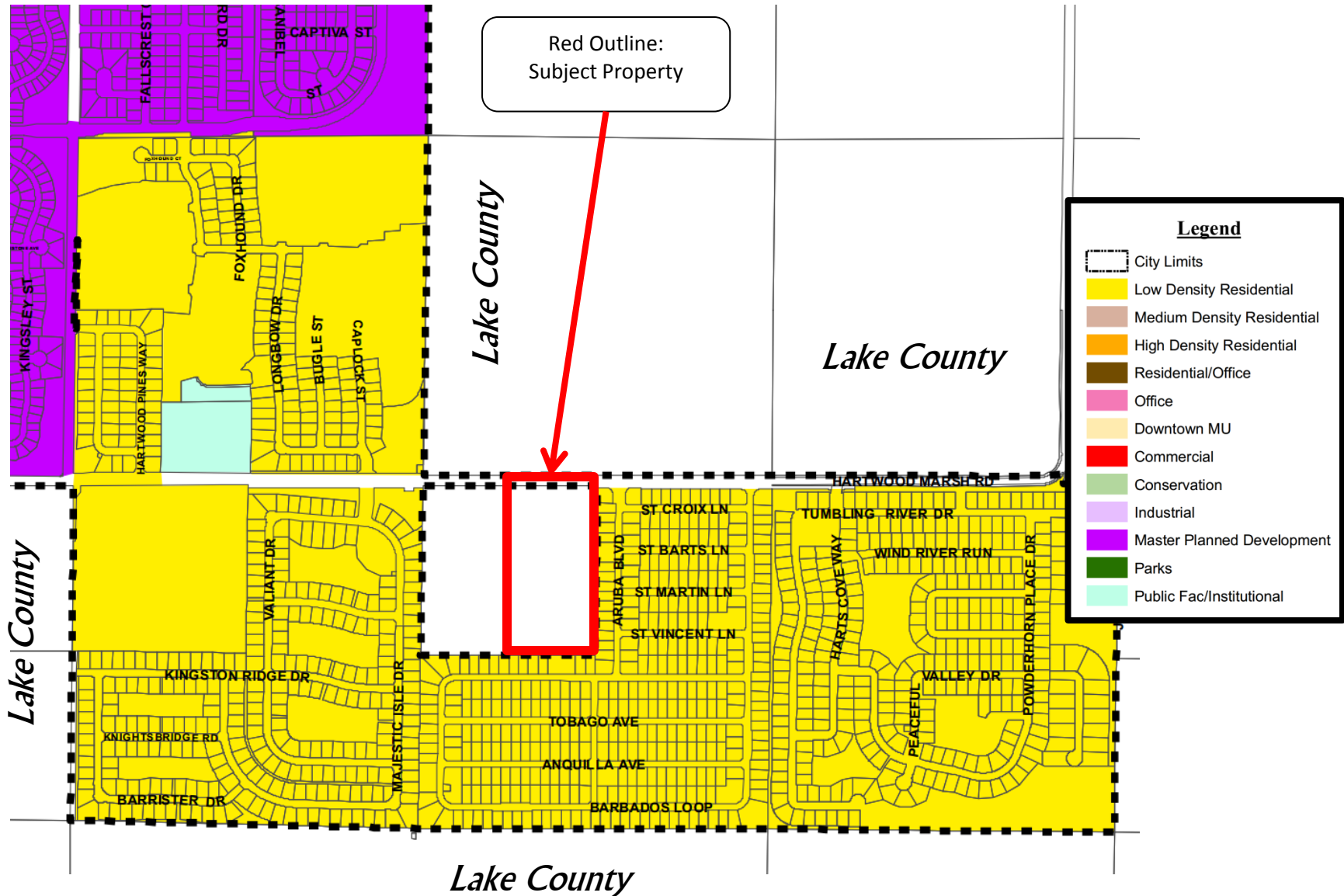
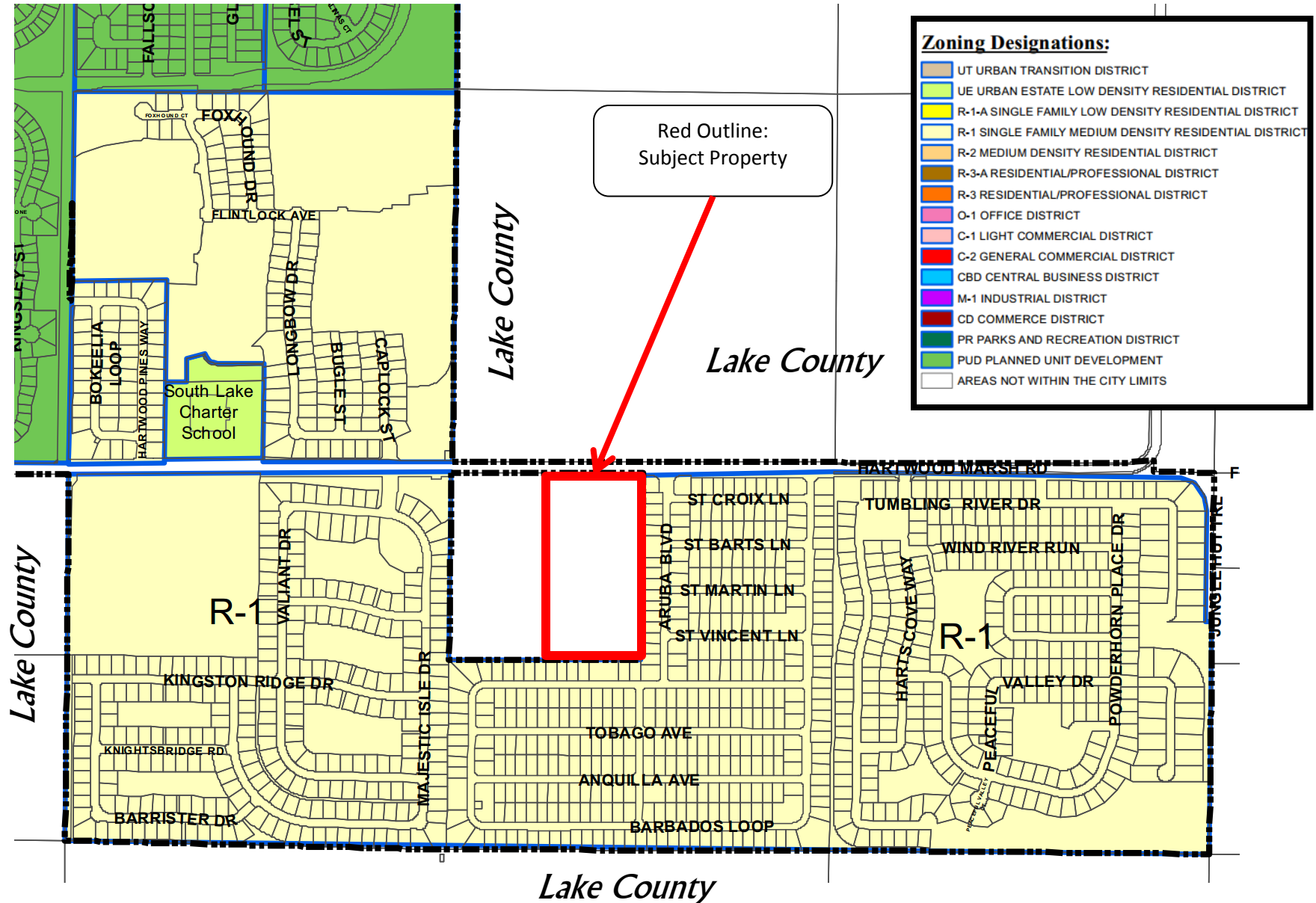


Exhibit – City of Clermont – Zoning Map Hartwood Marsh Subdivision





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

September 24, 2014

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

RE: City of Clermont Hartwood Marsh Rezoning Case

Dear Ms. Hollerand:

The City is currently reviewing an applicant's request to rezone 19.94 acres from Lake County Agriculture District to City of Clermont Medium Density Residential (R-2). 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 53 new single-family dwelling units that will contribute 20 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:

- | | |
|--------------------------------------|---------------------------|
| • Lost Lake Elementary School | 9% Under Capacity |
| • Windy Hill Middle School | 13% Over Capacity |
| • East Ridge High School | 12% Under 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

REVIEWING AUTHORITY City of Clermont Community Development Department, Planning & Zoning Division

NAME / CASE NUMBER Hartwood Marsh Rezoning Case

DEVELOPER/OWNER D.R. Horton, Inc. / Sharon Bongard

ITEM DESCRIPTION The applicant proposes a Future Land Use Map change from Lake County Urban Low Residential (4 dwelling units/1 acre) to City of Clermont Low Density Residential (3 dwelling units/1 acre) and a rezoning from Lake County Agriculture District to City of Clermont Medium Density Residential (R-2) on 19.94 acres.

LOCATION Section 10, Township 23S, Range 26E
Located north of Barbados Loop, south of Hartwood Marsh Road, east of Majestic Isle Drive, and west of Aruba Boulevard

CURRENT LAND USE Lake County Urban Low Residential (4 dwelling units/1 acre)

PROPOSED LAND USE City of Clermont Low Density Residential (3 dwelling units/1 acre)

CURRENT ZONING Lake County Agriculture District

PROPOSED ZONING City of Clermont Medium Density Residential (R-2)

NEW DU IMPACT

STUDENT GENERATION

Elementary School

Middle School

High School

SF-DU	MF-DU	Mobile	SF Impacts	
			53	Dwelling Units
0.374	0.235	0.126	20	
0.172	0.133	0.065	9	
0.085	0.051	0.029	5	
0.117	0.051	0.032	6	

SCHOOL NAME

Lost Lake Elementary

Windy Hill Middle

East Ridge 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
1,008	1,112	91%	1,017	91%	No
1,295	1,149	113%	1,300	113%	No
2,332	2,648	88%	2,338	88%	No

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

CSA 14

Elementary School

Middle School

High School

Student Enrollment 2017-2018*	Permanent Student Capacity*	% of Permanent Capacity
1,291	1,420	91%
1,295	1,149	113%
0	0	0%

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

COMMENTS:

The proposed rezoning will add 53 single-family dwelling units, 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: 9/23/2014



CITY OF CLERMONT
COMPREHENSIVE PLAN AMENDMENT
Application

DATE: 9/2/2014

FEE: \$1,500.00

Project Name (if applicable): Hartwood Marsh Subdivision

Applicant: D. R. Horton, Inc.

Contact Person: Broc L. Althafer

Address: 6200 Lee Vista Blvd., Suite 400

City: Orlando **State:** FL **Zip:** 32822

Phone: 407/856-6039 **Fax:** 888/691-2996

E-Mail: wginghram@drhorton.com

OWNER: Sharon Bongard

Address: 193 Pascack Road

City: Woodcliff Lake **State:** NJ **Zip:** 07677

Phone: 201/391-2434 **Fax:** 201/391-2434

E-Mail: Sharonbongard@aol.com

General Location: The subject property is located approximately 1.33 miles east of U.S. Highway 27 on Hartwood Marsh Road.

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

Property size (in acres or square feet): 19.94 acres

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

Existing (Actual) Land Use: Timber

Existing Zoning: Agriculture (Lake County)

Existing Future Land Use: Urban Low (Lake County)

Proposed Future Land Use: Low Density Residential (City of Clermont)

Type of development proposed: Gated single family subdivision consisting of 53 lots.

Proposed density (dwelling units/acre) or intensity: 2.66

Proposed Zoning District: Medium Density Residential (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).

The subject property is currently under Lake County Jurisdiction and is enclave bounded by City of Clermont. The parcel is currently in review for annexation into the City of Clermont to develop the property in a manner that is consistent with the surrounding area.

The existing Lake County future land use is Urban Low Residential. The request future land use is Low Density Residential.

A comprehensive plan amendment is required for the annexation of the property into the City of Clermont.

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 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. 34712-021 9
(352) 394-4083 Fax: (352) 394-3542

APPLICANT'S AFFIDAVIT

STATE OF FLORIDA
COUNTY OF LAKE:

Before me, the undersigned authority personally appeared

Broc L. Althafer, D. R. Horton, Inc., who being

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

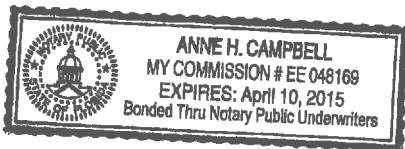
1. That he (she) affirms and certifies that he (she) understands and will comply with all ordinances, regulations and policies of Lake County, Florida, and that all statements and diagrams submitted herewith are true and accurate to the best of his (her) knowledge and belief, and further, that this application 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 Low Density (Lake County) to Low Density Residential 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.

X 
Affiant - Applicant Name (signature)

SWORN to and SUBSCRIBED before me by BROC L. ALTHAFER

or personally known by me this 2ND day of September, 2014.

X 
Notary Public, State of Florida at Large



My Commission Expires: April 10, 2015

OWNER'S AFFIDAVIT

STATE OF FLORIDA
COUNTY OF LAKE:

Before me, the undersigned authority personally appeared

Sharon Bongard

, 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 Low Density (Lake County) to Low Density Residential for the property legally described on the attachment of this application.
3. That the owner of said property has appointed IBI Group (Florida), Inc. 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 Sharon Bongard
Affiant – Owner's Name (signature)

SWORN to and SUBSCRIBED before me by Sharon Bongard
or personally known by me this 28 day of August, 2014.

x Fariba Negahban
Notary Public, State of ~~Florida~~ New Jersey

My Commission Expires: _____



Exhibit 'A'

Legal Description
Parcel 2

A Parcel of Land Lying in the Southeast Quarter of Section 10, Township 23 South, Range 26 East Being Described as Follows:

Commence At the Northwest Corner of Lot 28, Southern Fields Phase 1, According To the Plat Thereof As Recorded Plat Book 53, Pages 30-32, Public Records of Lake County Florida for a Point Of Reference; Thence Run South 80°58'20" East, Along The north Line of Said Southern Fields Phase 1, 663.08 Feet to The Point Of Beginning; Thence Run North 00°47'10" East, 1294.52 Feet to The South Right-Of-Way Line Of Hartwood Marsh Road; Thence Run North 89°59'36" East, Along Said South Right-Of-Way Line, 671.06 Feet To The West Line of Aforesaid Southern Fields Phase 1; Thence Departing Said South Right-Of-Way Line, Run South 00°47'10" West, Along Said West Line, 1294.92 Feet To The North Line Of Aforesaid Plat Of Southern Fields Phase 1; Thence Run North 89°58'20" West, Along Said North Line, 671.06 Feet To The Point Of Beginning.

The Above Described Parcel of Land Lies In Lake County, Florida and Contains 19.944 Acres More Or Less.

