



**CITY OF CLERMONT
COUNCIL MEETING AGENDA
6:30 PM, Tuesday, January 23, 2018**

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

CALL TO ORDER

INVOCATION & PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

REPORTS

CONSENT AGENDA

The next portion of the meeting is the consent agenda which contains items that have been determined to be routine and non-controversial. If anyone in the audience wishes to address a particular item on the consent agenda, now is the opportunity for you to do so. Additionally, if staff or members of the City Council wish to speak on a consent item, they have the same opportunity.

Item No. 1 - Meeting Minutes

Consider approval of the December 12, 2017 Regular Council Meeting minutes.

Item No. 2 - Resolution No. 2018-02

Consider resolution to implement guidelines for the invocation and Pledge of Allegiance for all Council meetings.

Item No. 3 - Special Event Request
Stormy Hill Harley-Davidson

Consider a request to grant 10 open-air events with a temporary structure for 2018 at the Stormy Hill Harley-Davidson located at 2480 S. Highway 27.

UNFINISHED BUSINESS

Item No. 4 - Resolution No. 2017-52
Quick Lane

Consider a Conditional Use Permit to expand the Ford of Clermont Automotive dealership located at 1101 E. Hwy. 50.

Item No. 5 - Variance Request
Spencer

Consider request for setback variances for a new single family residence.

Item No. 6 - Lien reduction or waiver request

Consider request for a reduction or waiver of liens placed against the property in the amount of \$139,250.00.

Item No. 7 - Ordinance No. 2017-37 *Final*
Hancock Public Works/Keating

Consider ordinance to annex a parcel of land, approximately 35.87 +/- acres, south of Hooks Street, north of Trade Avenue, and east of Hancock Road.

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Item No. 8 - Ordinance No. 2017-38 *Final*
Hancock Public Works/Keating

Consider approval of Large-Scale Comprehensive Plan Amendment from Lake County's Regional Commercial to the City's Industrial land use designation.

Item No. 9 - Ordinance No. 2017-40 *Final*
Eddy Property

Consider ordinance to annex 114 +/- acres located $\frac{3}{4}$ of a mile east of Heritage Hills Boulevard on Hartwood Marsh Road, north of the intersection of Lovers Lane and Hartwood Marsh Road.

Item No. 10 - Ordinance No. 2017-41 *Final*
Eddy Property

Consider ordinance to change the future land use from Lake County Rural to City of Clermont Low Density Residential for property located $\frac{3}{4}$ mile east of Heritage Hills Boulevard on Hartwood Marsh Road and Eddy Drive.

Item No. 11 - Ordinance No. 2017-42 *Final*
Eddy Property

Consider ordinance to rezone 114 +/- acres from Urban Estate to Planned Unit Development for up to 340 single-family homes on property located north of Lovers Lane and Hartwood Marsh Road intersection.

Item No. 12 - Ordinance No. 2018-01 *Final*
LDC Changes

Consider ordinance to change 3 chapters in the land development code regarding minimum acreage requirements for PUD's, variance requests, and construction activity/noise.

Item No. 13 - Ordinance No. 2018-02 *Final*
Comprehensive Plan Text Change

Consider ordinance to add a policy to the Commercial Land Use Category to allow the floor area ratio (FAR) of 1.0 for residential storage facilities.

NEW BUSINESS

Item No. 14 - Resolution No. 2018-01
Sod Depot

Consider Conditional Use Permit to allow outside sales and storage of Sod and Landscape Materials in the M-1 Industrial zoning district for property located at 1003 Hooks Street.

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Item No. 15 - Variance Request
Sod Depot

Consider variance to eliminate required sidewalk along Hooks Street right-of way and the required landscape buffer in front of existing building below retaining wall.

Item No. 16 - JPA Review
Clontz-Hanover

Lake County Planning and Zoning is requesting comments from the City of Clermont regarding the proposed Hanover residential development on Schofield Road and US 27 within the Wellness Way Area Plan.

Item No. 17 - Ordinance No. 2018-03 *Introduction*
MSTU

Consider ordinance introduction to include the City of Clermont in the county-wide Municipal Service Taxing Unit to fund ambulance and emergency medical services for one year.

ADJOURN

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

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

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
December 12, 2017

City Council met in a regular meeting on Tuesday, December 12, 2017 in the Clermont City Council Chambers. Mayor Ash called the meeting to order at 6:30pm with the following Council Members present: Council Members Brishke, Bates, Travis and Goodgame. Other City officials present were: City Manager Gray, City Attorney Mantzaris, and City Clerk Ackroyd Howe.

INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Chicoye gave the invocation followed by the Pledge of Allegiance.

SELECTION OF MAYOR PRO TEM

Council Member Bates nominated Ms. Travis to serve as Mayor Pro Tem; seconded by Council Member Brishke. The motion passed with all members present voting aye.

PUBLIC COMMENTS

Cuqui Whitehead 700 Hooks Street wished everyone a Merry Christmas and Happy New Year and thanked Council for their service.

Cheryl Bedingfield, 15831 County Road 565A, informed Council of the 2018 Police Unity Tour. It is a 3 day, 250-mile bicycle ride from various locations in United States to Washington, D.C. The objective is to raise awareness of law enforcement officers who have been killed in the line of duty, their families and the National Law Enforcement Officer's Memorial.

Charlene Forth 939 W. Desoto Street, expressed concern with time limits.

Jim Purvis, 4206 Hammersmith Drive, commended staff for the holiday decorations in downtown. He inquired about a sign at Hancock Park commemorating how it came to be. City Manager Gray noted staff is replicating it.

REPORTS

City Manager Gray reported more than 15,000 attended this year's Light Up Clermont event on December 1. The new parade route went well and started it at 10am. City Hall will be closed on December 25 and 26 and January 1 for the holidays. The next Council meeting will be January 9, 2018. The December workshop is cancelled.

City Attorney Mantzaris – No report.

Council Member Bates thanked staff and City Manager Gray for doing a great job at the Light Up Clermont event. He congratulated Ms. Bloodsworth for induction into the Lake County Women's Hall of Fame.

Council Member Goodgame – No report.

Council Member Brishke – No report.

Council Member Travis – No report.

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Mayor Ash reported on the 29th annual Light up Clermont event. She thanked the Police, Fire and Recreation Departments. The parade was on Saturday with more than 50 groups represented. Lessons of Carols at the Performing Arts Center was the night of December 2. A 30 piece professional orchestra provided the music. She attended the ceremony to honor Doris Bloodsworth for her contributions to Lake County. Also, spoke to the Girl Scouts at Windy Hill Elementary. Mayor Ash attended the Hurricane recovery task force meeting on December 8 to help evacuees. This committee has been meeting for 2 months. New Beginnings Foundation on Montrose and Safe Neighborhood Center is collecting donations for the evacuees.

CONSENT AGENDA

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

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| Item No. 1 – Meeting Minutes | Consider approval of the November 28, 2017 regular Council Meeting minutes. |
| Item No. 2 – 2018 Council Meeting Calendar | Consider approval of the 2018 City Council Meeting calendar. |
| Item No. 3 – Resolution No. 2017-60 | Consider approval of amending certain Parks and Recreation, City Clerk and Utility Billing Fees. |
| Item No. 4 – Resolution No. 2017-61 | Consider approval of the new Employment Policies Manual. |
| Item No. 5 – Resolution No. 2017-63 | Consider approval of FY 2018 Quarter 1 Budget Amendment Resolution. |
| Item No. 6 – Resolution No. 2017-64 | Consider for approval of Robert Guthrie as Special Magistrate in the annual budgeted amount of \$3,600. |
| Item No. 7 – Event and Road Closure Request | Consider Mega Food Truck event with road closures on January 20, 2018. |
| Item No. 8 – Event and Road Closure Request | Consider event and road closures request for the Clermont Downtown Partnership to host their annual “Vintage Market & Garden Show” on February 24, 2018. |
| Item No. 9 – Utility Impact Fee Credit Agreement | Consider agreement with Mattamy Orlando LLC, in the amount up to \$1,825,031 for Water, Sewer and Reclaimed Main up sizing. |

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Item No. 10 – Scope of Services

Consider approval of professional engineering services for Phase 1 of the Downtown Waterfront Corridor Project with BESH Engineering, Inc., in the budgeted amount of \$203,560.

Item No. 11 – Contract Award

Consider request to piggyback the Polk County B.C.C. contract with Asphalt Paving Systems, Inc. to provide pavement management alternative methods in the estimated budgeted amount of \$500,000.

Council Member Goodgame moved for approval; seconded by Council Member Bates. The motion passed with all members present voting aye.

UNFINISHED BUSINESS

Item No. 12 – Ordinance No. 2017-38 *Final Hearing*

City Clerk Ackroyd Howe read Ordinance No. 2017-38 aloud by title only.

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.

Council Member Goodgame moved to table Ordinance 2017-38 to January 23; seconded by Council Member Bates. The motion passed with all members present voting aye.

Item No. 13 – Boat Ramp

City Manager Gray noted the City Council previously discussed this item. City staff reviewed potential sites and is working with other agencies. The city hired Richard Levey as a consultant and he will be presenting the information.

Richard Levey commented the boat ramp is set to close on December 17 due to the Victory Pointe project and presented the key components of the plan.

Mr. Levey reviewed the history of the downtown waterfront master plan, the environmental objective, Master Plan interpretation, recent boat ramp timeline, and identified nine potential relocation sites. He highlighted the strengths and weaknesses of each location to include Bell Ceramics, Lake Hiawatha, Lake Minneola West, Lake Palatlahaka Park, Clermont Public Works, Cypress Cove Marina, Hull Road/Palatlahaka River Park, West Beach and Lake Susan Lodge. Furthermore, Mr. Levey reviewed a

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summary of the previous public comments, and identified traffic concerns on County Road 561 and East Avenue. He compared the Butler Chain of Lakes to the Clermont Chain of Lakes.

The recommendation is to proceed with Lake Minneola West as the selected option for either a full site plan with on-site parking or boat ramp only with parking in Lake Hiawatha Preserve. Authorize the City Manager to negotiate the use of one or more of the interim options, consistent with the city's purchasing policies. In addition, direct the City Manager to pursue discussions with Lake County regarding the development of a management plan for the Clermont Chain of Lakes.

Mayor Ash opened the public hearing and requested the public to complete the sign in sheet to provide name and address.

The following citizens spoke regarding the boat ramp agenda item:

Charlene Forth, 939 W. Desoto Street
Cuqui Whitehead, 700 Hook Street
Pat Kelly, City of Minneola
Peggy Cox, Lake County Water Authority District 1 Trustee
Nicholas Mueller, 829 High Pointe Circle, Minneola
Renee Jones, 1203 Diane Place
Gary Voigt, 4552 Barrister Drive
Steve Hanna, 1251 Fran Mar Court
Tod Howard, 1674 Bowman Street
Joy Ray, 156 Nautica Mile Drive
Dillon Franklin, 378 12th Street
Justin Rickman, 11336 Sweetwater Court
Karen Shaver, 500 Shady Nook Drive
Roy Davis, 1445 Lake Avenue
Mark Graff, 1944 Brantley Circle
Mike Perry, Lake County Water Authority
Johann Krieger, 10340 Lake Minneola Shores
Michelle Barnard Pines, 1420 15th Street
Kristie Hershner, 11143 Harder Road
Robert McGirr, 281 Crestview Drive
Steve Farkas, 10140 Canal Zone Way
Stephen Franklin, 378 12th Street
Logan Franklin, 378 12th Street
Greg Amann, 550 East Avenue
Zach Broome, Bowen & Schroth, P.A.
Taco Proper, 565 Blue Cypress Drive
Libby Hanna, 1251 Fran Mar Court
Ash Condon, 13147 Casper Lane
Gary Nelson, 10920 Lake Minneola Shores, Minneola
Dr. Bob Wilson, 1290 Dianne Place
William Delaney, 10312 Lake Minneola Shores
Shawna Vaughan, 473 Blue Cypress Drive
Don Tracy, 800 West Lakeshore Drive
Stephanie Hattock, 846 Osceola Street

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Mayor Ash recessed the meeting at 8:43p.m.; the meeting reconvened at 9:00p.m.

Richard Levey clarified notices were sent to property owners in the city. In reference to the comment the boat ramp is not an appropriate use at Lake Minneola West, it is a passive park and it does include a boat ramp.

Council Member Bates commented Council previously decided to put the boat ramp at Lake Hiawatha prior to closure of the current boat ramp. Those residents expressed concerns so the Council backed away from that location. Mr. Bates asked the Water Authority about the recommended Bell Ceramics site.

Mike Perry displayed graphic illustrations of the proposed sites. The Water Authority worked with staff and Mr. Levey to scour other areas in the city that might work. When the Board looked at the Lake Hiawatha site they noted this is the lowest depth of the side of the lake and the City would have to do substantial dredging. The Board looked at the Bell Ceramics site and noted this site would have less environmental impact as well as possible benefits for local businesses. The Water Authority's view was any time you effect a natural area then that situation is less desirable. Mr. Perry has staff that is very familiar with this area who have spent time probing and looking at water depth. It is deeper on this side than it would be along Lake Hiawatha. This conclusion is based on professional knowledge and not any physical data gathered. As it relates to cost, it is often based on how far to move the materials. The depth would be determined by the size of the boats using the ramp.

Council Member Bates asked staff about time frame. James Kinzler, Director of Capital Projects commented a new location would be two years, but the existing location could be six months.

Council Member Bates inquired if the city has the authority to place signs on the lake to control speed and wake. City Manager Gray replied the City has no jurisdiction on the lake. The City has begun working with the State to place signs on the lake. City Attorney Mantzaris commented the City is working through the process to have signs along the lake. The vast majority of the items discussed regarding management of the lake would require cooperation from other entities.

Council Member Goodgame asked if it was possible to put a culvert from the outflow of Victory Pointe retention pond out to the lake. James Kinzler, Director of Capital Projects, stated a culvert can be done, but the design would need to be modified a bit. A redesign would have to be done to account for the flow, but it could be done notwithstanding cost or timeframe.

Council Member Travis inquired about an estimated cost. James Kinzler, Director of Capital Projects, could not provide an estimate, but only that the culvert could be costly. The major impact would be to the pavilion as well as the event and festival area.

Mayor Ash reiterated the culvert would be a temporary fix and the boat ramp itself would remain the same.

Director of Capital Projects, Kinzler commented the City would lose a million dollars in grants as well as cost a million dollars in changes to the plan to keep the full boat ramp operational permanently.

Council Member Goodgame inquired about the length of the boat ramp. James Kinzler, Director of Capital Projects explained the distance is relatively similar. The difference is the amount of dredging. It's a double ramp to allow twice as many boats.

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Council Member Goodgame inquired whether the design of the parking at Minneola West is equal to the current amount. City Manager Gray stated that was correct however there would be additional grass parking as well. The moving of the road to expand parking was a proposal previously brought to the Council by Lake County.

Mayor Ash expressed concern with delaying the completion of Victory Pointe by keeping the boat ramp open. Director of Capital Projects, Kinzler explained a portion of the boat ramp could stay open while Victory Pointe moves forward, but majority of the parking would be eliminated.

Mayor Ash commented the primary issue is the lack of a boat ramp for six months or two years. If the Council can address the issue with a temporary culvert and arrange for parking elsewhere, then maybe the Council can resolve the primary issue. Then, the Council can decide on a location for the new boat ramp.

City Manager Gray brought up his conversation with CBS Lumber Yard Property about keeping the boat ramp open until the new one is built in which case CBS Lumber Yard Property would be willing to work with the city on parking. This agreement has not yet been finalized.

Mayor Ash requested adding the parking arrangement with CBS Lumber Yard Property to the motion regarding boat ramp relocation. Ms. Ash further requested the City maintain the current boat ramp until the other location is open by using either a culvert or other means. However, people may have to park further down the beach.

City Attorney Mantzaris suggested having two separate motions.

Council Member Goodgame commented that in order to keep the boat ramp open, the Council would like Director of Capital Projects Kinzler to do all that it takes to keep outflow of water to the retention pond so that citizens can have access to the ramp.

City Manager Gray offered to come up with costs and to bring them to the next Council meeting. If Council authorizes, a contract can be put together with CBS Lumber Yard Properties for the next meeting.

Council Member Bates conveyed concerns about potential costs.

Director of Capital Projects, Kinzler confirmed the Mayor's suggested scenario is very economical for short term. City Manager Gray noted this is not a budgeted item and it would have to return to Council.

Council Member Goodgame motioned for the temporary working of the boat ramp as it is; seconded by Council Member Bates. The motion passed with all members present voting aye.

Council Member Bates voiced concern about dredging and environmental impact at Lake Minneola West.

City Manager Gray noted the City has not done anything at Bell Ceramics. The process for building a new boat ramp would have to be started all over again and could take up to two years.

Council Member Travis stated the issues with the Bell Ceramics site is it is too densely populated, the site is on East Avenue and it has too much traffic. She prefers Lake Minneola West.

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Mayor Ash noted Council will not profit from this decision. The city paid over \$1.5 million for the property at Bells Ceramics. Ms. Ash further clarified the property was not donated.

Council Member Travis motioned to move the boat ramp to the Lake Minneola West site; seconded by Council Member Brishke. The motion passed 3 to 2 with Council Members Goodgame and Bates opposing.

NEW BUSINESS

Item No. 14 – Appointments

City Manager Gray noted two available openings on the Police Officers Pension Board with the only applicant being John Baker who has requested reappointment.

Council Member Goodgame moved to reappoint John Baker; seconded by Council Member Bates. The motion passed with all members present voting aye.

City Manager Gray noted two available openings on the Fire Fighters Pension Board with both current members seeking reappointment and no other applicants.

Council Member Goodgame moved to reappoint Jim Purvis and Sy Holzman; seconded by Council Member Bates. The motion passed with all members present voting aye.

City Manager Gray noted three available openings on the Planning and Zoning Commission each serving for a two-year term. All three current serving members seek reappointment.

Mayor Ash asked if the present applicants for the Planning and Zoning Commission wishes to speak before the Council.

The following applicants addressed the Council:

David Colby, 3072 Santa Maria Avenue
Max Krzyminski, 3497 Embers Lane
Julie Santos, 725 East Avenue

Council Member Travis moved to reappoint Tony Hubbard; seconded by Council Member Bates. The motion passed 4 to 1 with Council Member Goodgame opposed.

Council Member Goodgame moved to reappoint Nick Jones. The motion died for the lack of a second to the motion.

Council Member Travis moved to appoint David Colby; seconded by Council Member Brishke. The motion passed with all members present voting aye.

Council Member Travis moved to appoint Julie Santos. Mayor Ash passed the gavel to second the motion. The motion passed 3 to 2 with Council Members

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Bates and Goodgame opposed.

City Manager Gray stated the next appointments would be Outside Agency appointments and that Council Member Brishke has stated interest in the South Lake Chamber of Commerce.

Council Member Bates moved to appoint Council Member Brishke to the Chamber; seconded by Council Member Travis. The motion passed with all Members present voting aye.

City Manager Gray stated the next open appointment was for the League of Cities and that Council Member Bates has indicated his desire to stay on that board.

Council Member Goodgame moved to appoint Council Member Bates to the League of Cities; seconded by Council Member Travis. The motion passed with all members present voting aye.

City Manager Gray stated the next open appointment was for Metropolitan Planning Organization governing board which Council Member Goodgame expressed interest of staying on the board.

Council Member Bates moved to appoint Council Member Goodgame to the Metropolitan Planning Organization and Council Member Travis as the alternate; seconded by Council Member Brishke. The motion passed with all members present voting aye.

City Manager Gray stated the next open appointment was for MPO Bicycle which Roman Brana, the owner of Epic Cycles has expressed interest in being appointed for the committee.

Council Member Travis moved to appoint Roman Brana; seconded by Council Member Goodgame. The motion passed with all members present voting aye.

Item No. 15 – Ordinance No. 2017-46 *Introduction*

City Clerk Ackroyd Howe read Ordinance No. 2017-46 aloud by title only.

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

Council Member Bates moved to introduce Ordinance 2017-46; seconded by Council Member Brishke. The motion passed with all members present voting aye.

Item No. 16 – Ordinance No. 2017-47 *Introduction*

City Clerk Ackroyd Howe read Ordinance No. 2017-47 aloud by title only.

An Ordinance of the City Council of the City of Clermont, Lake County, Florida,

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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.

Council Member Bates moved to introduce Ordinance 2017-47; seconded by Council Member Goodgame. The motion passed with all members present voting aye.

Item No. 17 – Ordinance No. 2017-48 *Introduction*

City Clerk Ackroyd Howe read Ordinance No. 2017-48 aloud by title only.

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

Council Member Bates moved to introduce Ordinance 2017-48; seconded by Council Member Brishke. The motion passed with all members present voting aye.

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ADJOURN: With no further comments, this meeting adjourned at 10:01pm.

APPROVED:

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk



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AGENDA ITEM

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Meeting Date		
Tuesday, January 23, 2018		
Agenda Item Name		
Resolution No. 2018-02		
Requested Action		
Consider approval of Resolution 2018-02.		
Staff Report		
This Resolution implements guidelines for the Invocation and Pledge of Allegiance at all City of Clermont Council meetings.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Resolution 2018-02	2018-02 Invocation & Pledge.doc	



CITY OF CLERMONT
RESOLUTION NO. 2018-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLERMONT, FLORIDA, REGARDING A CEREMONIAL, OPENING INVOCATION AND RECITATION OF THE PLEDGE OF ALLEGIANCE AT COUNCIL MEETINGS PRIOR TO OFFICIAL POLICYMAKING AND LEGISLATIVE FUNCTIONS; ADOPTING A POLICY OF NON-EXCLUSION AND SELECTION OF VOLUNTEER INVOCATION SPEAKERS AND A DIVERSITY OF VIEWPOINTS AND NON-EXCLUSION OF THOSE IN ATTENDANCE; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Clermont (the “City”) desires to preserve and maintain the tradition of solemnizing its City Council proceedings by allowing and inviting an opening invocation and the recitation of the Pledge of Allegiance before each regular and special meeting of the City Council for the benefit of the City Council; and

WHEREAS, the City recognizes that our history is replete with official references to the value and invocation of Divine guidance in deliberations and pronouncements of the Founding Fathers and contemporary leaders as set forth in the holding of *Lynch v. Donnelly*, 465 U.S. 668, 675 (1984); and

WHEREAS, the United States Supreme Court and Eleventh District have consistently upheld the practice of delivering religious invocations before deliberative public bodies occurring prior to policymaking. *See Town of Greece v. Galloway*, 134 S. Ct. 1811 (2014); *Marsh v. Chambers*, 463 U.S. 783 (1983); *Atheists of Florida, Inc. v. City of Lakeland*, 713 F.3d 577 (11th Cir. 2013); and

WHEREAS, the City recognizes that our City and Nation is comprised of individuals with a diversity of viewpoints, including but not limited to, faiths, religions, beliefs, and non-beliefs. Accordingly, the City will make reasonable efforts to invite, locate, and welcome individuals with a diversity of viewpoints to offer the opening invocation for the benefit of the City Council, and the City’s policies shall not be intended, implemented, or construed in any manner to affiliate the City Council or the City with, or express any preference for or against, any faith, non-faith, belief, non-belief or religious denomination;

WHEREAS, in recognition of the diversity of faiths, ideas, viewpoints, and various beliefs as referenced herein, it is the policy of the City that sectarian prayer may be allowed that is solemn and respectful in tone that invites the City Council to reflect upon shared ideals and common ends before embarking on the business of governing. However, invocation speakers are hereby requested to refrain from exploiting the invocation period with proselytizing or advancing any one belief, view, or religion; disparaging any other faith or belief; denigrating nonbelievers or religious minorities; threatening damnation; or preaching conversion;



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WHEREAS, in further recognition of the diversity of ideas, viewpoints, and various beliefs and non-beliefs held within this Country, it is the policy of the City that the opening invocation and recitation of the Pledge of Allegiance be voluntary and allow participation from all that wish to participate, but otherwise allow non-participation and an opportunity to exit the City Council Chambers during the opening invocation and/or recitation of the Pledge of Allegiance to any who do not wish to witness or participate in same; and

WHEREAS, the City Council intends that this policy and these procedures do not proselytize or advance any faith, or show any purposeful preference of one religious or non-religious view to the exclusion of others.

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

SECTION 1. Opening Invocation Procedure and Policies.

Intent. It is the policy of the City Council that the procedures set forth in this Resolution concerning opening invocation shall occur at all regular and special meetings of the City Council. This policy and these procedures are not intended, shall not be implemented, and shall not be construed in any way, to affiliate the City Council or the City with, nor express a preference for or against any faith, belief, non-belief, opinion, religion, non-religion, or denomination. Rather, this policy and these procedures are intended to acknowledge and express the City Council's respect for the diversity of religious and non-religious denominations and faiths represented and practiced among the citizens of the City and to express the City Council's respect for its proceedings and the importance of government and local legislative functions. In no event shall these procedures be intended, implemented, or construed in any way to compel participation in the opening invocation or recitation of the Pledge of Allegiance. Neither the City Council nor the City staff shall require the public to participate in the opening invocation or recitation of the Pledge of Allegiance; single out dissidents for opprobrium; or indicate or allow in any manner the City Council's decisions to be influenced by a person's participation or lack of participation in the opening invocation or recitation of the Pledge of Allegiance.

Timing. After the Call to Order of all regular and special meetings of the City Council, an opening invocation as described herein shall occur followed directly by the recitation of the Pledge of Allegiance. The opening invocation and recitation of the Pledge of Allegiance will occur and be completed during the opening, ceremonial portion of the City Council meeting and shall in no event occur, or be construed to occur, during the policymaking or legislative portions of the City Council meeting.

Speaker Selection. The City Council hereby invites and welcomes the religious leaders and other representatives of any and all local religions, denominations, faiths, creeds, and beliefs, including but not limited to, ministers, priests, chaplains, rabbis, deacons, and the like, to participate in providing opening invocations for the City Council. The opening invocation will be performed by a local volunteer selected in accordance with these rules. The local volunteer selected for leading the opening invocation shall be selected from a wide pool of local clergy and organization or group leaders as specified below, and he/she shall in no event receive



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compensation from the City for his/her participation or services. To ensure that such person is selected from among a wide pool of local clergy and organization or group leaders, on a rotating basis, the invocation speaker shall be selected according to the following procedure:

1. The City Manager or his/her designee shall compile and maintain a database of the religious congregations and other groups and organizations with an established presence within the jurisdictional limits of the City of Clermont.

2. The database shall be compiled examining a broad and diverse pool of religious leaders and other representatives of any and all local religions, denominations, faiths, creeds, and beliefs, including but not limited to, ministers, priests, chaplains, rabbis, deacons, clerics, and the like. The database may be compiled through referencing the listings for “churches,” “congregations,” other religious and non-religious groups and organizations located, or with an established presence, within the jurisdictional limits of the City in the annual Yellow Pages telephone book(s) or comparable data sources, research from the Internet, consultation with local chambers of commerce or comparable organizations, and any other effective method in the discretion of the City Manager or his/her designee. Any such church, congregation, entity, organization or group within the jurisdictional limits of the City not identified within the database for participation may request inclusion within the database by written communication directed to the City Manager that references the opening invocation. If a resident of the City is a member of a church, congregation, other religious or non-religious group or organization which is located outside of the City, such shall be included in the database upon the residents’ written request to the City. This policy is intended to be and shall be applied in a way that is inclusive of diverse religious and non-religious congregations, groups and organizations. The database is compiled and used for purposes of logistics, efficiency, and equal opportunity for all religious and non-religious leaders within the jurisdictional limits of the City to choose whether to respond to the City Council’s invitation.

3. The database shall be updated by reasonable efforts of the City Manager or his/her designee yearly.

4. Potential invocation speakers shall be selected from the database and be invited by the City Manager or his/her designee on a rotating basis; provided, however, reasonable efforts shall be made to ensure that a variety of invocation speakers are scheduled for City Council meetings.

5. Neither the City nor the City Council shall engage in any prior inquiry, review, or involvement in, the content of any invocation to be offered by an invocation speaker. However, consistent with U.S. Supreme Court precedent, invocation speakers are hereby advised that the invocation should not denigrate believers, nonbelievers or religious minorities; threaten damnation; or preach conversion. Statements reflecting ideals relating to peace and security for the nation; safety of our armed forces, police, firefighters and emergency service personnel; wisdom for the lawmakers; and justice for the people are encouraged.



**CITY OF CLERMONT
RESOLUTION NO. 2018-02**

6. The City Clerk may add the name and affiliated organization of the selected invocation speaker for a particular meeting to the Council Agenda next to the “Opening Invocation” item. Notwithstanding the preceding, such entry or information shall not be considered or construed as an official agenda item for the public meeting or considered part of the public business to be transacted by the City Council.

7. In recognition of the transitional process relating to the policies set forth herein, including but not limited to the completion and maintenance of the database, the City Council may invite religious or non-religious leaders, chaplains, ministers, rabbis or leaders of other groups or organizations with an established presence within the jurisdictional limits of the City to conduct the opening invocation until such time as the database is compiled, to offer a moment of silence, or to forego the opening invocation.

8. In the event an upcoming meeting of the City Council does not have a volunteer opening invocation speaker for that meeting, the City Council reserves the right to invite religious or non-religious leaders, chaplains, ministers, rabbis or leaders of other groups or organizations to conduct the opening invocation for that meeting, and in the event no such speaker is available, the Mayor may choose any speaker; offer a moment of silence; or forego the opening invocation.

Conduct of Proceedings. No member of the City Council, City employee or staff, or any other person in attendance at the meeting shall be required to participate in any opening invocation that is offered or to rise and/or recite the Pledge of Allegiance. An opportunity to exit the City Council chambers and return upon completion of the opening invocation shall be afforded to those who do not wish to participate or witness same.

Persons in attendance at the City Council meeting are invited to stand during the opening invocation and are invited to stand and/or recite the Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. Such invitation constitutes a general invitation that a person in attendance may stand and/or participate if he/she wishes to do so for such observances. An opportunity to exit the City Council Chambers and return upon completion of the Pledge of Allegiance shall be afforded to those who do not wish to participate or witness same

Agenda Disclaimer. The following statement shall be placed at the bottom of City Council meeting agendas:

Any opening invocation that is offered before the official start of the Council meeting shall be the voluntary offering of a private person, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Council or the city staff, and the City is not allowed by law to endorse the religious or non-religious beliefs or views of such speaker. Persons in attendance at the City Council meeting are invited to stand during the opening invocation and to stand and recite the Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered or to participate in the Pledge of Allegiance. You may remain seated within the City Council Chambers or exit the City Council Chambers and return upon completion



CITY OF CLERMONT
RESOLUTION NO. 2018-02

of the opening invocation and/or Pledge of Allegiance if you do not wish to participate in or witness the opening invocation and/or the recitation of the Pledge of Allegiance.

SECTION 2. Conflicts/Supersede.

This Resolution shall supersede any previous rules, policies, procedures, or resolutions to the extent of any conflict with this Resolution.

SECTION 3. Severability.

If any portion of this Resolution is finally determined by a court of competent jurisdiction to be invalid, unconstitutional, unenforceable, or void, the balance of the Resolution shall continue in full force and effect.

SECTION 4. Effective Date.

This Resolution shall take effect immediately.



CITY OF CLERMONT
RESOLUTION NO. 2018-02

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on the 23rd day of January, 2018.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, January 23, 2018		
Agenda Item Name		
Special Event Request <i>Stormy Hill Harley-Davidson</i>		
Requested Action		
Recommend approval for 10 events with a temporary structure for 2018.		
Staff Report		
The applicant, Jim Anderson with Stormy Hill Harley-Davidson, is requesting the Council's consideration in approving 10 open-air events with a temporary structure for the calendar year 2018 at the Harley-Davidson dealership located at 2480 S. Highway 27. The applicant has submitted a letter with the tentative dates and times for the proposed events. Section 122-348 (a)(2) of the land development code requires this kind of request to come before the Council since it is more than one permit per year. The applicant has previously received Council approval for multiple events in a year. Prior to each event, a special event application must be submitted to the Fire Department.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Special Event Application	2018 Special Events Application.pdf	
2. Map	2018 Map.pdf	



CITY OF CLERMONT
Temporary Structure Permit,
Special Event or Open Air Sales Permit
Application

PROJECT or BUSINESS NAME (if applicable): STORMY HILL HARLEY-DAVIDSON

APPLICANT & CONTACT PERSON: JIM ANDERSON

Address: 2480 S. HWY 29

City: CLERMONT State: FL Zip: 34711

Phone: 352-243-7111 Fax: 352-243-7610

E-Mail: j_anderson@stormyhillharley.com

OWNER: JANICE MALIK

Address: 2480 S. HWY 29

City: CLERMONT State: FL Zip: 34711

Phone: 352-243-7111 Fax: 352-243-7610

Type of Structure & Size (tent, etc): SEE ATTACHED DOCUMENT

Proposed location of structure, Event or Open Air Sale (attached site plan, map, aerial, etc. as needed to demonstrate proposal): SEE ATTACHED DOCUMENT

Description of operation or event (attach additional information as necessary): SEE ATTACHED DOCUMENT

Date(s) for which permit is requested: SEE ATTACHED DOCUMENT

Hours of operation: SEE ATTACHED DOCUMENT

I /we, the undersigned property owner / applicant, do hereby state that I /we have read the City of Clermont's regulations for Temporary Structure Permits and will abide by these regulations. By signing below said property owner understands that should the temporary structure not be erected and removed by the date specified above, subsequent requests for a Temporary Structure Permit may be denied.

Jim Anderson
Applicant Name (print)

X Jim Anderson
Applicant Name (signature)

JANICE MALIK
Owner Name (print)

X Janice Malik
Owner Name (signature)

NOTE: The desired dates requested for the Temporary Structure or Event Permit must extend from the date the structure is proposed to be erected through the date the structure is proposed to be removed. Temporary Structure Permits for more than 10 days or for more than one (1) time/year, must be scheduled on the agenda and requested of the Clermont City Council, and shall be considered at a public meeting.

Approved by the City of Clermont

Date

02/02/2015

Notes: _____

Instructions and Land Development Code Information

The following should be included with the application:

- A site plan drawn to scale must be submitted. The site plan should indicate the proposed location of the temporary structure, any operations associated with the event, and the location of all existing structures and parking areas. Additional parking may be required.
- Approved application and site plan must be submitted to the Planning & Zoning Department at least two (2) weeks prior to the event. If City Council approval is needed, at least one additional week may be required.
- All sidewalks and driveways must remain clear at all times, unless approved by the City of Clermont as part of the event.
- The structure or tent must meet fire code requirements. ***A certificate of flame resistance for the tent to be used must accompany this application.***
- Any other structures or operations must meet applicable codes as established by the federal, state or local government. All federal, state and other applicable regulatory agencies rules must be adhered to.
- If any electrical connections are required, a temporary hookup from the appropriate electric service provider will be required.
- Only one (1) temporary structure permit for a tent is permitted for a parcel per calendar year. Maximum time allowed is for ten (10) days. Any additional times/tents must be scheduled for and approved by the City Council. In addition, only one permit may be issue for up to 30 days strictly for Christmas Tree sales (see "Note" on application).
- Only two (2) Open Air Sales Permits are permitted for a parcel per calendar year. Maximum time allowed is for 30 days. The City Manager may grant further approvals.

City of Clermont – Land Development Code:

Sec.122-347Open air sales

- (a) *Generally; issuance of permit by City Manager or designee.* All retail or wholesale sales must be located within a completely enclosed building, unless an open air sales permit has been issued. The City Manager or designee may issue an open air sales permit using the following criteria:
 - (1) *Number and duration of permits.* Two non-consecutive permits per calendar year may be issued for a maximum of 30 consecutive days.
 - (2) *Application for permit.* A written request must be submitted setting forth the name and address of the applicant, the location of the proposed operation, a description of the proposed operation, the number of days for which the permit is desired and the property owner's permission, if applicable.
 - (3) *Sign.* One two-sided sign, a maximum of eight square feet in size, shall be allowed and shall be set back a minimum of ten feet from all property lines.
 - (4) *Exceptions.*
 - a. Open storage for the sale of automobiles, farming implements, trailers, boats and gasoline is exempt from this Section.

02/02/2015

- b. Open air sales permits for greater than 30 days or up to two non-consecutive times per year may be issued in the Central Business District and for shopping centers in C-1 Light Commercial Districts and C-2 General Commercial Districts if the open air sales are directly related to the established business on the subject site.
 - c. Single use/lot businesses located on State Road 50 between East Avenue and Linton Court that have existing open air sales that have existed for more than five years prior to the adoption of this Section shall be considered non-conforming and may continue such open air sales unless or until required parking is inhibited or access to the site becomes limited or the open-air sales use of the property is abandoned as provided by Code.
- (b) *Permits for period greater than 30 days.*
- (1) Open-air sales permits in C-1 Light Commercial Districts and C-2 General Commercial Districts for a period greater than 30 days or up to two non-consecutive times per year may be approved by the City Manager or designee upon a showing that such use shall not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity.
 - (2) Such permit may be granted upon a showing by the permittee that the activity shall be confined to a specific parcel of property not otherwise utilized; that the activity shall be a minimum of 100 feet from State Road 50; and that no other open air sales permit has been granted by the City Council within one mile, except for open-air sales permits in conjunction with an established retail establishment.
 - (3) Signs for open-air sales are limited to one two-sided sign of a maximum of eight square feet per side.

Sec. 122-348. Temporary structures.

- (a) *Permit required; issuance; restrictions.* All temporary structures, including tents or canopies, shall be required to obtain a temporary structure permit prior to erection or placement of the structure. The following restrictions shall apply:
 - (1) One permit per calendar year for a maximum of ten (10) days may be issued through the office of the City Manager or designee. Multi-unit developments shall only be allowed one permit per year for the development, not one per unit.
 - (2) More than one permit per year or permits for more than ten (10) days must be requested of the City Council and shall be considered during a public hearing.
 - (3) One permit per calendar year for a maximum of 30 days may be issued for Christmas tree sales. Such permit may include a maximum of two (2) signs or banners for advertising placed on the site in accordance with the Land Development Code. Maximum sign size shall be 32 square feet.
 - (4) The temporary structure and signage must be removed upon expiration or revocation of the permit.
- (b) *Exemptions.* Funeral tents and camping tents are exempt from the frequency requirement, but shall not remain up for more than three days.
- (c) *Revocation of permit.* Temporary structure permits may be revoked if it is determined that such action would be in the best interest of the general public.
- (d) *Existing temporary structures.* Existing temporary structures as of the date of the adoption of the ordinance from which this land development code is derived shall be given a maximum of 180 days for removal.

(Ord. No. 2010-05-C3/23/2010)

DO NOT include these instructions with your application

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

02/02/2015



January 4, 2018

City of Clermont

RE: Special Event / Open Air Sales Permit Application

We would like the City Council to consider our request for temporary structure permits for year 2018. Our schedule for events currently is 7 with the potential of an additional 3 more as we get further into planning the years activities. All of these events with the exception of Leesburg Bike Fest are 1 day events. Our single day events run approximately 4 hours long and have between 150 and 200 people in attendance per event. Separate from our 20' X 40' tent request we will have vendors utilizing 10' x 10' pop up tents during Leesburg Bike Fest and occasionally on other single day events. These events are a vital part of our business as well as reaching out to our community.

We may have two or three additional events requiring permits for events following the same format as below and are requesting the Council grant up to 10 permits for our event schedule in 2018.