BOB McKEE

LAKE COUNTY TAX COLLECTOR

NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS

2013 Paid Real Estate

ACCOUNT NUMBER	ESCROW CODE	ALTERNATE KEY	MILLAGE CODE
1023260004-000-00600		1412293	0003

BONGARD SHARON G
193 PASCACK RD
WOODCLIFF LAKE, NJ 07677

NW 1/4 OF SE 1/4--LESS N 33 FT--ORB
3583 PG 2164



PAY IN U.S. FUNDS TO BOB McKEE, TAX COLLECTOR • PO BOX 327 • TAVARES, FL 32778-0327 • 352-343-9602

AD VALOREM TAXES					
TAXING AUTHORITY	ASSESSED VALUE	EXEMPTION AMT	TAXABLE VALUE	MILLAGE RATE	TAXES LEVIED
LAKE COUNTY GENERAL	60,450	46,800	13,650	4.7309	64.58
AMBULANCE MSTU	60,450	46,800	13,650	0.3853	5.26
STORMWATER ROADS PARKS	60,450	46,800	13,650	0.4984	6.80
ENVIRON LAND PURCHASE	60,450	46,800	13,650	0.1900	2.59
FIRE MSTU	60,450	46,800	13,650	0.3222	4.40
LAKE CO SCHOOL BOARD					
CURRENT	60,450	46,800	13,650	5.6700	77.40
CAPITAL OUTLAY	60,450	46,800	13,650	1.5000	20.48
ST JOHNS WATER MGMT	60,450	46,800	13,650	0.3283	4.48
LAKE CO WATER AUTH	60,450	46,800	13,650	0.2554	3.49
S LAKE CNTY HOSP	60,450	46,800	13,650	0.7900	10.78
TOTAL:				14.6705	\$200.26

NON-AD VALOREM ASSESSMENTS		
LEVYING AUTHORITY	RATE	AMOUNT
NON-AD VALOREM ASSESSMENTS:		\$0.00

COMBINED TAXES AND ASSESSMENTS: \$200.26

If Paid By	Mar 31, 2014
Please Pay	\$0.00

Paid 03/17/2014 Receipt # 2013-00255645 \$200.26

BOB McKEE

LAKE COUNTY TAX COLLECTOR

NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS

2013 Paid Real Estate

PAY IN U.S. FUNDS TO BOB McKEE, TAX COLLECTOR • PO BOX 327 • TAVARES, FL 32778-0327 • 352-343-9602

If Paid By	Mar 31, 2014
Please Pay	\$0.00

NW 1/4 OF SE 1/4--LESS N 33 FT--ORB 3583
PG 2164

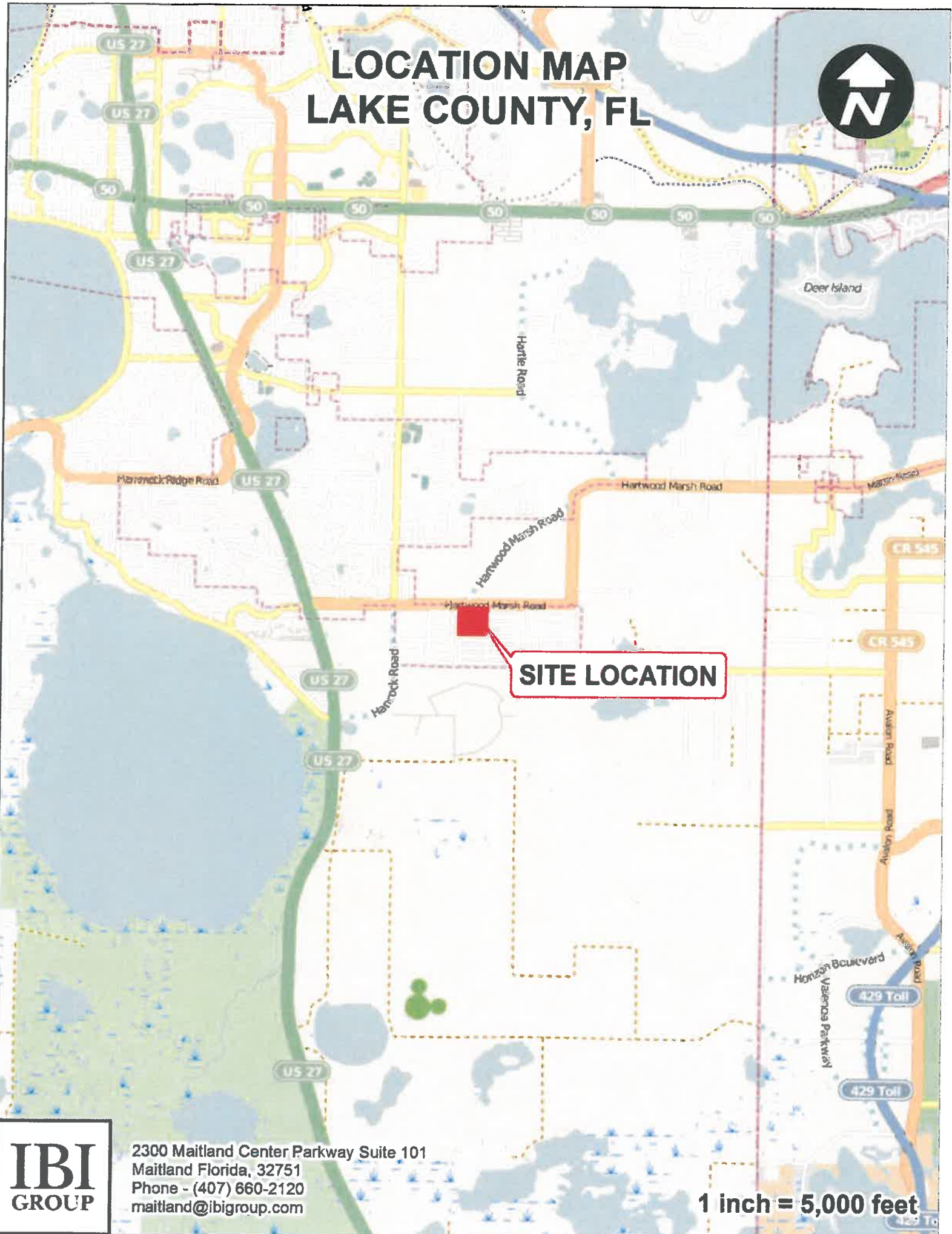
BONGARD SHARON G
193 PASCACK RD
WOODCLIFF LAKE, NJ 07677

ACCOUNT NUMBER	ESCROW CODE	ALTERNATE KEY	MILLAGE CODE
1023260004-000-00600		1412293	0003

Paid 03/17/2014 Receipt # 2013-00255645 \$200.26



LOCATION MAP LAKE COUNTY, FL



IBI
GROUP

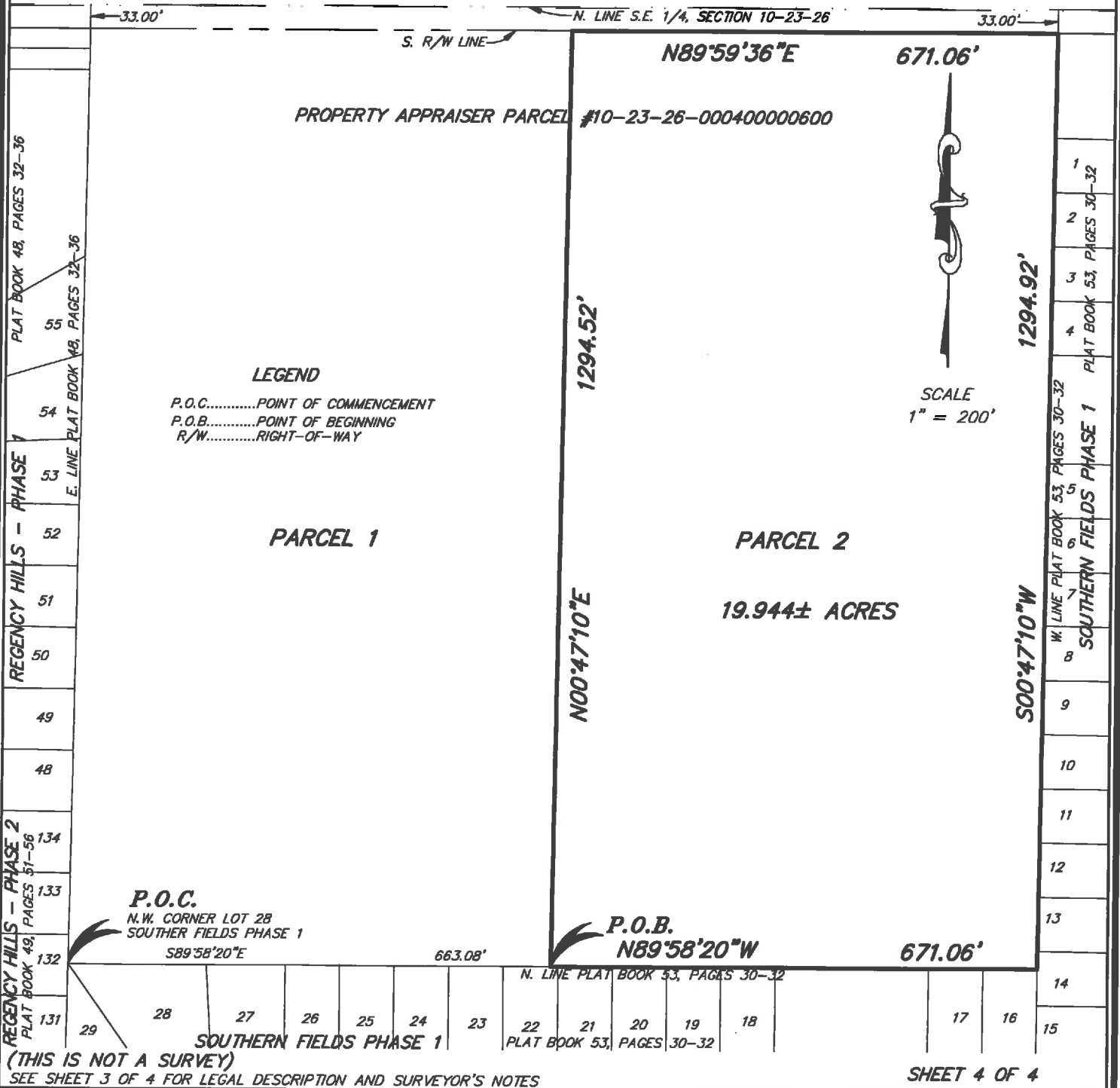
2300 Maitland Center Parkway Suite 101
Maitland Florida, 32751
Phone - (407) 660-2120
maitland@ibigroup.com

1 inch = 5,000 feet

LEGAL DESCRIPTION

LOT SPLIT EXHIBIT
PROPERTY APPRAISER PARCEL
#10-23-26-000400000600

HARTWOOD MARSH ROAD
66' RIGHT-OF-WAY WIDTH



PEC

SURVEYING AND MAPPING, LLC

CERTIFICATE OF AUTHORIZATION NUMBER LB 7808

2100 Alafaya Trail, Suite 203 • Oviedo, Florida 32765 • 407-542-4967

WWW.PECONLINE.COM

SECTION 10, TOWNSHIP 23 SOUTH, RANGE 26 EAST

DATE: SEPTEMBER 4, 2014

PREP BY: T.W.B.

DRAWN BY: T.W.B.

JOB #: 14-052

O: 14-052 DR Horton Heartwood Marsh Road Lot Split 14-052 Lot Split.dwg Sep 08, 2014 - 12:24pm

CITY OF CLERMONT

NOTICE OF PROPOSED LAND USE CHANGE

Large-Scale Comprehensive Plan Amendment

ORDINANCE NO. 2014-31

The City of Clermont will hold public hearings Tuesday, October 7, 2014 at 7 p.m. before the Planning and Zoning Commission and Tuesday, October 14, 2014 (transmittal and 1st reading of the adoption ordinance) and Tuesday, December 9, 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 19.94 +/-acre parcel below from Lake County – Urban Low Density to City of Clermont – Low Density Residential.



***Location: South of Hartwood Marsh Rd,
approx. ¾ mile east of Hancock Road and Hartwood Marsh Road Intersection***

Ordinance #2014-31:

An ordinance of the City of Clermont, Florida, adopting the large-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 large-scale comprehensive plan amendment; establishing the legal status of the large-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 Development Services 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
9/22/2014 and 11/25/2014



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, October 7, 2014		
Agenda Item Name		
Hartwood Marsh Subdivision (D.R. Horton) Rezoning		
Requested Action		
Recommend approval of Ordinance No. 2014-32		
Staff Report		
The applicant, home builder D.R. Horton, is proposing a single-family residential development consisting of 53 lots on 19.94 +/- acres. The subject parcel is located on the south side of Hartwood Marsh Road approximately ¾ mile east of the Hancock Road/Hartwood Marsh Road intersection. The property is currently in planted pines and is in Lake County. The applicant is proposing to develop the eastern half of the overall 40-acre site, or 19.94 +/- acres. At this time, the western 20 acres of the parent parcel is being retained by the current owner. The applicant also has submitted applications for annexation and a large-scale comprehensive plan amendment. Upon annexation into the City, the property would receive the default zoning of Urban Estate (UE). The subject parcel has existing developments to the west, south, and east. The single-family development to the west is Regency Hills with 85-foot-wide lots. The single-family development to the south and east is Southern Fields, and it has 75-foot-wide lots. The surrounding zoning is R-1 Single-Family Medium Density Residential. The applicant would like to develop the property with 75-foot-wide lots to be consistent with the existing development to the south and east. However, R-1 zoning requires 85-foot-wide lots. Therefore, the applicant is requesting R-2 Medium Density Residential zoning in order to develop 75-foot wide lots. The Southern Fields development was annexed into the City with the approved lot sizes in place. The density proposed is 2.66 units per acre. The property has City utilities available. Staff feels that the proposed R-2 zoning would be consistent with the existing development pattern that surrounds the property to the east and south and would provide infill to the existing development. Based upon the above information, staff recommends approval of the rezoning change from UE Urban Estate Low Density Residential to R-2 Medium Density Residential District.		
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 2014-32.doc |
| 2. | Maps | Hartwood Marsh DR Horton Maps.pdf |
| 3. | School impact | Hartwod Marsh School Board comments.pdf |
| 4. | Application | REZ application.pdf |
| 5. | Legal ad | REZ legal ad.docx |

CITY OF CLERMONT
ORDINANCE No. 2014-32

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

Parcel 2

A parcel of land lying in the southeast quarter of Section 10, Township 23 South, Range 26 East being described as follows:

Commence at the northwest corner of Lot 28, Southern Fields Phase 1, according to the plat thereof as recorded Plat Book 53, Pages 30-32, Public Records of Lake County, Florida for a point of reference; thence run south 89°58'20" east, along the north line of said Southern Fields Phase 1, 663.08 feet to the point of beginning; thence run north 00°47'10" east, 1294.52 feet to the south right-of-way line of Hartwood Marsh Road; thence run north 89°59'36" east, along said south right-of-way line, 671.06 feet to the west line of aforesaid Southern Fields Phase 1; thence departing said south right-of-way line, run south 00°47'10" west, along said west line, 1294.92 feet to the north line of aforesaid plat of Southern Fields Phase 1; thence run north 89°58'20" west, along said north line, 671.06 feet to the point of beginning.

The above described parcel of land lies in Lake County, Florida and contains 19.944 acres more or less.