March 3rd – Pre Bike Week Kick Off. This event runs from 9am to 4 pm. 20 x 40 tent, band, food and a few vendors with 10 x 10 pop up tent

April 26 – 29 Leesburg Bike Fest. 9am – 6pm Thurs, Fri., and Saturday, 10am-4pm Sunday. This event will use a 20' X 40' tent for shade and seating. Will have food vendors, band and vendors with 10 x 10 pop up tents

May 19th Annual Memorial Day Ride – Food, vendors and band with 20 X 40 tent

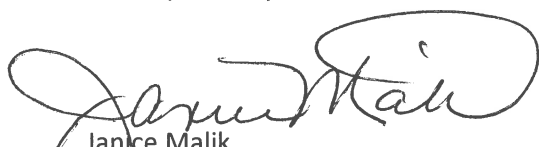
June 2nd Stormy Hill Anniversary Party – Food, vendors and band with 20 x 40 tent

August 18 Harley-Davidson 115th Anniversary Celebration – Food, vendors and band with 20 X 40 tent

Sept. 14th Stormy Hill Open House - Food, vendors and band with 20 X 40 Tent

Nov. 3rd Vets Ride – Food, vendors and band with 20 X 40 Tent

Thank you for your time and consideration. We look forward to a positive response

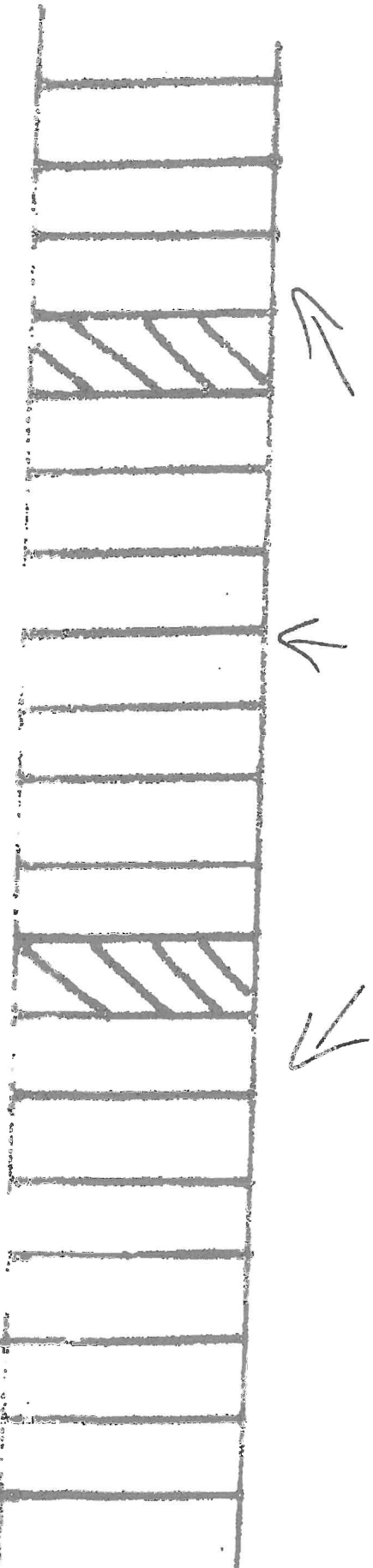

Janice Malik
Owner
Stormy Hill Harley-Davidson

Food + storage
under

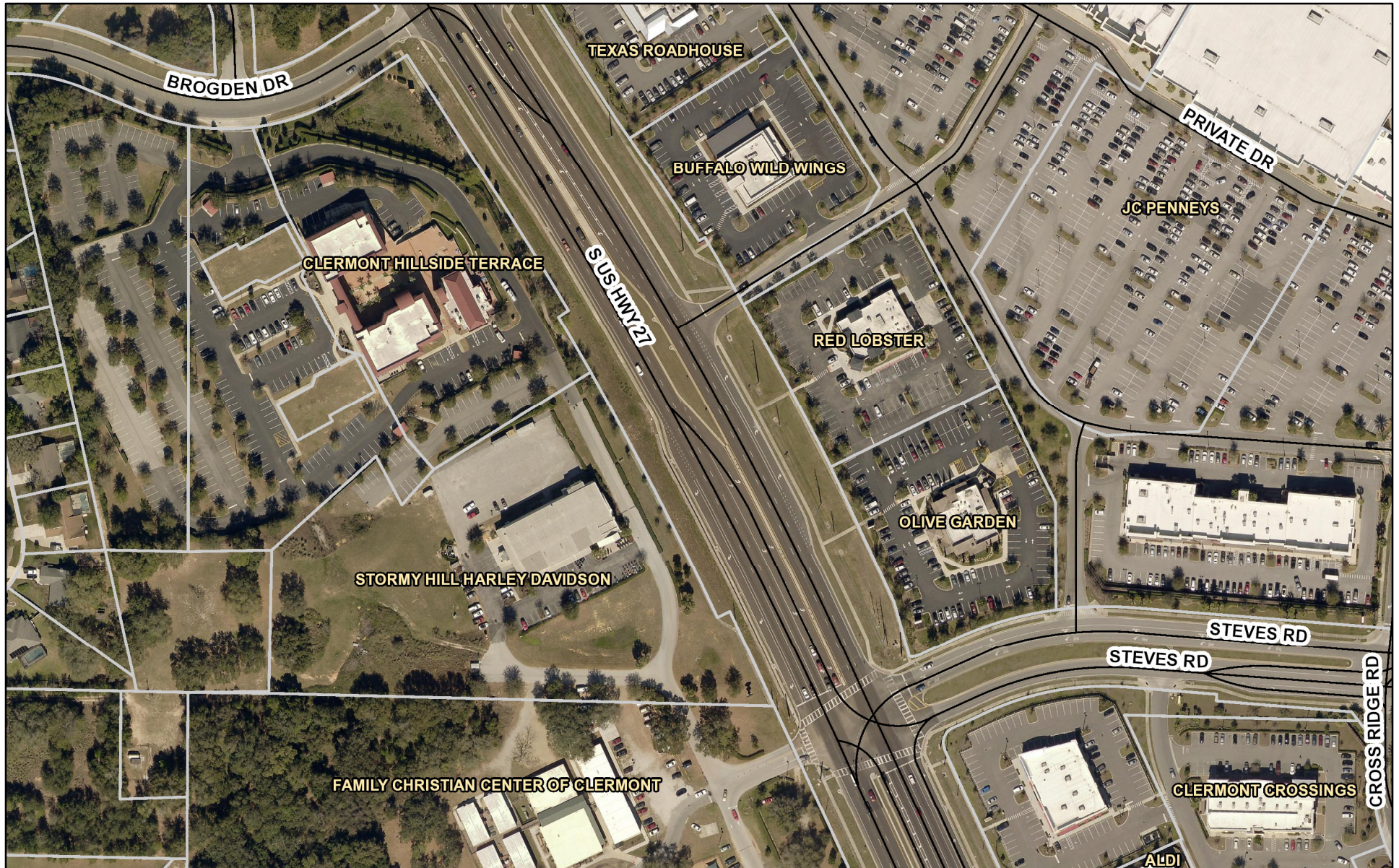
Band

20x40
tent

10x10 under partitions

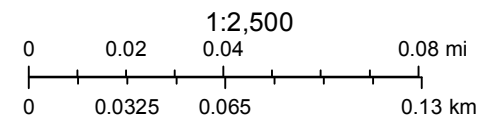


Stormy Hill Harley Davidson



January 5, 2018

-  County Boundary
-  Street Names
-  Local Streets
-  Tax Parcels
-  Property Name





CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, January 23, 2018		
Agenda Item Name		
Resolution No. 2017-52 <i>Quick Lane</i>		
Requested Action		
Recommend approval of Resolution 2017-52.		
Staff Report		
The applicant is seeking to expand the Ford of Clermont Automotive dealership located at 1101 East Highway 50. The existing Ford dealership operates under resolution 1173 which was last approved in January of 2001 allowing the expansion and renovation of the showroom and the construction of a new body shop and service center on the south side of the site. The current proposal includes expanding the dealership parking area to the western parcel which remains unpaved with vehicle inventory on site, and also the addition of a Quick Lane service center. The proposed service center is a 12 bay center with a one bay car wash (11,000 square feet total). The service center will provide minor service and repairs such as oil changes, tire service, and maintenance services. This expansion will free up the existing service center located behind the dealership for major service and repairs. Access to the service center will be through the dealership or the existing frontage road to the northwest of the parcel. The existing commercial future land use and commercial zoning district do permit this proposed use with an approved Conditional Use Permit. Staff has reviewed the application and believes that the proposed use will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, and the proposed use will comply with the regulations and conditions specified. Therefore, staff recommends approval of the request for the expansion of the automotive dealership and service center with up to 11,000 square feet of building space in the C-2 zoning district with the conditions contained in Resolution 2017-52.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Resolution	Resolution+2017-52+(Final).docx	
2. Location Map	Location Map.docx	
3. Site Map	Quick Lane Map.pdf	
4. Elevations	Quick Lane elevations.pdf	

5.	Exhibit	Quick Lane Exhibit.pdf
6.	App	Quick Lane App.pdf
7.	Ad	Ford Legal Add.docx
8.	CUP Conditions	Conditions.docx

**CITY OF CLERMONT
RESOLUTION NO. 2017-52**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLERMONT,
LAKE COUNTY, FLORIDA, GRANTING A CONDITIONAL USE
PERMIT TO ALLOW FOR AN EXPANSION OF AN AUTOMOTIVE
DEALERSHIP IN THE C-2 COMMERCIAL ZONING DISTRICT.**

WHEREAS, the Planning and Zoning Commission of the City of Clermont, Lake County, Florida at a meeting held October 3, 2017 recommended approval of this Conditional Use Permit to allow for an automotive dealership expansion, at the following location:

LOCATION:
1101 East Highway 50.

WHEREAS, the granting of this Conditional Use Permit will not adversely affect the officially adopted Comprehensive Plan of the City; such use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity; the proposed use will comply with the regulations and conditions specified in the codes for such use; and the proposed use may be considered desirable at the particular location;

WHEREAS, the applicant has applied for a Conditional Use Permit to allow an automotive dealership expansion in the Commercial Zoning District;

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Clermont, Lake County, Florida that:
This application for a Conditional Use Permit to allow an automotive dealership expansion in the C-2 Commercial zoning district; be granted subject to the following conditions:

Section 1 - General Conditions

1. The conditions as set forth in this Conditional Use Permit shall be legally binding upon any heirs, assigns and successors in title or interest.
2. No further expansion of the use, additions to the use, or additions to the facility shall be permitted except as approved by another Conditional Use Permit.
3. The property shall be developed in substantial accordance with the conceptual site plan dated August 31st 2017 prepared by Avid Group; incorporating all conditions of this Conditional Use Permit. Said plans shall be submitted for review and approval of

CITY OF CLERMONT
RESOLUTION NO. 2017-52

the Site Review Committee prior to authorization and issuance of a development 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 project without first submitting necessary plans, obtaining necessary approvals, and obtaining necessary permits in accordance with the City of Clermont Land Development Regulations and those of other appropriate jurisdictional entities.
5. 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. The final Certificate of Occupancy shall not be issued until each of the stated conditions has been met.
7. 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.
8. The Conditional Use Permit must be executed and filed in the office of the City Clerk within 90 days of its date of grant by the City Council or the permit shall become null and void.
9. This permit shall become null and void if substantial construction work has not begun within two (2) years of the date of 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.

CITY OF CLERMONT
RESOLUTION NO. 2017-52

Section 2 - Site Preparation

1. The applicant shall submit a grading and erosion control plan for the site during the site plan review process that must be approved by the Site Review Committee prior to initiation of development activity.
2. Noise levels during construction shall not exceed those recommended by the Florida Department of Environmental Protection. Any vibratory compaction shall be limited to the hours of 8:00 A.M. to 6:00 P.M. Monday through Saturday only. Vibrations shall be limited to avoid any damages to neighboring persons or properties. Heavy Equipment and normal work operations will be allowed on the site between the hours of 7:00 A.M. and 7:00 P.M. Monday through Saturday. Heavy Equipment or heavy machinery engines will not be started earlier than 7:00 A.M. on any approved workday.
3. All excavated material shall be stored in a location approved by the City Engineer.
4. The permittee/developers shall seed and mulch or sod all disturbed areas that are not to be developed within 30 days.
5. A dust abatement plan shall be submitted to the City detailing measures to be taken in eliminating the migration of dust particles from the site.
6. All areas being modified to a slope of three (3) horizontal to one (1) vertical (3:1), such as water retention areas, shall be sodded.
7. Ingress/egress to the site for construction shall be as approved by the City Site Review Committee.

Section 3 - Transportation Improvements

1. Right-of-way shall be dedicated along Hook Street so as to create 50 feet of right-of-way from the centerline of the existing right-of-way. If the right of way is not needed for the construction of Hook St. it will be returned to Rolling Hills Ford.
2. Driveway access shall be provided from the current frontage

CITY OF CLERMONT
RESOLUTION NO. 2017-52

road to the main entrance of the dealership. When the vacant lot (Phase 5) is developed, unobstructed driveway access shall be provided between the frontage road and the main entrance to the dealership.

Section 4 -Site Improvements/Landscaping

1. Architectural finish, building, and landscape design plans for the project shall be submitted to and approved by the Site Review Committee.
2. Landscaping shall be brought up to current code. Parking lot landscaping shall be provided for public and employee parking areas, but not for inventory or service parking areas.
3. All required landscaping shall be irrigated and maintained according to code in perpetuity.
4. Irrigation shall be provided by irrigation well.
5. Sidewalks shall be provided along S.R. 50.

Section 5 - Utilities

1. Install grease trap or oil and grease separators to serve car wash, Quick lube and other locations as determined by the Public Works Director.
2. New and existing facilities shall connect to City water and sewer systems. Connection to the City sewer system shall be made at the time of Hook St. construction or when a sewer line is available along the Hook St. frontage, whichever occurs first.
3. A 10" water main shall be installed along the west property boundary from the northwest corner of the property to Hook St.

CITY OF CLERMONT
RESOLUTION NO. 2017-52

DONE AND RESOLVED by the City Council of the City of Clermont, Lake County, Florida, this 9th day of January, 2018.

CITY OF CLERMONT

Gail L. Ash, Mayor

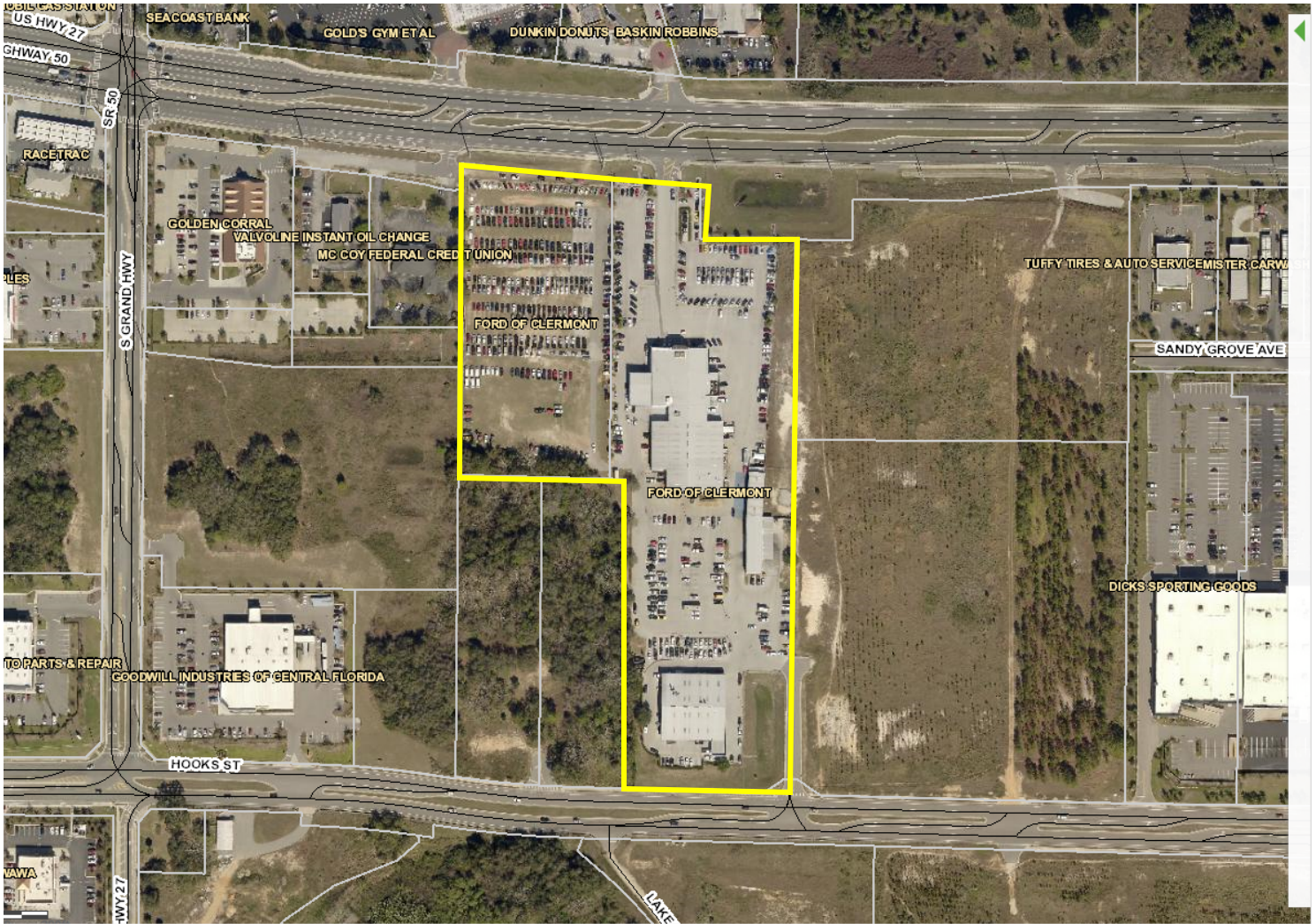
ATTEST:

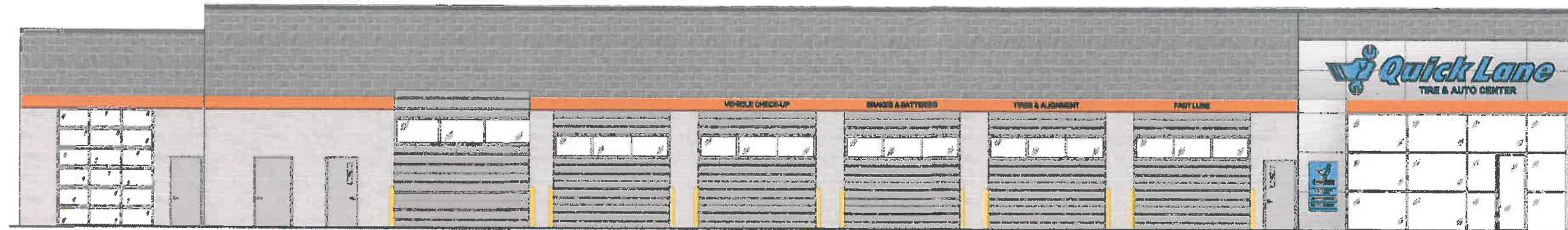
Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

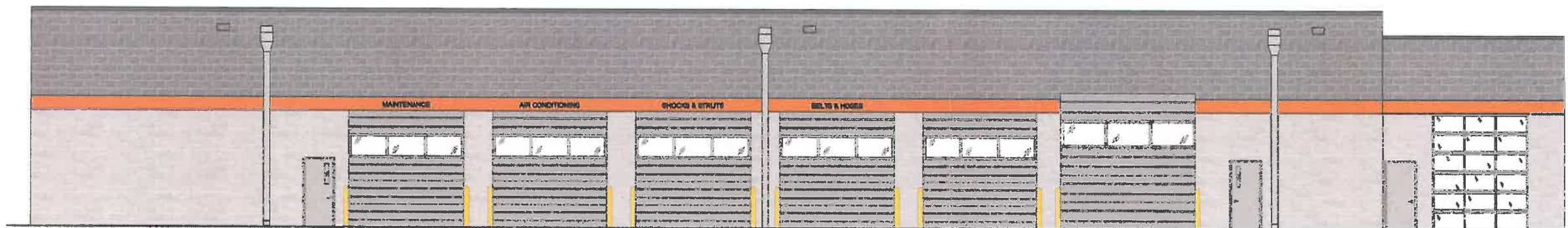
Daniel F. Mantzaris, City Attorney

Location Map

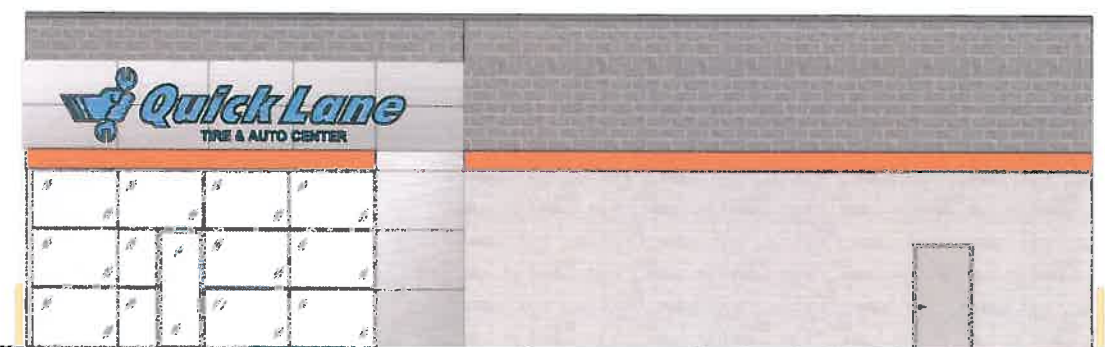




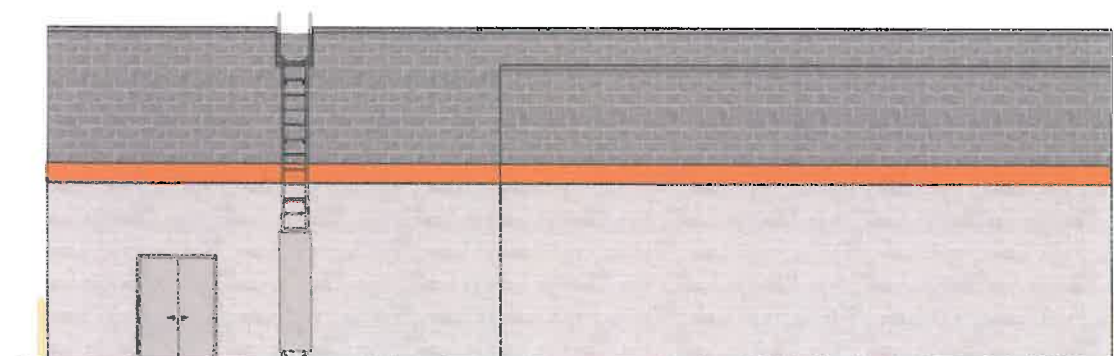
1 EAST ELEVATION
SCALE: NTS



2 WEST ELEVATION
SCALE: NTS



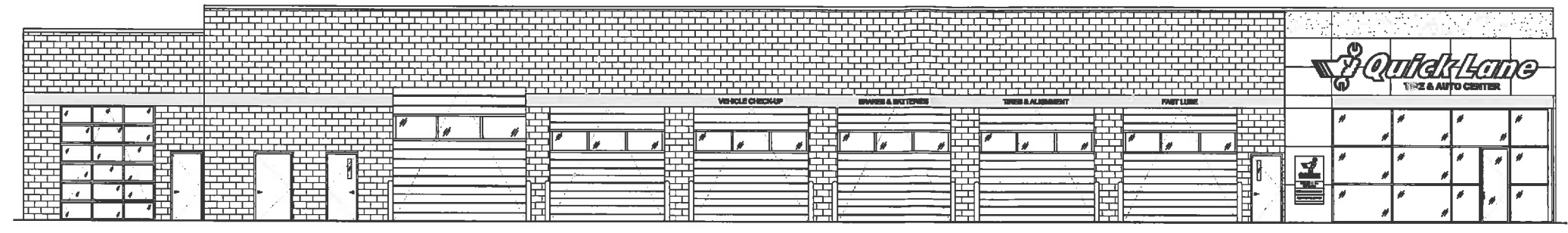
3 NORTH ELEVATION
SCALE: NTS



4 SOUTH ELEVATION
SCALE: NTS

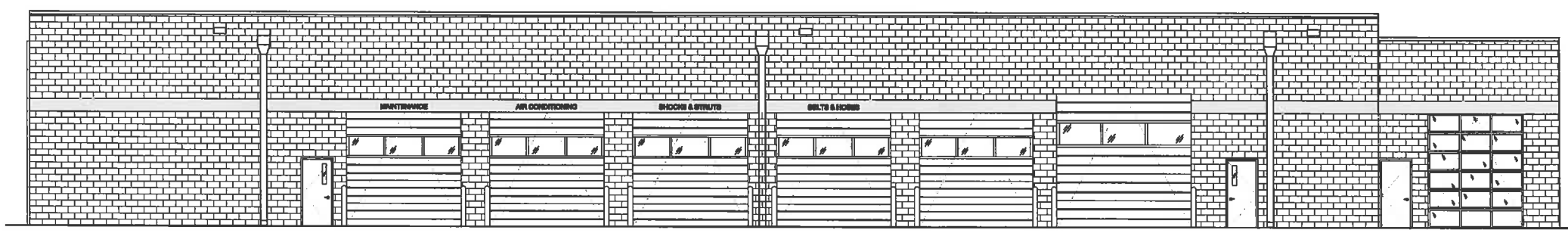
PATRICK
G. BLEES
architecture . planning . interior design
PATRICK G. BLEES, ARCHITECT, PLLC
800 WASHINGTON AVE. N. SUITE 208
MINNEAPOLIS, MN 55401
PHONE: (612) 547-1300
FAX: (612) 547-1301
E-MAIL: pblees@pblees.com
CONTACT: AMANDA PREISLER

CONSULTANTS:



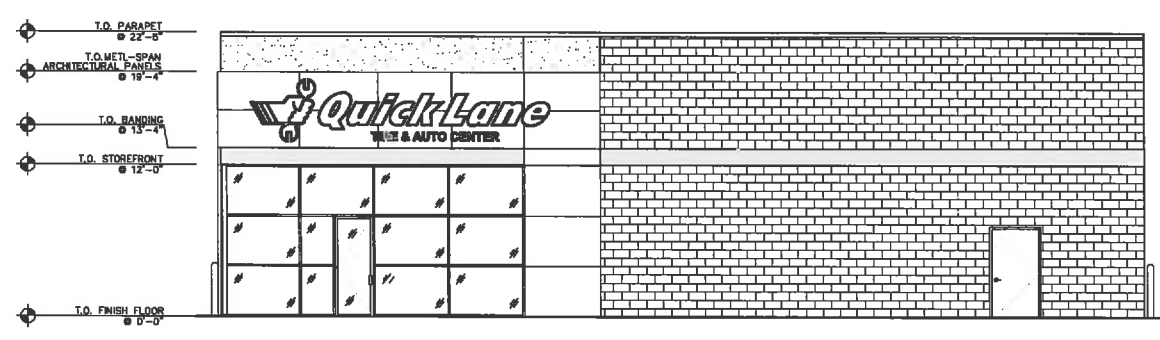
T.O. CORRUGATED PANELS
@ 22'-0"
T.O. METL-SPAN
ARCHITECTURAL PANELS
@ 19'-4"
T.O. BAND
@ 13'-4"
T.O. STOREFRONT
@ 12'-0"
T.O. FINISH FLOOR
@ 0'-0"

1 FRONT ELEVATION
A5 3/16"=1'-0"



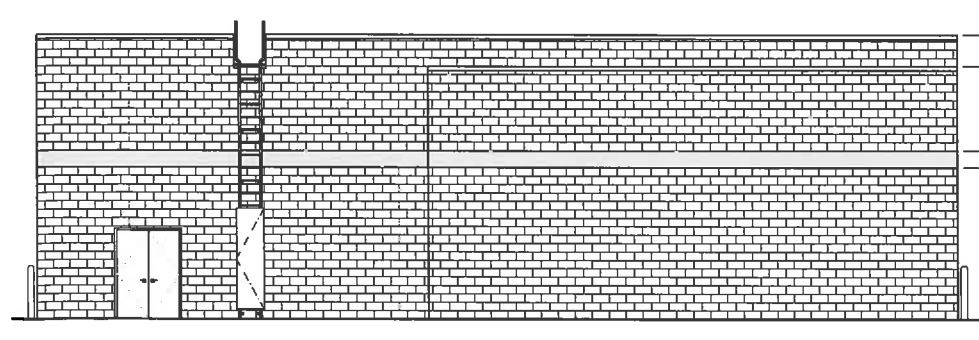
T.O. PARAPET
@ 22'-0"
T.O. PARAPET
@ 20'-0"
T.O. BAND
@ 13'-4"
B.O. BAND
@ 12'-0"
T.O. FINISH FLOOR
@ 0'-0"

2 FRONT ELEVATION
A5 3/16"=1'-0"



T.O. PARAPET
@ 22'-0"
T.O. METL-SPAN
ARCHITECTURAL PANELS
@ 19'-4"
T.O. BANDING
@ 13'-4"
T.O. STOREFRONT
@ 12'-0"
T.O. FINISH FLOOR
@ 0'-0"

3 SIDE ELEVATION
A5 3/16"=1'-0"



T.O. PARAPET
@ 22'-0"
T.O. PARAPET
@ 20'-0"
T.O. BAND
@ 13'-4"
B.O. BAND
@ 12'-0"
T.O. FINISH FLOOR
@ 0'-0"

4 SIDE ELEVATION
A5 3/16"=1'-0"

Quick Lane
TIRE & AUTO CENTER
QUICK LANE
E. HIGHWAY 50
CLERMONT, FL 34711

NEW CONSTRUCTION

SHEET TITLE:
EXTERIOR ELEVATIONS
12-BAY WITH CARWASH

REVISIONS:		
NO.	DATE:	BY:

PROJECT NO: 17180.001
DRAWN BY: JDH

A5(12)

COPYRIGHT PATRICK G. BLEES, AIA 2017

Q:\Quick Lane\17180.001 Clermont, FL\Presentations\12-Bay Exterior Elevations.dwg 17180.001 11/28/17 11:28:42 PM

Quick Lane at Ford of Clermont Conditional Use Permit Application

Narrative & Justification Statement

Project Description:

Subject property is a total of 13.39 acres comprised of two parcels of land located on the south side of State Road 50, between S Grand Highway and Sandhill View Boulevard in the city of Clermont. The 4.37-acre parcel where the site improvements are proposed is owned by Deardoff Limited (herein after referred to as Parcel 1). The 9.02-acre parcel with the existing Ford of Clermont automobile dealership and service center is owned by Ford of Clermont Inc. (herein after referred to as Parcel 2).

The parcels are zoned C-2 (General Commercial District) with a future land use map designation of C (Commercial). The developer seeks a conditional use permit to expand the existing uses of the property, which are: "automobile and truck services, carwashes, and automobile, truck, boat and farm equipment sales" and "automobile and truck repair garages; and painting, welding and body shops".

Parcel 1 is part of the existing Ford of Clermont auto dealership and currently serves as unpaved parking for the dealership. The owners wish to develop the property with a 12-bay service building, 1 bay car wash, and paved parking for the dealership. The proposed expansion will provide dedicated space for performing minor service and repairs (oil changes, tires, etc.) and free up the existing 27-bays for performing major service and repairs. No improvements are proposed on Parcel 2, except for ancillary/incidental improvements such as drive aisle connections between the parcels and utility work (water and sewer connections and replacement of the aged water/fire line).

Vehicular access will be through the dealership's existing driveway onto State Road 50 and through the frontage road stub-out and shared driveway onto State Road 50 located in front of the adjacent McCoy Federal Credit Union property. The driveway is also shared with two other commercial uses to the west (Valvoline and Golden Corral). The dealership also connects to a shared access at the rear onto Hooks Street.

The conditional use site plan is attached, which shows the overall layout of the existing and proposed site improvements. Architectural renderings for the new building are also attached.

Conditional Use Permit Evaluation Criteria:

Pursuant to Land Development Code (LDC) Section 86.144.(c), the Planning Commission and City Council may grant by resolution a conditional use permit that meets the following four general criteria and seven specific development standards. In furtherance of this requirement, the applicants' professional land planning and engineering consultant has made the following findings in support of the project:

General Criteria

1. **The granting of the conditional use permit will not adversely affect the officially adopted comprehensive plan of the city;**

Applicant's finding: The development will not adversely affect the City's comprehensive plan. The conditional use permit is requested for the purpose of an established and successful business to expand upon the already existing uses, which are consistent with the properties underlying Commercial future land use map designation and the C-2 zoning district.

2. **Such use will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity;**

Applicant's finding: The proposed expansion is consistent with the range of services typically provided at an automobile dealership and service center and is consistent with the City's C-2 General Commercial District (LDC Sec. 122-223). The development is located on a state highway and surrounded by commercially zoned and developed properties. Similar uses are located within close proximity to both the west and the east on State Road 50.

3. **The proposed use will comply with the regulations and conditions specified in the codes for such use; and**

Applicant's finding: The development will comply with the regulations and conditions specified for said uses within the City's C-2 General Commercial District (LDC Sec. 122-223).

4. **The proposed use may be considered desirable at the particular location.**

Applicant's finding: The proposed use is an expansion of the existing automobile dealership and service center that is already successfully operating at this particular location.

Specific Development Standards

1. ***Density or intensity, character and type of development.*** The density or intensity, character and type of development shall be in conformance with the city's comprehensive plan, future land use map, future land use district designation and zoning district classification.

Applicant's finding: The proposed expansion is consistent with the character and type of development that is allowed within the City's land use and zoning classifications of Commercial and C-2 General Commercial District, respectively, which allow a maximum density of 12 du/ac (none proposed) and a maximum intensity of 0.25 FAR and 0.80 ISR. There are no residential units proposed and the conditional use permit site plan shows the project's proposed increase in intensity by 10,919 sq.ft. for a total of 70,568 sq.ft. of building area on 13.40 acres (0.12 FAR).

2. ***Compatibility of development.*** The compatibility of the development with terrain and surrounding development as to type and size of unit and height shall be considered. The development shall be so located and designed to avoid undue noise, odor, traffic or other nuisances and dangers to abutting property owners.

Applicant's finding: The development is compatible with the terrain and surrounding development pattern. The proposed expansion area already serves as grass parking for the existing automobile dealership. There are no known complaints of nuisances or dangers to abutting property owners. The expansion will utilize existing driveway connections (no new curb cuts) and stormwater runoff will be treated and released at pre-development rates.

3. ***Transportation.*** The city transportation system or streets must be of sufficient width and capacity to serve the demands created by the development. Dedication of rights-of-way, frontage or reverse frontage roads and other necessary improvements shall be considered and addressed.

Applicant's finding: The right-of-way and street widths are adequate to serve the project. The developer is proposing to access the site via the existing automobile dealership's access and will construct the cross connection to the existing frontage road that serves three commercial sites to the west.

4. ***Utilities.*** Sanitary sewer, potable water, reuse water, fire hydrants and other utilities must be available and have capacity to serve the development. For commercial or industrial development, the quality of the wastewater must be in conformance with section 66-76 et seq.

Applicant's finding: City utilities are available to serve the development. Potable water and sewer exist on the adjacent automobile dealership. The owners will install water and fire service connections as needed to serve the development, including replacement of the aging water main that runs down the west side of Parcel 2. Wastewater discharge shall comply with the requirements of Code Section 66-76.

5. ***Stormwater management.*** The capability, capacity and location of the city storm sewer system for serving the development must be considered, as well as adequacy of project design to provide retention and positive outfall of stormwater.

Applicant's finding: The development does not outfall into a City-maintained system. It drains into the FDOT right-of-way. The project's design will abide by all of the stormwater release rate and volume criteria of FDOT, SJRWMD, and the City.

The rates and volumes of water to be discharged from the property were anticipated in the design of FDOT's SR 50 drainage system. The project is not anticipated to overburden any downstream drainage systems.

The project will include an outfall structure to allow its permitted discharges, as well as allowing runoff from storms greater than the design storm to exit the site without creating adverse on-site flooding conditions.

6. **Site planning.** The development shall be planned and designed to consider:
- a. Effectiveness of plotting or building layout (street patterns, required yards, etc.).
 - b. Orientation of units (setback, open space).
 - c. Avoidance of environmentally sensitive areas (floodplain, steep slopes, unstable soil, drainage or wetland areas).
 - d. Consideration of visual resources (view and aesthetics).
 - e. Landscaping, buffering and screening (for privacy and to screen parking or undesirable features).
 - f. Provision of open space areas or private recreation areas.
 - g. Off-street parking and loading areas, where required, with particular attention to noise, glare or odor as they may affect adjoining properties. Adequate off-street parking shall be provided in conformance with city codes. Residential construction must be provided with required off-street parking in all districts.
 - h. Ingress and egress to property and proposed structures thereon, with particular reference to automobile and pedestrian safety, traffic flow and control and access in case of fire. Access to refuse collection areas shall be provided.

Applicant's finding: All of these items have been taken into consideration in the planning and design of the development. The building location is similar to other buildings along the corridor. The stormwater pond will be located to the rear of the site, along with underground chambers within the parking lot as shown on the site plan. There is only one row of parking in front of the building. Site access is via existing driveways as discussed in previous findings above, in order to minimize impacts on traffic flow and provide for safe and convenient vehicular circulation within the development. Sidewalks are provided for pedestrian safety and interconnectivity to the abutting street.

7. **Solid waste disposal.** For commercial and industrial development, the capacity to dispose of solid waste, with particular reference to any hazardous wastes generated.

Applicant's finding: There is adequate capacity to dispose of domestic solid waste from the development. Hazardous waste disposal to be consistent with all regulatory rules and regulations.

Prepared by:
AVID Group



Peter Pensa, AICP
Director of Planning



**CONDITIONAL USE PERMIT (CUP)
APPLICATION**

DATE: 8/31/17

FEE: \$845
+ cost of advertisement

PROJECT NAME (if applicable): Quick Lane @ Ford of Clermont

APPLICANT: AVID Group

CONTACT PERSON: Peter Pensa, AICP

Address: 2300 Curlew Road, Suite 201

City: Palm Harbor State: FL Zip: 34683

Phone: 727-234-8015 (cell) Fax: N/A

E-Mail: peter.pensa@avidgroup.com

OWNER: (1) Deardoff Limited & (2) Ford of Clermont Inc.

Address: 1850 E Merritt Island Causeway

City: Merritt Island State: FL Zip: 32952

Phone: 321-452-9285 Fax: N/A

Address of Subject Property: (1) TBD & (2) 1101 E Hwy 50, Clermont, FL 34711

General Location: South side of State Road 50, between Grand Highway and Sandhill View
Boulevard.

Legal Description (include copy of survey): see attached legal description

Land Use (City verification required): C (Commercial)

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





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

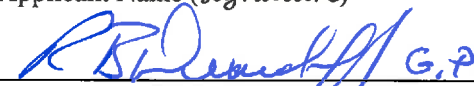
Detailed Description of request (What are you proposing to do and why is it appropriate for this location? Attach additional page is necessary.

See attached project narrative & justification statement.

Peter Pensa, AICP, Director of Planning,
Applicant Name (print) AVID Group

R.B. Deardoff
Owner Name (print) Deardoff Limited

X 
Applicant Name (signature)

X  G.P.
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
Development Services Department
685 W. Montrose St.
P.O. Box 120219
Clermont, FL. 34712-021 9
(352) 394-4083 Fax: (352) 394-3542



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

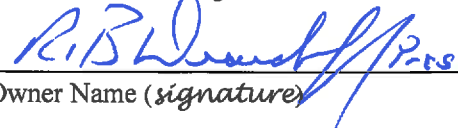
Detailed Description of request (What are you proposing to do and why is it appropriate for this location? Attach additional page is necessary.

See attached project narrative & justification statement.

Peter Pensa, AICP, Director of Planning,
Applicant Name (print) AVID Group

R. B. Deardo Jr
Owner Name (print) Ford of Clermont Inc.

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
Development Services Department
685 W. Montrose St.
P.O. Box 120219
Clermont, FL. 34712-021 9
(352) 394-4083 Fax: (352) 394-3542

LETTER OF AUTHORIZATION

To Whom It May Concern:

This letter does hereby authorize AVID Group to act as our agent for and with all regulatory agencies, departments, and their personnel for the City of Clermont, Lake County, Florida Department of Economic Opportunity, Florida Department of Transportation, St. Johns River Water Management District, Florida Department of Environmental Protection, US Army Corps of Engineers, and any other utility providers or regulatory agencies in an effort to receive all approvals necessary for developing the proposed project on an approximately 9.38 acres, m.o.l. tract that is generally located on the south side of State Road 50, between Grand Highway and Sandhill View Boulevard in the City of Clermont (annexation proposed), Lake County, Florida.

Parcel ID Number:	Site Acreage	Street Address (if assigned):
09-22-26-130502300001	9.38 acres m.o.l.	1101 E Highway 50 Clermont, FL 34711

Property Owner:

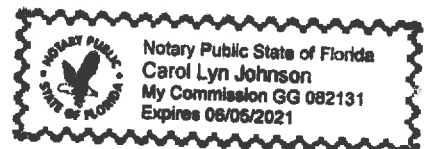
R.B. Deardorff
Name: R.B. Deardorff
Title: President
Ford of Clermont Inc.
1850 E Merritt Island Causeway
Merritt Island, FL 32952-2665

STATE OF Florida COUNTY OF Brevard On
this the 16 day of Aug 2017 before me, the undersigned Notary Public of
the State of Florida, personally appeared R.B. Deardorff and whose
name(s) is/are subscribed to the within instrument, and acknowledge that he/she/they executed
it. The individual(s) are ☒ personally known to me, or ☐ presented the following
identification: _____.

WITNESS MY HAND AND SEAL:

NOTARY SEAL &
COMMISSION EXPIRATION:

Carol Lyn Johnson
NOTARY SIGNATURE



LETTER OF AUTHORIZATION

To Whom It May Concern:

This letter does hereby authorize AVID Group to act as our agent for and with all regulatory agencies, departments, and their personnel for the City of Clermont, Lake County, Florida Department of Economic Opportunity, Florida Department of Transportation, St. Johns River Water Management District, Florida Department of Environmental Protection, US Army Corps of Engineers, and any other utility providers or regulatory agencies in an effort to receive all approvals necessary for developing the proposed project on an approximately 4.14 acres, m.o.l. tract that is generally located on the south side of State Road 50, between Grand Highway and Sandhill View Boulevard in the City of Clermont (annexation proposed), Lake County, Florida.

Parcel ID Number:	Site Acreage	Street Address (if assigned):
09-22-26-130502300000	4.14 acres m.o.l.	No Address, State Road 50 Clermont, FL 34711

Property Owner:

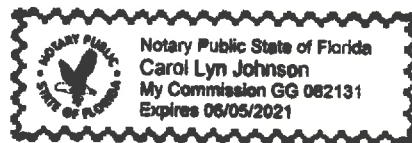

Name: R.B. Deardoff
Title: General Partner
Deardoff Limited
1850 E Merritt Island Causeway
Merritt Island, FL 32952-2665

STATE OF Florida COUNTY OF Brevard On
this the 16 day of Aug 20 17 before me, the undersigned Notary Public of
the State of Florida personally appeared R.B. Deardoff and whose
name(s) is/are subscribed to the within instrument, and acknowledge that he/she/they executed
it. The individual(s) are ☒ personally known to me, or ☐ presented the following
identification: _____.

WITNESS MY HAND AND SEAL:

NOTARY SEAL &
COMMISSION EXPIRATION:


NOTARY SIGNATURE



LEGAL NOTICE

Notice is hereby given that the City of Clermont will consider a Conditional Use Permit to allow for the expansion of an automotive dealership in the C-2 General Commercial zoned district.

LOCATION

Ford of Clermont 1101 East Highway 50.
Alternate Key 1103924, 1648343,

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 3, 2017 at 6:30pm.

A public meeting to consider the request will be held before the City Council on Tuesday, November 14, 2017 at 6:30pm.

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 Howe, MMC
City Clerk

Daily Commercial
September 26, 2017
November 7, 2017

CUP Conditions:

Section 1 - General Conditions

1. The conditions as set forth in this Conditional Use Permit shall be legally binding upon any heirs, assigns and successors in title or interest.
2. No further expansion of the use, additions to the use, or additions to the facility shall be permitted except as approved by another Conditional Use Permit.
3. The property shall be developed in substantial accordance with the conceptual site plan dated August 31st 2017 prepared by Avid Group; incorporating all conditions of this Conditional Use Permit. Said plans shall be submitted for review and approval of the Site Review Committee prior to authorization and issuance of a development 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 project without first submitting necessary plans, obtaining necessary approvals, and obtaining necessary permits in accordance with the City of Clermont Land Development Regulations and those of other appropriate jurisdictional entities.
5. 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. The final Certificate of Occupancy shall not be issued until each of the stated conditions has been met.
7. 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.
8. The Conditional Use Permit must be executed and filed in the office of the City Clerk within 90 days of its date of grant by the City Council or the permit shall become null and void.
9. This permit shall become null and void if substantial construction work has not begun within two (2) years of the date of 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.

Section 2 - Site Preparation

1. The applicant shall submit a grading and erosion control plan for the site during the site plan review process that must be approved by the Site Review Committee prior to initiation of development activity.
2. Noise levels during construction shall not exceed those recommended by the Florida Department of Environmental Protection. Any vibratory compaction shall be limited to the hours of 8:00 A.M. to 6:00 P.M. Monday through Saturday only. Vibrations shall be limited to avoid any damages to neighboring persons or properties. Heavy Equipment and normal work operations will be allowed on the site between the hours of 7:00 A.M. and 7:00 P.M. Monday through Saturday. Heavy Equipment or heavy machinery engines will not be started earlier than 7:00 A.M. on any approved workday.
3. All excavated material shall be stored in a location approved by the City Engineer.
4. The permittee/developers shall seed and mulch or sod all disturbed areas that are not to be developed within 30 days.
5. A dust abatement plan shall be submitted to the City detailing measures to be taken in eliminating the migration of dust particles from the site.
6. All areas being modified to a slope of three (3) horizontal to one (1) vertical (3:1), such as water retention areas, shall be sodded.
7. Ingress/egress to the site for construction shall be as approved by the City Site Review Committee.

Section 3 - Transportation Improvements

1. Right-of-way shall be dedicated along Hook Street so as to create 50 feet of right-of-way from the centerline of the existing right-of-way. If the right of way is not needed for the construction of Hook St. it will be returned to Rolling Hills Ford.
2. Driveway access shall be provided from the current frontage road to the main entrance of the dealership. When the vacant lot (Phase 5) is developed, unobstructed driveway access shall be provided between the frontage road and the main entrance to the dealership.

Section 4 -Site Improvements/Landscaping

1. Architectural finish, building, and landscape design plans for the project shall be submitted to and approved by the Site Review Committee.
2. Landscaping shall be brought up to current code. Parking lot landscaping shall be provided for public and employee parking areas, but not for inventory or service parking areas.
3. All required landscaping shall be irrigated and maintained according to code in perpetuity.
4. Irrigation shall be provided by irrigation well.
5. Sidewalks shall be provided along S.R. 50.

Section 5 - Utilities

1. Install grease trap or oil and grease separators to serve car wash, Quick lube and other locations as determined by the Public Works Director.
2. New and existing facilities shall connect to City water and sewer systems. Connection to the City sewer system shall be made at the time of Hook St. construction or when a sewer line is available along the Hook St. frontage, whichever occurs first.
3. A 10" water main shall be installed along the west property boundary from the northwest corner of the property to Hook St.



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, January 23, 2018		
Agenda Item Name		
Variance Request <i>Spencer</i>		
Requested Action		
Recommend denial of variance requests.		
Staff Report		
The applicant is requesting the following variance to the Land Development Code (LDC): To allow for a rear yard setback of 7 feet instead of 9 feet as required by the LDC, Section 122-105 To allow a side yard setback of 21 feet instead of 35 feet as required by the LDC, Section 122-105 The applicant is requesting a variance to allow the construction of a new single family residence to be located in the Indian Shores residential development (lot 63). The applicants proposal is to construct a 3,525 square foot house with an attached swimming pool. The house front and secondary front setback per code requires a 35 foot setback from the right-of-way. The applicant is requesting a 25 foot setback for the front, and a 21 foot setback for the secondary front (up to a 14 foot encroachment.) The swimming pool per current code requires a 9 foot rear yard setback, the applicant is requesting a 7 foot rear yard setback (two foot encroachment.) Starting in 1999 many lots within Indian Shores subdivision were granted setback variances. Many moved forward and constructed the houses based on the approved setback variances. This lot was originally approved for a 20 foot setback from the south property line, but because development did not happen within the one year time frame, the variance was no longer valid. Section 86-174 of the LDC requires a positive finding on eight items in order to grant a variance, and staff believes that two of the eight do not meet these findings. Therefore, staff recommends denial of the variance requests by the applicant to the Clermont Land Development Code.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Location Map	Location Map.docx	

2.	Findings	Review Criteria.docx
3.	Application	Application.pdf
4.	Site Plan	Site Plan.pdf

Spencer Variance

The requirements for a variance are as follows:

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

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

FINDINGS:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district;
Applicant response: There have been multiple variances granted throughout this subdivision allowing larger homes and pools to be built, to the same extent as I am requesting
Staff comments: The subject parcel is currently vacant and provides no special conditions or circumstances that are peculiar to the land or building which are not applicable to other lands or building in the same zoning district.
Negative finding
- (2) The condition giving rise to the requested variance has not been created by any person presently having an interest in the property;
Applicant response: I (the owner) have only interest in property.
Staff comments: The current owner/ builder is who is requesting this variance request.
Negative finding
- (3) Literal interpretation and enforcement of the land development code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development code, and would work unnecessary and undue hardship on the applicant;
Applicant response: There has been multiple variances given in this neighborhood so others could build the house and pool they desire.
Staff comments: Other nearby parcels have been granted similar variances.
Positive finding
- (4) The variance request is not based exclusively upon a desire to reduce the cost of developing the site or otherwise economically founded;
Applicant response: No, I am requesting variance so I can build a larger home.
Staff comments: No evidence of decreased costs due to the requested variances.
Positive finding
- (5) The variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building or structure;
Applicant response: Yes, Since this is a corner lot with the current setbacks I would only be able to build a 59’ x 47’ home with a pool area only extending out 16’.
Staff comments: The applicant is trying to maximize the potential use of the site by requesting the variances for a reduction of required setbacks. The requested variances are the minimum variances necessary for development and improvement of the site.
Positive finding

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

Applicant response: None that I am aware of, others in this subdivision have already been granted the same variances as I am requesting.

Staff comments: The City Council has granted similar variance requests in the past for other properties in the same zoning district.

Positive finding

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

Applicant response: No, building a nicer/larger home will increase value and overall look of neighborhood.

Staff comments: The proposed variances appear not to substantially diminish property values or alter the essential character of the area and surrounding properties.

Positive finding

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

Applicant response: Since many others have already been granted the same or similar variances I am requesting in this subdivision it should not have an impact on any surrounding properties.

Staff comments: Staff feels that the proposed project will be in harmony with the general intent and purpose of the land development code.

Positive finding

STAFF RECOMMENDATION:

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



CITY OF CLERMONT
VARIANCE
Application

DATE: 11/16/17

FEE: \$ 300
OK 1201

PROJECT NAME (if applicable): _____

APPLICANT: JARROD SPENCER

CONTACT PERSON: JARROD SPENCER

Address: 11133 CROOKED RIVER CT.

City: CLERMONT State: FL Zip: 34711

Phone: 321-231-2608 Fax: —

E-Mail: JARROD34711@GMAIL.COM

OWNER: JARROD SPENCER

Address: 11133 CROOKED RIVER CT.

City: CLERMONT State: FL Zip: 34711

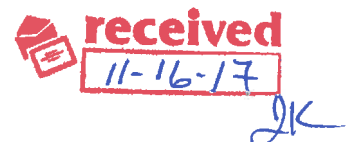
Phone: 321-231-2608 Fax: —

Address of Subject Property: LOT 63 INDIAN SHORES

General Location: LOT DIRECTLY TO RIGHT OF
1245 SHORECREST CIR.

Legal Description (include copy of survey): CLERMONT INDIAN SHORES
REPLAT SUB LOT 63 PB 36 PG 71-72 ORB
4232 PG 1585

Land Use (City verification required): SFR





Zoning (City verification required): _____

**CITY OF CLERMONT
VARIANCE**

**Application
Page 2**

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

City Zoning Ordinance (Land Development Code Section) from which you are requesting relief:

CHANGE FRONT SETBACK TO 25', SIDE SETBACK NEAR STREET 20'
AND POOL/POOL DECK TO 7' SEC 122-105 (1) & (2) + (3)

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

How does the Code create a hardship? CURRENT SETBACKS DO NOT ALLOW
US TO BUILD THE SIDE HOUSE WE WOULD LIKE

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

Variance requested – subject and code section: FRONT SETBACK 25'
SIDE SETBACK - STREET SIDE 20' POOL/POOL DECK 7'

Sec. 86-174. Review criteria and findings.

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

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

THERE HAVE BEEN MULTIPLE VARIANCES GRANTED
THROUGHOUT THIS SUBDIVISION ALLOWING LARGER HOMES
& POOLS TO BE BUILT, TO THE SAME EXTENT AS I AM
REQUESTING

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

I (THE OWNER) HAVE ONLY INTEREST IN PROPERTY



CITY OF CLERMONT

VARIANCE

Application

Page 3

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

THERE HAS BEEN MULTIPLE VARIANCES GIVEN IN THIS NEIGHBORHOOD SO OTHERS COULD BUILD THE HOUSE & POOL THEY DESIRE

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

NO, I AM REQUESTING VARIANCE SO I CAN BUILD A LARGER HOME

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

YES, SINCE THIS IS A CORNER LOT, WITH THE CURRENT SETBACKS I WOULD ONLY BE ABLE TO BUILD A 59' x 47' HOME WITH A POOL AREA ONLY EXTENDING OUT 16'

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

NONE THAT I AM AWARE OF, OTHERS IN THIS SUBDIVISION HAVE ALREADY BEEN GRANTED THE SAME VARIANCES AS I AM REQUESTING

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

NO, BUILDING A NICER/LARGER HOME WILL INCREASE VALUE & OVERALL LOOK OF NEIGHBORHOOD



**CITY OF CLERMONT
VARIANCE**

Application

Page 4

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

SINCE MANY OTHERS HAVE ALREADY BEEN GRANTED THE SAME
OR SIMILAR VARIANCES I AM REQUESTING IN THIS SUBDIVISION
IT SHOULD NOT HAVE AN IMPACT ON ANY SURROUNDING PROPERTIES

JARROD SPENCER
Applicant Name (print)

X [Signature]
Applicant Name (signature)

JARROD SPENCER
Owner Name (print)

X [Signature]
Owner Name (signature)

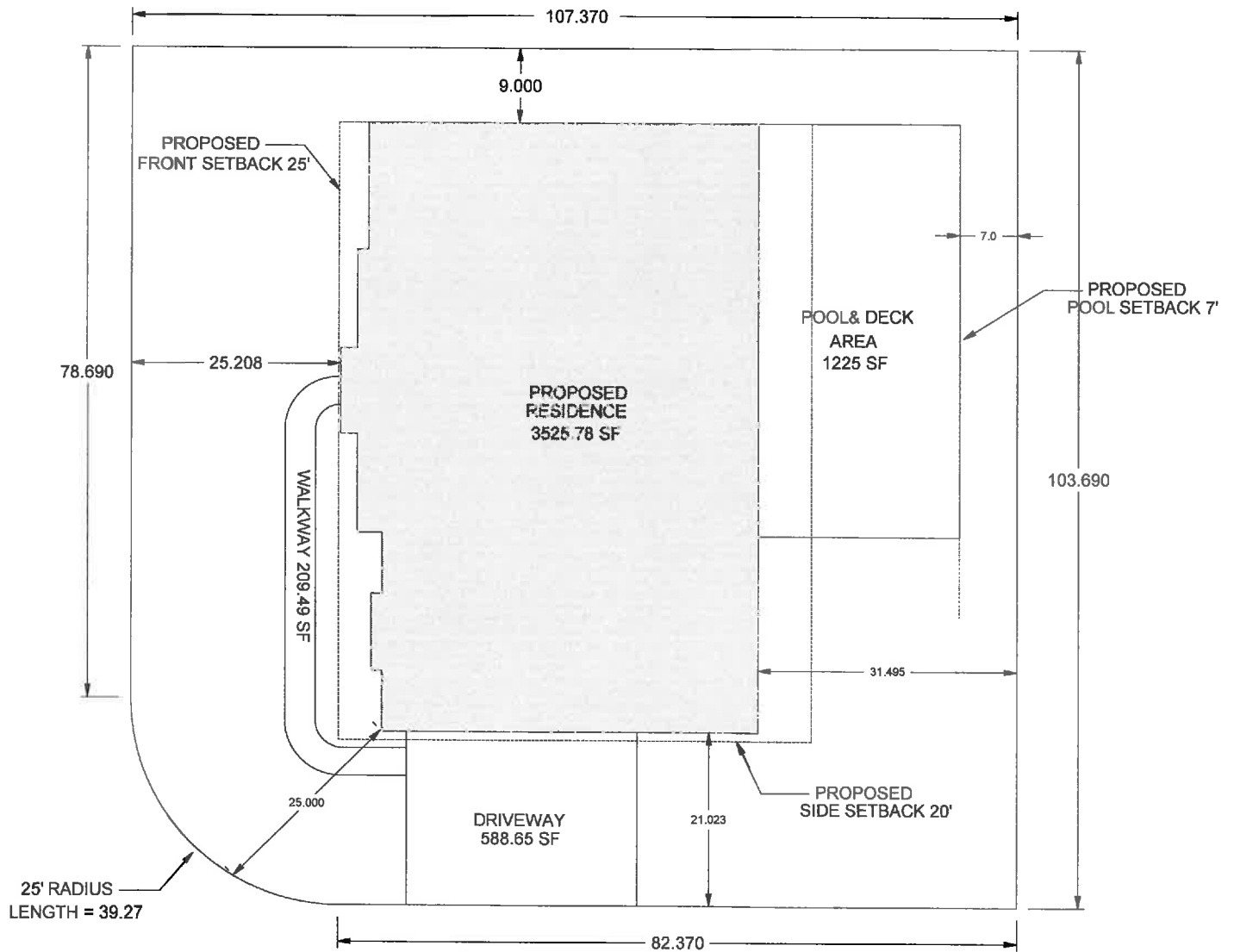
******* NOTICE *******

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

City of Clermont
Development Services Department.
685 W. Montrose St.
P.O. Box 120219
Clermont, FL. 34712-021 9
(352) 394-4083 Fax: (352) 394-3542

LOT 63 INDIAN SHORES

↑
N
SCALE: 1" = 20'



CURRENT SETBACKS:

FRONT = 35'
SIDE = 9'
SIDE BY STREET = 35'
REAR = 25'
POOL/POOL DECK = 9'

PROPOSED SETBACKS:

FRONT = 25'
SIDE = 9'
SIDE BY STREET = 20'
REAR = 25'
POOL/POOL DECK = 7'

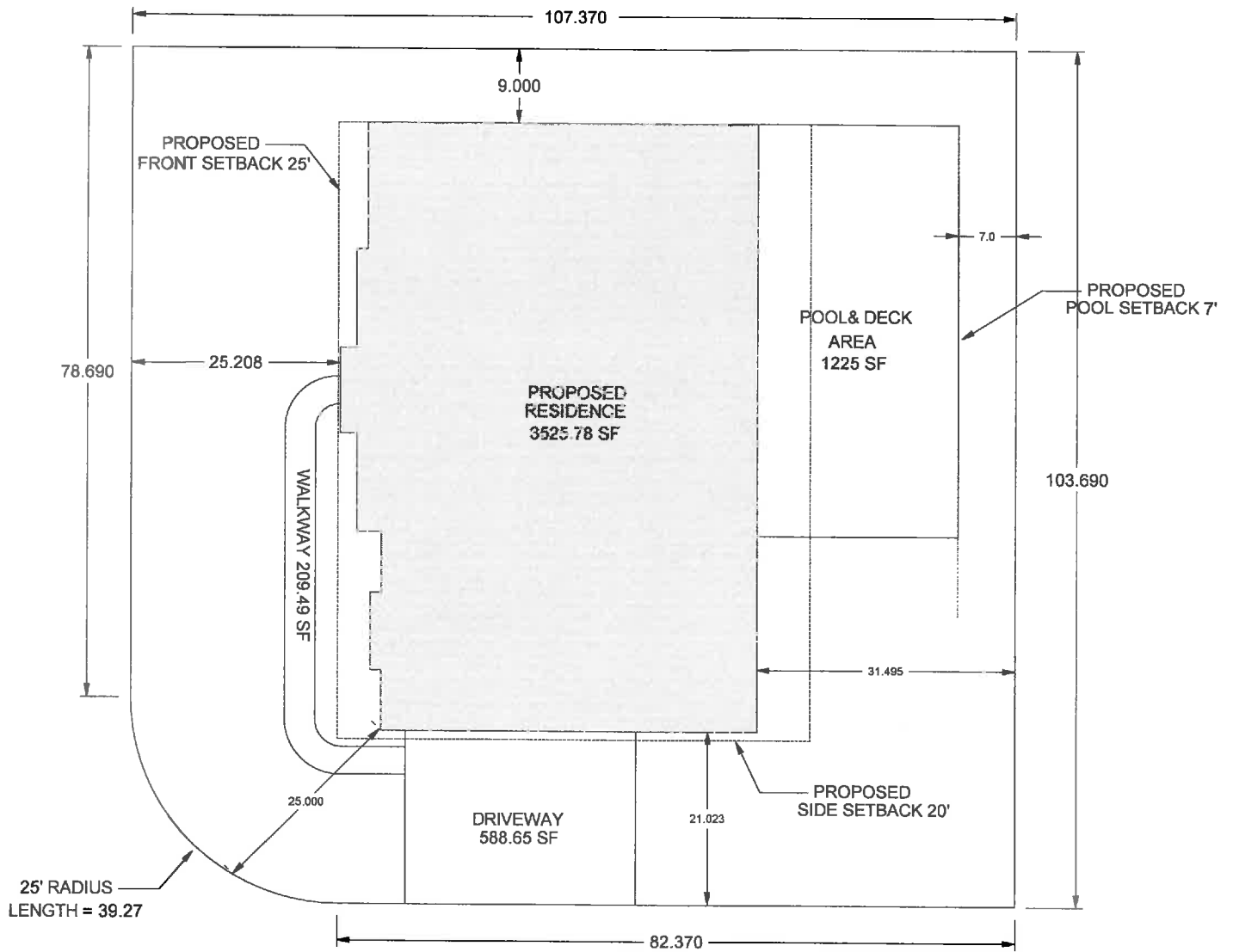
******NOTE******

THERE IS BELIEVED TO BE
A VARIANCE ON RECORD FOR
THE SIDE BY THE STREET
ALREADY FOR 20'

TOTAL LOT AREA = 10,999 SF

LOT 63 INDIAN SHORES

↑
N
SCALE: 1" = 20'



CURRENT SETBACKS:

FRONT = 35'
SIDE = 9'
SIDE BY STREET = 35'
REAR = 25'
POOL/POOL DECK = 9'

PROPOSED SETBACKS:

FRONT = 25'
SIDE = 9'
SIDE BY STREET = 20'
REAR = 25'
POOL/POOL DECK = 7'

******NOTE******

THERE IS BELIEVED TO BE
A VARIANCE ON RECORD FOR
THE SIDE BY THE STREET
ALREADY FOR 20'

TOTAL LOT AREA = 10,999 SF



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date						
Tuesday, January 23, 2018						
Agenda Item Name						
Lien reduction or waiver request						
Requested Action						
Request approval of reduction or waiving of lien amount.						
Staff Report						
In 2014, a tenant walked up to the front counter and complained about the listed violations at this address where he lived: rats, openings in floor and walls and no permit for fixed plumbing. It went to a hearing in 2015 where owner was found in violation under Florida State Statute (F.S.S.) 162. On June 30, 2016 a lien was imposed for the amount of \$69,500.00 (fines that accrued daily due to non-compliance of violations on property) from September 21, 2015 through June 21, 2016 (278 days). In 2017, same violations plus electrical and fire equipment hazards were observed. Therefore, acquiring the status as repeat offender under F.S.S. 162.12 . The case was presented in the Code Hearing in which the Special Magistrate found it in violation of "REPEAT VIOLATION". Due to the REPEAT VIOLATION the lien has continued accruing at \$250 per day until March 27, 2017 (557 days) until property came into compliance. The fines had stopped that day and total amount for the lien is \$139,250.00.						
Additional Analysis						
Fiscal Impact Summary						
The outstanding liens for the property are \$139,250.00						
Fiscal Impact	Fund Number and Description	Available Budget Amount				
Exhibits Attached (copies of original agreements)						
<table border="0"> <tr> <td>1. Lien Waiver Request</td> <td>Michelle Peters.pdf</td> </tr> <tr> <td>2. Code Enforcement Report</td> <td>17-108 972 W Juniata Rpt VN.pdf</td> </tr> </table>			1. Lien Waiver Request	Michelle Peters.pdf	2. Code Enforcement Report	17-108 972 W Juniata Rpt VN.pdf
1. Lien Waiver Request	Michelle Peters.pdf					
2. Code Enforcement Report	17-108 972 W Juniata Rpt VN.pdf					

June 19, 2017

970 W. Juniata Street

Clermont, FL. 34711

REQUEST FOR A WAIVER OR REDUCTION OF LIEN CASE
#C2014-010044

To Clermont City Council:

I am contacting you in reference to a Code Enforcement case at the above location. I am humbly and respectfully requesting a hearing to appear before Clermont City Council, to request a waiver or reduction of the lien that has been imposed to the above location. I am requesting the opportunity to provide information and documentation in reference to the violations and the extent of time to repair.

I would like to resolve and close this case.

Thank You


Michelle Peters

Mailing address

12406 Lake Valley Drive

Clermont, FL. 34711

352-348-1903

City of Clermont

March 30, 2017

Michelle Peters (Grady)
12406 Lake Valley Dr
Clermont, FL 34711

9171 9690 0935 0153 1534 52

RE : **Case #C2014-010044**

Property address: 970 W Juniata St, Clermont, FL 34711

Violations: minimum housing; electrical; mechanical; fire protection.

Dear Michelle Peters (Grady),

This is to notify you that the abovementioned Code Enforcement case has not been closed due to the **outstanding lien** that remains on the property.

A lien in the amount of \$69,500.00 was imposed on June 30, 2016, for accrued fines from September 21, 2015, through June 21, 2016. (278 days). The lien has continued accruing at \$250 per day from June 22, 2016, to March 27, 2017, for a total of 557 days. **Total amount of lien is \$139,250.00**

In order to close this case, you are requested to:

1. Submit full payment of the lien at the City Clerk's Office before **August 1, 2017**,
OR
2. Appear before the Clermont City Council to **request waiver or reduction of lien**.
You are required to submit a letter requesting to appear before the City Council before **June 30, 2017**. Please include the case information provided above.

Thank you for your attention in this matter.

Sincerely,



Lori Crain
Code Enforcement Officer
(352) 241-7343
lcraim@clermontfl.org

**CODE ENFORCEMENT BOARD OF THE
CITY OF CLERMONT, FLORIDA**

**CITY OF CLERMONT,
Petitioner,**

**Case No: C2014-010044
970 W JUNIATA ST**

VS.

**MICHELLE & GRADY TAYLOR,
Respondents.**

9171 9690 0935 0124 5578 52

9171 9690 0935 0124 5578 45

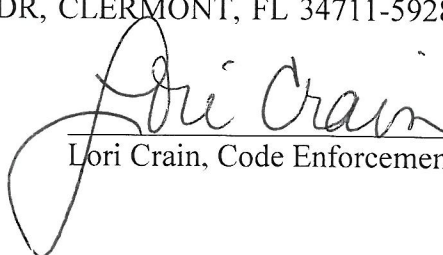
**NOTICE OF HEARING AND MOTION FOR
ORDER IMPOSING FINE AND CREATING LIEN ON PROPERTY**

YOU ARE HEREBY ADVISED that the Code Enforcement Board shall conduct a hearing on Tuesday, June 21, 2016, at 6:00 PM in the Council Chambers, City Hall, 685 West Montrose Street, Clermont, Florida, to consider the petitioner's request as set forth below for authorization to impose a fine and create a code enforcement lien in this matter.

This motion is pursuant to Chapter 162, Florida Statutes. At its September 15, 2015, hearing, the Code Enforcement Board issued a Findings of Fact, Conclusion of Law, Order of Repeat Violation and Imposing Fine finding that a City Code had been violated on the above property related to the following violations of Clermont City Code **Chapter 14, Sections, 304.14, 309.1, 309.2, 605.1, 605.2, 704.1, 704.2, Section 10-46, 34-134, 34-139, 34-61, 34-62.** As a result of these violations, the Board imposed a fine in the amount of \$250 to accrue for each day the violation continues past September 20, 2015. The Respondent has failed to completely comply.

WHEREFORE, the City of Clermont requests the Code Enforcement Board authorize recording of an Order Imposing Administrative Fine/Lien as provided in Chapter 162, Florida Statutes in the amount of **\$69,500.** (\$250 per day fine accruing for 278 days-September 21, 2015, through June 21, 2016) which shall continue to accrue at \$250 per day until compliance has been met.

I HEREBY CERTIFY that on this 21st day of April, 2016, a true and correct copy of this Order has been furnished by certified and regular first class mail to the Respondents, MICHELLE & GRADY TAYLOR, 12406 LAKE VALLEY DR, CLERMONT, FL 34711-5928; AND 970 W JUNIATA ST, CLERMONT, FL 34711.


Lori Crain, Code Enforcement Officer

**CODE ENFORCEMENT BOARD OF THE
CITY OF CLERMONT, FLORIDA**

CITY OF CLERMONT,

Petitioner,

vs.

Case No: C2014-010044

970 W. Juniata Street

Clermont, Florida

9171 9690 0935 0133 4979 89

9171 9690 0935 0133 4979 96

MICHELLE TAYLOR and GRADY TAYLOR,

Respondents.

_____ /

ORDER IMPOSING ADMINISTRATIVE FINE AND CREATING LIEN

THIS CAUSE came on for public hearing before the Code Enforcement Board on June 21, 2016, after due notice to Respondents upon Petitioner's Motion for Order Imposing Fine and Creating Lien, at which time the Board was advised that the Respondent did not timely comply with the Board's Order of September 15, 2015.

It is hereby ORDERED THAT:

1. A fine is imposed in the amount of SIXTY-NINE THOUSAND FIVE HUNDRED DOLLARS (\$69,500), which shall continue to accrue at the rate of TWO HUNDRED AND FIFTY DOLLARS (\$250.00) per day until compliance has been met as set forth in the Board's Order of September 15, 2015.

2. This Order shall be recorded in the Public Records of Lake County and thereafter shall constitute a lien against the following described land on which the violation exists and upon any other real or personal property owned by Respondents.

Parcel Id No. 24-22-25-010009701500

Alt Key: 1615445

Legal Description:

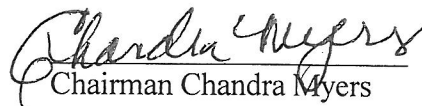
CLERMONT S 140 FT OF LOT 15, BLK 97 PB 8 PG 17
ORB 3147 PG 2372
AS LISTED IN LAKE COUNTY PUBLIC RECORDS

Case No: C2014-010044

3. This Order shall be in addition to any other Order of this Board Imposing a Fine and Creating a Lien in this matter.

DONE and ORDERED this 30th day of June, 2016.

CODE ENFORCEMENT BOARD OF THE
CITY OF CLERMONT, FLORIDA


Chairman Chandra Myers

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this 30 day of June, 2016, by Chandra Myers, as Chairman of the City of Clermont Code Enforcement Board who is personally known to me or produced FL Dr Lic. as identification.

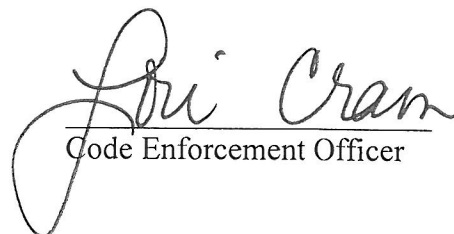

Signature of person taking acknowledgment

Joell Folmar
Name of Officer taking acknowledgment--typed,
printed or stamped



JOELL FOLMAR
MY COMMISSION # FF 009885
EXPIRES: June 26, 2017
Bonded Thru Budget Notary Services

I HEREBY CERTIFY that on this 30th day of June, 2016, a true and correct copy of this Order has been furnished by certified and regular mail to the Respondents, Grady Taylor, 970 W. Juniata Street, Clermont, FL 34711 and Michelle Taylor, 12406 Lake Valley Drive, Clermont, FL 34711.


Code Enforcement Officer

Case No. 2017-000108
Michelle Peters & Grady Taylor

972 W Juniata St
Clermont, Florida 34711
Parcel #242225010009701500

Repeat Violation
City Code

**Chapter 14-9, Sections: 309.1 & 309.2-Pest Elimination; 605.1-Electrical
Equipment; 704.1 & 704.2 Fire Protection Systems**

W DESOTO ST

10TH ST

WEST AVE

983
SOUTH LAKE MONTESSORI SCHOOL
1758670

955
1615411

939
1758661

915
1615372
FAITH FELLOWSHIP

801

1614953

885

830
1615381

1615429
843

972
1
1615445

1615453
966

1615402

854
1615399

883
1615437

940

3881164
849

W JUNIATA ST

999
1615518

965
1615496

963
1714095

909
1615461

981
1615500

930
1615470

943
1615534

1615542

IGLESIA NUEVO AMANECER INC
1615551

15488



2017/04/05 12:42



2017/03/29 08:03















2017/03/29 08:08



2017/03/29 08:16

MODEL N
VOLTS 2
SINGLE S

TOTAL
MULTIPLE
CKT #1
CKT #2
CKT #3

INDOOR B
SUPPLY WIR
UNIT HAS
TEST EXT







Case No. 2017-000108
Michelle Peters & Grady Taylor

09/15/15 CEB found in violation C2014-010044;
FOF issued 09/22/15: Current lien on property; Came into
compliance 03/27/17
03/29/17 Initial inspection in response to complaint
03/30/17 Repeat Violation Notice & Hearing Notice sent
04/05/17 Posted property with notices
04/06/17 Phone call with Michelle-rec'd notices

Case No. 2017-000108
Michelle Peters & Grady Taylor
972 W Juniata St
Clermont, Florida 34711

STAFF RECOMMENDATION TO THE SPECIAL MAGISTRATE:

**TO FIND RESPONDENTS IN REPEAT VIOLATION OF SECTIONS
STATED, AND ASSESS FINE OF \$500 PER DAY SINCE MARCH 29,
2017, AND FOR EVERY DAY VIOLATION EXISTS UNTIL
COMPLIANCE IS MET.**



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date														
Tuesday, January 23, 2018														
Agenda Item Name														
Ordinance No. 2017-37 <i>Final</i> <i>Hancock Public Works/Keating</i>														
Requested Action														
Recommend approval of Ordinance 2017-37.														
Staff Report														
The applicant, John Kingman Keating, is requesting voluntary annexation of the subject property. The property is located south of Hooks Street, north of Trade Avenue, and east of Hancock Road. The City limits are bordering the eastern property line and a portion of the northeast property line. This meets the requirement of contiguous under Chapter 171 of the Florida Statutes for annexation. The property is approximately 35.87 +/- acres in size and is in the City's water and sewer service area. The property is located within the Interlocal Service Boundary Agreement (ISBA) and the Joint Planning Area (JPA). The applicant wishes to receive services from the City in order to develop a portion of the property into an industrial warehouse complex with outside storage. The remaining portion is under contract by the City for a future public works facility. This request is being heard concurrently with a request for a large-scale comprehensive plan amendment and will follow shortly with a rezoning to a PUD with M-1 Industrial uses. The related request for a comprehensive plan amendment would change the Future Land Use from Lake County's Regional Commercial to the City's Industrial designation. The rezoning request is to change the zoning from Urban Estate (currently Planned Industrial District in Lake County) to the City's Planned Unit Development (PUD) zoning classification to allow M-1 Industrial uses. Since the subject property is adjacent to the City limits and the City can provide urban services, staff recommends approval.														
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 2017-37</td><td>2017-37HancockStor Annex.doc</td></tr><tr><td>2.</td><td>Maps</td><td>Hancock Public Works Maps.pdf</td></tr><tr><td>3.</td><td>Application</td><td>ANN application.pdf</td></tr><tr><td>4.</td><td>Legal Ad</td><td>ANN Hancock PW legal ad.docx</td></tr></table>			1.	Ordinance 2017-37	2017-37HancockStor Annex.doc	2.	Maps	Hancock Public Works Maps.pdf	3.	Application	ANN application.pdf	4.	Legal Ad	ANN Hancock PW legal ad.docx
1.	Ordinance 2017-37	2017-37HancockStor Annex.doc												
2.	Maps	Hancock Public Works Maps.pdf												
3.	Application	ANN application.pdf												
4.	Legal Ad	ANN Hancock PW legal ad.docx												



CITY OF CLERMONT
ORDINANCE NO. 2017-37

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

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

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

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

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

SECTION 1.

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

LEGAL DESCRIPTION

That part of the West 1,660 feet of the Northwest one-quarter (1/4) of Section 34, Township 22 South, Range 26 East, less the South 1,575 feet of the North one-half (1/2) of the West 1,660 feet of said Northwest one-quarter (1/4) and less the road right-of-way of Hancock Road on the West, being more particularly described as follows:

Commence at the Northwest corner of said Section 34 for a point of reference; Thence, run South 89°07'07" East, along the North line of said Northwest one-quarter (1/4), a distance of 25.00 feet to a point lying on the Easterly right-of-way line of Hancock Road (County Road 3-1255) as described in Official Records Book 474, Page 999 of the Public Records of Lake County, Florida, said point being the Point of Beginning; Thence, departing said right-of-way line, run South 89°07'07" East, along said North line, a distance of 1,635.24 feet to the East line



CITY OF CLERMONT
ORDINANCE NO. 2017-37

of the aforesaid West 1,660.00 feet; Thence, departing said North line, run South 00°05'31" East, parallel with and 1,660.00 feet East of, perpendicular measure, the West line of said Northwest one-quarter (1/4), a distance of 949.48 feet to the North line of the aforesaid South 1,575.00 feet; Thence run North 89°33'12" West, along said North line, a distance of 1,635.07 feet to the aforesaid East right-of-way line, Thence run North 00°05'31" West, along said right-of-way line, a distance of 961.89 feet to the Point of Beginning.
Containing a total of 35.87 acres, more or less.

SECTION 2.

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

SECTION 3.

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

SECTION 4.

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

SECTION 5.

This Ordinance shall be recorded in the Public Records of Lake County, Florida.