From: UE Urban Estate
To: R-2 Medium Density Residential

SECTION 2:

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

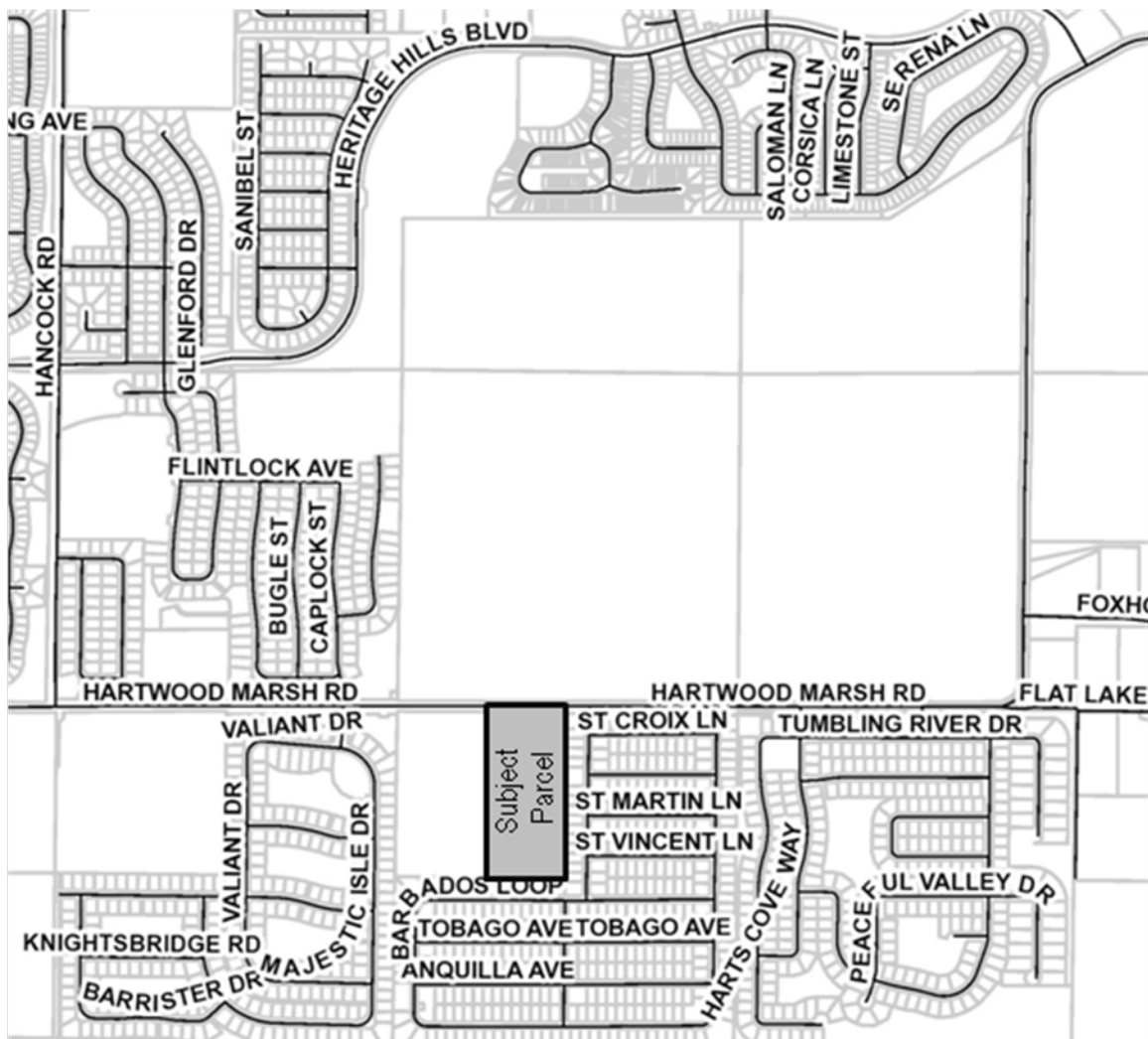
SECTION 3:

CITY OF CLERMONT
ORDINANCE No. 2014-32

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. 2014-32

CITY OF CLERMONT

Harold S. Turville, Jr., Mayor

ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form:

Dan Mantzaris, City Attorney

Exhibit - Location Map
Hartwood Marsh Subdivision



Exhibit – City of Clermont – Future Land Use Map Hartwood Marsh Subdivision

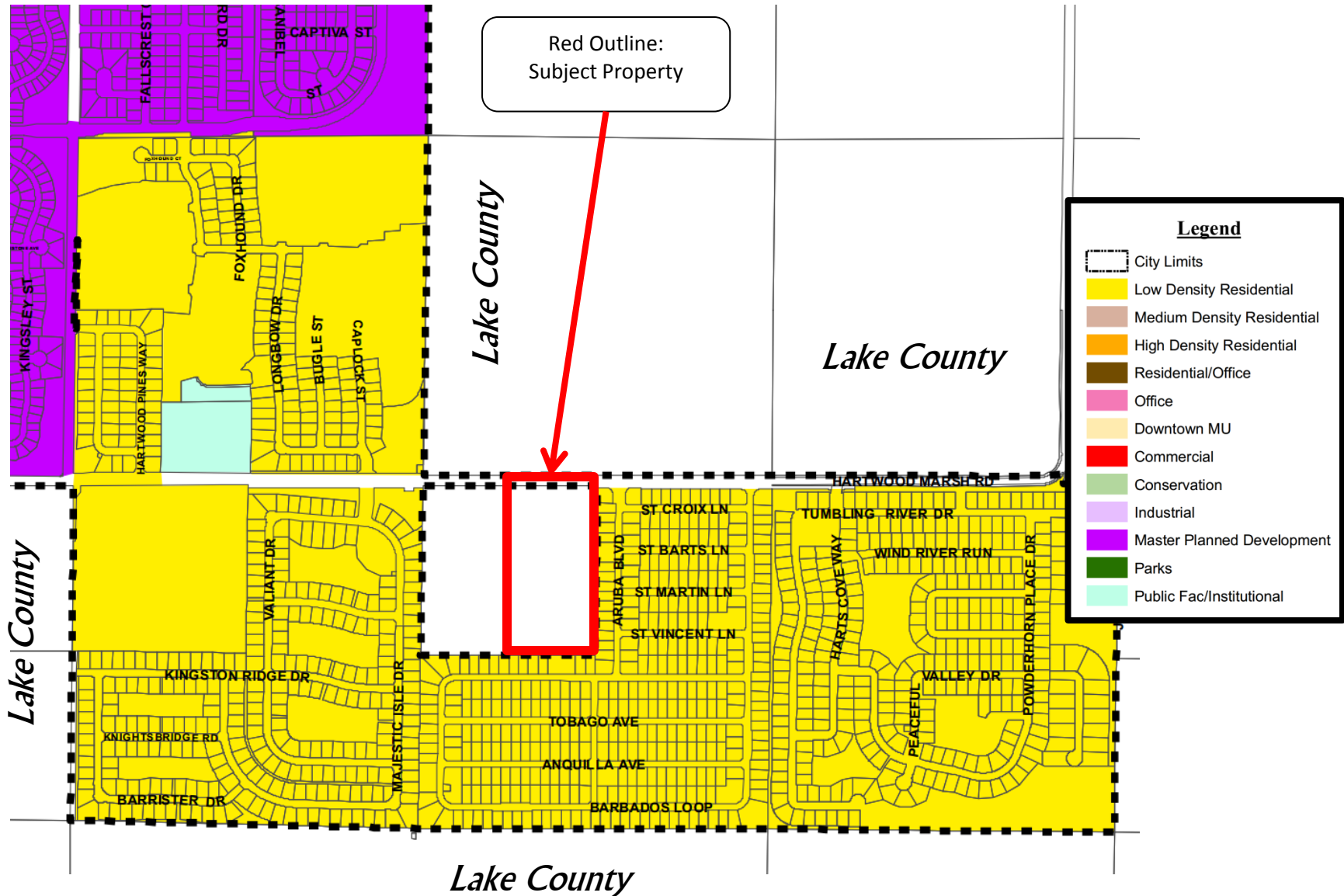
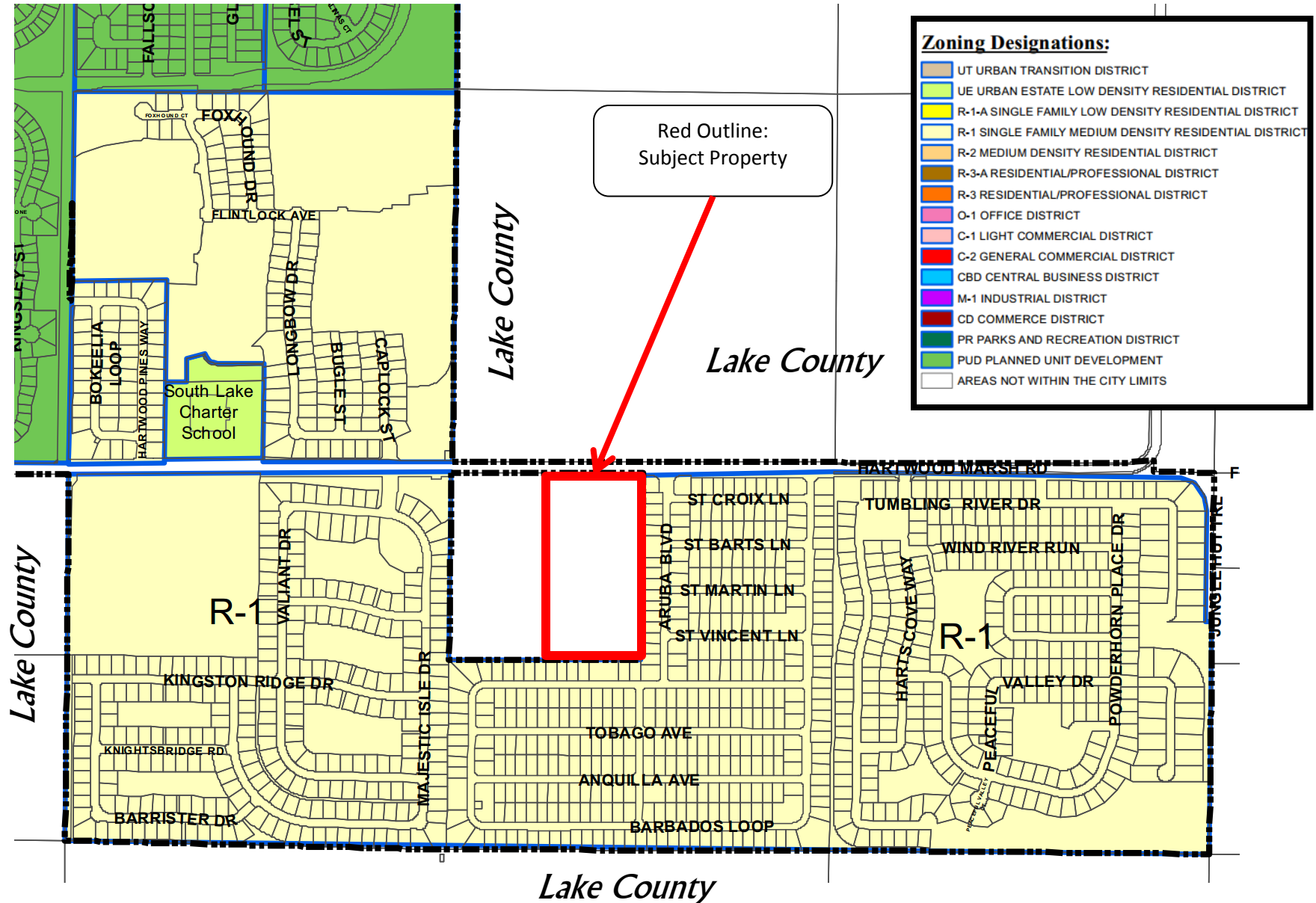


Exhibit – City of Clermont – Zoning Map Hartwood Marsh Subdivision





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

September 24, 2014

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

RE: City of Clermont Hartwood Marsh Rezoning Case

Dear Ms. Hollerand:

The City is currently reviewing an applicant's request to rezone 19.94 acres from Lake County Agriculture District to City of Clermont Medium Density Residential (R-2). 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 53 new single-family dwelling units that will contribute 20 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:

- | | |
|--------------------------------------|---------------------------|
| • Lost Lake Elementary School | 9% Under Capacity |
| • Windy Hill Middle School | 13% Over Capacity |
| • East Ridge High School | 12% Under 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

REVIEWING AUTHORITY City of Clermont Community Development Department, Planning & Zoning Division

NAME / CASE NUMBER Hartwood Marsh Rezoning Case

DEVELOPER/OWNER D.R. Horton, Inc. / Sharon Bongard

ITEM DESCRIPTION The applicant proposes a Future Land Use Map change from Lake County Urban Low Residential (4 dwelling units/1 acre) to City of Clermont Low Density Residential (3 dwelling units/1 acre) and a rezoning from Lake County Agriculture District to City of Clermont Medium Density Residential (R-2) on 19.94 acres.

LOCATION Section 10, Township 23S, Range 26E
Located north of Barbados Loop, south of Hartwood Marsh Road, east of Majestic Isle Drive, and west of Aruba Boulevard

CURRENT LAND USE Lake County Urban Low Residential (4 dwelling units/1 acre)

PROPOSED LAND USE City of Clermont Low Density Residential (3 dwelling units/1 acre)

CURRENT ZONING Lake County Agriculture District

PROPOSED ZONING City of Clermont Medium Density Residential (R-2)

NEW DU IMPACT

STUDENT GENERATION

Elementary School

Middle School

High School

SF-DU	MF-DU	Mobile	SF Impacts	
			53	Dwelling Units
0.374	0.235	0.126	20	
0.172	0.133	0.065	9	
0.085	0.051	0.029	5	
0.117	0.051	0.032	6	

SCHOOL NAME

Lost Lake Elementary

Windy Hill Middle

East Ridge 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
1,008	1,112	91%	1,017	91%	No
1,295	1,149	113%	1,300	113%	No
2,332	2,648	88%	2,338	88%	No

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

CSA 14

Elementary School

Middle School

High School

Student Enrollment 2017-2018*	Permanent Student Capacity*	% of Permanent Capacity
1,291	1,420	91%
1,295	1,149	113%
0	0	0%

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

COMMENTS:

The proposed rezoning will add 53 single-family dwelling units, 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: 9/23/2014



**CITY OF CLERMONT
REZONING
APPLICATION**

DATE: 9/8/2014

FEE: \$350.⁰⁰

PROJECT NAME (if applicable): Hartwood Marsh Subdivision

APPLICANT: D. R. Horton, Inc.

CONTACT PERSON: Broc Althafer

Address: 6200 Lee Vista Blvd., Suite 400

City: Orlando State: FL Zip: 32822

Phone: 407/856-6039 Fax: 888/691-2996

E-Mail: balthafer@drhorton.com

OWNER: Sharon Bongard

Address: 193 Pascack Road

City: Woodcliff Lake State: NJ Zip: 07677

Phone: 201/391-2434 Fax: 201/391-2434

Address of Subject Property: Hartwood Marsh Road, Lake County

Legal Description (include copy of survey): See Exhibit 'A'

Acreage: 19.94 Land Use: Timber
(City verification required)

Present Zoning: Agriculture (Lake County) Proposed Zoning: Medium Density Residential
(City verification required)

******* 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
REZONING
APPLICATION
Page 2**

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

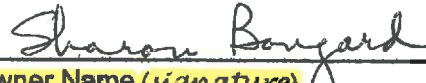
What are you proposing to do that would require a rezoning?

The subject agriculture property will be developed into a single family subdivision consistent with the surrounding area. The proposed zoning of Medium Density Residential (R-2) is being requested. The proposed subdivision plan is a gated community that incorporates 53 lots with a density of 2.66 lots/acre consistent with the future land use of Low Density Residential. The typical lot size is 75' x 137 with a total parcel area of 10,331 sq. ft., which is consistent with neighboring development to the east.

BROC ALTHAFER
Applicant Name (print)

x 
Applicant Name (signature)

Sharon Bongard
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. 34712-021 9
(352) 394-4083 Fax: (352) 394-3542

Exhibit 'A'

Legal Description
Parcel 2

A Parcel of Land Lying in the Southeast Quarter of Section 10, Township 23 South, Range 26 East Being Described as Follows:

Commence At the Northwest Corner of Lot 28, Southern Fields Phase 1, According To the Plat Thereof As Recorded Plat Book 53, Pages 30-32, Public Records of Lake County Florida for a Point Of Reference; Thence Run South 80°58'20" East, Along The north Line of Said Southern Fields Phase 1, 663.08 Feet to The Point Of Beginning; Thence Run North 00°47'10" East, 1294.52 Feet to The South Right-Of-Way Line Of Hartwood Marsh Road; Thence Run North 89°59'36" East, Along Said South Right-Of-Way Line, 671.06 Feet To The West Line of Aforesaid Southern Fields Phase 1; Thence Departing Said South Right-Of-Way Line, Run South 00°47'10" West, Along Said West Line, 1294.92 Feet To The North Line Of Aforesaid Plat Of Southern Fields Phase 1; Thence Run North 89°58'20" West, Along Said North Line, 671.06 Feet To The Point Of Beginning.