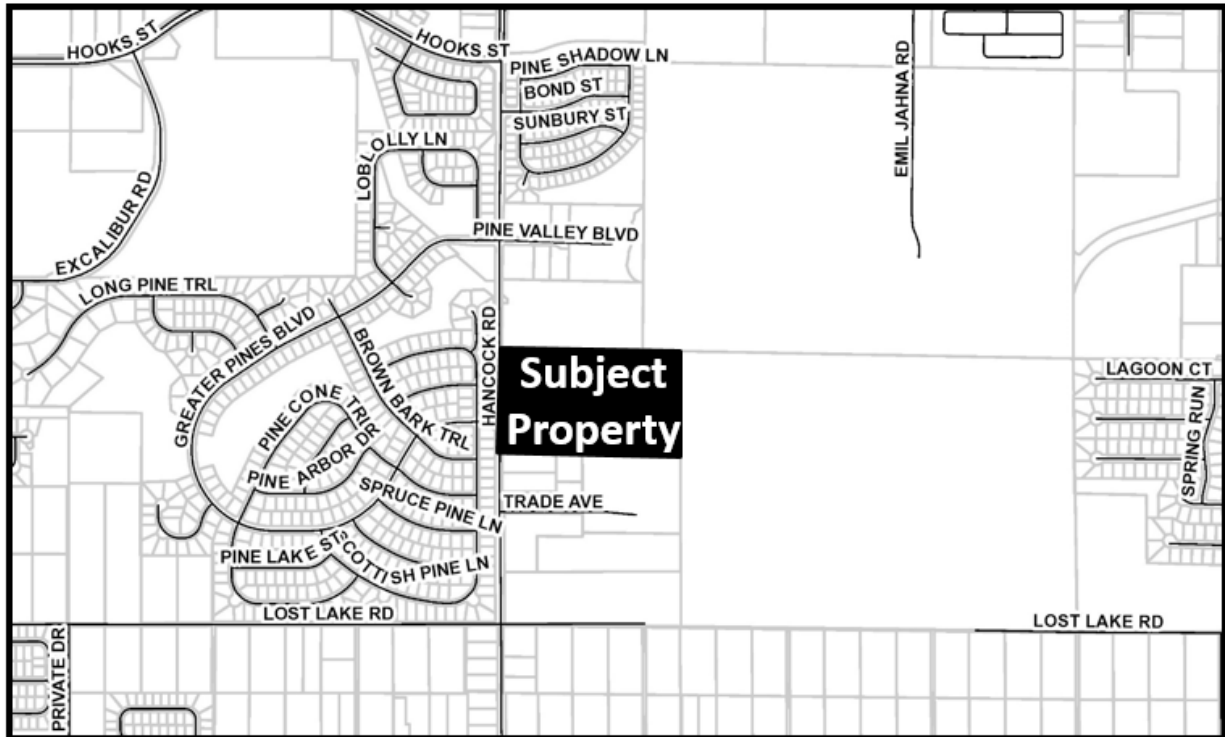
SECTION 6.

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



CITY OF CLERMONT
ORDINANCE NO. 2017-37

Location map:





CITY OF CLERMONT
ORDINANCE NO. 2017-37

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 23rd day of January, 2018.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Exhibit - Location Map

Keating/Hancock Public Works Site

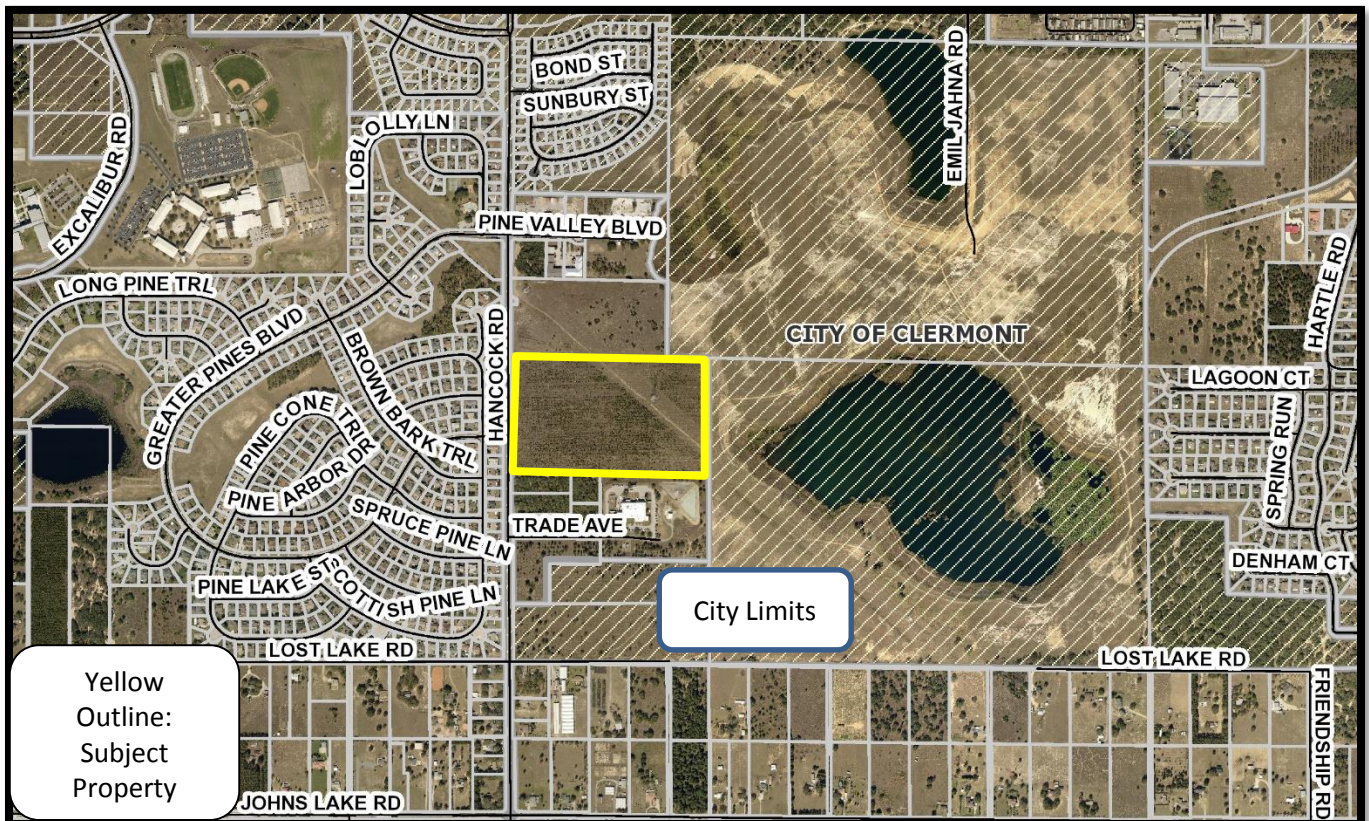
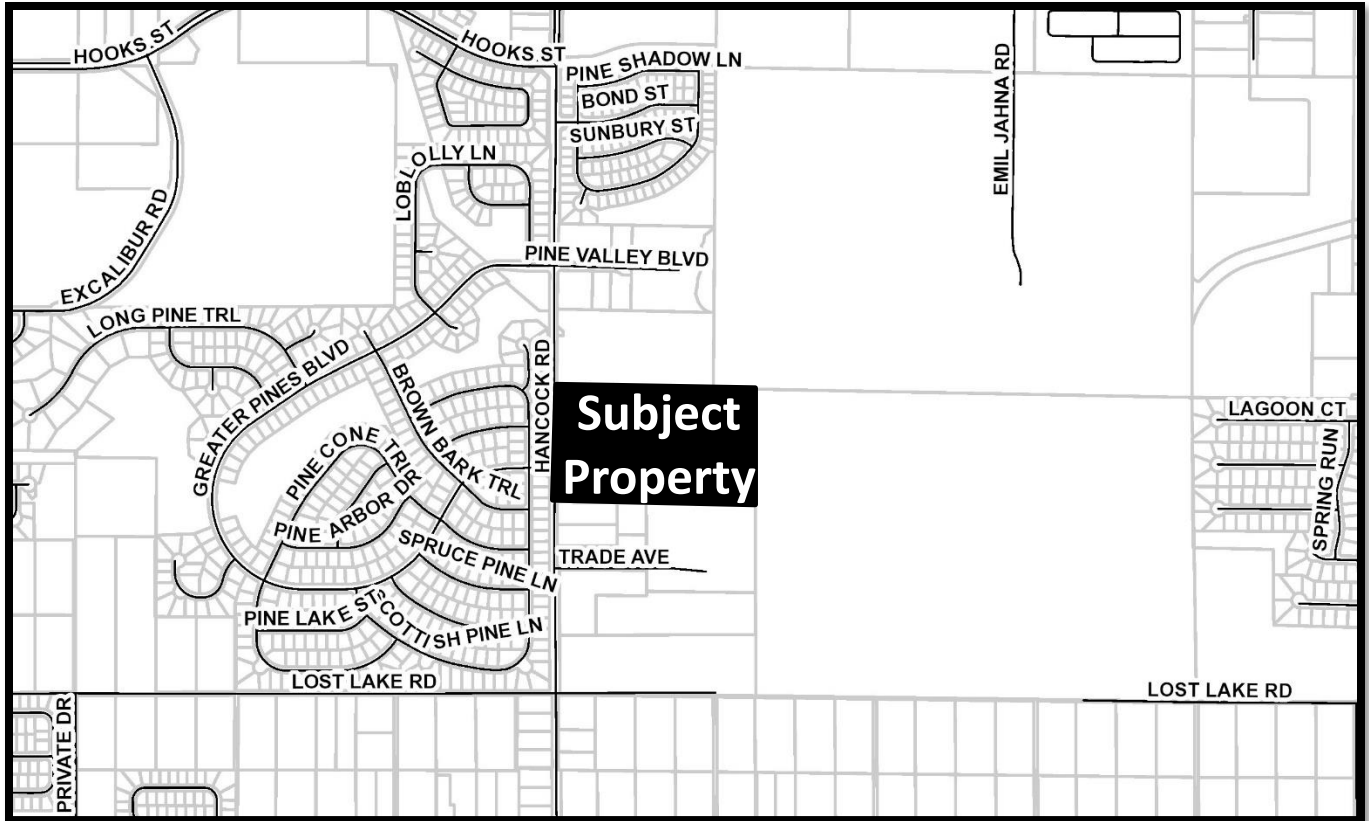


Exhibit – Future Land Use Map
Keating/Hancock Public Works Site

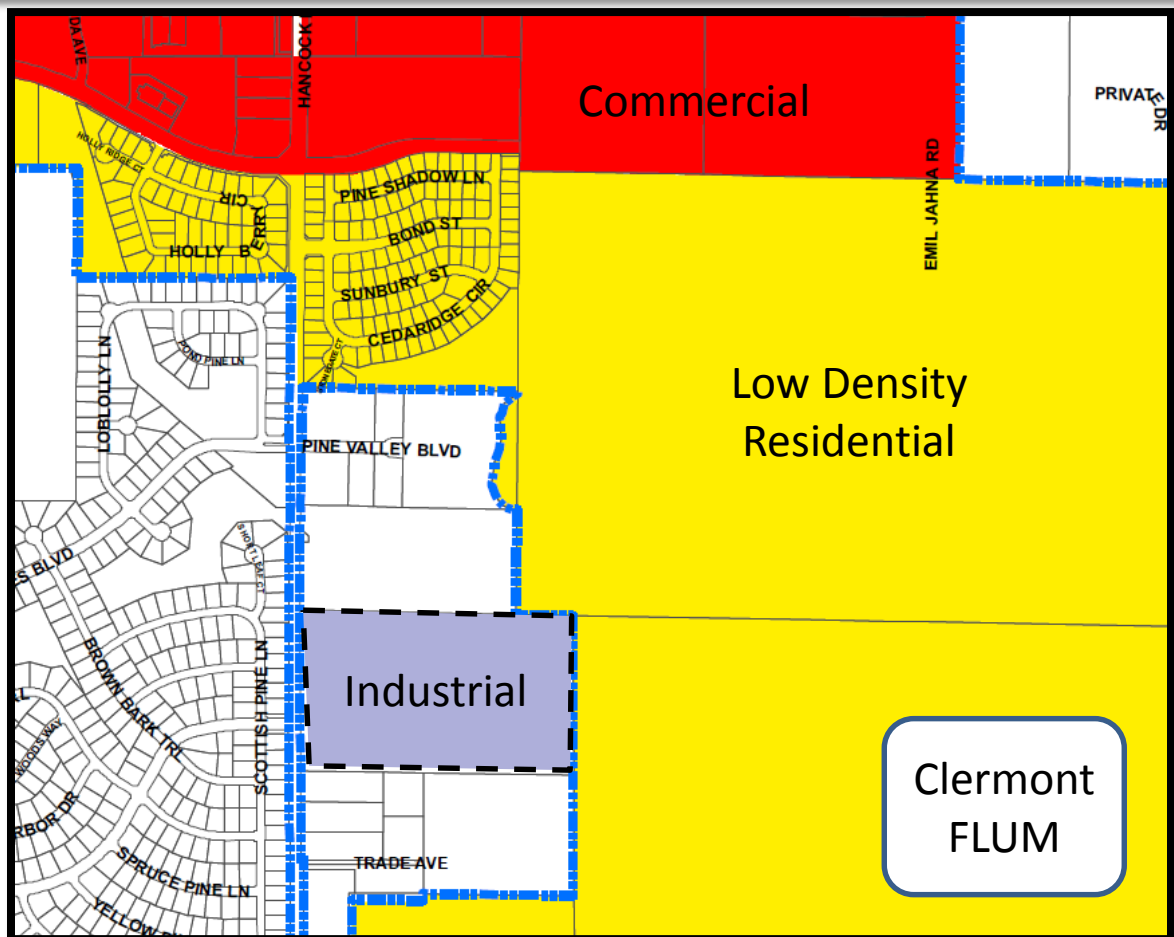
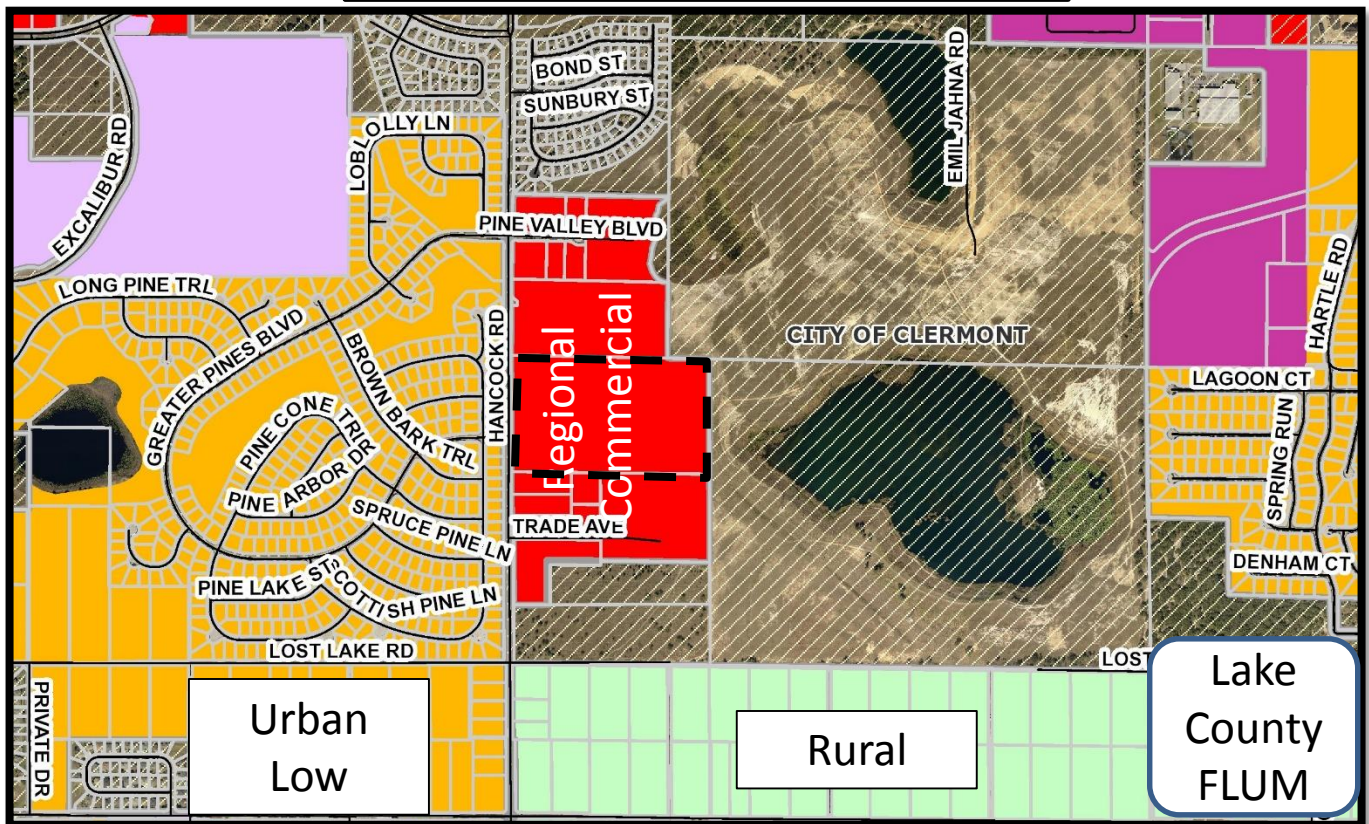
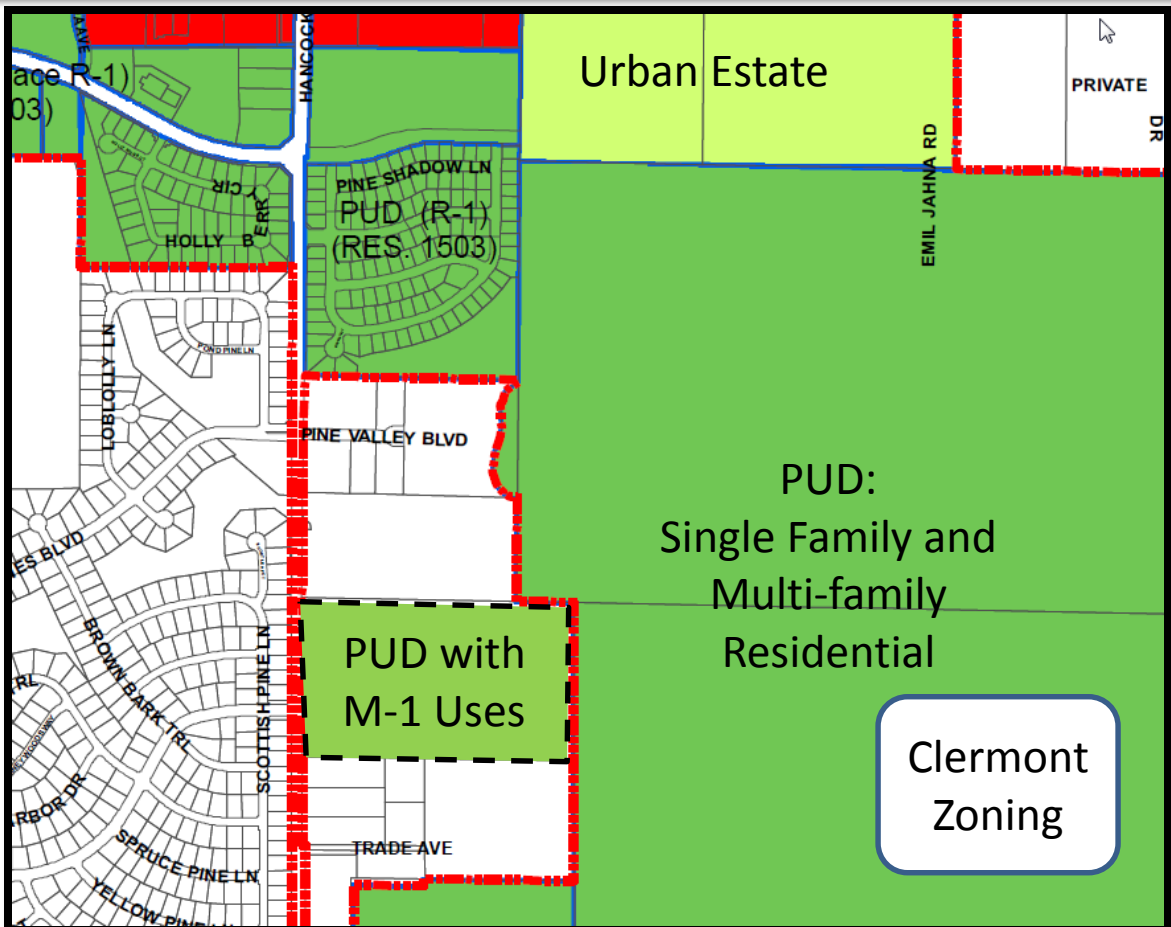
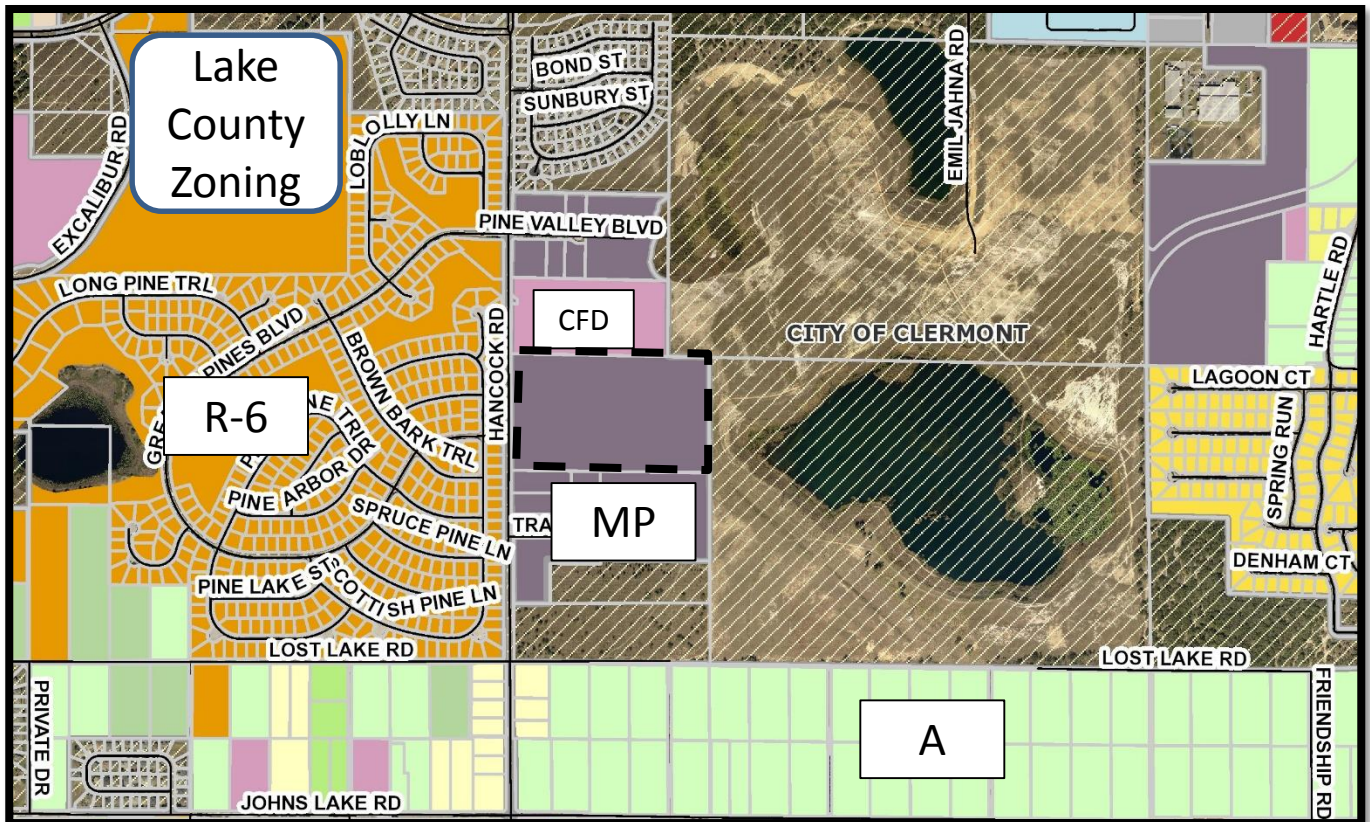


Exhibit - Zoning Map Keating/Hancock Public Works Site





CHECK LIST & FILING INSTRUCTIONS

The following required information shall be submitted when applying for an ANNEXATION.

1. _____ Application & Petition by the landowners for Annexation (pages 3 and 4).
2. _____ General application form (page 5).
3. _____ Authorization for agent/owner representation (page 6)
4. _____ LEGAL DESCRIPTION: Email legal description typed in Word (not all capitalized) to rchidlow@clermontfl.org. Include a copy of the latest TAX RECEIPT or recorded WARRANTY DEED showing the current fee simple owner.
5. _____ Map showing general area of site for which Annexation is being requested.
6. _____ Submit original application along with \$155.00 filing fee. (Price for advertisement will be invoiced once the cost has been received)

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

PROCEDURES:

1. The proposed use of the property must be assessed to determine if there will be an increase in demand on the water or wastewater systems prior to submittal of the application. Any increase in demand on the water or wastewater systems will be subject to impact fees.
2. Any person requesting an Annexation shall file a complete application in the Development Services Department on or before the 1st day of the Month. Complete applications will then be scheduled for Public Hearing on the 4th Tuesday of the following month for the City Council meeting. All applications must be complete, to include applicable site plans and/or other pertinent descriptive materials in order to be processed. A pre-application meeting may be required prior to submission of an application. Dependent upon the scope and/or magnitude of a particular project, scheduling of one or more City Council Workshop(s) may also be necessary and additional time may be required prior to being scheduled for public hearing.
3. Upon receipt of a complete application, the Development Services Department shall proceed with the request for a public hearing in accordance with the following:
 - A: The owners of all property lying within one hundred fifty (150) feet of the property requested to be annexed shall be notified by mail.
 - B. A legal advertisement of the request shall be advertised in a local newspaper prior to the meeting date.
4. Failure to provide an accurate and complete application will result in automatic rejection and return of the application and delay of the hearing date.



APPLICATION & PETITION

✓ DATE: August 22, 2017

FEE: \$155.⁰⁰
+ cost of advertising

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

PROJECT NAME (if applicable): Hancock Road Property

APPLICANT: John Kingman Keating

Address: 250 East Colonial Drive, Suite 300

City: Orlando State: Florida Zip: 32801

Phone: 407-425-2907 Fax: 407-843-8964

Applicant is: Owner: ☒ Agent: ☒ Purchaser: ☐ Lessee: ☐ Optionee: ☐

OWNER: See Schedule "F," Item 1

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____

AGENT NAME (Affidavit required): Same as Applicant

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____

E-Mail: _____

Property address and/or general location: 1/4 mile south of Highway 50
on east side of Hancock Road

Area of property: 36 +/- acres, and/or _____ +/- sq. ft.

The property is PRESENTLY used for: Agricultural

The property is PROPOSED to be used for: See Schedule "F," Item 2



Existing Lake County Land Use* : Regional Commercial (Lake County)

Existing Lake County Zoning* : MP (Planned Industrial District) (Lake County)

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

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

Power Lines

State the reason or basis for this request: _____

See Schedule "F", Item 3

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

Section 34, Township 22, Range 26

See Schedule "F", Item 4

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



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

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

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

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

IN WITNESS WHEREOF, we, the undersigned landowners, as petitioners, have hereunto set our hands and seals as of the ____ day of _____, 20__.

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

See attached Exhibit "A"
Landowner (Petitioner)

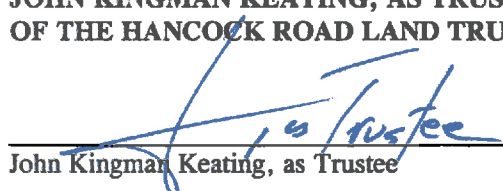
Notary Public

Date

My Commission Expires

EXHIBIT "A" - OWNER SIGNATURE PAGE
FOR PETITION OF LANDOWNER(S) FOR ANNEXATION OF CERTAIN
PROPERTY TO THE CITY OF CLERMONT

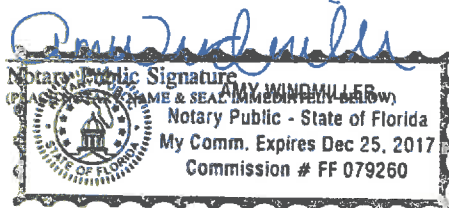
**JOHN KINGMAN KEATING, AS TRUSTEE
OF THE HANCOCK ROAD LAND TRUST**



John Kingman Keating, as Trustee

**STATE OF FLORIDA
COUNTY OF ORANGE**

I HEREBY CERTIFY that John Kingman Keating personally appeared before me and executed this instrument and that he is the same person executing the foregoing instrument because: ☒ I personally know him/her/them OR ☐ I have satisfactory evidence of same based upon a ☐ Florida driver's license. WITNESS my hand and official seal in the State and County aforesaid this 8th day of August, 2017.



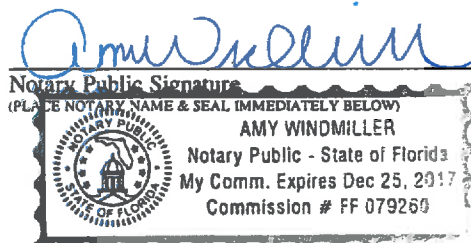
TONY H. ROPER



Tony H. Roper

**STATE OF FLORIDA
COUNTY OF ORANGE**

I HEREBY CERTIFY that Tony H. Roper personally appeared before me and executed this instrument and that he is the same person executing the foregoing instrument because: ☒ I personally know him/her/them OR ☐ I have satisfactory evidence of same based upon a ☐ Florida driver's license. WITNESS my hand and official seal in the State and County aforesaid this 8th day of August, 2017.



**BERT E. ROPER AND BARBARA C. ROPER
FAMILY LIMITED LIABILITY LIMITED
PARTNERSHIP**

By: _____
Charles F. Roper
As its General Partner

**STATE OF FLORIDA
COUNTY OF ORANGE**

I HEREBY CERTIFY that John Kingman Keating personally appeared before me and executed this instrument as General Partner of the Bert E. Roper and Barbara C. Roper Family Limited Liability Limited Partnership and that he is the same person executing the foregoing instrument because: ☐ I personally know him/her/them OR ☐ I have satisfactory evidence of same based upon a ☐ Florida driver's license. WITNESS my hand and official seal in the State and County aforesaid this _____ day of August, 2017.

Notary Public Signature
(PLACE NOTARY NAME & SEAL IMMEDIATELY BELOW)



OWNER / AGENT AFFIDAVIT (ANNEXATION)

Date: _____

Before me, the undersigned authority personally appeared _____
_____ (owner(s) name), who being by me duly sworn on oath,
deposes and says:

1. That said authority is the fee-simple owner of the property legally described in this application.
2. That said authority desires an ANNEXATION to allow:

3. That said authority (owner) has appointed (agent's name) _____
_____ to act in its behalf to accomplish the above, and
before me the undersigned authorized agent personally appeared and being by me duly
sworn on oath, deposes and says:

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

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

X _____ X _____
Owner (signature) Agent's (signature)

Sworn to and subscribed before
me this _____ day of _____,
20____.

Sworn to and subscribed before
me this _____ day of _____,
20____.

Notary Public, State of FL
My commission expires:

Notary Public, State of FL
My commission expires:

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

OWNER/AGENT SIGNATURE PAGE
ATTACHED TO OWNER / AGENT AFFIDAVIT (ANNEXATION)

**JOHN KINGMAN KEATING, AS TRUSTEE
OF THE HANCOCK ROAD LAND TRUST
(OWNER)**

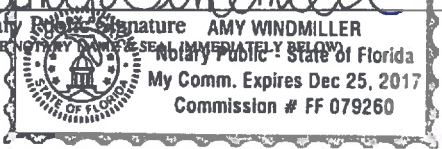


John Kingman Keating, as Trustee

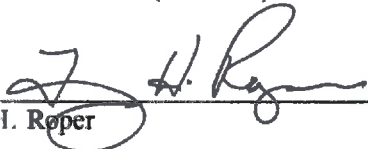
**STATE OF FLORIDA
COUNTY OF ORANGE**

I HEREBY CERTIFY that John Kingman Keating personally appeared before me and executed this instrument and that he is the same person executing the foregoing instrument because: ☒ I personally know him/her/them OR ☐ I have satisfactory evidence of same based upon a ☐ Florida driver's license. WITNESS my hand and official seal in the State and County aforesaid this 8th day of August, 2017.



Notary Public Signature AMY WINDMILLER
(PLACE NOTARY NAME & SEAL IMMEDIATELY BELOW)

Notary Public - State of Florida
My Comm. Expires Dec 25, 2017
Commission # FF 079260

TONY H. ROPER (OWNER)



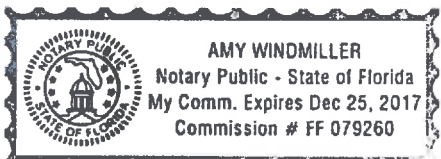
Tony H. Roper

**STATE OF FLORIDA
COUNTY OF ORANGE**

I HEREBY CERTIFY that Tony H. Roper personally appeared before me and executed this instrument and that he is the same person executing the foregoing instrument because: ☒ I personally know him/her/them OR ☐ I have satisfactory evidence of same based upon a ☐ Florida driver's license. WITNESS my hand and official seal in the State and County aforesaid this 8th day of August, 2017.



Notary Public Signature
(PLACE NOTARY NAME & SEAL IMMEDIATELY BELOW)


AMY WINDMILLER
Notary Public - State of Florida
My Comm. Expires Dec 25, 2017
Commission # FF 079260

**BERT E. ROPER AND BARBARA C. ROPER
FAMILY LIMITED LIABILITY LIMITED
PARTNERSHIP (OWNER)**

By: _____
Charles F. Roper
As its General Partner

**STATE OF FLORIDA
COUNTY OF ORANGE**

I HEREBY CERTIFY that John Kingman Keating personally appeared before me and executed this instrument as General Partner of the Bert E. Roper and Barbara C. Roper Family Limited Liability Limited Partnership and that he is the same person executing the foregoing instrument because: ☐ I personally know him/her/them OR ☐ I have satisfactory evidence of same based upon a ☐ Florida driver's license. WITNESS my hand and official seal in the State and County aforesaid this ____ day of August, 2017.

Notary Public Signature
(PLACE NOTARY NAME & SEAL IMMEDIATELY BELOW)

JOHN KINGMAN KEATING (AGENT)

John Kingman Keating, as Agent

**STATE OF FLORIDA
COUNTY OF ORANGE**

I HEREBY CERTIFY that John Kingman Keating personally appeared before me and executed this instrument and that he is the same person executing the foregoing instrument because: ☐ I personally know him/her/them OR ☐ I have satisfactory evidence of same based upon a ☐ Florida driver's license. WITNESS my hand and official seal in the State and County aforesaid this ____ day of August, 2017.

Notary Public Signature
(PLACE NOTARY NAME & SEAL IMMEDIATELY BELOW)

LEGAL NOTICE

The City Council of the City of Clermont will consider the enactment of the following proposed Ordinance at the regularly scheduled meeting to be held Tuesday, January 23, 2018 at 6:30 P.M. at City Hall located at 685 West Montrose Street. All interested parties will be given an opportunity to express their views on this matter.

ORDINANCE NO. 2017-37

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

LOCATION:

South of Hooks Street, North of Trade Avenue, East of Hancock Road
Alternate key 1593093

LEGAL DESCRIPTION

That part of the West 1,660 feet of the Northwest one-quarter (1/4) of Section 34, Township 22 South, Range 26 East, less the South 1,575 feet of the North one-half (1/2) of the West 1,660 feet of said Northwest one-quarter (1/4) and less the road right-of-way of Hancock Road on the West, being more particularly described as follows:

Commence at the Northwest corner of said Section 34 for a point of reference; Thence, run South 89°07'07" East, along the North line of said Northwest one-quarter (1/4), a distance of 25.00 feet to a point lying on the Easterly right-of-way line of Hancock Road

(County Road 3-1255) as described in Official Records Book 474, Page 999 of the Public Records of Lake County, Florida, said point being the Point of Beginning; Thence, departing said right-of-way line, run South 89°07'07" East, along said North line, a distance of 1,635.24 feet to the East line of the aforesaid West 1,660.00 feet; Thence, departing said North line, run South 00°05'31" East, parallel with and 1,660.00 feet East of, perpendicular measure, the West line of said Northwest one-quarter (1/4), a distance of 949.48 feet to the North line of the aforesaid South 1,575.00 feet; Thence run North 89°33'12" West, along said North line, a distance of 1,635.07 feet to the aforesaid East right-of-way line, Thence run North 00°05'31" West, along said right-of-way line, a distance of 961.89 feet to the Point of Beginning.

Containing a total of 35.87 acres, more or less. Alternate Key 1593093

See Map Below

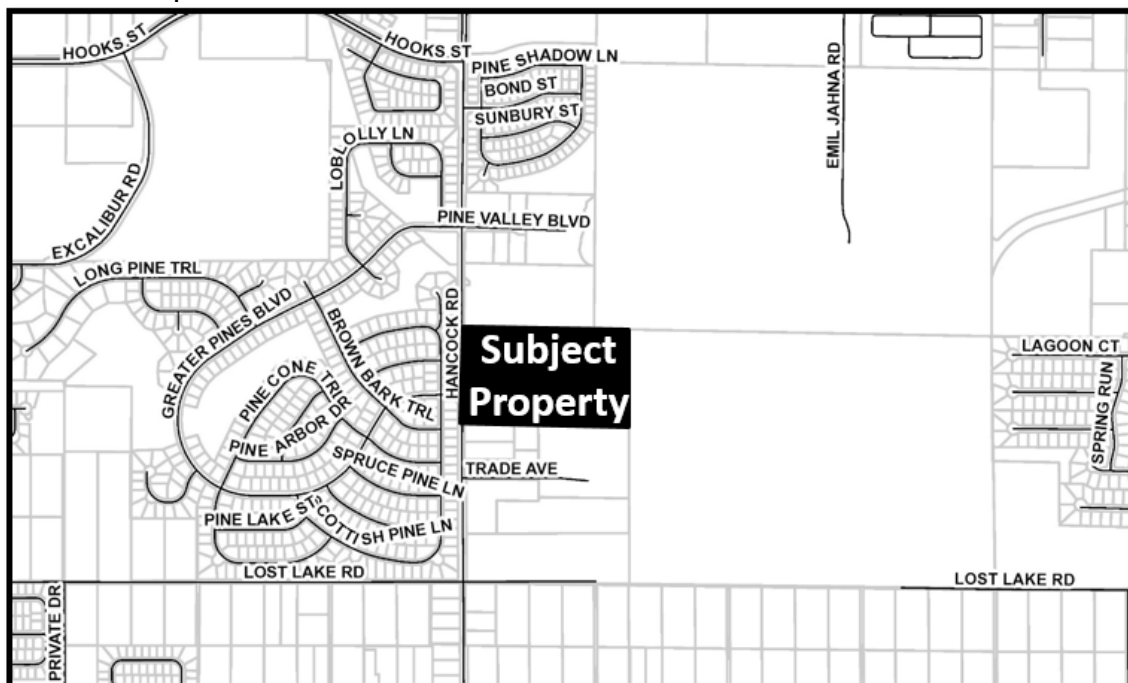
This ordinance is available for public inspection in the office of the City Clerk, 685 W. Montrose Street, Monday through Friday between the hours of 8:00 A.M. and 5:00 P.M.

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

Tracy Ackroyd Howe, MMC

City Clerk
Daily Commercial
January 9 & January 16, 2018

Location Map:





CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, January 23, 2018		
Agenda Item Name		
Ordinance No. 2017-38 <i>Final</i> Hancock Public Works/Keating		
Requested Action		
Recommend approval of Ordinance 2017-38.		
Staff Report		
The applicant, John Kingman Keating, is requesting a large-scale comprehensive plan amendment for the subject property. The property is approximately 35.87 +/- acres in size. The property is located within the Interlocal Service Boundary Agreement (ISBA) and the Joint Planning Area (JPA) between the City and Lake County. This request is being heard concurrently with a request for annexation. The rezoning will come before the City Council within the following month. The large-scale comprehensive plan amendment would change the Future Land Use from Lake County's Regional Commercial to the City's Industrial designation. The property is currently zoned Planned Industrial in Lake County and the applicant desires to continue those permitted uses in the City of Clermont. The City's Industrial Future Land Use designation is supported by the physical characteristics of the site, such as a high voltage transmission line with a 200-foot power easement extending over a third of the property and the location of the property to major transportation corridors with the existing industrial uses in the area. In addition, Industrial uses are permitted through the current Lake County zoning classification, which would continue under the City's Industrial future land use designation. Lake County's Regional Commercial FLU, under Policy I-1.2.2, Table FLUE 2 in their comprehensive plan, allows a floor area ratio of 3.0 FAR. The City's Industrial Land Use, under Policy 1.10.3 limits the floor area ratio to 1.0 FAR, which is considerably less than allowable under Lake County and decreases the intensity. The City has received responses from the State agencies that have provided reviews. No objections or comments have been received. Therefore, staff recommends approval of the large scale comprehensive plan amendment to change the future land use from Lake County Regional Commercial to Industrial in the City.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount

Exhibits Attached (copies of original agreements)

- | | | |
|----|--------------------------------|---|
| 1. | Ordinance 2017-38 | 2017-38+Hancock+Storage++LScale+CPA Updated.doc |
| 2. | Maps | Hancock Public Works Maps.pdf |
| 3. | City/County Comp Plan Policies | Comp Plan Exhibit.pdf |
| 4. | State Agency Response | Keating CPA Agency Responses.pdf |
| 5. | Application | CPA Application.pdf |
| 6. | Legal ad | CPA AD Hancock Pub Works.docx |

CITY OF CLERMONT
ORDINANCE No. 2017-38

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

That part of the West 1,660 feet of the Northwest one-quarter (1/4) of Section 34, Township 22 South, Range 26 East, less the South 1,575 feet of the North one-half (1/2) of the West 1,660 feet of said Northwest one-quarter (1/4) and less the road right-of-way of Hancock Road on the West, being more particularly described as follows:

Commence at the Northwest corner of said Section 34 for a point of reference; Thence, run South 89°07'07" East, along the North line of said Northwest one-quarter (1/4), a

CITY OF CLERMONT
ORDINANCE No. 2017-38

distance of 25.00 feet to a point lying on the Easterly right-of-way line of Hancock Road (County Road 3-1255) as described in Official Records Book 474, Page 999 of the Public Records of Lake County, Florida, said point being the Point of Beginning; Thence, departing said right-of-way line, run South 89°07'07" East, along said North line, a distance of 1,635.24 feet to the East line of the aforesaid West 1,660.00 feet; Thence, departing said North line, run South 00°05'31" East, parallel with and 1,660.00 feet East of, perpendicular measure, the West line of said Northwest one-quarter (1/4), a distance of 949.48 feet to the North line of the aforesaid South 1,575.00 feet; Thence run North 89°33'12" West, along said North line, a distance of 1,635.07 feet to the aforesaid East right-of-way line, Thence run North 00°05'31" West, along said right-of-way line, a distance of 961.89 feet to the Point of Beginning.

Containing a total of 35.87 acres, more or less. AK 1593093

**CHANGE IN FUTURE LAND USE CLASSIFICATION
FROM LAKE COUNTY – REGIONAL COMMERCIAL
TO CITY OF CLERMONT INDUSTRIAL**

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.

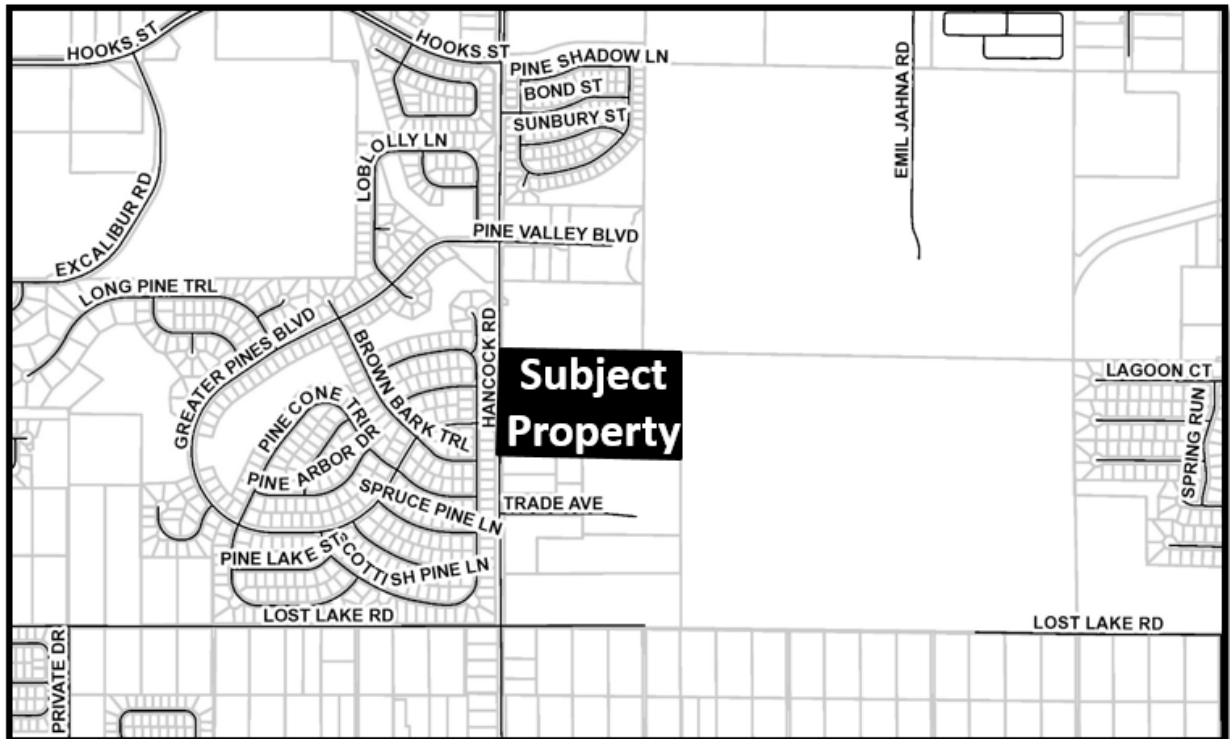
Section 3.

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. 2017-38



CITY OF CLERMONT
ORDINANCE No. 2017-38

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida, this 23rd day of January, 2018.

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Exhibit - Location Map

Keating/Hancock Public Works Site

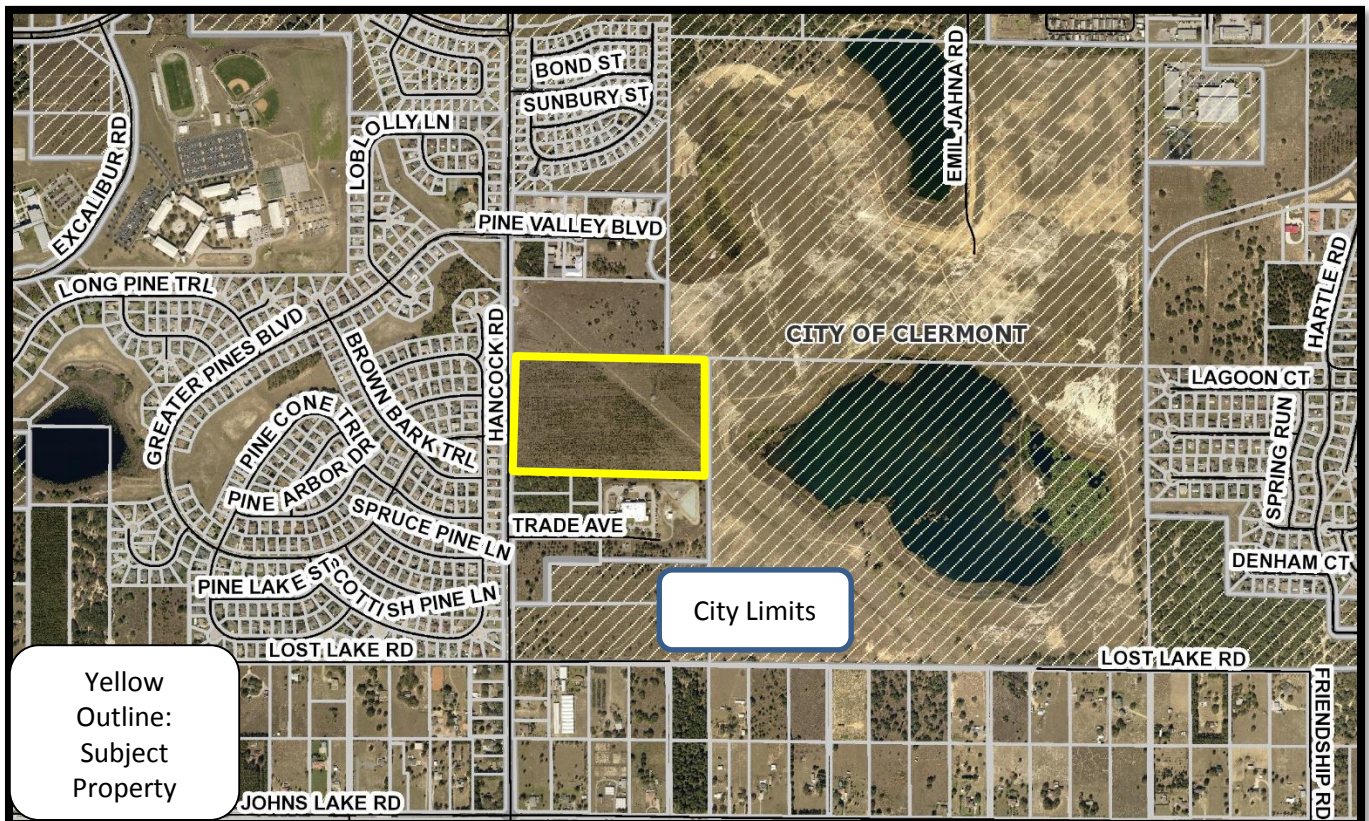
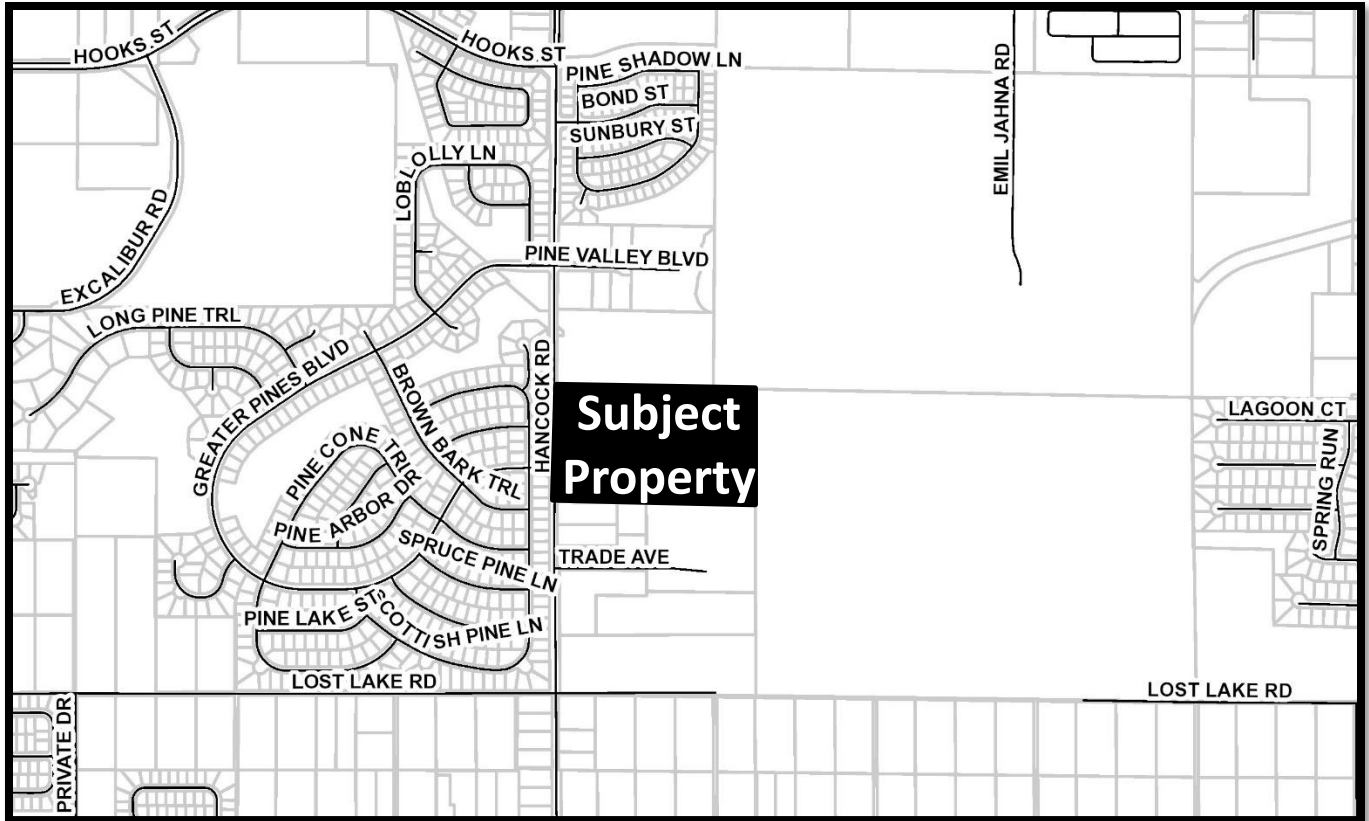


Exhibit – Future Land Use Map
Keating/Hancock Public Works Site

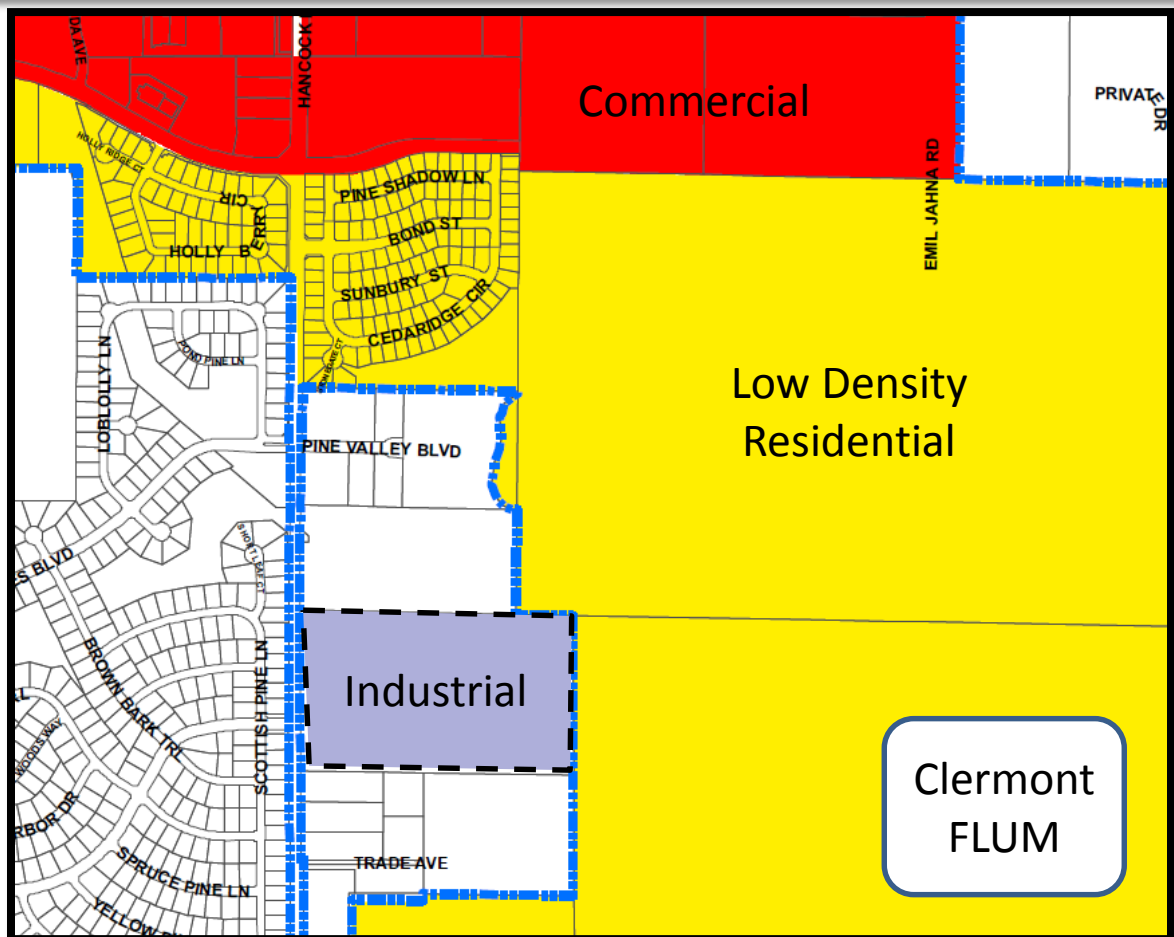
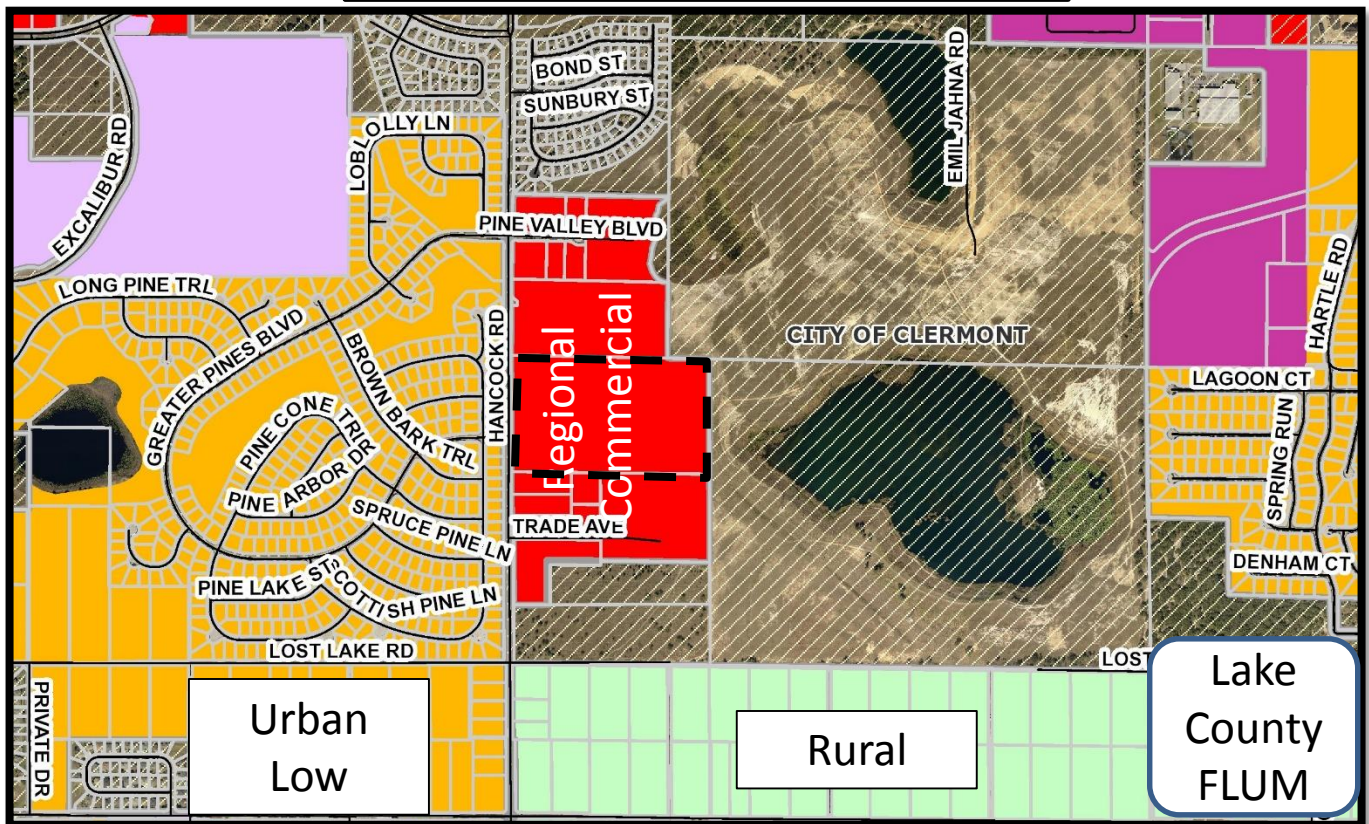
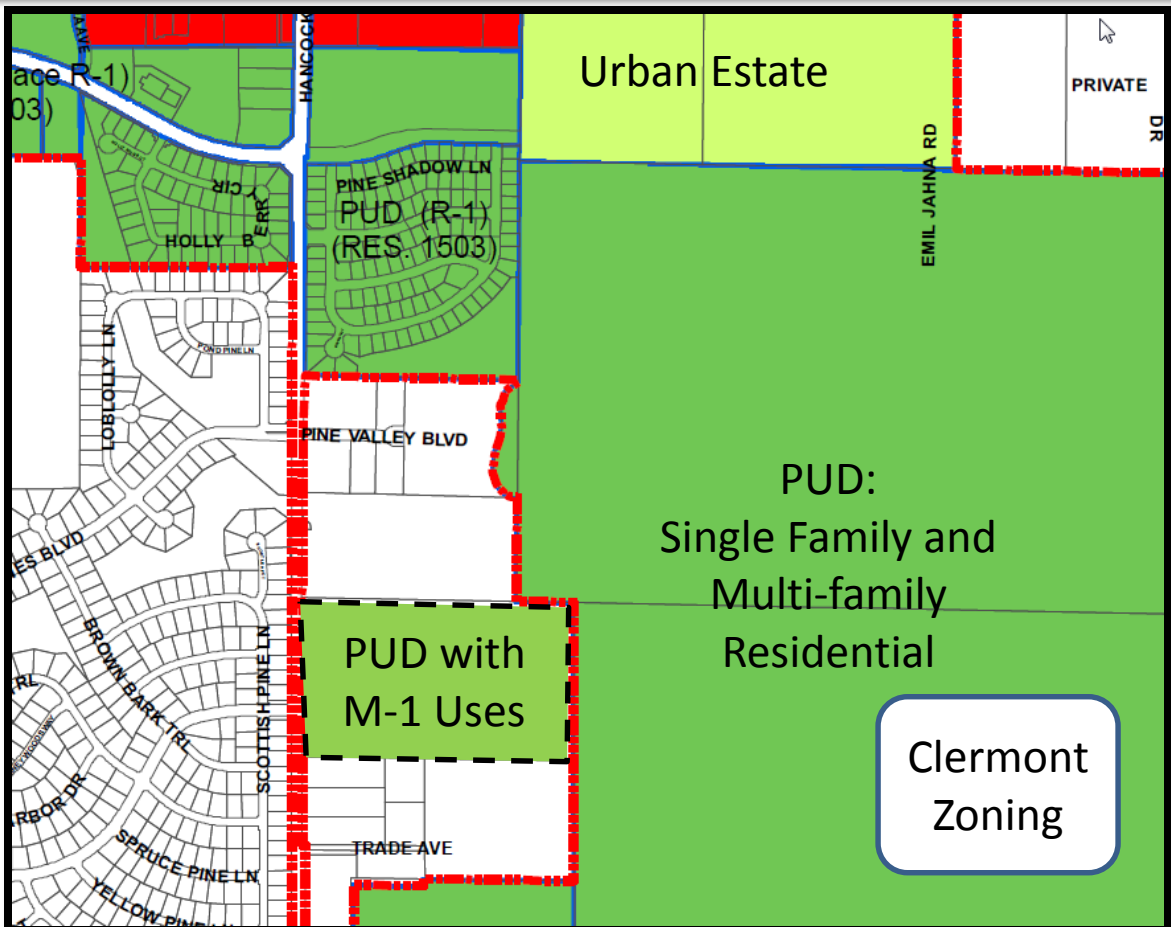
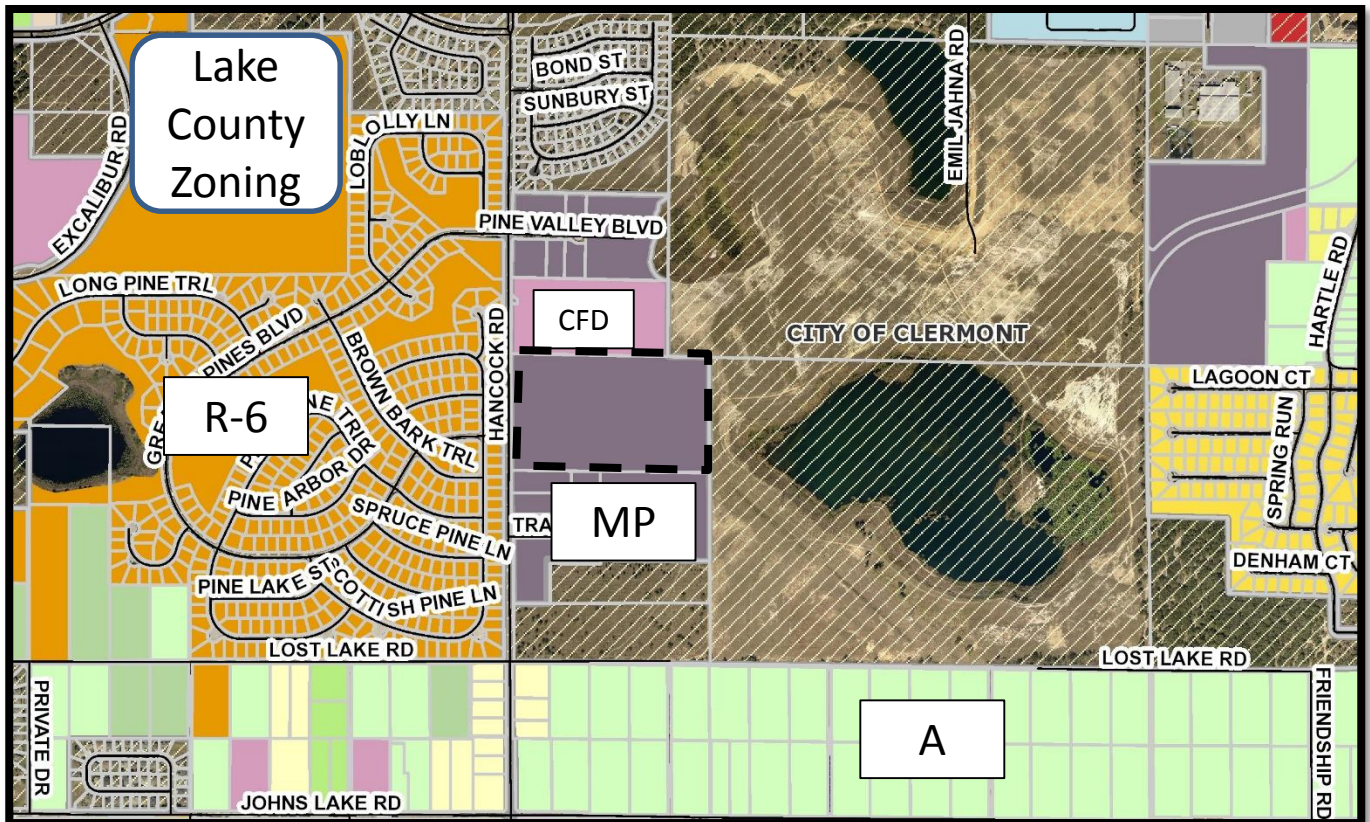


Exhibit - Zoning Map Keating/Hancock Public Works Site



Supporting Comprehensive Plan Policies

Future Land Use Element Goals, Objectives & Policies

Table FLUE 2 - Future Land Use Categories Table

FUTURE LAND USE CATEGORY	DENSITY (1)	F.A.R. (INTENSITY)	I.S.R	OPEN SPACE	BUILDING HEIGHT (2)(5)
Urban Low Density	4 d.u./1 acre	0.25 to 0.35	0.60	25%	Note (3)
Urban Medium Density	7 d.u./1 acre	0.35 to 0.50	0.70	20%	Note (3)
Urban High Density	Min. 4 d.u./1 acre Max 12 d.u./1 acre	2.0	0.80	10%	Note (3)
Bella Collina	868 d.u.	500,000 s.f.	0.60	25%	Note (3)
Summer Bay (351 acres) (7)	2,040 d.u.	Note (7)	NS	NS	Note (3)
Cagan Crossings (728.5 acres) (4)	8,000 d.u.	700,000 s.f.	NS	44%	Note (3)
Regional Office	1 multi-family du per 10,000 sq. ft. of commercial space (Note (6))	3.0	0.75	15%	Note (3)
Regional Commercial	1 multi-family du per 10,000 sq. ft. of commercial space (Note (6))	3.0	0.75	15%	Note (3)

CITY OF CLERMONT COMPREHENSIVE PLAN

FUTURE LAND USE

manufacturing or refining, rubber or plastics manufacturing or other uses generating potentially harmful environmental or nuisance impacts shall be prohibited.

Policy 1.10.3: The maximum intensity of industrial development shall be limited to 1.0 FAR.

Rick Scott
GOVERNOR



Shannon

Keating

Cissy Proctor
EXECUTIVE DIRECTOR

RECEIVED
11/22/17

November 17, 2017

The Honorable Gail Ash
Mayor, City of Clermont
685 Montrose Street
Clermont, Florida 34711

Dear Mayor Ash:

The Department of Economic Opportunity ("Department") has completed its review of the proposed comprehensive plan amendment for the City of Clermont (Amendment No. 17-2ESR), which was received on October 18, 2017. We have reviewed the proposed amendment pursuant to the expedited state review process in Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comments related to important state resources and facilities within the Department's authorized scope of review that will be adversely impacted by the amendment if adopted.

The City is reminded that pursuant to Section 163.3184(3)(b), F.S., other reviewing agencies have the authority to provide comments directly to the City. If other reviewing agencies provide comments, we recommend the City consider appropriate changes to the amendment based on those comments. If unresolved, such reviewing agency comments could form the basis for a challenge to the amendment after adoption.

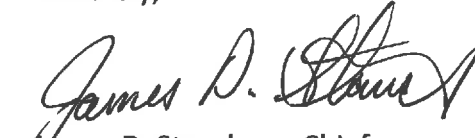
The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. Also, please note that Section 163.3184(3)(c)1, F.S., provides that if the second public hearing is not held within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.floridajobs.org
www.twitter.com/FLDEO | www.facebook.com/FLDEO

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

If you have any questions concerning this review, please contact Dan Evans, Planning Analyst, by telephone at (850) 717-8484 or by email at Dan.Evans@deo.myflorida.com.

Sincerely,



James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/de

Enclosure(s): Procedures for Adoption

cc: Shannon Schmidt, Director, Clermont Office of Economic Development
Hugh W. Harling, Jr., Executive Director, East Central Florida Regional Planning Council

HANCOCK P.W.

John E. Kruse

From: Shannon Schmidt
Sent: Wednesday, November 15, 2017 3:08 PM
To: Curt Henschel; John E. Kruse; Regina McGruder
Subject: FW: Clermont 17-2ESR Proposed

From: Plan_Review [mailto:Plan.Review@dep.state.fl.us]
Sent: Wednesday, November 15, 2017 3:01 PM
To: Shannon Schmidt <sschmidt@clermontfl.org>; DCPexternalagencycomments <DCPexternalagencycomments@deo.myflorida.com>
Cc: Plan_Review <Plan.Review@dep.state.fl.us>
Subject: Clermont 17-2ESR Proposed

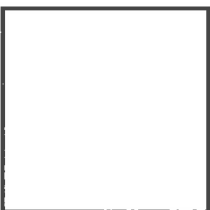
To: Shannon Schmidt, Director

Re: Clermont 17-2ESR – Expedited State Review of Proposed Comprehensive Plan Amendment

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

Please submit all future amendments by email to plan.review@dep.state.fl.us. If your submittal is too large to send via email or if you need other assistance, contact Suzanne Ray at (850) 717-9037.





**CITY OF CLERMONT
COMPREHENSIVE PLAN AMENDMENT
Application**

DATE: August 22, 2017

FEE: _____

Project Name (if applicable): Hancock Road Property

Applicant: John Kingman Keating

Contact Person: John Kingman Keating

Address: 250 East Colonial Drive, Suite 300

City: Orlando State: Florida Zip: 32801

Phone: 407-425-2907 Fax: 407-843-8964

E-Mail: jkk@keatlaw.com

OWNER: See Schedule "A", Item 1 attached

Address: 250 East Colonial Drive, Suite 300

City: Orlando State: Florida Zip: 32801

Phone: 407-425-2907 Fax: 407-843-8964

E-Mail: jkk@keatlaw.com

General Location: 12838 Hancock Road, Clermont, Florida

Legal Description (include copy of survey):
See Scheudle "A", Item 2 attached

Property size (in acres or square feet): 35.871 (+/-)

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

Existing (Actual) Land Use: Agricultural

Existing Zoning: MP (Planned Industrial District) (Lake County)

Existing Future Land Use: Regional Commercial (Lake County)

Proposed Future Land Use: See Schedule "A", Item 3

Type of development proposed: See Schedule "A", Item 4



Proposed density (dwelling units/acre) or intensity: See Schedule "A", Item 5 attached

Proposed Zoning District: See Schedule "A", Item 6 attached

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

See Schedule "A", Item 7 attached

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
Development Services Department
685 W. Montrose St.
P.O. Box 120219
Clermont, FL. 34712-0219
(352) 394-4083 Fax: (352) 394-3542



CFN 2010059734
Bk 03915 Pgs 2121 - 2123; (3pgs)
DATE: 06/11/2010 02:46:19 PM
NEIL KELLY, CLERK OF COURT
LAKE COUNTY
RECORDING FEES 27.00
DEED DOC 0.70

RECORDING INFORMATION ABOVE THIS LINE

THIS WARRANTY DEED is made and executed this 20th day of May, 2010 by John Kingman Keating, a married person (the "Grantor") with a mailing address of 250 East Colonial Drive, Suite 300, Orlando, Florida 32801, to John Kingman Keating, as Trustee of the *Hancock Road Land Trust*, with full power and authority either to protect, conserve and to sell, or to lease, or to encumber, or otherwise to manage and dispose of the real property described herein (the "Grantee") with a mailing address of 250 East Colonial Drive, Suite 300, Orlando, Florida 32801.

WITNESSETH: That the Grantor for and in consideration of the sum of \$10.00 and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain property situate in Lake County, Florida, viz:

See attached Exhibit "A".

THE GRANTOR WARRANTS THAT THE ABOVE-DESCRIBED PROPERTY CONVEYED HEREBY IS NOT HOMESTEAD PROPERTY AS DEFINED BY THE CONSTITUTION AND LAWS OF THE STATE OF FLORIDA.

THIS WARRANTY DEED IS EXEMPT FROM DOCUMENTARY STAMP TAX PURSUANT TO CHAPTER 12B-4.013(32), F.A.C., AS IT IS TO A TRUSTEE AND WITHOUT CONSIDERATION.

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

TO HAVE AND TO HOLD, the same in fee simple forever.

FURTHER, the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said real property in fee simple; that the Grantor has good right and lawful authority to sell and convey said real property; that the Grantor hereby fully warrants the title to said real property and will defend the same against the lawful claims of all persons whomsoever; and that said real property is free from all encumbrances: except, taxes and assessments accruing subsequent to December 31, 2009 and all subsequent years, and all conditions, restrictions, reservations, limitations, easements of record, if any, zoning and other governmental regulations and other matters of record, provided, however, this reference shall not serve to reimpose same.

IN WITNESS WHEREOF, the said Grantor has executed this Warranty Deed on the day and year first above written.

WITNESSES:



WITNESS SIGNATURE

PAMELA E. KLECKER

WITNESS NAME PRINTED



WITNESS SIGNATURE

MARY L. YARBROUGH

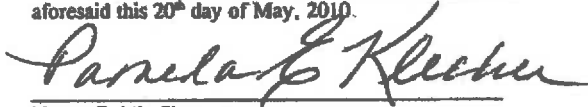
WITNESS NAME PRINTED

GRANTOR
JOHN KINGMAN KEATING


John Kingman Keating

STATE OF FLORIDA
COUNTY OF ORANGE

I HEREBY CERTIFY, as an officer duly authorized to take acknowledgments and oaths in the State and County aforesaid, that at the execution of this instrument on the date set forth below, John Kingman Keating personally appeared before me, and executed or acknowledged his/her/their previous execution of this instrument. I HEREBY FURTHER CERTIFY, that John Kingman Keating is/are the same person(s) either executing or acknowledging execution of the foregoing instrument because: ☒ I personally know him/her/them OR ☐ I have satisfactory evidence of same based upon a ☐ Florida driver's license or ☐ Other identification: _____, WITNESS my hand and official seal in the State and County aforesaid this 20th day of May, 2010.


Notary Public Signature

(PLACE NOTARY NAME & SEAL IMMEDIATELY BELOW)



EXHIBIT "A" - LEGAL DESCRIPTION

An undivided fifty percent (50.00%) interest in the real property described as follows:

PARCEL 1

That part of the West 1,660 feet of the Northwest one-quarter ($\frac{1}{4}$) of Section 34, Township 22 South, Range 26 East, less the South 1,575 feet of the North one-half ($\frac{1}{2}$) of the West 1,660 feet of said Northwest one-quarter ($\frac{1}{4}$) and less the road right-of-way of Hancock Road on the West, being more particularly described as follows:

Commence at the Northwest corner of said Section 34 for a point of reference; Thence, run South $89^{\circ}07'07''$ East, along the North line of said Northwest one-quarter ($\frac{1}{4}$), a distance of 25.00 feet to a point lying on the Easterly right-of-way line of Hancock Road (County Road 3-1255) as described in Official Records Book 474, Page 999 of the Public Records of Lake County, Florida, said point being the Point of Beginning; Thence, departing said right-of-way line, run South $89^{\circ}07'07''$ East, along said North line, a distance of 1,635.24 feet to the East line of the aforesaid West 1,660.00 feet; Thence, departing said North line, run South $00^{\circ}05'31''$ East, parallel with and 1,660.00 feet East of, perpendicular measure, the West line of said Northwest one-quarter ($\frac{1}{4}$), a distance of 949.48 feet to the North line of the aforesaid South 1,575.00 feet; Thence run North $89^{\circ}33'12''$ West, along said North line, a distance of 1,635.07 feet to the aforesaid East right-of-way line, Thence run North $00^{\circ}05'31''$ West, along said right-of-way line, a distance of 961.89 feet to the Point of Beginning.

The above tract of land lies in Lake County, Florida and contains 35.871 acres more or less.

Alternately described as:

PARCEL 1

That part of the West 1,660 feet of the Northwest one-quarter ($\frac{1}{4}$) of Section 34, Township 22 South, Range 26 East, less the South 1,575 feet of the North one-half ($\frac{1}{2}$) of the West 1,660 feet of said Northwest one-quarter ($\frac{1}{4}$) and less the road right-of-way of Lake Hancock Road on the West, being more particularly described as follows:

Commence at the Northwest corner of said Section 34 for a point of reference; Thence, run North $90^{\circ}00'00''$ East, along the North line of said Northwest one-quarter ($\frac{1}{4}$), a distance of 25.00 feet to a point lying on the Easterly right-of-way line of Lake Hancock Road (County Road 3-1255) as described in Official Records Book 474, Page 999 of the Public Records of Lake County, Florida, said point being the Point of Beginning; Thence, departing said right-of-way line, run North $90^{\circ}00'00''$ East, along said North line, a distance of 1,635.24 feet to the East line of the aforesaid West 1,660.00 feet; Thence, departing said North line, run South $00^{\circ}57'45''$ East, parallel with and 1,660.00 feet East of, perpendicular measure, the West line of said Northwest one-quarter ($\frac{1}{4}$), a distance of 949.22 feet to the North line of aforesaid South 1,575.00 feet; Thence run South $89^{\circ}43'18''$ West, along said North line, a distance of 1,635.12 feet to the aforesaid East right-of-way line, Thence run North $00^{\circ}57'47''$ West, along said right-of-way line, a distance of 957.16 feet to the Point of Beginning.

SCHEDULE "D"
OWNER SIGNATURE PAGE
ATTACHED TO OWNERS'S AFFIDAVIT
(COMPREHENSIVE PLAN AMENDMENT APPLICATION)

**JOHN KINGMAN KEATING, AS TRUSTEE
OF THE HANCOCK ROAD LAND TRUST
(OWNER)**

John Kingman Keating, as Trustee

**STATE OF FLORIDA
COUNTY OF ORANGE**

I HEREBY CERTIFY that John Kingman Keating personally appeared before me and executed this instrument and that he is the same person executing the foregoing instrument because: ☐ I personally know him/her/them OR ☐ I have satisfactory evidence of same based upon a ☐ Florida driver's license. WITNESS my hand and official seal in the State and County aforesaid this ____ day of August, 2017.