The Above Described Parcel of Land Lies In Lake County, Florida and Contains 19.944 Acres More Or Less.

BOB MCKEE

LAKE COUNTY TAX COLLECTOR

NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS

2013 Paid Real Estate

ACCOUNT NUMBER	ESCROW CODE	ALTERNATE KEY	MILLAGE CODE
1023260004-000-00600		1412293	0003

BONGARD SHARON G
193 PASCACK RD
WOODCLIFF LAKE, NJ 07677

NW 1/4 OF SE 1/4--LESS N 33 FT--ORB
3583 PG 2164

**PAY IN U.S. FUNDS TO BOB MCKEE, TAX COLLECTOR - PO BOX 327 - TAVARES, FL 32778-0327 - 352-343-9602**

AD VALOREM TAXES					
TAXING AUTHORITY	ASSESSED VALUE	EXEMPTION AMT	TAXABLE VALUE	MILLAGE RATE	TAXES LEVIED
LAKE COUNTY GENERAL	60,450	46,800	13,650	4.7309	64.58
AMBULANCE MSTU	60,450	46,800	13,650	0.3853	5.26
STORMWATER ROADS PARKS	60,450	46,800	13,650	0.4984	6.80
ENVIRON LAND PURCHASE	60,450	46,800	13,650	0.1900	2.59
FIRE MSTU	60,450	46,800	13,650	0.3222	4.40
LAKE CO SCHOOL BOARD					
CURRENT	60,450	46,800	13,650	5.6700	77.40
CAPITAL OUTLAY	60,450	46,800	13,650	1.5000	20.48
ST JOHNS WATER MGMT	60,450	46,800	13,650	0.3283	4.48
LAKE CO WATER AUTH	60,450	46,800	13,650	0.2554	3.49
S LAKE CNTY HOSP	60,450	46,800	13,650	0.7900	10.78
TOTAL:				14.6705	\$200.26

NON-AD VALOREM ASSESSMENTS		
LEVYING AUTHORITY	RATE	AMOUNT
NON-AD VALOREM ASSESSMENTS:		\$0.00

COMBINED TAXES AND ASSESSMENTS: \$200.26

If Paid By	Mar 31, 2014
Please Pay	\$0.00

Paid 03/17/2014 Receipt # 2013-00255645 \$200.26

BOB MCKEE

LAKE COUNTY TAX COLLECTOR

NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS

2013 Paid Real Estate

PAY IN U.S. FUNDS TO BOB MCKEE, TAX COLLECTOR - PO BOX 327 - TAVARES, FL 32778-0327 - 352-343-9602

If Paid By	Mar 31, 2014
Please Pay	\$0.00

NW 1/4 OF SE 1/4--LESS N 33 FT--ORB 3583
PG 2164

BONGARD SHARON G
193 PASCACK RD
WOODCLIFF LAKE, NJ 07677

ACCOUNT NUMBER	ESCROW CODE	ALTERNATE KEY	MILLAGE CODE
1023260004-000-00600		1412293	0003

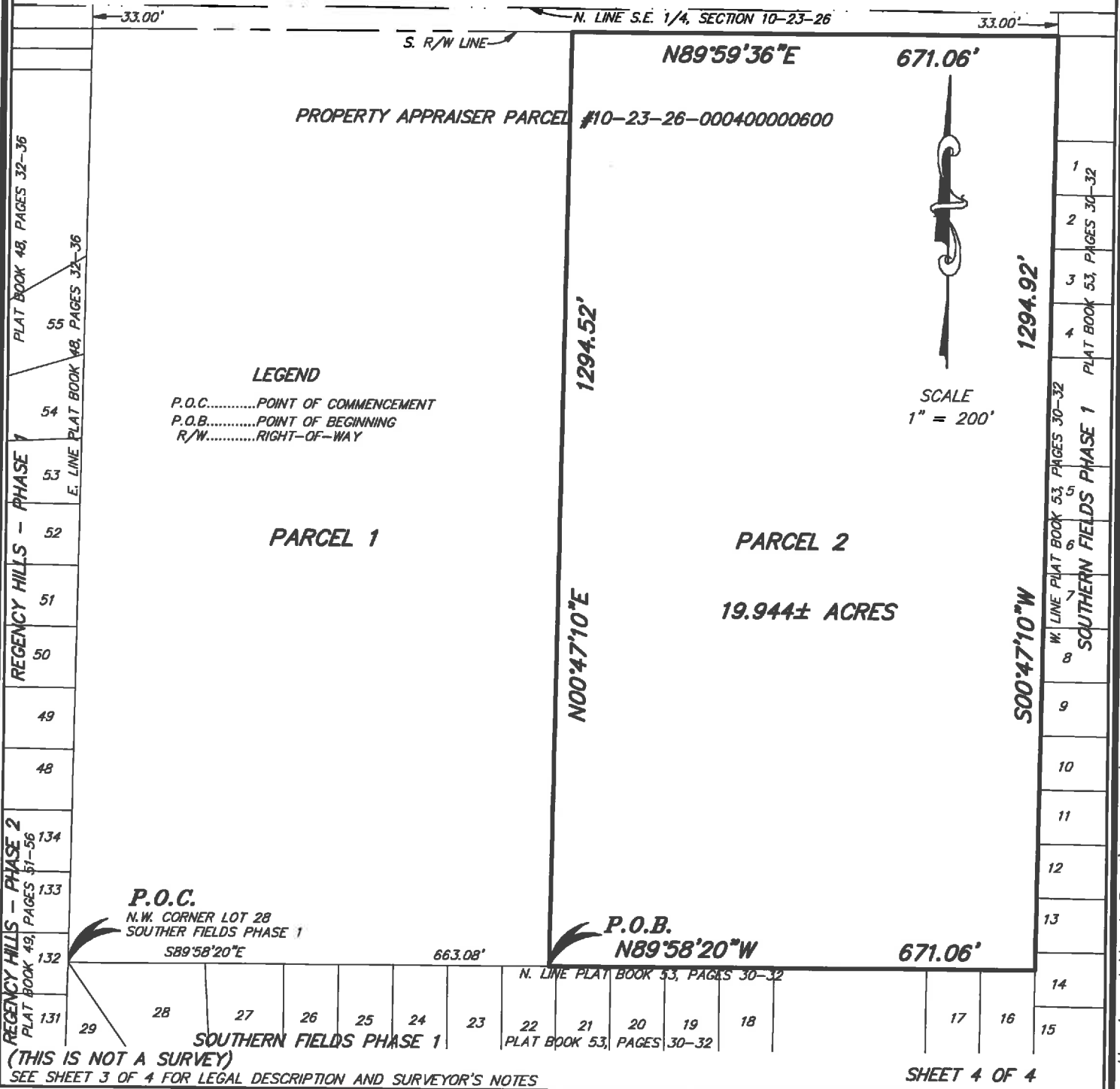
Paid 03/17/2014 Receipt # 2013-00255645 \$200.26



LEGAL DESCRIPTION

LOT SPLIT EXHIBIT
PROPERTY APPRAISER PARCEL
#10-23-26-000400000600

HARTWOOD MARSH ROAD
66' RIGHT-OF-WAY WIDTH



PEC

SURVEYING AND MAPPING, LLC

CERTIFICATE OF AUTHORIZATION NUMBER LB 7808

2100 Alafaya Trail, Suite 203 • Oviedo, Florida 32765 • 407-542-4967

WWW.PECONLINE.COM

SECTION 10, TOWNSHIP 23 SOUTH, RANGE 26 EAST

DATE: SEPTEMBER 4, 2014

PREP BY: T.W.B.

DRAWN BY: T.W.B.

JOB #: 14-052

O: 14-052 DR Horton Heartwood Marsh Road Lot Split 14-052 Lot Split.dwg Sep 08, 2014 - 12:24pm

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. 2014-32

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
South of Hartwood Marsh Rd, approx. $\frac{3}{4}$ mile east of Hancock
Road and Hartwood Marsh Road Intersection

LEGAL DESCRIPTION

A parcel of land lying in the southeast quarter of Section 10, Township 23 South, Range 26 East being described as follows:

Commence at the northwest corner of Lot 28, Southern Fields Phase 1, according to the plat thereof as recorded Plat Book 53, Pages 30-32, Public Records of Lake County, Florida for a point of reference; thence run south 89°58'20" east, along the north line of said Southern Fields Phase 1, 663.08 feet to the point of beginning; thence run north 00°47'10" east, 1294.52 feet to the south right-of-way line of Hartwood Marsh Road; thence run north 89°59'36" east, along said south right-of-way line, 671.06 feet to the west line of aforesaid Southern Fields Phase 1; thence departing said south right-of-way line, run south 00°47'10" west, along said west line, 1294.92 feet to the north line of aforesaid plat of Southern Fields Phase 1; thence run north 89°58'20" west, along said north line, 671.06 feet to the point of beginning.

The above described parcel of land lies in Lake County, Florida and contains 19.944 acres more or less.

FROM UE URBAN ESTATE
TO R-2 MEDIUM DENSITY RESIDENTIAL

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

A public meeting to consider the request will be held before the City Council on Tuesday, December 9, 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
9/30/2014 and November 25, 2014

7





CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date	
Tuesday, October 7, 2014	
Agenda Item Name	
Heritage Hills Conditional Use Permit	
Requested Action	
Recommend approval of Resolution 2014-35	
Staff Report	
The applicant is requesting to amend the existing conditional use permit (Resolution #2013-10) to allow for adjustments to the roadway connection points and to allow for a non-age-restricted phase. The existing resolution depicts roadway connection points that connect the internal right-of-way to the proposed Hartle Road extension, which is currently undeveloped. Because Hartle Road is undeveloped and not programmed for construction, the applicant/developer is left with altering the connection points to the right-of-way. Currently, the site plan shows access to Hartle Road north of Hartwood Marsh Road. The new proposed plan shows the eastern portion of the project accessing directly to Hartwood Marsh Road. The applicant is also requesting to create a non-age-restricted portion of the project on Phase 7. Currently, all of Heritage Hills is designated as age-restricted in the original approved Conditional Use Permit. Heritage Hills is also part of the Kings Ridge Development of Regional Impact (DRI), which also includes Kings Ridge, Legends, and their associated office, commercial and institutional use properties. Within the DRI development order, an equivalency matrix was created and approved by the state that allows for substitutions of uses within the DRI without further state and regional agency approval. This matrix allows for non-age-restricted homes to be substituted for previously approved commercial and age-restricted homes. The applicant wishes to exercise the use of the equivalency matrix to eliminate 8,400 square feet of remaining commercial development within the DRI as well as 94 of the approved 1,223 age-restricted homes in exchange for up to 67 non-age-restricted homes to develop in Phase 7 of the project. The applicant states that the request is based on three physical site characteristics that make it impractical for Phase 7 to be included in the age-restricted, gated community. These include a 200-foot-wide Duke Energy easement, Hartle Road, and two isolated wetlands all located between Phase 6 and Phase 7. The applicant states that these barriers create 220 feet to 550 feet of separation between the two phases and make a connection by an internal roadway system impossible to design. The applicant has also included an updated "Exhibit B" for the CUP, which depicts the actual development phases and boulevard alignment, the changes to the roadway connections in the new request, and all the previously approved changes from the CUP amendments in 2009 and 2013. Staff recommends approval of the CUP amendment.	
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 2014-35.docx
2.	Exhibit	Heritage Hills Exhibit non age restricted.doc
3.	CUP Conditions	Heritage Hills CUP CONDITIONS.doc
4.	Site plan	2014 site plan.pdf
5.	School impact	Heritage Hills School Board comments.pdf
6.	Application	2014 application.pdf
7.	Legal ad	2014 CUP legal ad.docx

**CITY OF CLERMONT
RESOLUTION NO. 2014-35**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, GRANTING AN AMENDMENT TO A CONDITIONAL USE PERMIT TO ALLOW AN ADJUSTMENT TO THE ROAD-WAY CONNECTION POINTS AND TO ALLOW FOR A NON-AGE RESTRICTED PORTION OF THE SITE.

WHEREAS, the Planning and Zoning Commission of the City of Clermont, Lake County, Florida at a meeting held October 7, 2014 recommended approval of this amendment to the Conditional Use Permit to allow an adjustment to the road-way connection points and to allow for a non-age restricted portion of the site; at the following location:

LOCATION:

East of Hancock Road, north of Hartwood Marsh Road,
and south of Highway 50

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 an amendment to the Conditional Use Permit to allow an adjustment to the road-way connection points and to allow for a non-age restricted portion of the site; 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. Upon approval of this Resolution, the property shall only be used for the purposes described herein. No expansion of the use(s) or any additional uses shall be permitted except as approved by another Conditional Use Permit.
3. The property described in “Exhibit A” shall be developed in substantial accordance with the Conceptual Site Plan, Center Lake Properties Limited/Vista Royale, modified October 2014, by BESH INC., as shown in “Exhibit B,” and Map H (Master Development Plan for Kings Ridge DRI), dated November 2005, prepared by Glatting Jackson Kercher Anglin Lopez Rinehart, as shown in “Exhibit C,” incorporating all conditions of this Conditional Use Permit.
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

CITY OF CLERMONT
RESOLUTION NO. 2014-35

manner within the boundary of the Planned Unit Development without first submitting necessary plans, obtaining necessary approvals, and obtaining necessary permits from the City and other applicable jurisdictional entities.

5. Prior to the issuance of any permits, the applicant shall be required to submit formal site plans for review and approval by the City of Clermont Site Review Committee. The site plans shall meet all submittal requirements and comply with the conditions of this Resolution, applicable City Codes, Regulations, Ordinances, and provide compliance with the adopted City Comprehensive Plan, as amended.
6. Any specific references in this Resolution to the Florida Statutes, Florida Administrative Code, City of Clermont Land Development Regulations, City of Clermont Comprehensive Plan, shall include any future amendments to the Statutes, Code, Regulations and or Plan.
7. A Certificate of Occupancy shall not be issued until each of the stated conditions has been met.
8. 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 as prescribed in the City Code.
9. The Conditional Use Permit must be executed and filed in the office of the City Clerk within 90 days of the date of grant by the City Council or the permit shall become null and void.
10. This permit shall become null and void if substantial construction work has not begun within two (2) years of the date 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.
11. The subject property shall be an independent development and shall not become part of the Kings Ridge Planned Unit Development as an addition or extension of the Kings Ridge Community Association, Incorporated.

Section 2 – Land Use

The parcel shall be developed as a residential Planned Unit Development. The community shall be owner occupied ~~and age restricted~~. The project shall be developed in accordance with the UD-7 Mixed-Use Classification I Land Use District.

1. *Number and Type of Residential Units* - There are 1,223 dwelling units approved for "Parcel H," a density 2.77 dwelling units per acre. All land used to calculate density must be useable land. Floodplains, wetlands, natural bodies of water, and power line easements are not useable land for density calculations.

CITY OF CLERMONT
RESOLUTION NO. 2014-35

2. *Lot Sizes* – Residential construction shall be permitted on lots that are a minimum of 50 feet x 100 feet (5,000 square feet); however, cul-de-sac or unique configured corner lots may be permitted less than 50 foot frontage as long as the lot meets the 50 foot required width at the building setback line and meets the minimum square footage. Within the gated community, residential attached construction shall be permitted on lots that are a minimum of 20 feet x 100 feet (2,000 square feet). Setbacks shall be as provided in Exhibit “B.”
3. *Structure Setbacks* – Minimum setbacks shall be twenty (20) feet for front yards, fifteen (15) feet for rear yards for the principal dwelling unit, and a ten (10) foot separation between buildings. Accessory structures such as pools, decks and screened enclosures shall be constructed a minimum of five (5') feet from the rear yard property line.
4. *Impervious Surfaces Limitations* – A maximum impervious surface ratio shall not be calculated on individual lots for permitting purposes.
5. *Total Open Space* – A minimum of 45 percent of the useable land shall be open space. This may include common open space (including trails), yards, landscape buffers and power line easements. Floodplain areas, wetland areas, natural water bodies, rights-of-way, and dry water retention areas shall not be calculated as open space or common space.
6. *Common Open Space* – A minimum of 50 acres of land shall be designated as Common Open Space. Common Open Space shall be defined as land set aside, dedicated, designated, or reserved for public use or the use of owners and occupants of the development. Common Open Space includes parks and recreation areas. It does not include the perimeter landscape buffer described in Section 7, Condition 3.
7. A clubhouse and recreation facilities will be provided for the benefit of the owners of property within the Planned Unit Development.
8. In order to provide neighborhood continuity, all residential areas shall access internally to recreational and other passive public areas through design and implementation of pedestrian ways and bicycle paths.
9. The project shall have an on-site sales and model center.