Notary Public Signature
(PLACE NOTARY NAME & SEAL IMMEDIATELY BELOW)

TONY H. ROPER (OWNER)

Tony H. Roper

**STATE OF FLORIDA
COUNTY OF ORANGE**

I HEREBY CERTIFY that Tony H. Roper personally appeared before me and executed this instrument and that he is the same person executing the foregoing instrument because: ☐ I personally know him/her/them OR ☐ I have satisfactory evidence of same based upon a ☐ Florida driver's license. WITNESS my hand and official seal in the State and County aforesaid this ____ day of August, 2017.

Notary Public Signature
(PLACE NOTARY NAME & SEAL IMMEDIATELY BELOW)

**BERT E. ROPER AND BARBARA C. ROPER
FAMILY LIMITED LIABILITY LIMITED
PARTNERSHIP (OWNER)**

By: _____
Charles F. Roper
As its General Partner

**STATE OF FLORIDA
COUNTY OF ORANGE**

I HEREBY CERTIFY that John Kingman Keating personally appeared before me and executed this instrument as General Partner of the Bert E. Roper and Barbara C. Roper Family Limited Liability Limited Partnership and that he is the same person executing the foregoing instrument because: ☐ I personally know him/her/them OR ☐ I have satisfactory evidence of same based upon a ☐ Florida driver's license. WITNESS my hand and official seal in the State and County aforesaid this ____ day of August, 2017.

Notary Public Signature
(PLACE NOTARY NAME & SEAL IMMEDIATELY BELOW)

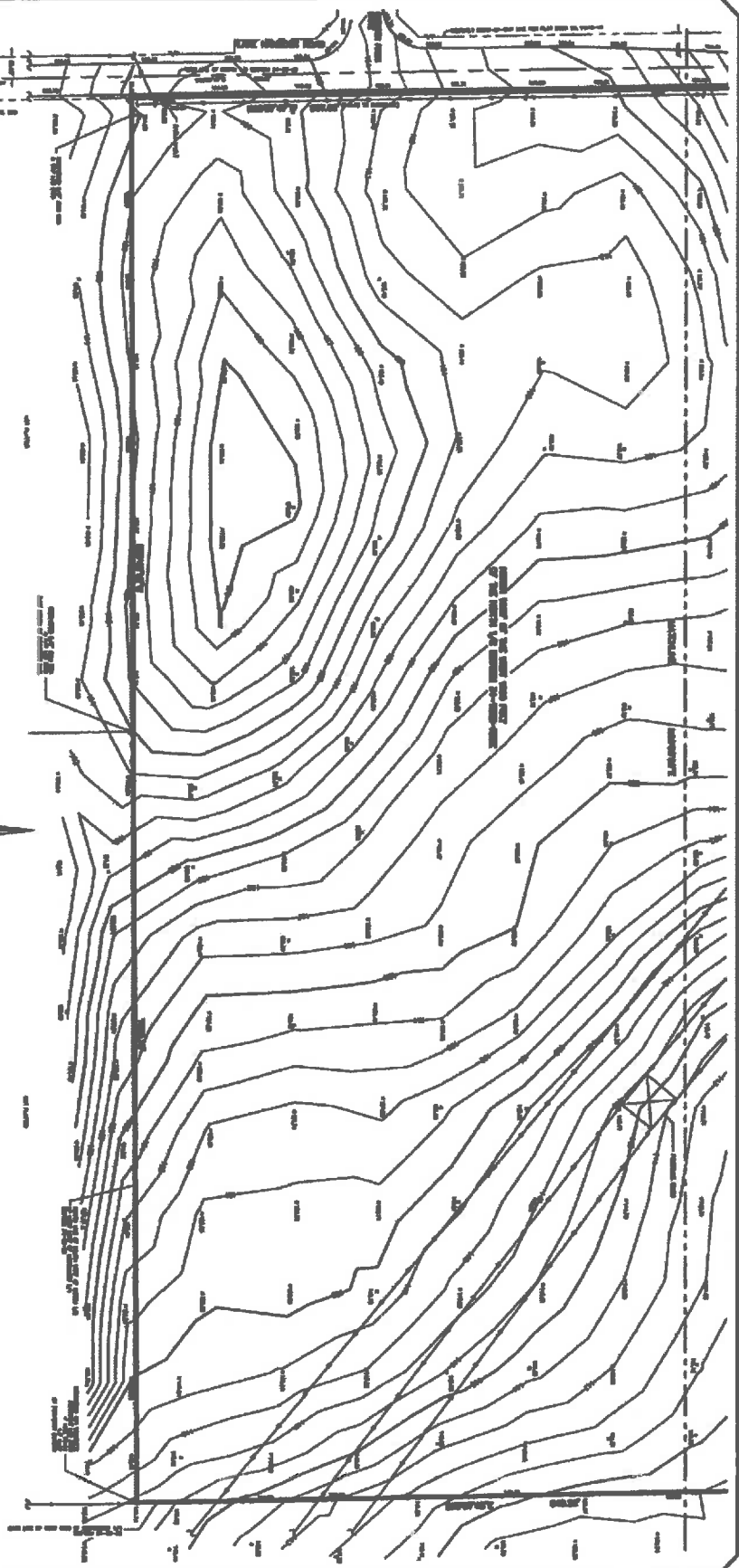
JOHN KINGMAN KEATING (APPLICANT)

John Kingman Keating, as Applicant

**STATE OF FLORIDA
COUNTY OF ORANGE**

I HEREBY CERTIFY that John Kingman Keating personally appeared before me and executed this instrument and that he is the same person executing the foregoing instrument because: ☐ I personally know him/her/them OR ☐ I have satisfactory evidence of same based upon a ☐ Florida driver's license. WITNESS my hand and official seal in the State and County aforesaid this ____ day of August, 2017.

Notary Public Signature
(PLACE NOTARY NAME & SEAL IMMEDIATELY BELOW)

[illegible][illegible]

- [illegible]

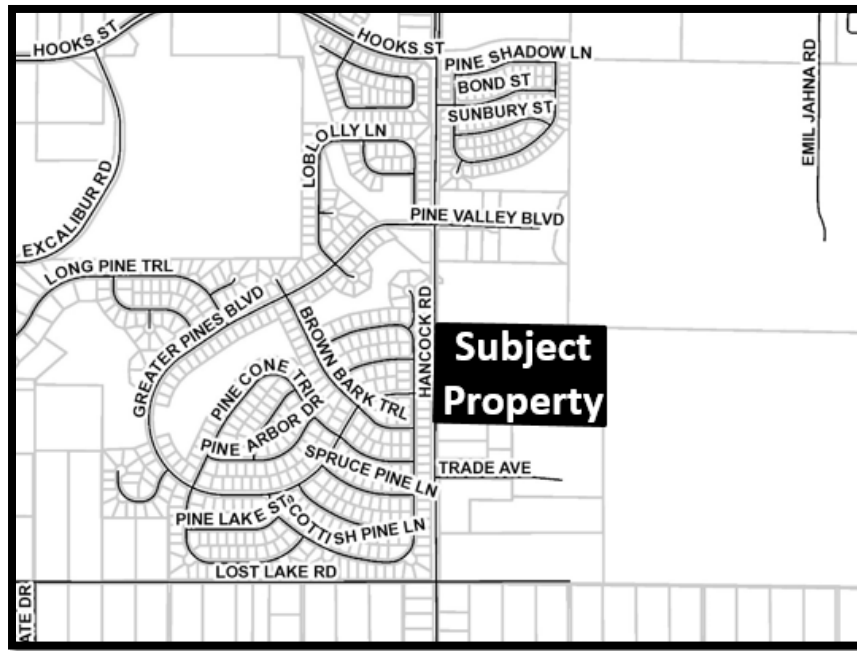
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CITY OF CLERMONT

NOTICE OF PROPOSED AMENDMENT TO COMPREHENSIVE PLAN ORDINANCE NO. 2017-38

The City of Clermont will hold public hearings on Tuesday, October 3, 2017 at 6:30 p.m. before the Planning and Zoning Commission to consider a proposed change to the City's Future Land Use Map; and on Tuesday, October 10, 2017 at 6:30 p.m. before the City Council to consider introduction of the ordinance and transmittal of the proposed amendment. The map amendment would change the Future Land Use designation for the parcel below from Lake County Regional Commercial to Industrial.

The City of Clermont will hold a public hearing on Tuesday, December 12, 2017 (final hearing) beginning at 6:30 p.m. before the City Council to consider the adoption of the proposed change to the City's Future Land Use Map.



***Location: South of Hooks Street, North of Trade Avenue, East of Hancock Road.
Alternate Key 1593093 35.87 +/- acres***

Ordinance #2017-38:

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.

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 Howe, MMC
City Clerk

Daily Commercial
September 22 and November 28, 2017



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, January 23, 2018		
Agenda Item Name		
Ordinance No. 2017-40 <i>Final</i> <i>Eddy Property</i>		
Requested Action		
Recommend approval of Ordinance 2017-40.		
Staff Report		
The applicant, Chuck Piper, is requesting voluntary annexation of the subject property. This request is being heard concurrently with requests for a Large-Scale Comprehensive Plan Amendment and a rezoning to a Planned Unit Development (PUD). The property has been historically used for agricultural uses but is now inactive. The applicant desires to develop the property for residential use. The property is located within the Interlocal Service Boundary Agreement (ISBA) and the Joint Planning Area (JPA). The applicant is requesting City services for the 114 +/- acre project, in which the City can fully serve. The property is contiguous with the City limits along the western property line of the subject property. The related request for a comprehensive plan amendment would change the future land use from Lake County's Rural designation to the City's Low Density Residential. The annexation would assign the default zoning in the City to Urban Estate Low Density Residential. The applicant is requesting a rezoning to a PUD for a gated residential subdivision consisting of an overall density of 2.97 units per acre. The request to annex is an orderly and efficient transition of uses, with densities and intensities, which currently exist within the City of Clermont. Since the subject property meets the requirements for voluntary annexation under Florida Statutes Chapter 171.044, the City is capable of serving the property, and is within the ISBA and the JPA; staff recommends approval of the annexation.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1.	Ordinance 2017-40	ANN ORD 2017-40 Eddy.doc
2.	Location Map	Eddy Annex location map.pdf
3.	Annexation Map	Eddy Annex Map.pdf
4.	App	Eddy Annex App.pdf
5.	Legal Ad	ANN Eddy Legal Ad.docx

CITY OF CLERMONT
ORDINANCE No. 2017-40

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

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

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

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

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

SECTION 1.

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

Legal Description

The Northwest 1/4 of Section 1, Township 23 South, Range 26 East, less the North 400 feet and less the East 70 feet and less from the North 1/4 corner of section, run South 0°24'23" East along the East line of the Northwest 1/4 a distance of 400 feet; thence South 89°45'17" West along the South line of the North 400 feet of the Northwest 1/4 a distance of 1007.31 feet for Point of Beginning; thence run South 23°44'13" West 92.02 feet; thence South 01°41'26" West 206.35 feet; thence South 00°54'02" East 132 feet; thence South 89°45'17" West 1573.47 feet to West line of said section; thence North 0°08'15" West along said West line 422.30 feet to South line of North 400 feet of the Northwest 1/4; thence North 89°45'17" East 1615.54 feet to the Point of Beginning and less the South 33 feet for road right of way, and lying and being in Section 1, Township 23 South, Range 26 East, Lake County, Florida.

The above described tract of land contains 114.39 acres more or less. AK 1593174

CITY OF CLERMONT
ORDINANCE No. 2017-40

SECTION 2.

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

SECTION 3.

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

SECTION 4.

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

SECTION 5.

This Ordinance shall be recorded in the Public Records of Lake County, Florida.

SECTION 6.

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

CITY OF CLERMONT
ORDINANCE No. 2017-40

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 23rd day of January, 2018.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Eddy Property Clermont, Florida



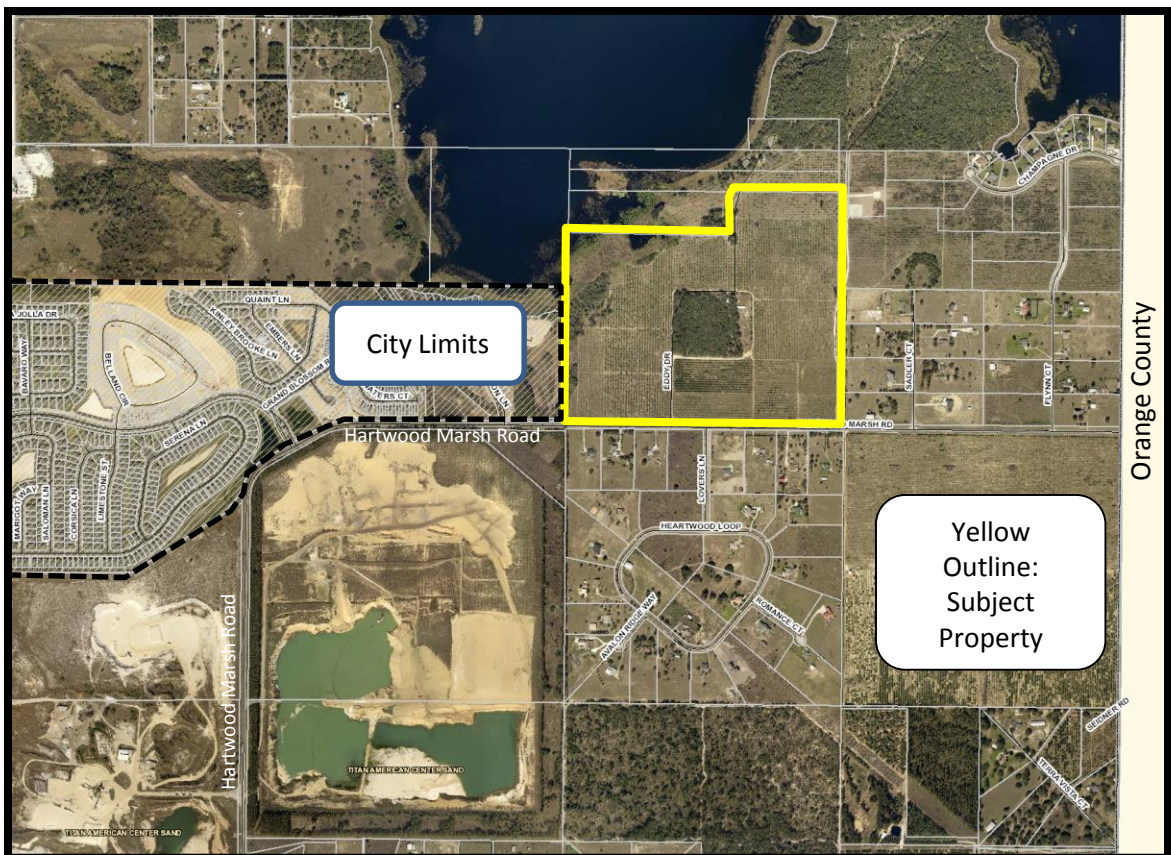
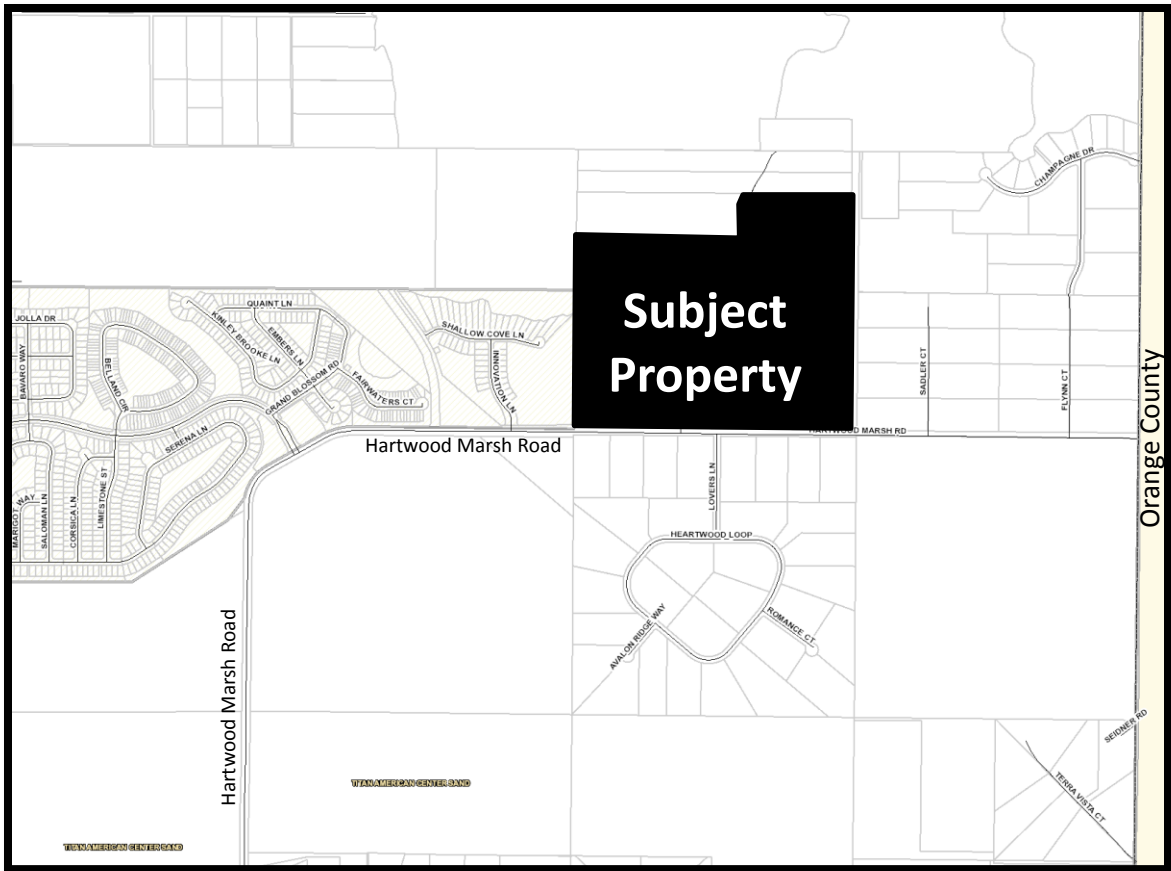
daly design group

Urban Planning · Landscape Architecture · Project Management
913 N Pennsylvania Ave, Winter Park, Florida 32789
Phone 407.740.7373 · www.dalydesign.com
Job No.: 1709 Scale: nts Date: August 2017



EXHIBIT 1

Exhibit - Location Map - Eddy Property





APPLICATION & PETITION

DATE: 09/06/2017

FEE: \$155.⁰⁰
+ cost of advertising

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

PROJECT NAME (if applicable): Eddy Property

APPLICANT: Chuck Piper

Address: 804 W. 2nd Ave

City: Windermere State: Florida Zip: 32786

Phone: 407-908-6986 Fax: _____

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

OWNER: Mary B Eddy

Address: 11955 Eddy Drive

City: Winter Garden State: Florida Zip: 34786

Phone: _____ Fax: _____

AGENT NAME (Affidavit required): Chuck Piper

Address: 804 W. 2nd Ave

City: Windermere State: Florida Zip: 32786

Phone: 407-908-6986 Fax: _____

E-Mail: chuckpiper@cfl.rr.com

Property address and/or general location: Eddy Drive, Winter Garden Florida
East of Heritage Hills subdivision and north of Hartwood Marsh Road

Area of property: 114 ac +/- acres, and/or 4,965,840 +/- sq. ft.

The property is PRESENTLY used for: Vacant Orange Grove

The property is PROPOSED to be used for: Single Family residential development





Existing Lake County Land Use* : Rural

Existing Lake County Zoning* : A-1

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

Number of existing structures on the property and their present use: 3 Garage / carports
Used for agricultural farming

State the reason or basis for this request: To redevelop the vacant orange grove into
a maximum 340 single family homes

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

Section 01, Township 23, Range 26

NW 1/4—LESS N 400 FT & LESS E 70 FT & LESS FROM N 1/4 COR |
OF SEC RUN S 0-24-23 E ALONG E LINE OF NW 1/4 A DIST OF 400 |
FT, S 89-45-17 W ALONG S LINE OF N 400 FT OF NW 1/4 A DIST |
OF 1007.31 FT FOR POB, RUN S 23-44-13 W 92.02 FT, S 01-41-26 |
W 206.35 FT, S 0-54-02 E 132 FT, S 89-45-17 W 1573.47 FT TO |
W LINE OF SEC, N 0-08-15 W ALONG SAID W LINE 422.30 FT TO S |
LINE OF N 400 FT OF NW 1/4, N 89-45-17 E 1615.54 FT TO POB & |
LESS S 33 FT FOR RD R/W— |
ORB 1529 PG 1669 |

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



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

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

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

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

IN WITNESS WHEREOF, we, the undersigned landowners, as petitioners, have hereunto set our hands and seals as of the 1st day of September, 2017.

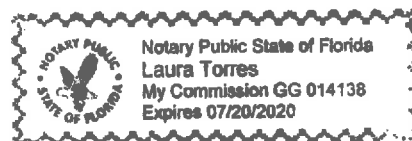
Legal description of the property: (Type, print in black ink, or attach a copy of the warranty deed or current tax receipt).

Mary B Eddy
Landowner (Petitioner)

Sept 1 / 17
Date

Laura Torres
Notary Public

7/20/2020
My Commission Expires





OWNER / AGENT AFFIDAVIT (ANNEXATION)

Date: 9/1/17

Before me, the undersigned authority personally appeared Mary Eddy
(owner(s) name), who being by me duly sworn on oath,
deposes and says:

1. That said authority is the fee-simple owner of the property legally described in this application.
2. That said authority desires an ANNEXATION to allow:
maximum of 340 residential homes
3. That said authority (owner) has appointed (agent's name) Chuck Piper
to act in its behalf to accomplish the above, and
before me the undersigned authorized agent personally appeared and being by me duly
sworn on oath, deposes and says:

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

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

X Mary B Eddy
Owner (signature)

X [Signature]
Agent's (signature)

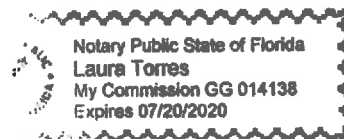
Sworn to and subscribed before
me this 1st day of September
20 17.

Laura Torres
Notary Public, State of FL
My commission expires:

Sworn to and subscribed before
me this 1st day of September
20 17.

Laura Torres
Notary Public, State of FL
My commission expires:

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



Eddy Property Legal Description

Legal Description:

The northwest 1/4 of section 1, township 23 south, range 26 east, less the north 400 feet and less the east 70 feet and less from the north 1/4 corner of section, run south 0°24'23" east along the east line of the northwest 1/4 a distance of 400 feet; thence south 89°45'17" west along the south line of the north 400 feet of the northwest 1/4 a distance of 1007.31 feet for point of beginning; thence run south 23°44'13" west 92.02 feet; thence south 01°41'26" west 206.35 feet; thence south 00°54'02" east 132 feet; thence south 89°45'17" west 1573.47 feet to west line of said section; thence north 0°08'15" west along said west line 422.30 feet to south line of north 400 feet of the northwest 1/4; thence north 89°45'17" east 1615.54 feet to the point of beginning and less the south 33 feet for road right of way, and lying and being in section 1, township 23 south, range 26 east, Lake County, Florida.

The above described tract of land contains 114.394 acres more or less.

LEGAL NOTICE

The City Council of the City of Clermont will consider the enactment of the following proposed Ordinance at the regularly scheduled meeting to be held Tuesday, January 23, 2018 at 6:30 P.M. at City Hall located at 685 West Montrose Street. All interested parties will be given an opportunity to express their views on this matter.

ORDINANCE NO. 2017-40

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

LOCATION:

$\frac{3}{4}$ of a mile east of Heritage Hills Boulevard on Hartwood Marsh Road,
North of the intersection of Lovers Lane and Hartwood Marsh Road
Alternate Key 1593174

LEGAL DESCRIPTION

The Northwest 1/4 of Section 1, Township 23 South, Range 26 East, less the North 400 feet and less the East 70 feet and less from the North 1/4 corner of section, run South 0°24'23" East along the East line of the Northwest 1/4 a distance of 400 feet; thence South 89°45'17" West along the South line of the North 400 feet of the Northwest 1/4 a distance of 1007.31 feet for Point of Beginning; thence run South 23°44'13" West 92.02 feet; thence South 01°41'26" West 206.35 feet; thence South 00°54'02" East 132 feet; thence South 89°45'17" West 1573.47 feet to West line of said section; thence North 0°08'15" West along said West line 422.30 feet to South line of North 400 feet of the Northwest 1/4; thence North 89°45'17" East 1615.54 feet to the Point of Beginning and less the South 33 feet for road right of way, and lying and being in Section 1, Township 23 South, Range 26 East, Lake County, Florida.

The above described tract of land contains 114.39 acres more or less.

See Map Below

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

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

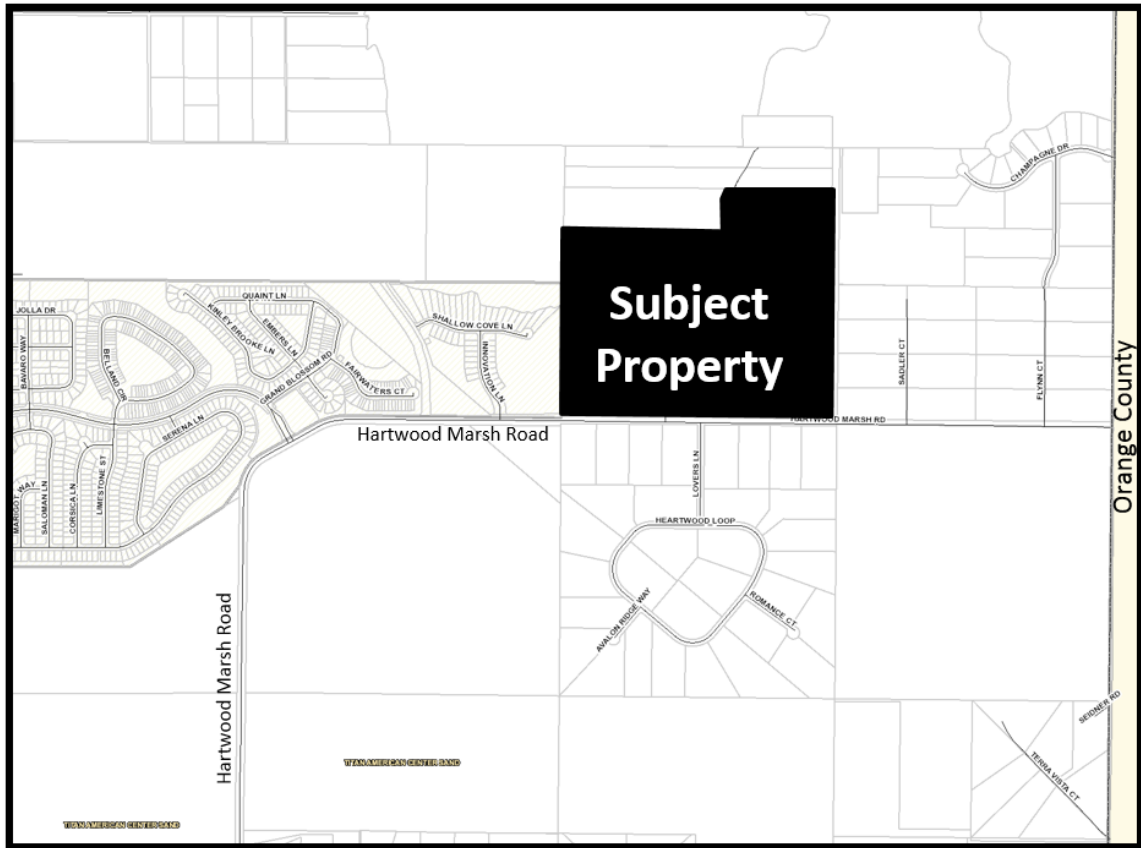
Tracy Ackroyd Howe, MMC

City Clerk

Daily Commercial

January 9, 2018 & January 16, 2018

Location Map:





CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date	
Tuesday, January 23, 2018	
Agenda Item Name	
Ordinance No. 2017-41 <i>Final</i> Eddy Property	
Requested Action	
Recommend approval of Ordinance 2017-41.	
Staff Report	
The applicant, Chuck Piper, is requesting a Future Land Use change on the subject property. This request is being heard concurrently with requests for annexation and a rezoning to a Planned Unit Development (PUD) for single-family housing. The property is located within the Interlocal Service Boundary Agreement (ISBA) and the Joint Planning Area (JPA). The property has been historically used for agricultural uses but is now inactive. The proposed map amendment will change the future land use from Lake County's Rural to the City's Low Density Residential. The City's Low Density Residential does not permit commercial or industrial uses. The applicant is requesting up to 340 units on 114.39 +/- acres, which equates to 2.97 units per acre. The City's Low Density Residential allows up to three (3) dwelling units per acre. This proposed land use is the City's lowest density residential land use category. Several policies in the City's Comprehensive Plan support the proposed map amendment. These policies include: <u>Policy 1.1.1:</u> Urban services such as water and sewer shall not be extended outside the Lake County/Clermont Joint Planning Area (JPA) without a companion land use plan amendment modifying the boundary and amending the land uses. An exception may be considered where public health, safety and welfare require a community water system or the extension of water service to ensure safe potable water. <u>Policy 1.6.1:</u> Low-Density Residential. Areas delineated on the FLUM for low-density residential development shall accommodate a maximum density of up to three dwelling units per acre and shall be comprised primarily of single-family detached homes on individual lots. <u>Policy 1.12.3:</u> The City shall encourage requests for voluntary annexation into the City when those lands are logical extensions of the existing City limits, when services can be properly provided and when proposed uses are compatible with the City's comprehensive plan. The City has received comments from the State agencies that provided a review. No objections or recommendations have been identified in the responses. Therefore, staff recommends approval of the large-scale comprehensive plan amendment to change the future land use from Lake County Rural to the City's Low Density Residential.	
Additional Analysis	

Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Ord. No 2017-41	Ord 2017-41 Eddy CPA.doc	
2. Maps	Eddy Maps Final.pdf	
3. Exhibit WO EA	Eddy CPPA report rev 10 11 17 WO EA.pdf	
4. Updated App via Letter	1709 Eddy property Future land use letter 10-11-17.pdf	
5. App	Eddy Comp Plan App.pdf	
6. State agency responses	Eddy CPA Agency Responses.pdf	
7. Legal Ad	CPA AD Eddy.docx	

CITY OF CLERMONT
ORDINANCE No. 2017-41

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

The Northwest 1/4 of Section 1, Township 23 South, Range 26 East, less the North 400 feet and less the East 70 feet and less from the North 1/4 corner of section, run South 0°24'23" East along the East line of the Northwest 1/4 a distance of 400 feet; thence South 89°45'17" West along the South line of the North 400 feet of the Northwest 1/4 a distance of 1007.31 feet for Point of Beginning; thence run South 23°44'13" West 92.02 feet; thence South 01°41'26" West 206.35 feet; thence South 00°54'02" East 132 feet; thence South 89°45'17" West 1573.47 feet to West line of said section; thence North 0°08'15" West along said West line 422.30 feet to South line of North 400 feet of the Northwest 1/4; thence North 89°45'17" East 1615.54 feet to the Point of Beginning and

CITY OF CLERMONT
ORDINANCE No. 2017-41

less the South 33 feet for road right of way, and lying and being in Section 1, Township 23 South, Range 26 East, Lake County, Florida.

The above described tract of land contains 114.39 acres more or less. AK 1593174

CHANGE IN FUTURE LAND USE CLASSIFICATION
FROM LAKE COUNTY – RURAL
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. 2017-41

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida, this 23rd day of January, 2018.

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Exhibit - Location Map - Eddy Property

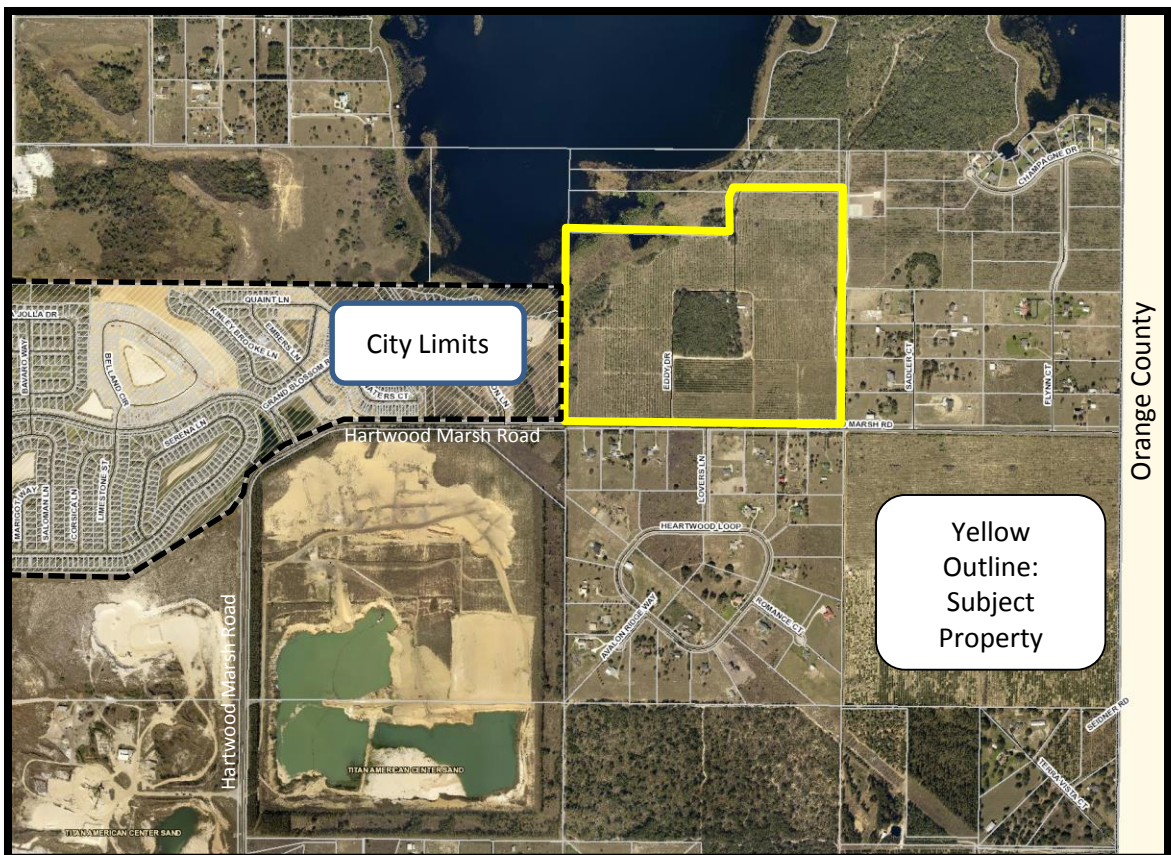
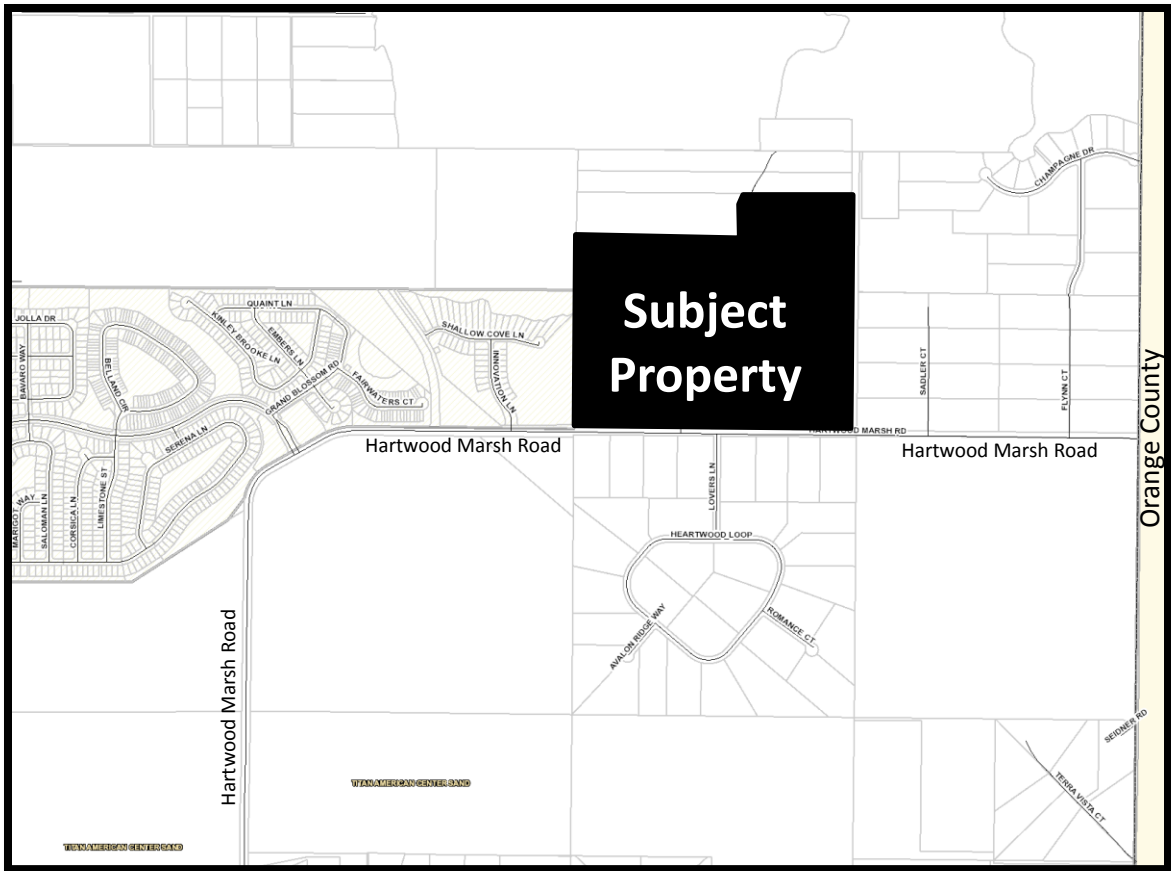