Section 3 – Physical Site Development and Environmental Issues

1. A dust abatement, soil erosion, and ground stabilization plan shall be submitted to the City detailing measures to be taken to eliminate the migration of dust particles and soil erosion. All disturbed areas that are not to be developed within 30 days after grading is completed shall be seeded and mulched or sodded unless an alternative plan is submitted to and approved by the City.

CITY OF CLERMONT
RESOLUTION NO. 2014-35

2. Any and all areas of the parcel shall be in compliance by June 4, 2004 with the agreement with Lake County titled “Developer’s Agreement for Reclamation Activities Related to the Center Lake Sand Mine” dated December 17, 2002. The permittee agrees to execute a document that allows the City to enforce all terms and conditions of the development agreement with Lake County following the annexation of property described in Exhibit “A”.
3. Parcels shall be developed with maximum slopes limited to 3:1 with the exception of Parcel #9, identified as a park site on the conceptual development plan, where special design features such as overlook plazas may be provided. Here, slopes of 2:1 may be allowed with review and approval by the City Engineer.
4. Stormwater Management: A comprehensive stormwater management system will be provided consistent with all regulatory requirements of the City and the Water Management District.
5. Due to extreme grades existing on the site from the former sand mining operation, previously disturbed areas of the project will be exempt from Code limitations regarding the extent of grade changes allowed. Initial reclamation and grading is exempt from City Code; however, after the initial grading has been completed future grading will conform to the City’s grading code.
6. 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 1 dated August 2014 prepared by BESH INC. 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 Johns 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 – DRI Development Order Issues and Impact Mitigation

1. Prior to obtaining a preliminary plat of the property, the owner shall comply with the requirements of Chapter 380.06, Florida Statutes, which governs Developments of Regional Impact. If the property is governed by the provisions of Chapter 380.06, Florida Statutes and proceeds through the Development of Regional Impact process, then the terms and conditions of this permit may be modified so as to conform to the terms and conditions of the development order issued by the City.

CITY OF CLERMONT
RESOLUTION NO. 2014-35

Section 5 – Utilities

1. The project shall be plumbed for reclaimed water use. In order to prevent potential cross connection of potable water supply and reuse water lines, all reuse lines shall be installed in purple colored pipe. Irrigation water shall be supplied by a private irrigation well and system permitted and constructed by the owner to serve the residents and common areas until reuse water is available. The City shall operate and maintain the well and distribution mains up to and including the irrigation meters.
2. A 100 foot by 100 foot well site shall be dedicated to the City; the location of which to be determined by the City Engineer.
3. The City will provide water and wastewater services for the project described in the Planned Unit Development.
4. The permittee will be responsible for extending utility lines to the project.
5. The permittee shall not place more than thirty-six (36) inches of overburden on utility lines. Where landscape may be located over such line, the City shall receive indemnification in the event of necessary operation and/or maintenance of the utility. Repair and/or replacement of landscape shall be the responsibility of the permittee.
6. The City may construct a liner in any or all of the retention ponds within the development to be used for bulk reclaimed water storage. The City will construct the liner at its own expense and restore the area to a condition equal to the conditions prior to liner construction. The City may construct at its own expense a pump station and filtration system for the reclaimed water to be constructed along the banks of the pond. The construction of the facilities will mimic a residential-style structure to blend in with the surroundings. The owner shall dedicate access easements over the pond areas to facilitate this use.

Section 6 – Transportation Improvements

1. The permittee shall dedicate right-of-way necessary for the proposed realignment of Hartwood Marsh Road as determined by Lake County. In the event development of the project reached a stage where access from Hartwood Marsh Road is necessary and the planned improvements to Hartwood Marsh Road have not been made, there may be a requirement for improvements to the existing roadway such as turn lanes. The developer shall dedicate right-of-way of eighty (80) feet in width for the extension of Hartle Road through the property so as to connect with Hartwood Marsh Road.
2. The developer shall meet the required access management standards of Lake County and the Florida Department of Transportation (FDOT) consistent with jurisdictional roadway classifications as it relates to identified jurisdictional facilities.
3. To provide safe access and preserve operational capacity, the developer shall fund on-site and immediate area improvements consistent with impacts of the specific access being

CITY OF CLERMONT
RESOLUTION NO. 2014-35

4. requested. Immediate improvements necessitated by construction of ingress/egress roadways to the project shall be provided, consistent with the impact of the facility constructed. The City of Clermont and Lake County shall jointly review and determine approval of access facilities. Plans and specifications for any proposed access shall be provided for review, evaluation and approval prior to physical construction. Such improvements may include, but not be limited to, acceleration lanes, deceleration lanes, turn lanes, tapers, signalization, and signage, widening, and resurfacing of the impacted roadway consistent with the specific land utilization for the access being requested.
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6. A sidewalk shall be provided along Hartwood Marsh Road the length of the subject property unless Lake County constructs a trail in lieu of the sidewalk.
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9. The roadway surface may be designed and constructed in two $\frac{3}{4}$ inch lifts of asphalt for a total of 1 $\frac{1}{2}$ inch asphalt surface.
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13. A temporary access road from Hartwood Marsh Road to the terminus of the existing, completed portion of Heritage Hills Boulevard may be constructed and remain in operation for a period of two years. The entrance at Hartwood Marsh Road shall be constructed to City standards; including street lights, for a distance of approximately 400

CITY OF CLERMONT
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4. All signage shall be constructed according to the current City sign code.

CITY OF CLERMONT
RESOLUTION NO. 2014-35

Exhibit A

Legal Description of 442-acre property, Center Lake PUD

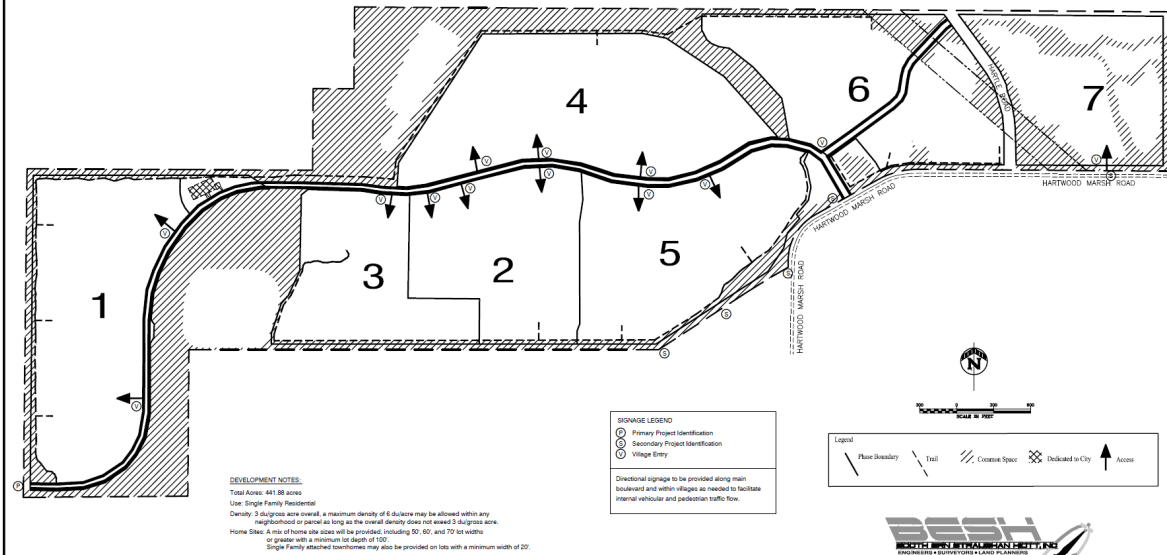
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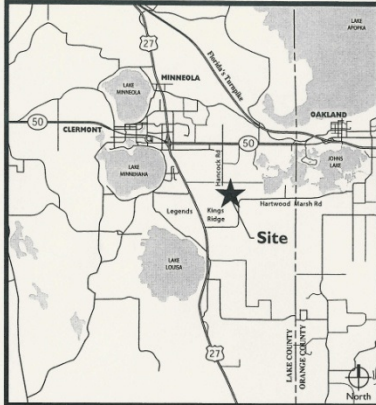
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CITY OF CLERMONT RESOLUTION NO. 2014-35

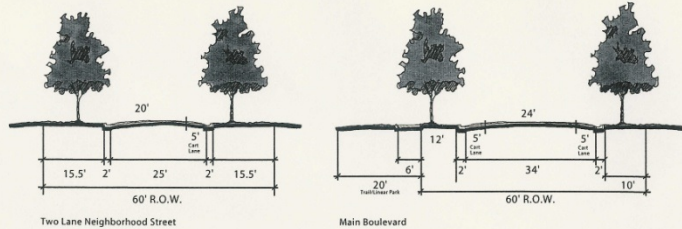
Exhibit B



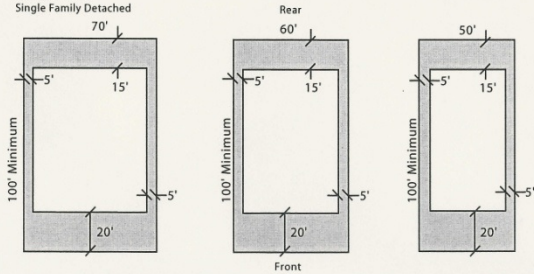
Location Map



Typical Street Sections



Buildable Areas
Single Family Detached



*Corner lots to be 10' wider to accommodate 15' setback from sidewalk. 15' rear setback shown is for main structures. Accessory structures and screened enclosures may be set back a minimum of 5' from rear lot line. A 0' side setback is allowed, but a minimum of 10' must be provided between single family detached units.

Source: Glatting Jackson

Center Lake
Properties, Ltd.



GLATTING
JACKSON
ARCHITECTS
ARCHITECTS
ARCHITECTS

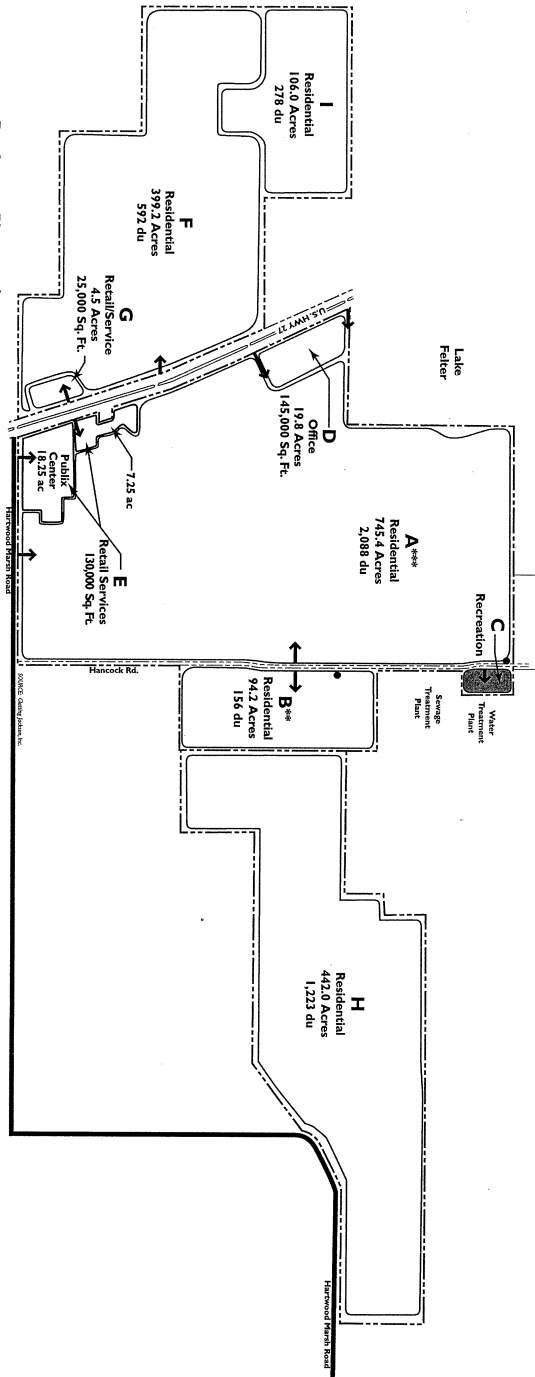
9

10.20.03

Conceptual Development Plan
Vista Royale
Sheet 2 of 3

**CITY OF CLERMONT
RESOLUTION NO. 2014-35**

Map H
Master Development Plan



Development Plan

Parcel	Use	Acreage	Units
A,B,E,H,I	Residential	1,786.8*	4,337 du
C	Recreation	5.0	155,000 sq. ft. C/A
D,G	Retail/Service	30.0	145,000 sq. ft. C/A
F	Residential	397.2	572 du
A,F	Common Open Space* (Golf/Swimmer Management)	19.8	54 Holes
	Lake	2.0	
Total		1843.6	

* Common Open Space acreage included in parcel acreage
 ** 29 acre school site and 1-acre institutional site included in Parcel B.
 *** Parcel A includes 34-acre fire station

Exhibit C

KINGS RIDGE
LENNAR HOMES AT CLERMONT

North

IG

Scale in Feet

0 400 800 1600

CITY OF CLERMONT
RESOLUTION NO. 2014-35

DONE AND RESOLVED by the City Council of the City of Clermont, Lake County, Florida, this 28th day of October, 2014.

CITY OF CLERMONT

Harold S. Turville, Jr., Mayor

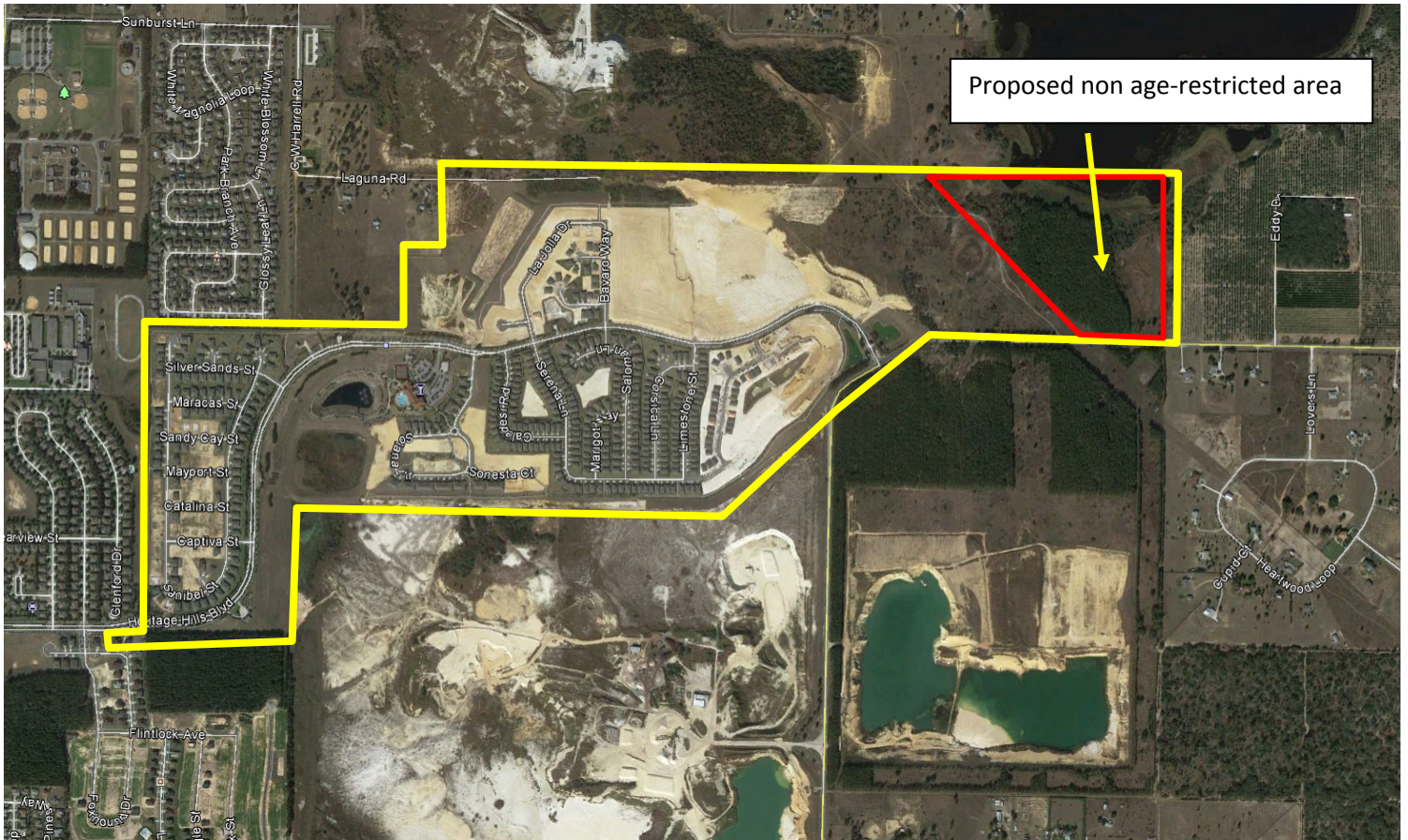
ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Aerial map:



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. Upon approval of this Resolution, the property shall only be used for the purposes described herein. No expansion of the use(s) or any additional uses shall be permitted except as approved by another Conditional Use Permit.
3. The property described in “Exhibit A” shall be developed in substantial accordance with the Conceptual Site Plan, Center Lake Properties Limited/Vista Royale, modified October 2014, by BESH INC., as shown in “Exhibit B,” and Map H (Master Development Plan for Kings Ridge DRI), dated November 2005, prepared by Glatting Jackson Kercher Anglin Lopez Rinehart, as shown in “Exhibit C,” incorporating all conditions of this Conditional Use Permit.
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 Planned Unit Development without first submitting necessary plans, obtaining necessary approvals, and obtaining necessary permits from the City and other applicable jurisdictional entities.
5. Prior to the issuance of any permits, the applicant shall be required to submit formal site plans for review and approval by the City of Clermont Site Review Committee. The site plans shall meet all submittal requirements and comply with the conditions of this Resolution, applicable City Codes, Regulations, Ordinances, and provide compliance with the adopted City Comprehensive Plan, as amended.
6. Any specific references in this Resolution to the Florida Statutes, Florida Administrative Code, City of Clermont Land Development Regulations, City of Clermont Comprehensive Plan, shall include any future amendments to the Statutes, Code, Regulations and or Plan.
7. A Certificate of Occupancy shall not be issued until each of the stated conditions has been met.
8. 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 as prescribed in the City Code.
9. The Conditional Use Permit must be executed and filed in the office of the City Clerk within 90 days of the date of grant by the City Council or the permit shall become null and void.
10. This permit shall become null and void if substantial construction work has not begun within two (2) years of the date 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.
11. The subject property shall be an independent development and shall not become part of the Kings Ridge Planned Unit Development as an addition or extension of the Kings Ridge Community Association, Incorporated.

Section 2 – Land Use

The parcel shall be developed as a residential Planned Unit Development. The community shall be owner occupied ~~and age-restricted~~. The project shall be developed in accordance with the UD-7 Mixed-Use Classification I Land Use District.

1. *Number and Type of Residential Units* - There are 1,223 dwelling units approved for “Parcel H,” a density 2.77 dwelling units per acre. All land used to calculate density must be useable land. Floodplains, wetlands, natural bodies of water, and power line easements are not useable land for density calculations.
2. *Lot Sizes* – Residential construction shall be permitted on lots that are a minimum of 50 feet x 100 feet (5,000 square feet); however, cul-de-sac or unique configured corner lots may be permitted less than 50 foot frontage as long as the lot meets the 50 foot required width at the building setback line and meets the minimum square footage. Within the gated community, residential attached construction shall be permitted on lots that are a minimum of 20 feet x 100 feet (2,000 square feet). Setbacks shall be as provided in Exhibit “B.”
3. *Structure Setbacks* – Minimum setbacks shall be twenty (20) feet for front yards, fifteen (15) feet for rear yards for the principal dwelling unit, and a ten (10) foot separation between buildings. Accessory structures such as pools, decks and screened enclosures shall be constructed a minimum of five (5') feet from the rear yard property line.
4. *Impervious Surfaces Limitations* – A maximum impervious surface ratio shall not be calculated on individual lots for permitting purposes.
5. *Total Open Space* – A minimum of 45 percent of the useable land shall be open space. This may include common open space (including trails), yards, landscape buffers and power line easements. Floodplain areas, wetland areas, natural water bodies, rights-of-way, and dry water retention areas shall not be calculated as open space or common space.
6. *Common Open Space* – A minimum of 50 acres of land shall be designated as Common Open Space. Common Open Space shall be defined as land set aside, dedicated, designated, or reserved for public use or the use of owners and occupants of the development. Common Open Space includes parks and recreation areas. It does not include the perimeter landscape buffer described in Section 7, Condition 3.
7. A clubhouse and recreation facilities will be provided for the benefit of the owners of property within the Planned Unit Development.
8. In order to provide neighborhood continuity, all residential areas shall access internally to recreational and other passive public areas through design and implementation of pedestrian ways and bicycle paths.
9. The project shall have an on-site sales and model center.

Section 3 – Physical Site Development and Environmental Issues

1. A dust abatement, soil erosion, and ground stabilization plan shall be submitted to the City detailing measures to be taken to eliminate the migration of dust particles and soil erosion. All disturbed areas that are not to be developed within 30 days after grading is completed shall be seeded and mulched or sodded unless an alternative plan is submitted to and approved by the City.

2. Any and all areas of the parcel shall be in compliance by June 4, 2004 with the agreement with Lake County titled "Developer's Agreement for Reclamation Activities Related to the Center Lake Sand Mine" dated December 17, 2002. The permittee agrees to execute a document that allows the City to enforce all terms and conditions of the development agreement with Lake County following the annexation of property described in Exhibit "A".
3. Parcels shall be developed with maximum slopes limited to 3:1 with the exception of Parcel #9, identified as a park site on the conceptual development plan, where special design features such as overlook plazas may be provided. Here, slopes of 2:1 may be allowed with review and approval by the City Engineer.
4. Stormwater Management: A comprehensive stormwater management system will be provided consistent with all regulatory requirements of the City and the Water Management District.
5. Due to extreme grades existing on the site from the former sand mining operation, previously disturbed areas of the project will be exempt from Code limitations regarding the extent of grade changes allowed. Initial reclamation and grading is exempt from City Code; however, after the initial grading has been completed future grading will conform to the City's grading code.
6. 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 1 dated August 2014 prepared by BESH INC. 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 Johns 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 – DRI Development Order Issues and Impact Mitigation

1. Prior to obtaining a preliminary plat of the property, the owner shall comply with the requirements of Chapter 380.06, Florida Statutes, which governs Developments of Regional Impact. If the property is governed by the provisions of Chapter 380.06, Florida Statutes and proceeds through the Development of Regional Impact process, then the terms and conditions of this permit may be modified so as to conform to the terms and conditions of the development order issued by the City.

Section 5 – Utilities

1. The project shall be plumbed for reclaimed water use. In order to prevent potential cross connection of potable water supply and reuse water lines, all reuse lines shall be installed in purple colored pipe. Irrigation water shall be supplied by a private irrigation well and system permitted and constructed by the owner to serve the residents and common areas until reuse water is available. The City shall operate and maintain the well and distribution mains up to and including the irrigation meters.

2. A 100 foot by 100 foot well site shall be dedicated to the City; the location of which to be determined by the City Engineer.
3. The City will provide water and wastewater services for the project described in the Planned Unit Development.
4. The permittee will be responsible for extending utility lines to the project.
5. The permittee shall not place more than thirty-six (36) inches of overburden on utility lines. Where landscape may be located over such line, the City shall receive indemnification in the event of necessary operation and/or maintenance of the utility. Repair and/or replacement of landscape shall be the responsibility of the permittee.
6. The City may construct a liner in any or all of the retention ponds within the development to be used for bulk reclaimed water storage. The City will construct the liner at its own expense and restore the area to a condition equal to the conditions prior to liner construction. The City may construct at its own expense a pump station and filtration system for the reclaimed water to be constructed along the banks of the pond. The construction of the facilities will mimic a residential-style structure to blend in with the surroundings. The owner shall dedicate access easements over the pond areas to facilitate this use.

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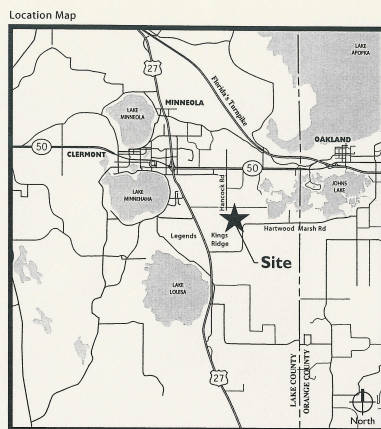
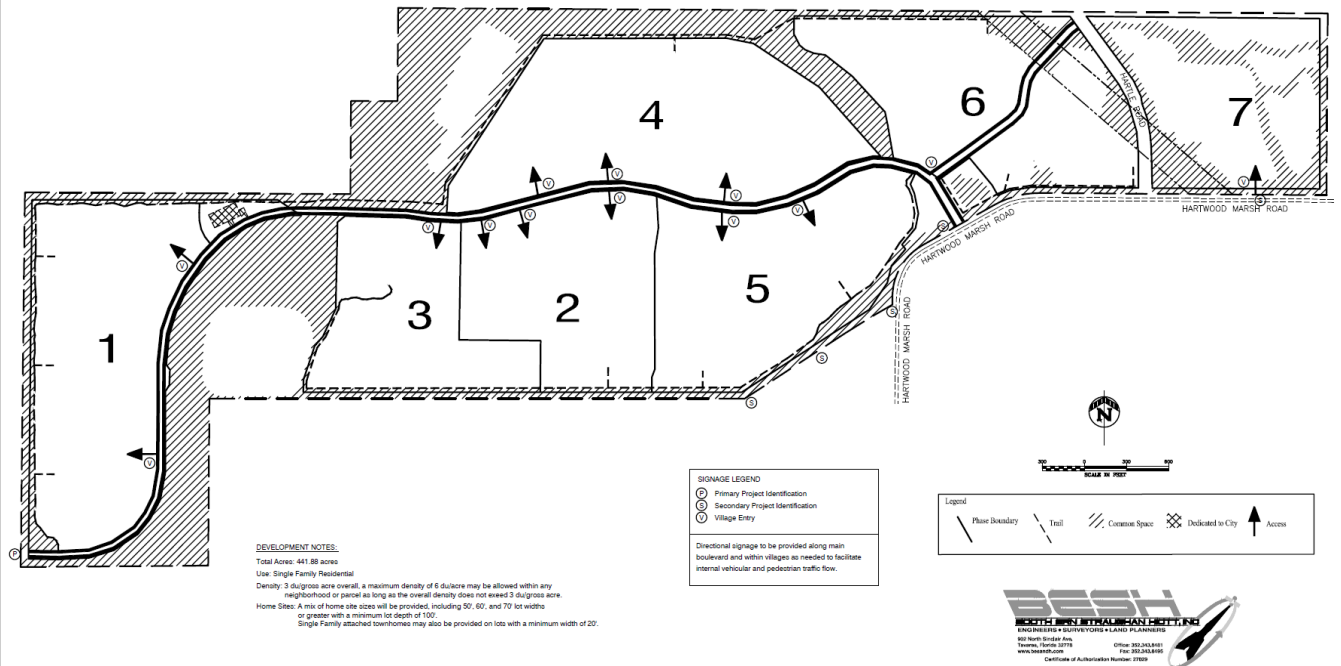
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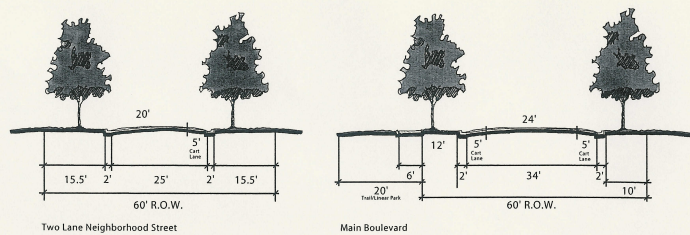
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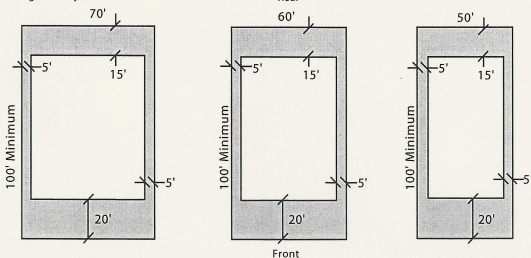
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 Single Family Detached