Exhibit – Future Land Use Map – Eddy Property

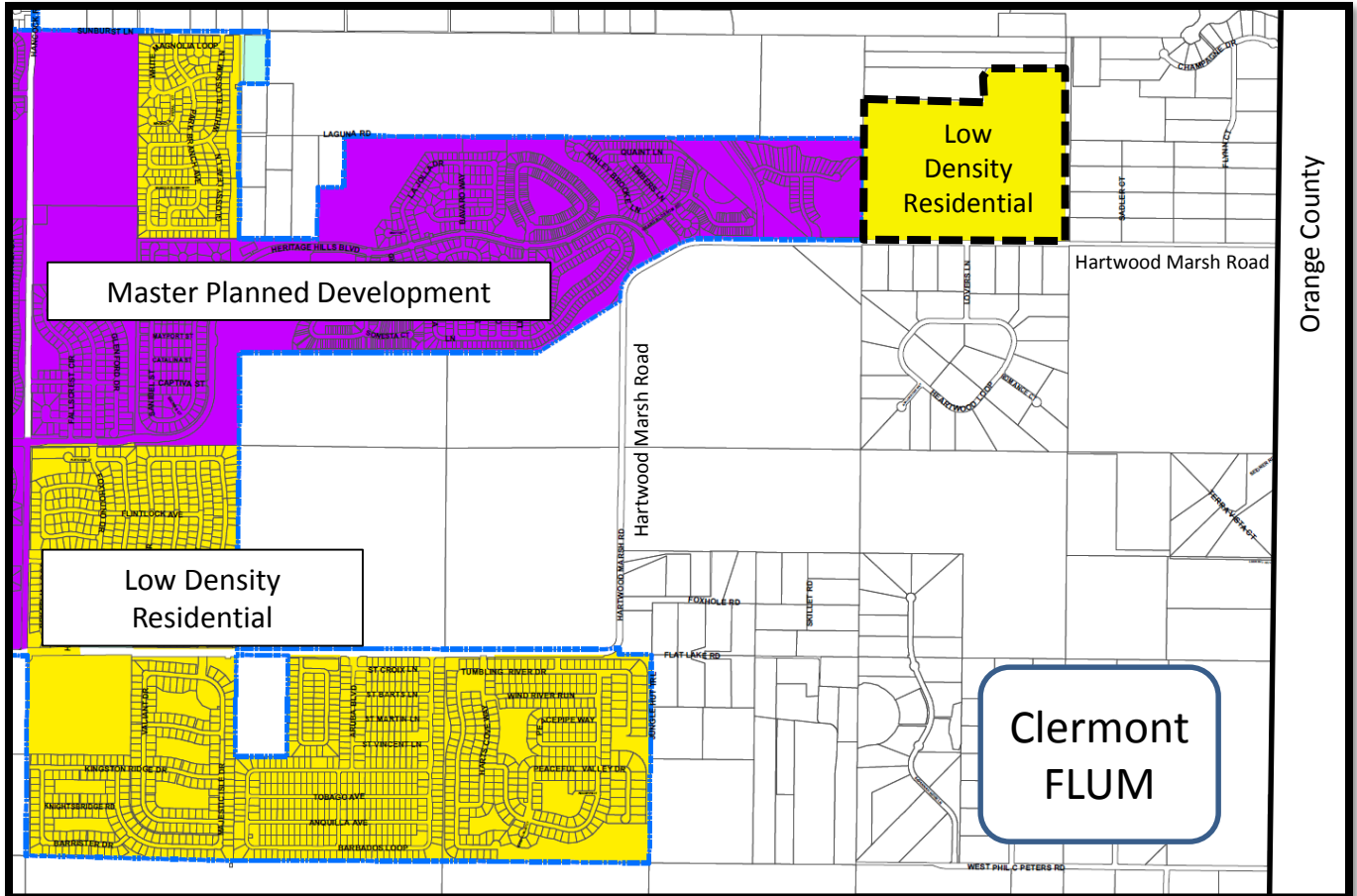
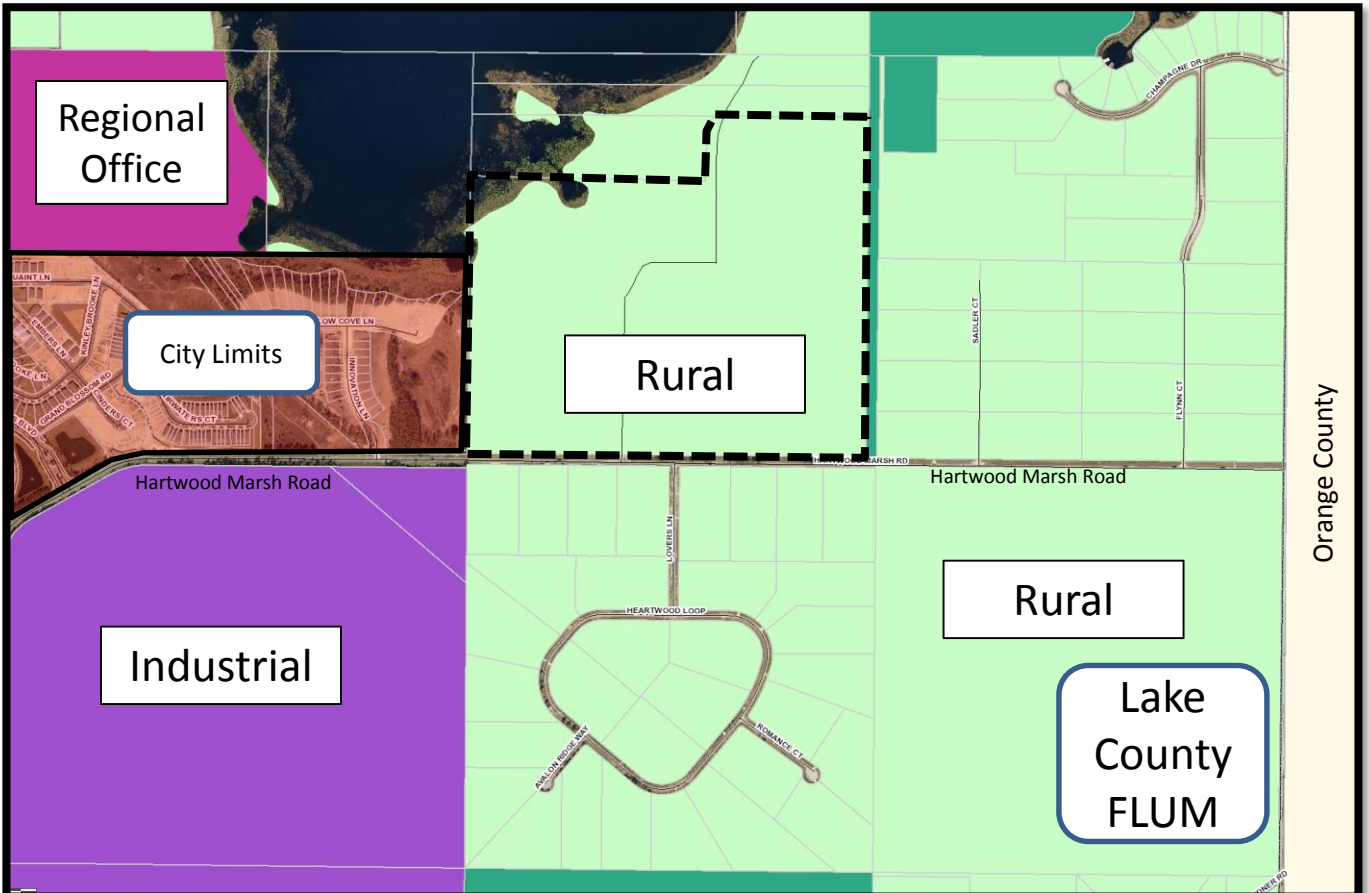
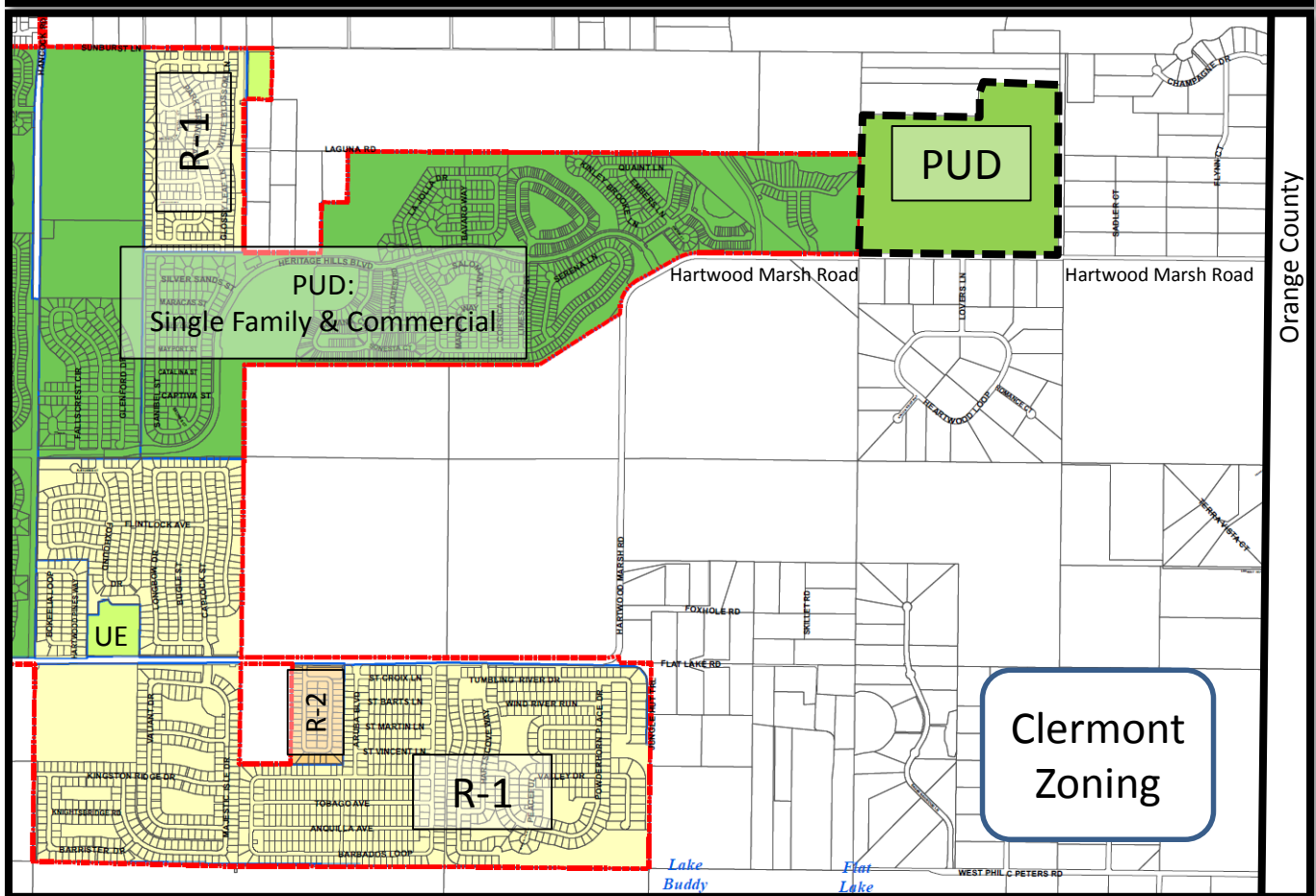
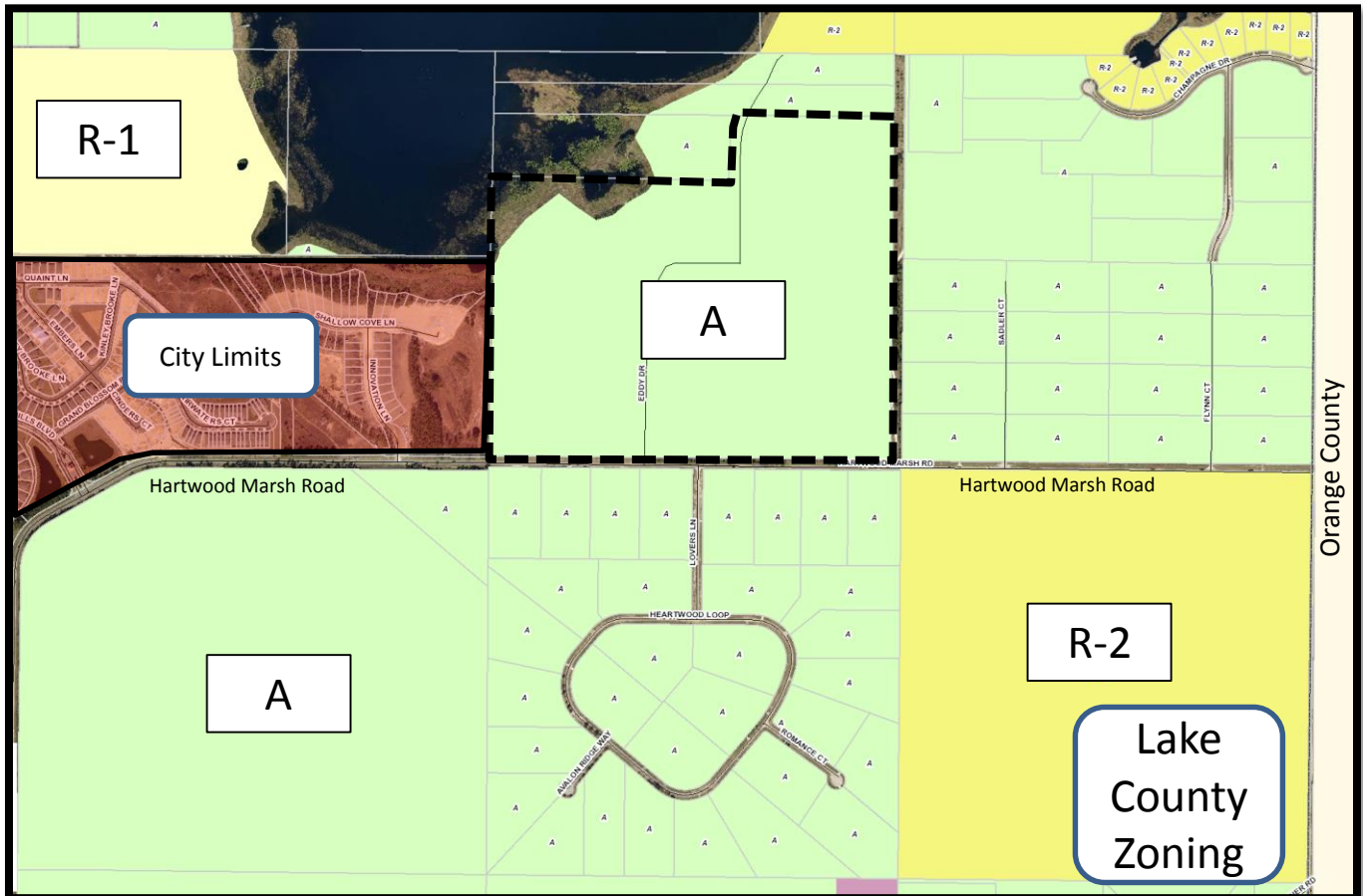


Exhibit – Zoning Map – Eddy Property





EDDY PROPERTY

COMPREHENSIVE PLAN

AMENDEMENT

PREPARED

REVISED

OCTOBER 11, 2017

daly design group

Urban Planning · Landscape Architecture · Project Management
913 N Pennsylvania Ave, Winter Park, Florida 32789
Phone 407.740.7373 · www.dalydesign.com



Eddy Property Comprehensive Plan Amendment

Property Owners:

Mary B Eddy, Trustee
11955 Eddy Dr
Winter Garden FL 34787
Contact: Mrs Mary Eddy

Applicant:

Mr. Chuck Piper
804 W. 2nd Ave
Windermere, FL 34786
Contact: Mr Chuck Piper

Urban Planner:

Daly Design Group
913 N Pennsylvania Ave
Winter Park FL 32789
Contact: Mr Thomas Daly

Traffic Engineer:

Traffic & Mobility Consultants
1507 S. Hiawasse Road, suite 212
Orlando FL 32835
Contact: Mr Mohammed Abdallah

Environmental Consultant:

Bio-Tech Consulting, Inc.
2002 E. Robinson Street
Orlando, FL 32803
Contact: Mr John Miklos

Engineer:

Madden, Moorhead and Stokes, Inc.
431 E Horatio Ave
Maitland, FL 32751
Contact: Mr David Stokes

Surveyor:

Allen and Company.
213 S Dillard Street, Ste 210
Winter Garden, FL 34787
Contact: Mr James Rickman

Eddy Property Comprehensive Plan Amendment

Table of Contents:

- 1.1 Project Location – pg 3.
- 1.2 Project Legal Description – pg 3.
- 1.3 Site Description – pg 3.
- 1.4 Adjacent Land Uses –pg.3
- 1.5 Project Overview – pg 4.
- 1.6 Compatibility of Land Uses - pg 4.
- 1.7 Consistency with Future Land Use Element – pg 5
- 1.8 Level of Services – pg 6

Table of Exhibits

- Exhibit 1 – Location Map
- Exhibit 2 – Topography Map
- Exhibit 3 – Soils Map
- Exhibit 4 – Existing Future Land Use Map
- Exhibit 5 – Proposed Future Land Use Map

Table of Appendix

- Appendix 1 – Environmental Assessment Report, prepared by Bio-Tech Consultants
- Appendix 2 – Traffic Study (to be submitted under a separate cover), prepared by TMC

Eddy Property Comprehensive Plan Amendment

1.0 Location:

The subject site (Parcel ID:01-23-26-000200000300) (Alt Key: 1593174) is located north of Harwood Marsh Rd, East of Innovation Lane, North of Lovers Lane, South of Johns Lake and West of the Lake County Water Authority access tract. (Exhibit 1)

1.1 Legal Description:

The northwest 1/4 of section 1, township 23 south, range 26 east, less the north 400 feet and less the east 70 feet and less from the north 1/4 corner of section, run south 0°24'23" east along the east line of the northwest 1/4 a distance of 400 feet; thence south 89°45'17" west along the south line of the north 400 feet of the northwest 1/4 a distance of 1007.31 feet for point of beginning; thence run south 23°44'13" west 92.02 feet; thence south 01°41'26" west 206.35 feet; thence south 00°54'02" east 132 feet; thence south 89°45'17" west 1573.47 feet to west line of said section; thence north 0°08'15" west along said west line 422.30 feet to south line of north 400 feet of the northwest 1/4; thence north 89°45'17" east 1615.54 feet to the point of beginning and less the south 33 feet for road right of way, and lying and being in section 1, township 23 south, range 26 east, Lake County, Florida.

The above described tract of land contains 114.394 acres more or less.

1.2 Site Description:

The subject site is currently an inactive orange grove, with a majority of the trees no longer producing crops. The current owner has considered other types of crops such as blueberries as an alternative crop; however to date those efforts have not come to fruition.

The topography varies on the site with the elevations along Hartwood Marsh Road that range between 140' and 160' along the frontage, and generally slopes towards Johns Lake. (Exhibit 2)

The soils on the subject site consist of Candler sand, 0 to 5% slopes, Candler sand, 5 to 12% slopes, lake sand 0 to 5 percent slopes, Orlando fine sand and Placid and Mykka fine sands, depression. The soils are suitable for residential development. (Exhibit 3)

An environmental assessment report has been prepared by Bio-Tech Consulting and is attached for review. (Appendix 1)

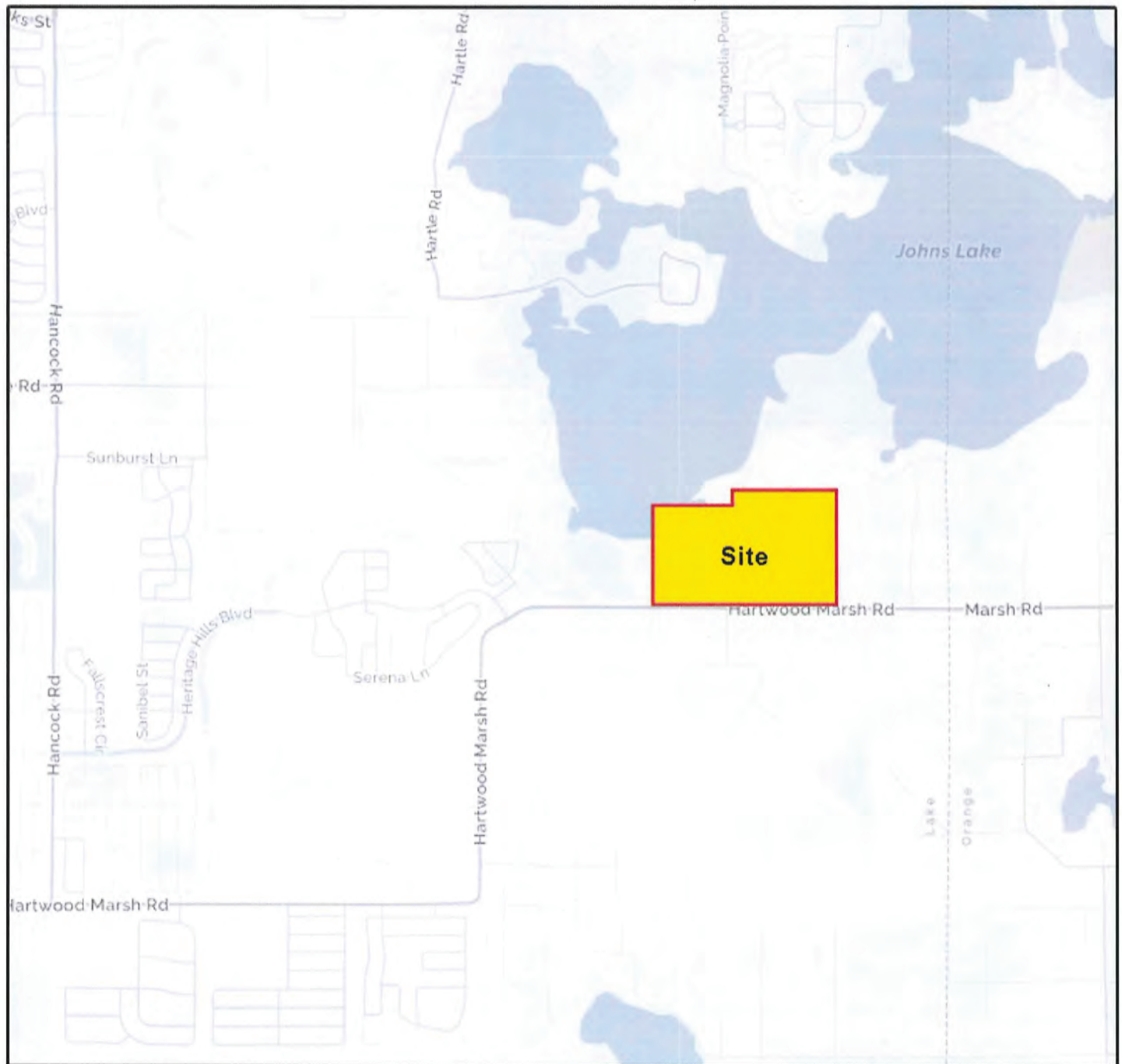
1.3 Adjacent Future Land Uses:

Heritage Hills subdivision is adjacent to the western property boundary. This development is within the City limits and has an existing Future Land Use of Master Planned Development.

There are 2 properties adjacent to the northern property boundary that are existing large lot single family dwellings. These properties are within Lake County and have an existing FLU of Rural 1du/5ac. Access to these properties shall be provided via the internal subdivision roads.

The Lake County Water Authority owns the 70' access tract on the eastern property boundary. This tract provides an access road and paved parking area for the conservation area owned by the Water Authority located along the south side of Johns Lake. This property and has an existing FLU of Conservation.

Eddy Property Clermont, Florida



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EXHIBIT 1

Eddy Property Clermont, Florida



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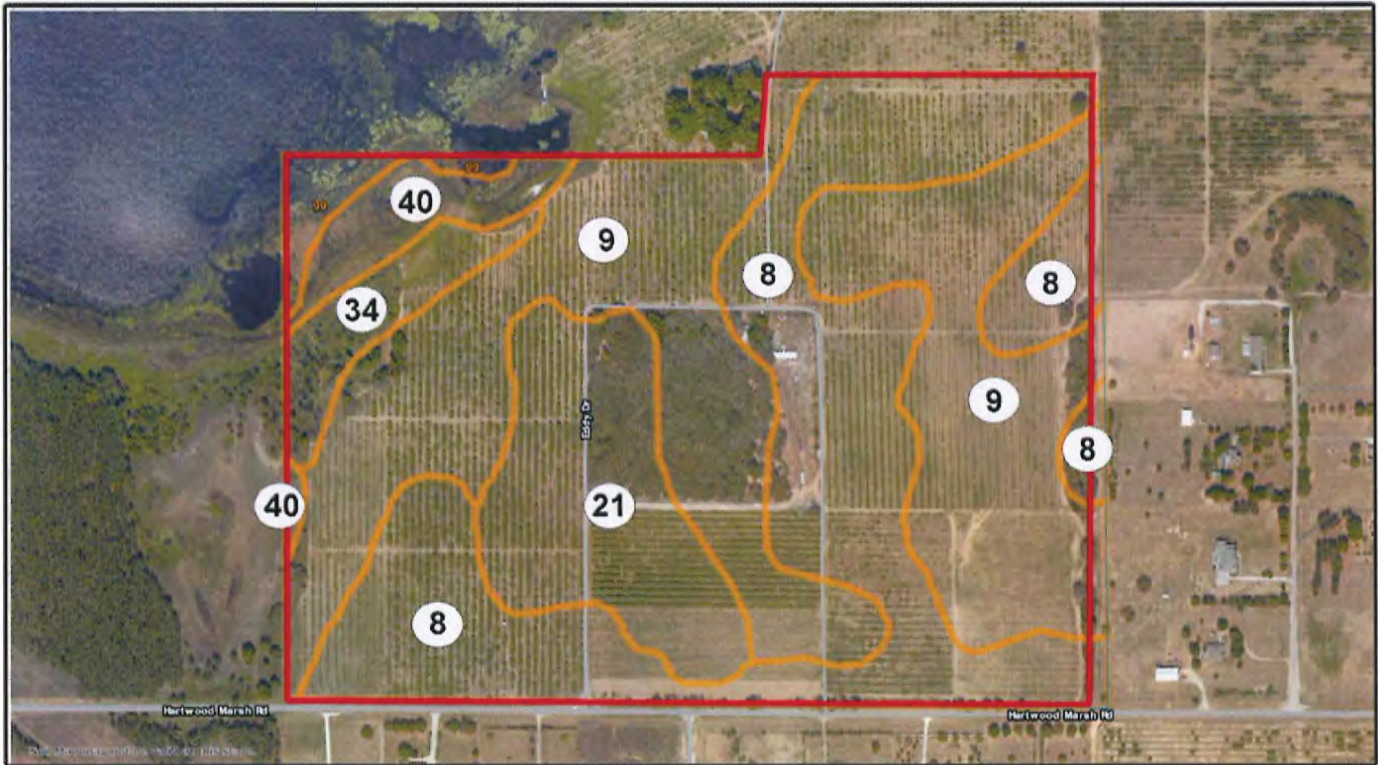
Phone 407.740.7373 · www.dalydesign.com

Job No.: 1709 Scale: nts Date: August 2017



EXHIBIT 2

Eddy Property Clermont, Florida



LEGEND

- 8 - CANDLER SAND, 0 TO 5% SLOPES**
- 9 - CANDLER SAND, 5 TO 12% SLOPES**
- 21 - LAKE SAND, 0 TO 5% SLOPES**
- 34 - ORLANDO FINE SAND**
- 40 - PLACID AND MYAKKA FINE SANDS, DEPRESSIONAL**



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EXHIBIT 3

Eddy Property Comprehensive Plan Amendment

The southern property boundary has frontage on the north side of Hartwood Marsh Road. There are (8) 5 acre lots within Lake County that front along the south side of Hartwood Marsh Road. These existing residential homes have an existing FLU of Rural. (Exhibit 4)

1.4 Project Overview:

The requested Comprehensive Policy Plan Amendment (CPPA) is to amend the Future Land Use Map (FLUM) on the subject site from Lake County Rural (R) to the City of Clermont Low Density Residential (LDR). Currently the site is within the jurisdictional boundary of Lake County; however an annexation request to annex into the City of Clermont has been submitted along with the CPPA. (Exhibit 5)

The applicant seeks approvals to develop a maximum of 340 single family units on 114.39 acres of land. The site is contiguous on the western property boundary to the City of Clermont and the Heritage Hill Subdivision along Hartwood Marsh Road. The site is within the Interlocal Service Boundary Agreement (ISBA) and will receive utility service from the City of Clermont.

The requested CPPA seeks approvals to amend the existing FLU from Lake County Rural to the City of Clermont Low Density Residential in order to develop a single family detached residential community consistent with the City of Clermont's regulations. The request to develop a single family residential community is an orderly and efficient transition of uses, densities and intensities which currently exist within the City of Clermont.

1.5 Compatibility of Land Use:

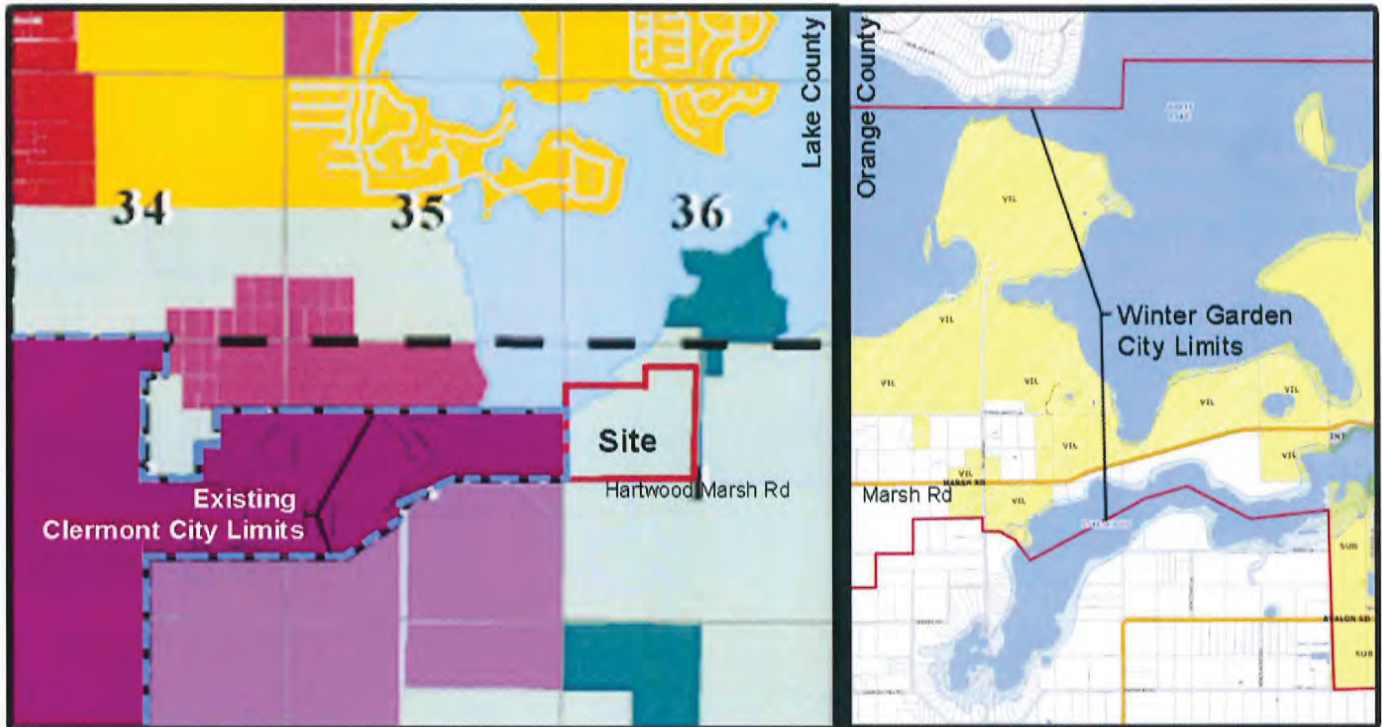
The western boundary of the subject site is contiguous with the City of Clermont. The existing Heritage Hill subdivision is a large planned community with multiple lot sizes ranging from townhome lots to single family lots. The applicant seeks approvals consistent with the Heritage Hill subdivision, which would allow for a natural extension of the existing development pattern within the Clermont City Limits and act as a transitional use to existing development within Lake County.

The majority of the northern boundary consist lakeshore along Johns Lake. However, there are (2) existing single family lots located along a portion the northern boundary line. These 2 properties have an existing Lake County FLU of R. (Alt Key: 3887116 & 1593166) Access to these sites will be provided by the internal subdivision roads within the project boundaries.

The eastern boundary is continuous to the Lake County Water Authority 70' access tract. PID# 01-23-26-000200002500 (Alt Key: 3638875). This tract acts as a natural 70' buffer to the exiting single family homes that reside within Lake County. Pedestrian and vehicular access may be provided to the Water Authorities land in order to provide access to existing conservation park lands that provide recreational opportunities for the residents of Lake County.

The City has also recently approved the Waterbrooke PD, which is large planned development located along east side of Hancock Road and the Northwest corner of Johns Lake. This community proposed 950 residential units with multiple size lots. The applicant seeks approvals consistent with the emerging development pattern being established in this area of the City.

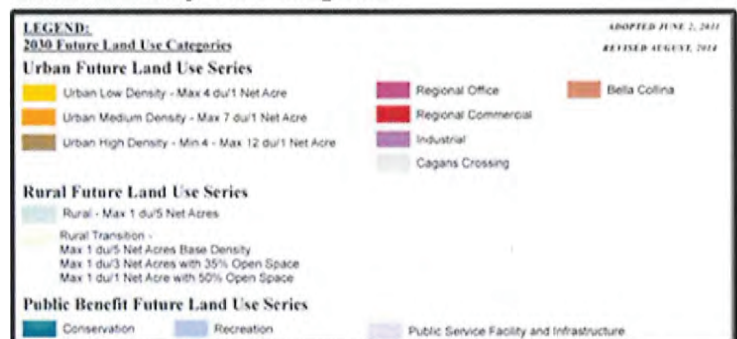
Eddy Property Clermont, Florida



Clermont FLU Legend



Lake County FLU Legend



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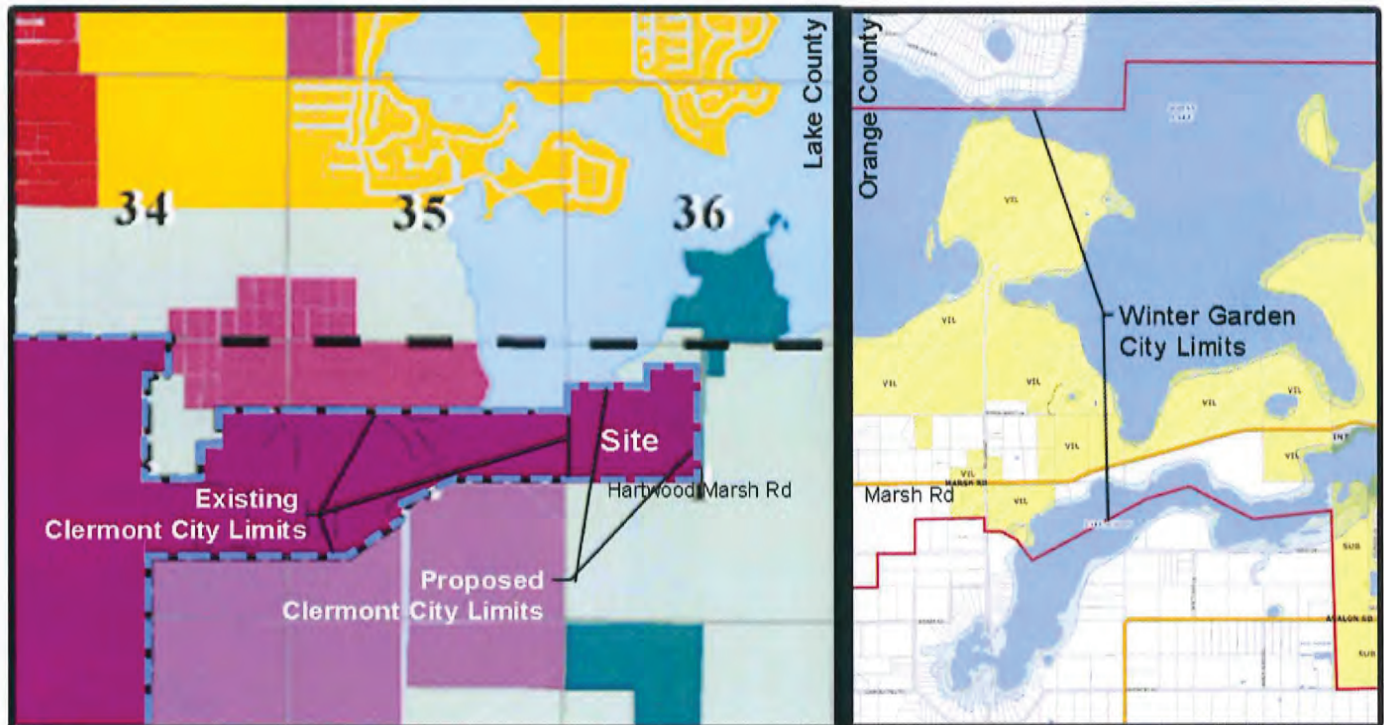
Phone 407.740.7373 · www.dalydesign.com

Job No.: 1709 Scale: nts Date: August 2017



EXHIBIT 4

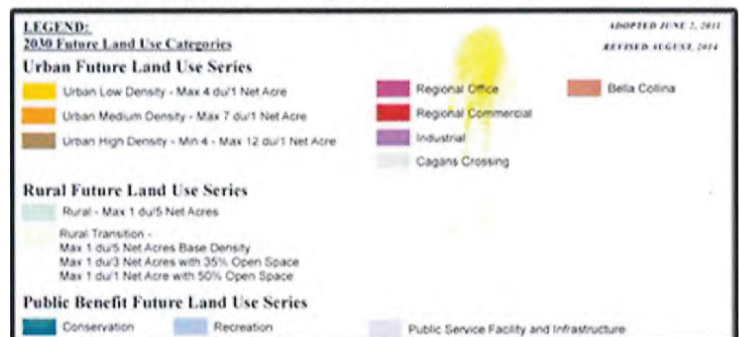
Eddy Property Clermont, Florida



Clermont FLU Legend



Lake County FLU Legend



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EXHIBIT 5

Eddy Property Comprehensive Plan Amendment

1.6 Consistency with Future Land Use Element:

This request is consistent with the following Goals, Objectives and Policies of the City of Clermont Future Land Use Element.

Objective 1.1: Discourage Urban Sprawl. The City shall discourage and/or reduce urban sprawl through a future land use pattern that promotes orderly, compact development and the provision of public facilities and services that minimize costs and environmental impacts and maximize efficiency.

Response: The application is to develop a maximum 340 single family residential lots on 114 acres of land. The site is contiguous to the City limits on the western boundary and is within the ISBA. The proposed development is consistent with the existing development pattern for this area of the City.

Policy 1.1.1: Urban services such as water and sewer shall not be extended outside the Lake County/Clermont Joint Planning Area (JPA) without a companion land use plan amendment modifying the boundary and amending the land uses. An exception may be considered where public health, safety and welfare require a community water system or the extension of water service to ensure safe potable water.

Response: The subject site is within the ISBA. Existing utility services are located along Hartwood Marsh Road and the developer will extend these services to the proposed community.

Policy 1.2.1: The City shall consider the compatibility of adjacent future land use categories during the land use plan amendment process. The City shall consider potential maximum densities and intensities and the appropriate transition of uses, densities and intensities.

Response: The proposed development is consistent with the existing development pattern within the Heritage Hills subdivision located to the west of the site. The proposed development proposes a mixture of lot sizes that will act as a transition of uses from the existing development within the City and the existing residential development to the east that will remain in Lake County.

Policy 1.6.1: Low-Density Residential. Areas delineated on the FLUM for low-density residential development shall accommodate a maximum density of up to three dwelling units per acre and shall be comprised primarily of single-family detached homes on individual lots.

Response: The subject site is a 114.39 acre parcel that would allow for a maximum 340 single family lots developed at 3du/ac.

Policy 1.12.3: The City shall encourage requests for voluntary annexation into the City when those lands are logical extensions of the existing City limits, when services can be properly provided and when proposed uses are compatible with the City's comprehensive plan.

Response: The applicant has filed for voluntary annexation in the City. The proposed development offers a logical extension of the existing city limits and urban services. The site is located within the ISBA and the City has capacity to service the site.

Eddy Property Comprehensive Plan Amendment

1.7 Level of Services:

The average household in Lake County per the 2010 census is 2.45 persons per household. It is estimated that this community will generate approximately 833 persons. The subject parcel is within the ISBA and the City has capacity to serve the community.

This community will generate 58,310gpd (70gpd per capita) of wastewater. The city has capacity to serve this community.

This community will use 83,300gpd (100gpd per capita) of Potable water. The city has capacity to serve this community.

This community will produce 5,523 lbs per day (6.63 lbs per capita). The City of Clermont will provide service to this community.

Active and passive recreation shall be provided consistent with the residential PUD requirements.

The applicant shall submit an Adequate School Facilities Determination application and will work with the City and the School Board to ensure adequate level of service is provided to the community.