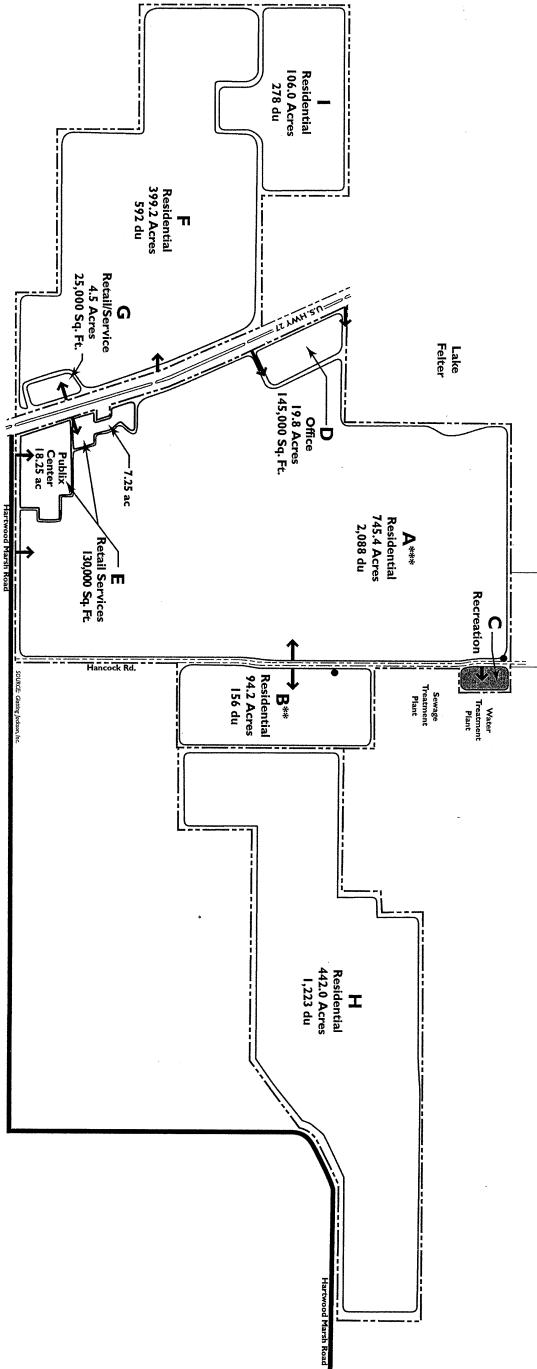


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Source: Glattig Jackson

Map H

Master Development Plan



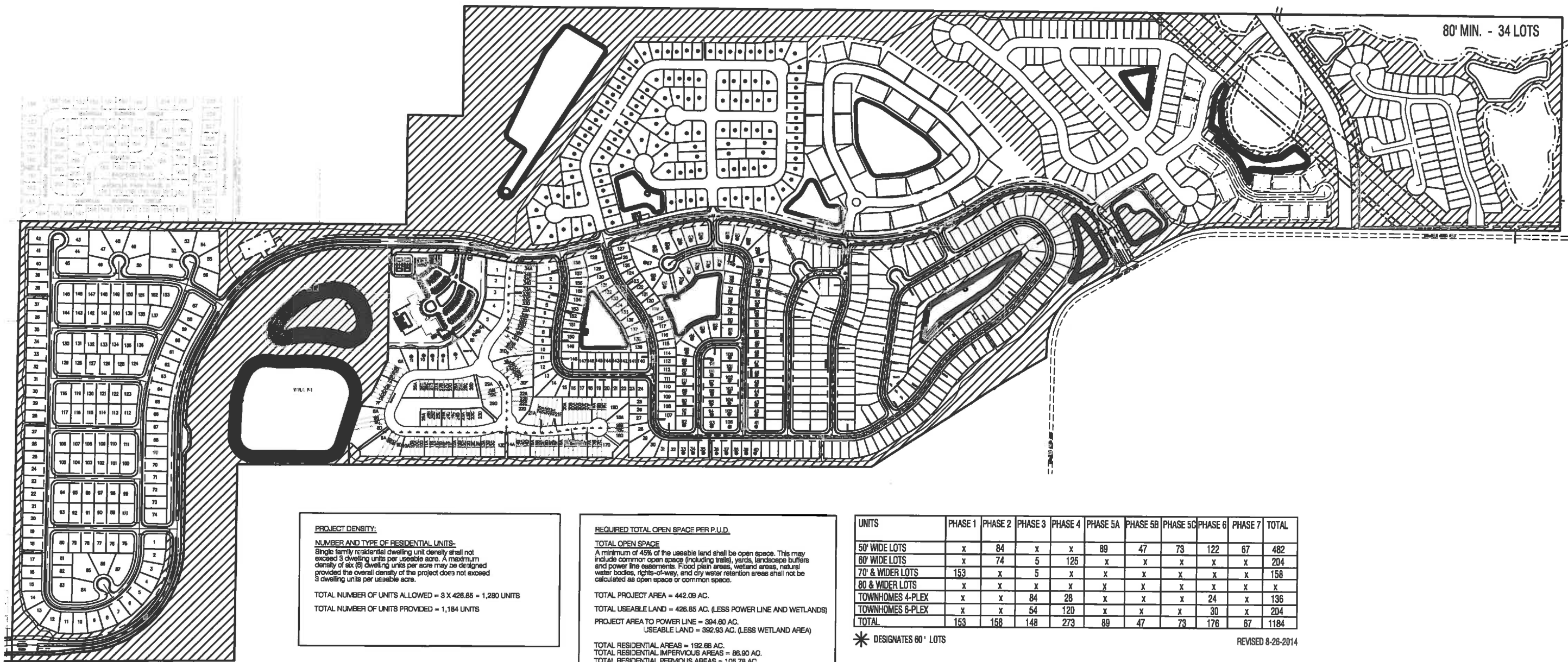
Development Plan

Parcel	Use	Acres	Units
A,B,E,H,I	Residential	1,786.8*	4,337 du
C	Recreation	5.0	
D	Retail/Service	30.0	135,000 sq. ft.
E	Retail/Service	44.4	130,000 sq. ft.
F	Residential	399.2	592 du
G	Retail/Service	25.0	25,000 sq. ft.
H	Residential	442.0	1,223 du
I	Residential	106.0	278 du
A,F	Common Open Space* (Golf/Swimwater Management)	19.8	54 holes
	Lake	2.0	
Total		1843.6	

* Common Open Space average included in parcel acreage
 ** 39 acres school site and 1-acre institutional site included in Parcel H.
 *** Parcel A includes 3.4-acre fire station

Exhibit C

HERITAGE HILLS



PROJECT DENSITY:

NUMBER AND TYPE OF RESIDENTIAL UNITS:

Single family residential dwelling unit density shall not exceed 3 dwelling units per useable acre. A maximum density of six (6) dwelling units per acre may be designed provided the overall density of the project does not exceed 3 dwelling units per useable acre.

TOTAL NUMBER OF UNITS ALLOWED = 3 X 426.85 = 1,280 UNITS

TOTAL NUMBER OF UNITS PROVIDED = 1,184 UNITS

REQUIRED COMMON OPEN SPACE PER P.U.D.

COMMON OPEN SPACE

A minimum of 50 acres of land shall be designated as Common Open Space. Common Open Space shall be defined as land set aside, dedicated, designated or reserved for public use or the use of owners and occupants of the development. Common Open Space included parks and recreation areas. It does not include the perimeter landscape buffer described in Section 7, Condition #3.

TOTAL OPEN SPACE = 110.17 AC.

PERIMETER LANDSCAPE BUFFER = 9.65 AC.

TOTAL COMMON OPEN SPACE = 100.52 AC.
(TOTAL OPEN SPACE - PER LANDSCAPE BUFFER)

COMMON OPEN SPACE =

REQUIRED TOTAL OPEN SPACE PER P.U.D.

TOTAL OPEN SPACE

A minimum of 45% of the useable land shall be open space. This may include common open space (including trails), yards, landscape buffers and power line easements. Flood plain areas, wetland areas, natural water bodies, rights-of-way, and dry water retention areas shall not be calculated as open space or common space.

TOTAL PROJECT AREA = 442.09 AC.

TOTAL USEABLE LAND = 426.85 AC. (LESS POWER LINE AND WETLANDS)

PROJECT AREA TO POWER LINE = 394.60 AC.

USEABLE LAND = 392.93 AC. (LESS WETLAND AREA)

TOTAL RESIDENTIAL AREAS = 192.66 AC.

TOTAL RESIDENTIAL IMPERVIOUS AREAS = 86.90 AC.

TOTAL RESIDENTIAL PERVIOUS AREAS = 105.76 AC.

TOTAL CLUBHOUSE SITE AREA = 7.03 AC.

TOTAL IMPERVIOUS AREAS = 5.62 AC. (80%)

TOTAL PERVIOUS AREAS = 1.41 AC. (20%)

TOTAL OPEN SPACE = 109.91 AC.

OPEN SPACE ALONG BOULEVARD TRACT = 6.26 (26' TRACT)

TOTAL = 110.17 AC.

TOTAL WETLAND AREA = 1.67 AC. (TO POWER LINE)

TOTAL WETLAND AREA = 12.20 AC. (ENTIRE PROJECT)

TOTAL BOULEVARD AREA = 14.82 AC.

POWER LINE EASEMENT AREA = 3.04 AC.

TOTAL OPEN SPACE = 217.09 AC.

TOTAL AREA = 426.85 AC. (USEABLE LAND)

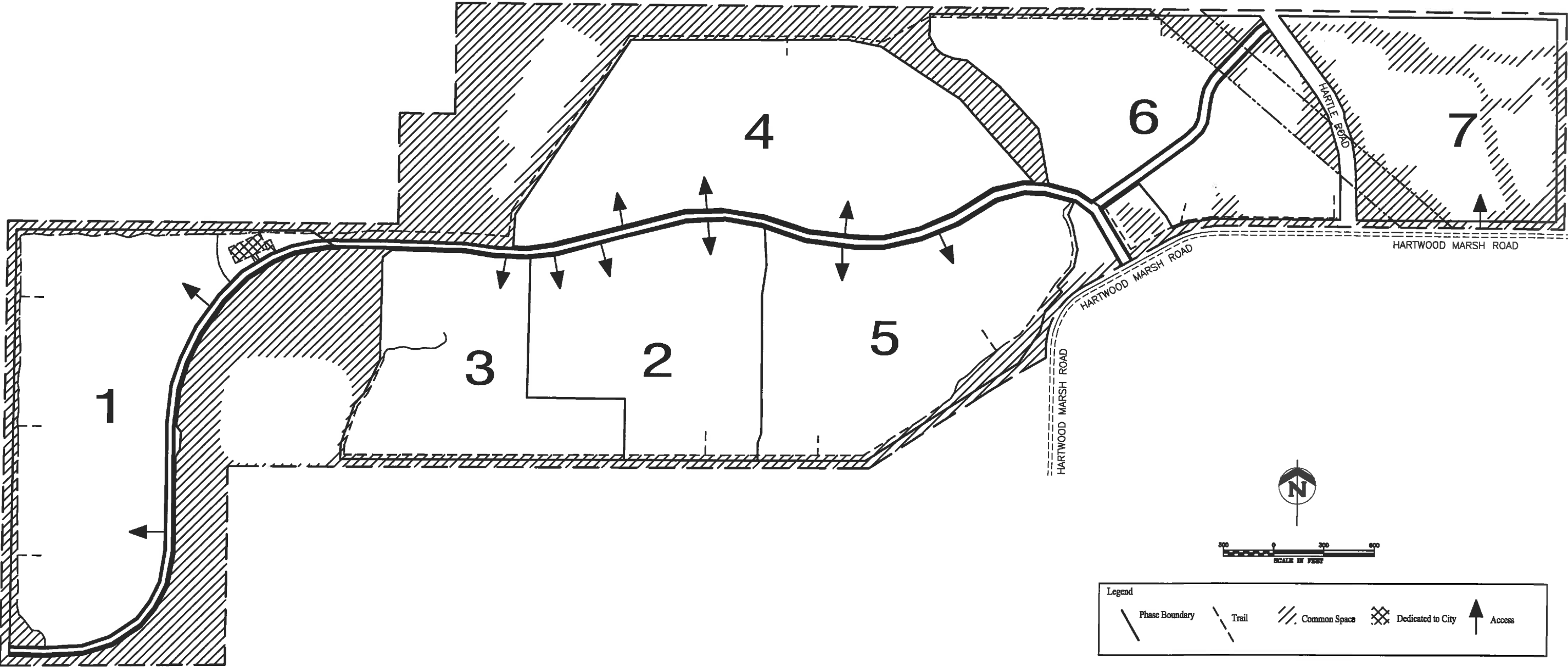
TOTAL = 50.90% OPEN SPACE

UNITS	PHASE 1	PHASE 2	PHASE 3	PHASE 4	PHASE 5A	PHASE 5B	PHASE 5C	PHASE 6	PHASE 7	TOTAL
50' WIDE LOTS	X	84	X	X	89	47	73	122	67	482
60' WIDE LOTS	X	74	5	125	X	X	X	X	X	204
70' & WIDER LOTS	153	X	5	X	X	X	X	X	X	158
80' & WIDER LOTS	X	X	X	X	X	X	X	X	X	X
TOWNHOMES 4-PLEX	X	X	84	28	X	X	X	24	X	136
TOWNHOMES 6-PLEX	X	X	54	120	X	X	X	30	X	204
TOTAL	153	158	148	273	89	47	73	176	67	1184

* DESIGNATES 60' LOTS

REVISED 8-26-2014

Exhibit B



BESH
BOOTH ERN STRAUCHAN HOTT, INC.
ENGINEERS • SURVEYORS • LAND PLANNERS
902 North Sinclair Ave.
Tallahassee, Florida 32310
www.besh-inc.com
Office: 352.343.8481
Fax: 352.343.8485
Certificate of Authorization Number: 27029



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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

September 23, 2014

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

RE: City of Clermont Heritage Hills Conditional Use Permit (CUP) Request

Dear Ms. Hollerand:

The City is currently reviewing an applicant's request for a CUP to allow 94 single-family dwelling units. 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 request 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 request has the potential to add 94 new single-family dwelling units that will contribute 23 new students to the Lake County School system. Based on current school attendance zones, schools that will be adversely affected by the CUP request and their projected five-year capacity status are as follows:

- | | |
|--------------------------------------|---------------------------|
| • Lost Lake Elementary School | 8% Under Capacity |
| • Windy Hill Middle School | 13% Over Capacity |
| • East Ridge High School | 12% Under Capacity |

Please see the attached District Growth Impact Report, which indicates the potential impact of the proposed CUP request 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 Heritage Hills (Kings Ridge) / Conditional Use Permit Request

DEVELOPER/OWNER Lennar Homes, LLC

ITEM DESCRIPTION The applicant proposes a Conditional Use Permit (CUP) to allow 94 single-family dwelling units.

LOCATION Sections 4&5, Township 23S, Range 26E
North of Hartwood Marsh Road, south of State Road 50, east of Hancock Road, and west of U.S. Highway 27

CURRENT LAND USE City of Clermont Master Planned Development (12 dwelling units/1 acre)

CURRENT ZONING City of Clermont Planned Unit Development

NEW DU IMPACT

STUDENT GENERATION

Elementary School

Middle School

High School

SF-DU	MF-DU	Mobile	SF Impacts	
			94	Dwelling Units
0.374	0.235	0.126	23	
0.172	0.133	0.065	13	
0.085	0.051	0.029	5	
0.117	0.051	0.032	5	

SCHOOL NAME

Lost Lake Elementary

Windy Hill Middle

East Ridge 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
1,008	1,112	91%	1,021	92%	No
1,295	1,149	113%	1,300	113%	No
2,332	2,648	88%	2,337	88%	No

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

CSA 14

Elementary School

Middle School

High School

Student Enrollment 2017-2018*	Permanent Student Capacity*	% of Permanent Capacity
1,291	1,420	91%
1,295	1,149	113%
0	0	0%

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

COMMENTS:

The proposed CUP will add 94 single-family units, which will adversely impact area schools. Note: The applicant is proposing 94 single-dwelling units for all ages within the Kings Ridge Development of Regional Impact, an age restricted community.

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: 9/23/2014



CITY OF CLERMONT
CONDITIONAL USE PERMIT (CUP)
APPLICATION

DATE: _____

FEE: \$1,500.00

PROJECT NAME (if applicable): Heritage Hills

APPLICANT: Lennar Homes, LLC

CONTACT PERSON: Rob Bonin, Division Manager, Land Entitlements & Development

Address: 8390 Champions Gate Boulevard, Suite 110

City: Champions Gate State: FL Zip: 33896

Phone: 407-744-0047 Fax: 407-448-3361

E-Mail: rob.bonin@lennar.com

OWNER: Lennar Homes, LLC

Address: 8390 Champions Gate Boulevard, Suite 110

City: Champions Gate State: FL Zip: 33896

Phone: 407-744-0047 Fax: 407-448-3361

Address of Subject Property: N/A

General Location: East of Hancock Road, north of Hartwood Marsh Road, and south of Hwy. 50.

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

Land Use (City verification required): Master Planned Development

Zoning (City verification required): PUD

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).

Modify Heritage Hills CUP per following: 1) Revise Exhibit "B" attachment in CUP to reflect road connection to Harwood Marsh Road and future connection to Hartle Road and build out. 2) Modify CUP language to allow non-age restricted community within Phase 7. Phase 7 is bisected from main community by Duke Power Easement and future Hartle Road tract that has been dedicated to Lake County. Allow 50' wide lots per Heritage Hills CUP. 3) Allow development within floodplain for Phase 7. Compensating storage will be provided for any fill within 100 year floodplain and retention will be designated to provide pre vs post storage of stormwater runoff for 100 year - 24 hour storm event resulting in no loss of flood storage, no increase of flood elevation and no impact to surrounding properties.

Rob Bonin

Applicant Name (print)

Rob Bonin

Owner Name (print)

X

Applicant Name (signature)

X

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



Memorandum

DATE: 7/14/2014
TO: Barbara Hollerand
FROM: Stephanie Shealey, PE *SS*
CC: Brent Lacy, AICP; Milton Andrade, EI
SUBJECT: Kings Ridge DRI Land Use Conversion

PROJECT NO.: 20140557

The Kings Ridge Development of Regional Impact (DRI) was approved in January 1998 with the adoption of the development order (DO). The DRI covered 1,295.6 acres of property located south of SR 50 on both sides of US 27. In November 2005, the DO was amended to increase the size of the DRI by approximately 548 acres of residential and to modify the development program. At the time of this amendment, the results of the monitoring and modeling study were incorporated into the DO and an equivalency matrix was added to allow future conversions between land uses which do not increase the PM peak hour, peak direction trip total. In order to provide additional single-family residential development, the Kings Ridge DRI would like to convert a portion of the remaining retail and all of the remaining retirement land use development intensities to single-family residential. There are currently 94 planned lots in the 'Heritage Hills' portion of the development which were originally planned as 94 retirement dwelling units. In order to retain the use of all 94 lots as single-family dwelling units, a conversion of all 94 retirement dwelling units and 8.4 KSF of retail is proposed. This memorandum serves as the letter of intent to exercise the equivalency matrix in this manner.

A comparison of the original and modified development program is shown in **Table 1**. The first amendment to the DO, while only increasing the total residential by 247 dwelling units, shifted the residential component from being approximately 25% age-restricted to approximately 75% age-restricted.

Table 1
Original and Amended Development Program

Land Use	Intensity				Change	
	Original DO		Amended DO			
Single-Family	2,459	DU	1,026	DU	-1,433	DU
Multi-Family	512	DU	0	DU	-512	DU
Retirement	1,119	DU	3,311	DU	2,192	DU
Total Residential	4,090	DU	4,337	DU	247	DU
Golf Course	45	Holes	54	Holes	9	Holes
Retail	212,500	SF GSF	212,500	SF GSF	0	SF GSF
Office	150,000	SF GLA	145,000	SF GSF	-5,000	SF GSF

Within the amended DO, an equivalency matrix was added to provide a method for future conversions between land uses. The equivalency matrix is shown in **Table 2**. The equivalency matrix uses the PM peak-hour peak-direction trip generation to make conversions between land uses, which results in conversions between land use which do not change the overall trip generation for the DRI, and thus

1615 EDGEWATER DRIVE, SUITE 180, ORLANDO, FLORIDA 32804
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Engineering
Planning
Landscape Architecture
Land Surveying
Environmental Services
Health and Safety
Economic Development

have little to no impact on the transportation analysis conducted for the DRI. The equivalency matrix is able to be used without requiring a Notice of Proposed Change (NOPC) and amendment to the DO with the following conditions:

- Change must result in intensity within the minimum and maximum threshold set for each land use.
- Any particular land use may only be changed up to 25% of the original intensity in the DO.
- No conversions of land designated as golf course, open space, conservation, or preservation.

Table 2
Equivalency Matrix

From To

	Single Family (DU)	Retirement (DU)	ALF (Unit)	Retail (0-50 KSF)	Office (0-49 KSF)	Office (50-99 KSF)
Single Family (DU)		3.59	6.79	0.12	0.18	0.36
Retirement (DU)	0.28		1.89	0.03	0.05	0.10
ALF (Unit)	0.15	0.53		0.02	0.03	0.05
Retail (0-50 KSF)	8.11	29.12	55.04		1.47	2.90
Office (0-49 KSF)	5.51	19.79	37.39	0.68		1.97
Office (50-99 KSF)	2.80	10.06	19.01	0.35	0.51	

Source: First Amendment to Development Order for the Kings Ridge DRI

A large portion of the Kings Ridge DRI is built-out. The remaining parcels available for development are Parcel D (office) and Parcel H (residential). Based on the current allocation of land use and intensity per parcel, there are 94 remaining retirement dwelling units left on Parcel H. It is these 94 potential lots that the developer is proposing to convert to single-family residential. At the rate of 0.28 Single Family dwelling units per Retirement dwelling unit, only 26 Single Family dwelling units can be recovered, leaving 68 potential lots without any available development "trips". In order to convert all 94 lots to Single Family, other land uses will need to be converted to single-family as well. The current development progress is shown in Table 3 along with the allowable changes per the conditions in the DO. Based on research of the entitlements sold to developers of individual parcels and those which are still maintained by Lennar, approximately 45,301 square feet of unused retail development for Parcel E may be available for conversion.

In order to generate 94 Single-Family dwelling units, the following conversions will be made using the equivalency matrix:

94 DU Retirement	*	0.28	=	26 DU Single Family
8.4 KSF Retail	*	8.11	=	68 DU Single Family
Total				94 DU Single Family

This would leave approximately 36,901 square feet of unused retail development for Parcel E, while providing the requested 94 single family dwelling units. Thus, this conversion is allowable and in compliance with the equivalency matrix approved in the first amended development order.

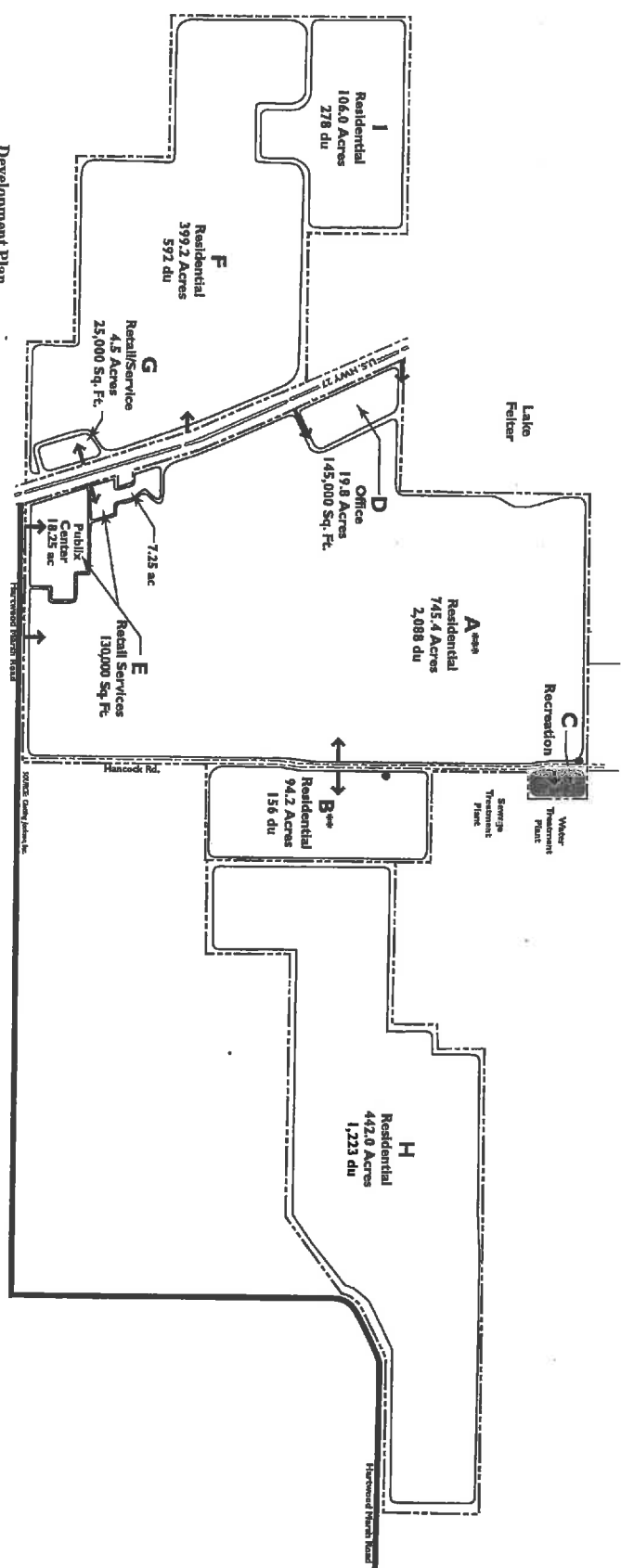
Table 3
Existing Development and Allowable Change

Land Use	Units	Minimum Threshold	Maximum Threshold	Development Program	Existing Development/ Sold Entitlements	Remaining Intensity	Allowable Change ¹
Single Family	DU	1,000	2,500	1,026	1,026	0	+256
Senior Adult	DU	2,000	4,500	3,311	3,217	94	-94
Retail	SF GLA	90,000	250,000	212,500	167,199	45,301	-44,875
Office	SF GLA	0	200,000	145,000	145,000	0	0

- ¹ Allowable change is the minimum of the following, and shown for an increase in single-family and a decrease in the remaining land uses:
- 25% of the current development program,
 - Difference between current development program and threshold
 - Remaining Intensity (for decreases only)

Map H

Master Development Plan



Development Plan

Parcel	Use	Acres	Units
A,B,E,H,I	Residential	1786.8*	4,337 du
C	Recreation	5.0	
E,G	Retail/Service	30.0	155,000 sq. ft. GLA
D	Office	19.8	145,000 sq. ft. GLA
A,F	Common Open Space* (Golf/Swimmer Management)	34	Holes
	Lake	2.0	
Total		1843.6	

* Common Open Space storage included in parcel or adjacent.
 ** 30 acres additional area and 1-acre additional site included in Parcel B.
 *** Parcel A includes 24-acre film studio.

KINGS RIDGE
LENNAR HOMES AT CLERMONT

November 2005
Selling Point
HTH
1100 400 800 1100

North
IG
GOLF COURSE
DESIGN
INCORPORATED

Memorandum

Date: September 2, 2014
To: Barbara Hollerand
From: Duane K. Booth, PE 
CC: Milton Andrade, EI, Lennar
File
Subject: Heritage Hills CUP

The Heritage Hills CUP was originally approved in February 2006 with minor amendments in March 2009 and July 2013.

The main purpose of this application is to request a change to Section 2 – Land Use to allow up to 94 Single Family homes to be developed on Phase 7 and shown the updated Exhibit ‘B’ enclosed. This request is based upon 3 physical site characteristics that make it impractical for Phase 7 to be included in the age restricted gated community. The 3 physical barriers are as follows: A 200ft wide Duke Energy Easement, Hartle Road, and 2 Isolated wetland systems all lying between phases 6 & 7. As a result, these barriers create 220 ft to 550 ft of separation between the two phases and connection by an internal roadway system is impossible. The request to convert 94 home sites to single family non-age restricted is allowable and in compliance with the equivalency matrix approved in the first amended development order for Kings Ridge DRI, see attached memorandum from Littlejohn engineering dated 7/14/2014.

The second part of this request is to simply modify Exhibit ‘B’ as requested by Staff to show the actual development phases and Boulevard alignment as compared to the original Exhibit ‘B’ provided within the 2006 CUP. This updated Exhibit ‘B’ is still in compliance with all previously approved conditions and sections of the 2006 CUP and 2009 & 2013 CUP amendments.

LEGAL NOTICE

Notice is hereby given that the City of Clermont will consider a request for a Conditional Use Permit amendment to allow an adjustment to the roadway connection points and to allow for a non-age restricted portion of the site.

LOCATION

East of Hancock Road, north of Hartwood Marsh Road,
and south of Highway 50

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, October 7, 2014 at 7:00pm.

A public meeting to consider the request will be held before the City Council on Tuesday, October 28, 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
September 30, 2014 and October 21, 2014



AGENDA ITEM

Meeting Date		
Tuesday, October 7, 2014		
Agenda Item Name		
Land Development Code Amendment		
Requested Action		
Move to recommend approval of Ordinance 2014-34.		
Staff Report		
Staff is proposing language to the landscape code to clarify issues with required canopy trees. The existing code is not clear regarding what shall happen to existing canopy trees that have been damaged by severe pruning. If the lot has additional canopy trees above and beyond the minimum code requirement, the removal of a severely pruned tree would not be required under the amended language. An example of this situation would be when a homeowner has three canopy trees on their lot, and they are only required to maintain two of them. The homeowner decides to create a topiary out of the third canopy tree and to maintain that tree as a sub-standard tree that is not part of the minimum code requirement. This proposal would allow the "sub-standard" tree to remain, provided all other tree requirements on the lot are met.		
Legal Impact		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
- Ordinance 2014-34 Maintenance and Pruning 10-2014.docx - Legal ad LDC amendments -Tree trimming 10-2014.doc		

CITY OF CLERMONT
ORDINANCE No. 2014-34

AN ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 118 VEGETATION, SECTION 118-35 MAINTENANCE AND PRUNING; PROVIDING FOR CODIFICATION; SEVERABILITY; EFFECTIVE DATE; AND PUBLICATION.

WHEREAS, pursuant to the provisions of Chapter 163, Florida Statutes, the City of Clermont Planning and Zoning Commission, acting as the Local Planning Agency of the City, has held a public hearing on October 7, 2014 and following such hearing found this Ordinance to be in the best interest of the City of Clermont, and recommended that the City Council adopt this Ordinance; and

WHEREAS, the City Council of the City of Clermont desires to amend Chapter 118 Vegetation, Section 118-35 Maintenance and Pruning; of the City of Clermont's Code of Ordinances;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Clermont, Florida as follows:

SECTION 1.

The City Council of the City of Clermont has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapter 163 and 166, Florida Statutes.

SECTION 2.

The Land Development Code of the City of Clermont Code of Ordinances is hereby amended to read as follows (note strikethrough indicates removed words and underlined indicates added):

CHAPTER 118 VEGETATION

Section 118-35 Maintenance and Pruning

- (a) *Maintenance.* The owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping, which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris. All required landscaping shall be maintained in perpetuity.

CITY OF CLERMONT
ORDINANCE No. 2014-34

- (b) *Replacement.* All unhealthy and dead plant material shall be replaced within 30 days in conformance with the approved site/landscaping plan for the property or in conformance with the provisions of this article if an approved plan is not on file with the city. The size of replacement trees shall be as specified in section 118-113(d)(2).
- (c) *Pruning.* Vegetation and trees required by this Code shall only be pruned to maintain health and vigor. Pruning shall be in accordance with "Standard Practice for Trees, Shrubs and Other Woody Plant Maintenance ANSI 300" of the National Arborist Association. Required trees shall not be severely pruned in order to permanently maintain growth at a reduced height or spread. A trees natural growth habit shall be considered in advance of conflicts which might arise; such as view, signage, lighting and similar conflicts. Excessive pruning, hatracking, topping, etcetera, of required trees shall be considered tree abuse and a violation of this Code.
- (d) *Violations.* A person who violates any provision of this article, and fails to correct the violation as provided herein, may be subject to penalties pursuant to the city Code of Ordinances. Tree abuse offenses shall be considered a separate offense for each tree damaged or destroyed contrary to the provisions of this article.

CITY OF CLERMONT
ORDINANCE No. 2014-34

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 28th day of October, 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 the enactment of the following proposed ordinance. All interested parties will be given an opportunity to express their views on this matter.

ORDINANCE NO. 2014-34

An Ordinance of the Code of Ordinances of the City Council of the City of Clermont, Lake County, Florida, amending the Code of Ordinances, Chapter 118, Vegetation, Section 118-35 Maintenance and Pruning; Providing for codification, severability; effective date; and publication.

This ordinance will be considered by the Planning & Zoning Commission on Tuesday, October 7, 2014 at 7:00 P.M.

A public meeting to consider the ordinance will be held before the City Council on Tuesday, October 28, 2014 at 7:00 p.m. for final enactment.

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

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
City Clerk

Daily Commercial
September 30, 2014 and October 14, 2014