A traffic study demonstrating roadway LOS shall be submitted under a separate cover.

October 11, 2017

Mr. John Kruse
Senior Planner
City of Clermont
685 W. Montrose St.
Clermont, Fl. 34711

Re: Eddy Property Future land use application

Mr. Kruse,

It has come to our attention that the application to amend the cities future Land Use Map did not indicate the appropriate requested designation. That application requested a future land use designation of MPD (master planned development). The correct request should be Low Density Residential.

Please accept this letter as a change in our request to amend the cities future land use on the Eddy property to Low Density Residential.

Attached are an updated project narrative and the zoning plan that reflects this change.

We apologize for the inconvenience. Please let us know if you need anything further on this matter.

Sincerely



Thomas Daly
President





**CITY OF CLERMONT
COMPREHENSIVE PLAN AMENDMENT
Application**

DATE: 09/06/2017

FEE: \$2,325.00

Project Name (if applicable): Eddy Property

Applicant: Chuck Piper

Contact Person: Chuck Piper

Address: 804 W 2nd Ave

City: Windermere State: Florida Zip: 32786

Phone: 407-908-6986 Fax: _____

E-Mail: chuckpiper@cfl.rr.com

OWNER: Mary Eddy

Address: 11955 Eddy Drive

City: Winter Garden State: Florida Zip: 34783

Phone: _____ Fax: _____

E-Mail: _____

General Location: East of Heritage Hills subdivision, North side of Hartwood Marsh Rd
Eddy Drive Winter Garden FL

Legal Description (include copy of survey): _____

NW 1/4--LESS N 400 FT & LESS E 70 FT & LESS FROM N 1/4 COR [OF SEC RUN S 0-24-23 E ALONG E LINE OF NW 1/4
A DIST OF 400 FT, S 89-45-17 W ALONG S LINE OF N 400 FT OF NW 1/4 A DIST OF 1007.31 FT FOR POB, RUN S
23-44-13 W 92.02 FT, S 01-41-26 W 206.35 FT, S 0-54-02 E 132 FT, S 89-45-17 W 1573.47 FT TO W LINE OF SEC, N
0-08-15 W ALONG SAID W LINE 422.30 FT TO S LINE OF N 400 FT OF NW 1/4, N 89-45-17 E 1615.54 FT TO POB &
LESS S 33 FT FOR RD R/W-- [ORB 1529 PG 1669]

Property size (in acres or square feet): 114 ac

Flood hazard area (yes) ☒ and approx. acreage 6.4 ac (no) _____

Existing (Actual) Land Use: (Vacant Orange Grove)

Existing Zoning: A-1

Existing Future Land Use: Rural (Lake County)

Proposed Future Land Use: MPD (City of Clermont)

Type of development proposed: Develop a maximum 340 Single Family Residential Units





Proposed density (dwelling units/acre) or intensity: 3 du/ac

Proposed Zoning District: PD

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

See attached Comprehensive Plan Amendment Report

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
Development Services Department
685 W. Montrose St.
P.O. Box 120219
Clermont, FL. 34712-0219
(352) 394-4083 Fax: (352) 394-3542



OWNER'S AFFIDAVIT

STATE OF FLORIDA
COUNTY OF LAKE:

Before me, the undersigned authority personally appeared

Mary Eddy, 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 Lake County Rural to City of Clermont Master Planned Development for the property legally described on the attachment of this application.
3. That the owner of said property has appointed Chuck Piper 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. Chuck Piper as applicant

Mary B Eddy as owner
Affiant - Applicant Name (print)

X Mary B Eddy
Affiant - Applicant Name (signature)

SWORN to and SUBSCRIBED before me by

or personally known by me this 1st day of September, 2017.



X Laura Torres
Notary Public, State of Florida at Large

My Commission Expires: 7/20/2020



APPLICANT'S AFFIDAVIT

STATE OF FLORIDA
COUNTY OF LAKE:

Before me, the undersigned authority personally appeared

Chuck Piper

, 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 Lake County Rural to City of Clermont MPD 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.

Chuck Piper

Affiant - Applicant Name (print)

X

[Signature]

Affiant - Applicant Name (signature)

SWORN to and SUBSCRIBED before me by

or personally known by me this 6th day of SEPT, 2017



X

[Signature]

Notary Public, State of Florida at Large

My Commission Expires: 5/24/2018

Rick Scott
GOVERNOR



Cissy Proctor
EXECUTIVE DIRECTOR

December 21, 2017

The Honorable Gail Ash
Mayor, City of Clermont
685 Montrose Street
Clermont, Florida 34711

Dear Mayor Ash

The Department of Economic Opportunity ("Department") has completed its review of the proposed comprehensive plan amendment for the City of Clermont (Amendment No. 17-3ESR), which was received on November 27, 2017. We have reviewed the proposed amendment pursuant to the expedited state review process in Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comments related to important state resources and facilities within the Department's authorized scope of review that will be adversely impacted by the amendment if adopted.

The City is reminded that pursuant to Section 163.3184(3)(b), F.S., other reviewing agencies have the authority to provide comments directly to the City. If other reviewing agencies provide comments, we recommend the City consider appropriate changes to the amendment based on those comments. If unresolved, such reviewing agency comments could form the basis for a challenge to the amendment after adoption.

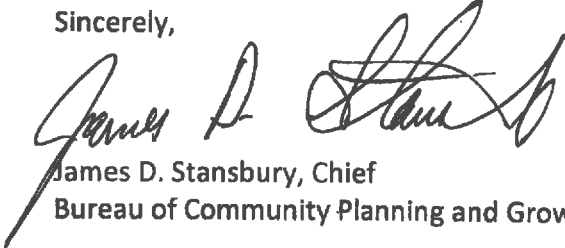
The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. Also, please note that Section 163.3184(3)(c)1, F.S., provides that if the second public hearing is not held within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.floridajobs.org
www.twitter.com/FLDEO | www.facebook.com/FLDEO

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

If you have any questions concerning this review, please contact Dan Evans, Planning Analyst, by telephone at (850) 717-8484 or by email at Dan.Evans@deo.myflorida.com.

Sincerely,



James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/de

Enclosure(s): Procedures for Adoption

cc: Shannon Schmidt, Director, Clermont Office of Economic Development
Hugh W. Harling, Jr., Executive Director, East Central Florida Regional Planning Council



Florida Department of Transportation

**RICK SCOTT
GOVERNOR**

719 South Woodland Boulevard
DeLand, Florida 32720

**MIKE DEW
SECRETARY**

December 20, 2017

Shannon J. Schmidt
Director Economic Development & CRA
685 W. Montrose Street
Clermont, FL 34711

SUBJECT: PROPOSED COMPREHENSIVE PLAN AMENDMENT
LOCAL GOVERNMENT: CITY OF CLERMONT
DEO #: 17-3ESR

Dear Ms. Schmidt,

The Department of Transportation has completed its review of the subject Comprehensive Plan Amendment as requested in your memorandum dated November 16, 2017.

We appreciate the opportunity to participate in this review process and we offer our technical assistance with this letter. Since the proposed amendment is not expected to have adverse impacts to the State Highway System (SHS) and Strategic Intermodal System (SIS), the Department does not have any comments or recommendations.

If you have any questions, you may contact Steve Shams at 386-943-5421 or by e-mail at Steve.Shams@dot.state.fl.us.

Sincerely,

Jean Parlow
Growth Management Coordinator

Attachment

C: Robert Chandler IV, Lake County
Fred Milch, ECFRPC
Carmen Monroy, FDOT
Dana Reiding, FDOT

David J. Cooke, FDOT
Jennifer Carver, FDOT
Sherry Spiers, DEO
D. Ray Eubanks, DEO

COMPREHENSIVE PLAN AMENDMENT PROPOSED REVIEW COMMENTS

Local Government: City of Clermont
DEO Amendment #: 17-3ESR
Date Amendment Received FDOT: 11/28/2017
Review Comments Deadline: 12/28/2017
Today's Date: 12/20/2017

GENERAL BACKGROUND INFORMATION

The City of Clermont has submitted the proposed Clermont 17-3ESR large scale Comprehensive Plan Amendment for a Future Land Use Map (FLUM) amendment pertaining to 114.39+ acres located on the north side of Hartwood Marsh Road approximately 0.8 miles west of the Lake County/Orange County line. The amendment proposes to change the Future Land Use (FLU) designation of the subject parcel from Lake County Rural to City of Clermont Low Density Residential.

The pertinent FLUM designation and description for the FLU amendment include the following:

- **LAKE COUNTY – RURAL**

This land use designation is intended to protect rural lifestyles represented by single-family homes on large lots and to accommodate agricultural pursuits. This Future Land Use Category provides for residential development, agricultural operations, civic uses compatible with a rural community, and Rural Support functions where appropriate.

Maximum allowed density: Residential – Not to exceed one (1) dwelling unit per five (5) acres.

- **CITY OF CLERMONT – LOW DENSITY RESIDENTIAL**

This land use is intended to provide for low-density residential development and shall be comprised primarily of single-family detached homes on individual lots.

Maximum allowed density: Residential – Not to exceed three (3) dwelling units per one (1) acre.

FDOT Contact:	Steve Shams, MURP In-house Consultant FDOT District 5	Reviewed by:	Tyler K. Johnson, AICP
Telephone:	386-943-5421		Vanasse Hangen Brustlin, Inc.
Fax:	386-943-5713		407-839-4006
E-mail:	Steve.Shams@dot.state.fl.us		407-839-4008
File:	H:\OOC\Planning\Growth Management\CPA Project Files\Clermont_Lake\Review\2017\17-3ESR\Proposed\Clermont_Proposed_17-3ESR_Review.docx		tjohnson@vhb.com

COMPREHENSIVE PLAN AMENDMENT PROPOSED REVIEW COMMENTS

Local Government: City of Clermont
DEO Amendment #: 17-3ESR
Date Amendment Received FDOT: 11/28/2017
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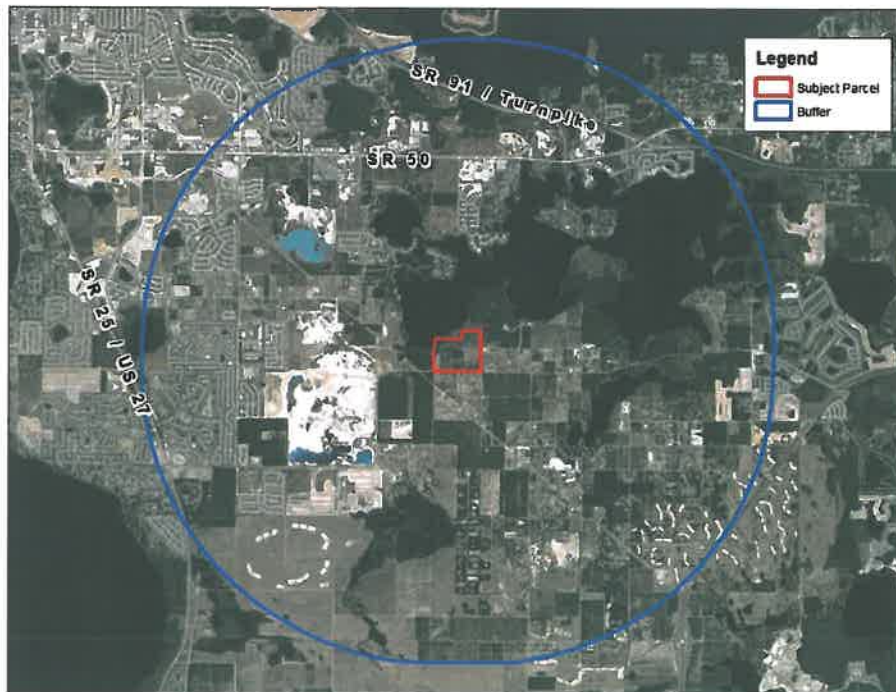
FUTURE LAND USE MAP AMENDMENT

Elements: Future Land Use Element (Future Land Use Map)
Rule Reference: Chapter 163, Florida Statutes

Background:

The City of Clermont has submitted the proposed Clermont 17-3ESR large scale Comprehensive Plan Amendment for a FLUM amendment pertaining to 114.39+ acres located on the north side of Hartwood Marsh Road approximately 0.8 miles west of the Lake County/Orange County line. The amendment proposes to change the FLU designation of the subject parcel from Lake County Rural to City of Clermont Low Density Residential. The subject area is depicted in Figure 1.

Figure 1: Location Map



FDOT Contact: Steve Shams, MURP
In-house Consultant
FDOT District 5
386-943-5421
386-943-5713
E-mail: Steve.Shams@dot.state.fl.us
File: H:\OOO\Planning\Growth Management\CPA Project Files\Clermont_Lake\Review\2017\17-3ESR\Proposed\Clermont_Proposed_17-3ESR_Review.docx

Reviewed by: Tyler K. Johnson, AICP
Vanasse Hangen Brustlin, Inc.
407-839-4006
407-839-4008
tjohnson@vnb.com

COMPREHENSIVE PLAN AMENDMENT PROPOSED REVIEW COMMENTS

Local Government: City of Clermont
DEO Amendment #: 17-3ESR
Date Amendment Received FDOT: 11/28/2017
Review Comments Deadline: 12/28/2017
Today's Date: 12/20/2017

Included in the transmittal package by the City of Clermont were several documents (including Lake-Sumter MPO review comments regarding a proposed Traffic Impact Study Methodology) related to the proposed amendment; however, no Traffic Impact Study was provided with the transmittal. Lake-Sumter TPO's comments indicated the subject parcel is planned to be developed as 340 dwelling units. The maximum allowable development program under the proposed FLU is 343 dwelling units; therefore, a development of 343 d.u. was analyzed to provide a conservative analysis of the highest and best use of the subject property based on the adopted Low Density Residential FLU designation.

Table 1 below shows the difference in total trip generation potential for the proposed and adopted FLU designations.

Table 1: Trip Generation Potential of Subject Area Affected by FLUM Amendment

Scenario	Land Use Designation	ITE Land Use Code	Allowed Development		Daily Trips	P.M. Peak Hour Trips
Adopted	Lake County Rural	210	23	d.u.	268	25
Proposed	Clermont Low Density Residential	210	343	d.u.	3,233	332
Change in Trips					+2,965	+307

Source: ITE Trip Generation Manual 10th Edition
d.u. = dwelling units; s.f. = square feet

The analysis indicates the proposed amendment, would increase the trip generation potential of the 114.39± acre subject area by 2,965 daily trips and 307 P.M. peak hour trips.

The State roadway segments within three miles of the site potentially impacted by the amendment are shown in the Table 2 with year 2017, 2027, and 2040 projected volumes.

FDOT Contact: Steve Shams, MURP In-house Consultant FDOT District 5 386-943-5421 Fax: 386-943-5713 E-mail: Steve.Shams@dot.state.fl.us File: H:\OOC\Planning\Growth Management\CPA Project Files\Clermont_Lake\Review\2017\17-3ESR\Proposed\Clermont_Proposed_17-3ESR_Review.docx	Reviewed by: Tyler K. Johnson, AICP Vanasse Hangen Brustlin, Inc. 407-839-4006 407-839-4008 tjohnson@vnb.com
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COMPREHENSIVE PLAN AMENDMENT PROPOSED REVIEW COMMENTS

Local Government: City of Clermont
DEO Amendment #: 17-3ESR
Date Amendment Received FDOT: 11/28/2017
Review Comments Deadline: 12/28/2017
Today's Date: 12/20/2017

Table 2: State Roadway Segments Affected by FLUM Amendment

Roadway(s)	Segment(s)	SHS / SIS ?	LOS Standard	2017			2027			2040		
				Service Volume at LOS Standard	AADT	Acceptable?	Service Volume at LOS Standard	AADT	Acceptable?	Service Volume at LOS Standard	AADT	Acceptable?
SR 25 / US 27	Lake Louisa Rd to Hartwood Marsh Rd	Y	D	62,900	24,000	Y	62,900	28,300	Y	62,900	36,700	Y
	Hartwood Marsh Rd to Johns Lake Rd/Roper Blvd	Y	D	62,900	35,200	Y	62,900	39,900	Y	62,900	48,000	Y
SR 50	Sky Top View Way to Hancock Rd	Y	D	62,900	58,200	Y	62,900	66,900	N	62,900	82,700	N
	Hancock Rd to Orange County Line	Y	D	62,900	61,800	Y	62,900	71,700	N	62,900	90,300	N
	Lake County Line to FL Turnpike/SR 91	Y	D	59,900	49,600	Y	59,900	59,000	Y	59,900	78,300	N
	FL Turnpike/SR 91 to CR 545	Y	D	59,900	28,100	Y	59,900	32,600	Y	59,900	41,300	Y
SR 91 / Turnpike	Orange County Line to N of SR 19	Y	D	74,400	50,000	Y	74,400	66,200	Y	74,400	104,600	N
	SR 50 to Lake County Line	Y	D	148,700	80,900	Y	148,700	106,000	Y	148,700	165,200	N
	NB on-ramp from SR 429 to SR 50	Y	D	74,400	48,000	Y	148,700	63,500	Y	148,700	100,400	Y

Source: FDOT District Five 2016 LOS_ALL Report Update

Technical Assistance:

There are three segments of SR 50 and two segments of SR 91 / Turnpike located within three miles of the proposed amendment site projected to exceed LOS standards through the year 2040. This condition exists with or without the proposed amendment. The proposed FLUM amendment results in an increase in the trip generation potential for the subject parcel. However, the expected impacts to the State Highway System (SHS) and the Strategic Intermodal System (SIS) as a result of the increase in trip generation are not significant. Therefore, the Department does not have any comments or recommendations for the proposed amendment.

The Department does not have any comments or recommendations.

FDOT Contact: Steve Shams, MURP In-house Consultant FDOT District 5 Telephone: 386-943-5421 Fax: 386-943-5713 E-mail: Steve.Shams@dot.state.fl.us File: H:\OOC\Planning\Growth Management\CPA Project Files\Clermont_Lake\Review\2017\17-3ESR\Proposed\Clermont_Proposed_17-3ESR_Review.docx	Reviewed by: Tyler K. Johnson, AICP Vanasse Hangen Brustlin, Inc. 407-839-4006 407-839-4008 tjohnson@vhb.com
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COMPREHENSIVE PLAN AMENDMENT PROPOSED REVIEW COMMENTS

Local Government: City of Clermont
DEO Amendment #: 17-3ESR
Date Amendment Received FDOT: 11/28/2017
Review Comments Deadline: 12/28/2017
Today's Date: 12/20/2017

The Department respectfully requests a copy of the adopted plan. Please provide the adopted plan within 10 working days of adoption, in order to assist in facilitating review within the required 30-day time frame from adoption, as required by Statutes (Expedited State Review Amendment Process Section 163.3184(3) and (5), Florida Statutes).

FDOT Contact:	Steve Shams, MURP In-house Consultant FDOT District 5	Reviewed by:	Tyler K. Johnson, AICP
Telephone:	386-943-5421		Vanasse Hangen Brustlin, Inc.
Fax:	386-943-5713		407-839-4006
E-mail:	Steve.Shams@dot.state.fl.us		407-839-4008
File:	H:\OOC\Planning\Growth Management\CPA Project Files\Clermont_Lake\Review\2017\17-3ESR\Proposed\Clermont_Proposed_17-3ESR_Review.docx		tjohnson@vhb.com

John E. Kruse

Eddy

From: Shannon Schmidt
Sent: Tuesday, December 19, 2017 2:03 PM
To: John E. Kruse
Subject: FW: Clermont 17-3ESR Proposed

Eddy, I believe

From: Plan_Review [mailto:Plan.Review@dep.state.fl.us]
Sent: Tuesday, December 19, 2017 1:57 PM
To: Shannon Schmidt <sschmidt@clermontfl.org>; DCPexternalagencycomments <DCPexternalagencycomments@deo.myflorida.com>
Cc: Plan_Review <Plan.Review@dep.state.fl.us>
Subject: Clermont 17-3ESR Proposed

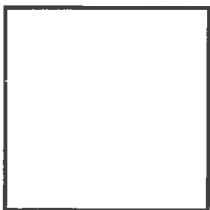
To: Shannon Schmidt, Director

Re: Clermont 17-3ESR – Expedited State Review of Proposed Comprehensive Plan Amendment

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

Please submit all future amendments by email to plan.review@dep.state.fl.us. If your submittal is too large to send via email or if you need other assistance, contact Suzanne Ray at (850) 717-9037.



From: Steve Fitzgibbons <SFitzgibbons@sjrwmd.com>
Sent: Tuesday, December 19, 2017 8:38 AM
To: Shannon Schmidt; John E. Kruse
Cc: DCPexternalagencycomments@deo.myflorida.com
Subject: City of Clermont proposed comprehensive plan amendment 17-3ESR

Dear Ms. Schmidt,

St. Johns River Water Management District (District) staff have reviewed City of Clermont proposed comprehensive plan amendment 17-3ESR in accordance with the provisions of Chapter 163, *Florida Statutes*. Based on review of the submitted materials, District staff have no comments on the proposed amendment.

As a reminder, the District approved the 2015 Central Florida Water Initiative Regional Water Supply Plan (CFWI RWSP) in November 2015. In May 2016 and March 2017, the District contacted the City regarding the need to update their Water Supply Facilities Work Plan (Work Plan) within 18 months (i.e., by May 2017) of governing board approval of the CFWI RWSP (in November 2015). The District is providing this email as a reminder about the requirement to adopt an updated Work Plan and related comprehensive plan amendment. To find more information about the CFWI RWSP please visit cfwiwater.com.

If you have any questions or need additional information, please contact me. Please note that all proposed and adopted comprehensive plan amendments can be submitted to the District by email at sfitzgibbons@sjrwmd.com.

Sincerely,
Steve Fitzgibbons

Steven Fitzgibbons, AICP
Intergovernmental Planner
Governmental Affairs Program
St. Johns River Water Management District
7775 Baymeadows Way, Suite 102
Jacksonville, FL 32256
Office (386) 312-2369
E-mail: sfitzgibbons@sjrwmd.com
Website: www.sjrwmd.com

Connect with us: [Newsletter](#), [Facebook](#), [Twitter](#), [Instagram](#), [YouTube](#), [Pinterest](#)



www.sjrwmd.com/epermitting

We value your opinion. Please take a few minutes to share your comments on the service you received from the District by clicking this [link](#)

Notices

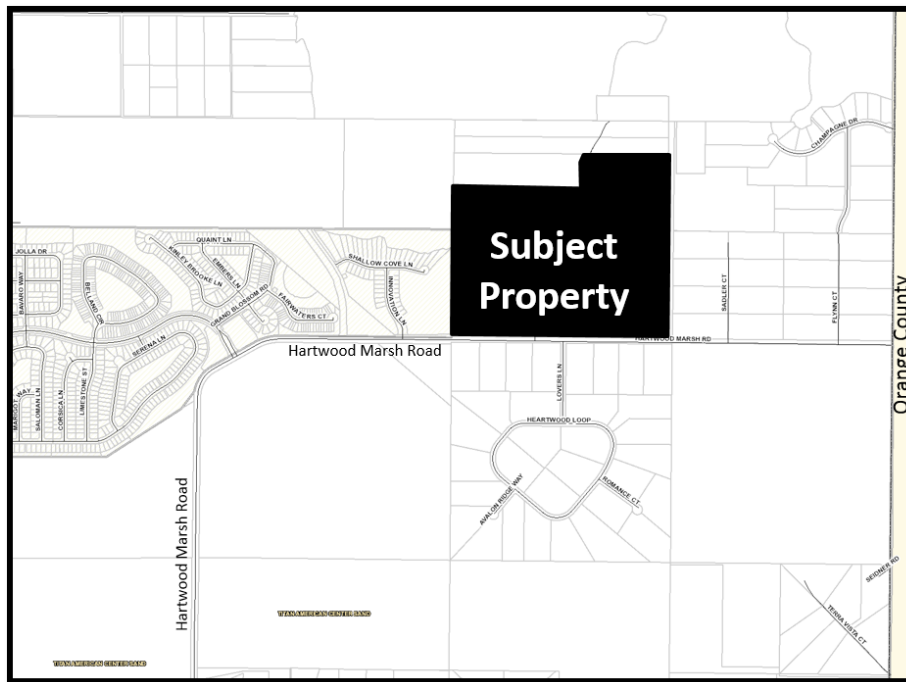
- Emails to and from the St. Johns River Water Management District are archived and, unless exempt or confidential by law, are subject to being made available to the public upon request. Users should not have an expectation of confidentiality or privacy.
- Individuals lobbying the District must be registered as lobbyists (§112.3261, Florida Statutes). Details, applicability and the registration form are available at <http://www.sjrwmd.com/lobbyist/>

CITY OF CLERMONT

NOTICE OF PROPOSED AMENDMENT TO COMPREHENSIVE PLAN ORDINANCE NO. 2017-41

The City of Clermont will hold public hearings on Tuesday, November 7, 2017 at 6:30 p.m. before the Planning and Zoning Commission to consider a proposed change to the City's Future Land Use Map; and on Tuesday, November 14, 2017 at 6:30 p.m. before the City Council to consider introduction of the ordinance and transmittal of the proposed amendment. The map amendment would change the Future Land Use designation for the parcel below from Lake County Rural to Low Density Residential.

The City of Clermont will hold a public hearing on Tuesday, January 23, 2018 (final hearing) beginning at 6:30 p.m. before the City Council to consider the adoption of the proposed change to the City's Future Land Use Map.



Location:

$\frac{3}{4}$ of a mile east of Heritage Hills Boulevard on Hartwood Marsh Road,
North of the intersection of Lovers Lane and Hartwood Marsh Road
Alternate Key 1593174

Ordinance #2017-41:

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.

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 Howe, MMC
City Clerk

Daily Commercial
October 27, 2017 and January 9, 2018



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date	
Tuesday, January 23, 2018	
Agenda Item Name	
Ordinance No. 2017-42 <i>Final</i> <i>Eddy Property</i>	
Requested Action	
Recommend approval of Ordinance 2017-42.	
Staff Report	
The applicant, Chuck Piper, is requesting a rezoning to a Planned Unit Development (PUD) consisting of up to 340 single-family residential units on 114.39 +/- acres. The property is east of the Heritage Hills Development, north of Hartwood Marsh Road. This request is being heard concurrently with requests for annexation and a large-scale comprehensive plan amendment. The property is currently in Lake County with a zoning designation of Rural. Once the property is annexed, it will become Urban Estate. The applicant has provided a conceptual site plan, prepared by Daly Design Group Inc., revision date 10-11-17, showing the proposed layout. The project will consist of up to 340 residential lots. The development will be at a density of 2.97 units per acre. The applicant desires to offer a range of lot sizes from 40 feet in width up to 75 feet in width. The minimum lot area ranges from 4,400 square feet up to 9,000 square feet. The applicant has limited the maximum number of 40-foot wide lots to 30% of the development or a maximum of 102 lots. These lots will be placed in the interior of the project and shall not be allowed on the perimeter of the project. In addition, the applicant has included a design item table with the minimum lot sizes and associated setbacks and criteria. This has been done in the past with other Planned Unit Developments, such as WaterBrooke and Highland Ranch. Staff understands the very nature of the PUD zoning allows waivers to the Land Development Code in order to provide flexible development options for the project. The applicant has requested several waivers to the Land Development Code. These waivers include the following: 1. Allow private streets within the subdivision with gated entry/exits. Section 110-192(1) 2. Allow fifty-foot (50') right-of-way width for interior roadway network for the development instead of the minimum sixty-foot (60") right-of-way. Section 110-193 3. A minimum of 25 % of the net buildable area of the Planned Unit Development shall be provided as open space. A waiver is requested to allow individual phases of the PUD to exceed the net buildable area without providing common open space in proportion to that contained within the entire PUD. The final open space upon buildout will be 25% or greater. Section 122-316(b)4 4. Allow Impervious Surface Ratio (ISR) of 0.75 (75%) for the individual lots, while maintaining an overall PUD development ISR of 0.65 (65%). Section 122-315 (2) 5. Allow solid roof covered screen rooms to encroach seven and one-half feet (7 ½ feet) into the rear setback. Section 122-342 6. Allow street trees within the right-of-way along the frontage of a residential lot to count toward the minimum number of required trees on the lot and to allow such trees to be less than six feet from curbs and sidewalks as long	

as minimum of five feet of clearance is provided between the tree and any public potable water, wastewater or reclaimed water main. Section 118-71(1)

Staff has reviewed the applicant's proposal and believes the proposed use at this location is compatible with the uses in the area. This property is along a corridor between the City of Clermont and the City of Winter Garden that has experienced rapid growth patterns in the past several years. The City has received comments from the Lake County Water Authority, the Lake-Sumter MPO, and Lake County Public Works. Conditions have been added to the PUD ordinance to address most of the concerns. The Planning and Zoning Commission voted unanimously to deny the proposal.

Staff believes the proposal meets the standards in regards to Section 122-315, Review Criteria for a PUD. However, staff is not supportive of the fifty-foot (50') rights-of-way, the street trees counting towards the lot trees, and the impervious surface ratio (ISR) for individual lots at 75%. However, staff recognizes that these requests have been sought in other developments. Therefore, staff recommends approval of Ordinance 2017- 42 for a Planned Unit Development to be developed in substantial accordance with the conceptual site plan prepared by Daly Design Group Inc., revision date 10-11-17.

Additional Analysis

Fiscal Impact Summary

Fiscal Impact

Fund Number and Description

Available Budget Amount

Exhibits Attached (copies of original agreements)

- | | | |
|----|-------------------------------------|---|
| 1. | Ordinance 2017-42 | 2017-42EddyRezone.docx |
| 2. | Maps | Eddy Maps Final.pdf |
| 3. | Land Use Plan | Eddy Property revised LUP 10 11 17.pdf |
| 4. | Lake County Water Authority Letter | LCWA Comments.pdf |
| 5. | Lake-Sumter MPO Comments | LSMPO Comments_Eddy Property Methodology_10-2-2017.pdf |
| 6. | Lake-Sumter MPO Additional Comments | Updated LSMPO_Response to Comments-Eddy Property Methodology_10-26-2017.pdf |
| 7. | Planning and Zoning Minutes | 11-7-17.pdf |
| 8. | App | Eddy Property Rez app.pdf |
| 9. | Legal Ad | REZ Eddy Ad.docx |

CITY OF CLERMONT
ORDINANCE No. 2017-42

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 DESCRIPTION

The Northwest 1/4 of Section 1, Township 23 South, Range 26 East, less the North 400 feet and less the East 70 feet and less from the North 1/4 corner of section, run South 0°24'23" East along the East line of the Northwest 1/4 a distance of 400 feet; thence South 89°45'17" West along the South line of the North 400 feet of the Northwest 1/4 a distance of 1007.31 feet for Point of Beginning; thence run South 23°44'13" West 92.02 feet; thence South 01°41'26" West 206.35 feet; thence South 00°54'02" East 132 feet; thence South 89°45'17" West 1573.47 feet to West line of said section; thence North 0°08'15" West along said West line 422.30 feet to South line of North 400 feet of the Northwest 1/4; thence North 89°45'17" East 1615.54 feet to the Point of Beginning and less the South 33 feet for road right of way, and lying and being in Section 1, Township 23 South, Range 26 East, Lake County, Florida.

The above described tract of land contains 114.394 acres more or less.

LOCATION

¾ of a mile east of Heritage Hills Boulevard on Hartwood Marsh Road,
North of the intersection of Lovers Lane and Hartwood Marsh Road
Alternate Key 1593174

From: Urban Estate (UE)
To: Planned Unit Development (PUD)

CITY OF CLERMONT
ORDINANCE No. 2017-42

SECTION 2 – Land Uses:

This application for a Planned Unit Development to allow for single family residential development; be granted subject to the following conditions:

1. A total of up to 340 single family residential dwelling units may be permitted on the site, not to exceed a density of 2.97 units per acre within the project.
2. Development Standards: Development standards for the development of the residential dwelling units shall be based on the size of the lot, as indicated in the table below. The lots sizes may be adjusted over time to respond to market conditions. For example, 55 foot wide lots may be utilized within the development without an amendment to this document.

<u>Design Item</u>	<u>40' Lot*</u>	<u>50' Lot</u>	<u>60' Lot</u>	<u>75' Lot</u>
Minimum Lot Area	4,400 sf	5,500 sf	6,600 sf	9,000 sf
Minimum Living Area	1,200 sf	1,500 sf	1,500 sf	1,500 sf
Minimum Lot Width	40'	50'	60'	75'
Minimum Lot Depth	110'	110'	110'	120'
Minimum Front Building setback	15'	15'	15'	15'
Minimum Front Garage Setback	20'	20'	20'	20'
Minimum Side Yard Setback	5'	5'	5'	5'
Setback from Side Street	15'	15'	15'	15'
Minimum Rear Yard Setback	15'	15'	15'	20'
Minimum Building Separation	10'	10'	10'	10'
Minimum Rear Yard Setback for Pools, Patios, Decks, Screen Rooms or Ancillary Structures	5'	5'	5'	5'
Maximum Impervious Surface Ratio (ISR)	0.75	0.75	0.75	0.75
Maximum Building Height	40'	40'	40'	40'
Setbacks from High Water Line, Mean High Water Line, or Jurisdictional Wetland Line	50'	50'	50'	50'
Minimum front yard easement	5'	5'	5'	5'
Minimum side and Rear Yard Drainage and Utility Easement	5'	5'	5'	5'

* Limited to 102 lots or 30 percent of the approved development.

CITY OF CLERMONT
ORDINANCE No. 2017-42

3. The minimum lot size for the development shall be 4,400 square feet in size, consisting of no more than 30 percent of the approved development or 102 lots and shall not be located along the perimeter of the project and shall be internal to the subdivision.
4. Phasing of Development: The project may be developed in one or more phases.
5. The property shall be developed in substantial accordance with the Land Use Plan prepared by Daly Design Group, Inc. dated August 2017 with a revised date of October 11, 2017, attached hereto. Formal construction plans incorporating all conditions stated in this permit shall be submitted for review and approved by the Site Review Committee prior to the issuance of development permits.
6. Solid roof covered screen rooms may be allowed to encroach 7.5 feet into the rear yard setback.
7. The developer shall be allowed to construct up to five model homes prior to the recording of the initial plat for this development with the approval of the City's Fire Marshal.

SECTION 3 – Open Space:

Open Space: A minimum of 25 percent of the net buildable area of the Planned Unit Development shall be provided as open space in accordance with the Comprehensive Plan and Land Development Code (LDC), as amended. Stormwater ponds, landscape tracts, buffers, common areas and recreation tracts can be counted towards open space requirements. A waiver to Section 122-316(b)(4) has been granted to allow individual phases of the Planned Development to exceed the overall density of the Planned Unit Development and to allow individual phases of the Planned Unit Development to be developed without providing common open space in proportion to that contained within the entire Planned Unit Development.

SECTION 4 – Landscaping, Buffering, and Screening:

1. A 20-foot wide buffer with a six foot masonry/pre-cast concrete wall will be installed along the southern property line adjacent to the Hartwood Marsh Road right-of-way. The buffer will also include a solid hedge and a minimum of three (3) canopy trees and five (5) understory trees per 100 feet.
2. A fifty foot buffer is required along the eastern property line, which is a conservation area owned by the Lake County Water Authority. This buffer shall consist of Florida Friendly Landscaping and shall not contain exotic vegetation.
3. Per a private agreement between the developer and the land owner to the north, a wall and landscaping will be provided on the north side and adjacent to the property retained by the land owner.
4. No buffer is required along the western property line as this area is a conservation area on the adjacent property.

CITY OF CLERMONT
ORDINANCE No. 2017-42

5. All other landscaping, buffering, and screening requirements shall be in accordance with the Land Development Code, as amended. Existing trees may be used to meet the landscape buffer requirements in accordance with the Land Development Code, as amended.
6. A waiver to Section 118-71(1) of the Land Development Code is granted in order to allow street trees within the right-of-way of the private streets along the frontage of a residential lot to count toward the minimum number of required trees on the lot and to allow such trees to be less than six feet from the curbs and sidewalks as long as a minimum of five feet of horizontal clearance is provided between the tree and any public potable water, wastewater or reclaimed water main.

SECTION 5 – Environmental:

1. An environmental assessment addressing habitat and species shall be submitted to the City during the construction plan approval stage of the overall development. Applicable permits for any gopher tortoises and associated burrow commensal species or other endangered species found on the property must be received from the appropriate regulatory agencies prior to the initiation of the development activity.
2. Wetlands on site shall be placed in a conservation easement with the recording of the final plat for each phase of development.
3. The developer is required to notify homeowners of the Lake County Water Authority's prescribed burn program occurring on Scrub Point Preserve. This shall be accomplished through inclusion in the covenants and restrictions and other homeowner association documents. As well, the homeowners shall be notified of the existing sand mine in close proximity of the mine.

SECTION 6 – Utilities:

1. The project shall be developed in accordance with the City of Clermont Utility Standards.
2. Any proposed City maintained utilities that are not located within a City maintained right of way shall be placed in a utility easement dedicated to the City. Easements shall be provided at no expense to the City.
3. Fiber optic conduit and pull boxes may be required to be installed by the developer in the utility easements to extend the City's fiber optic network. The City's Information Technology Director will work with the developer at the time of site plan review to determine the extent of fiber optic conduit. The City will reimburse the developer at 100 percent for all costs including design, permitting, materials, and construction of the fiber optic conduit and pull boxes.

CITY OF CLERMONT
ORDINANCE No. 2017-42

SECTION 7 – Transportation Improvements/Access Management:

1. Primary site access shall be from Hartwood Marsh Road at the approximate location shown on the land use plan. A secondary entrance shall also be provided onto Hartwood Marsh Road and shall be for emergency vehicles only. The secondary emergency access point shall be approved by the City's fire marshal and be constructed prior to the issuance of the first building permit.
2. A waiver to Section 110-192(1) of the Land Development Code is granted to allow private streets with gates. The developer or Home Owner's Association will maintain the streets within the development.
3. A waiver to Section 110-193 of the Land Development Code is granted to allow for a 50-foot right-of-way for the internal private street system within the development.
4. Sidewalks are to be constructed on both sides of residential streets internally, as well as from the exiting sidewalk on the west side of the property along Hartwood Marsh Road to the eastern property boundary for the subdivision.
5. Any improvements to Hartwood Marsh Road will be at the request of Lake County Public Works Department. These include turn lanes, consisting of both left and right, at the entrance and paved shoulders within the limits of the offsite road improvements.
6. Additional right-of-way dedication along Hartwood Marsh Road may be required by Lake County Public Works. A detailed right-of-way survey for the Hartwood Marsh Road along the property frontage will be required with plan and permit submittals.
7. Coordination between the developer and Lake County Solid Waste Office, Lake County Public Works Department/Environmental Services Division, will be required to provide gate access for trash and recycling service pickups for the adjacent parcels that currently are accessing through Eddy Drive.
8. The Developer will need to provide letters of agreement for change of access and willingness to access through gated subdivision and non-public paved road from all adjacent parcels that currently access through Eddy Drive.
9. The development may have a pedestrian and road connection to the Lake County Water Authority property, as shown on the Land Use Plan, with submission of written approval from the Lake County Water Authority.
10. A Tier 3 Traffic Impact Study shall be completed and reviewed by the Lake-Sumter Metropolitan Planning Organization. The study and comments shall be shared with all jurisdictions within the traffic impact area. If the study identifies a deficiency in the Level of Service of transportation facilities due to the proposed project, the developer shall be required to participate in mitigation strategies.

CITY OF CLERMONT
ORDINANCE No. 2017-42

11. Roadway Lighting: The developer shall arrange with the power utility provider for installation of street lights along their property boundary adjacent to Hartwood Marsh Road. The cost of installation shall be paid by the developer and shall be installed prior to the first Certificate of Occupancy.
12. The development shall comply with all applicable County and Florida Department of Transportation access management requirements.

SECTION 8 – Schools:

School concurrency shall be met before final plat approval in accordance with the Comprehensive Plan and Land Development Code.

SECTION 9:

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

SECTION 10:

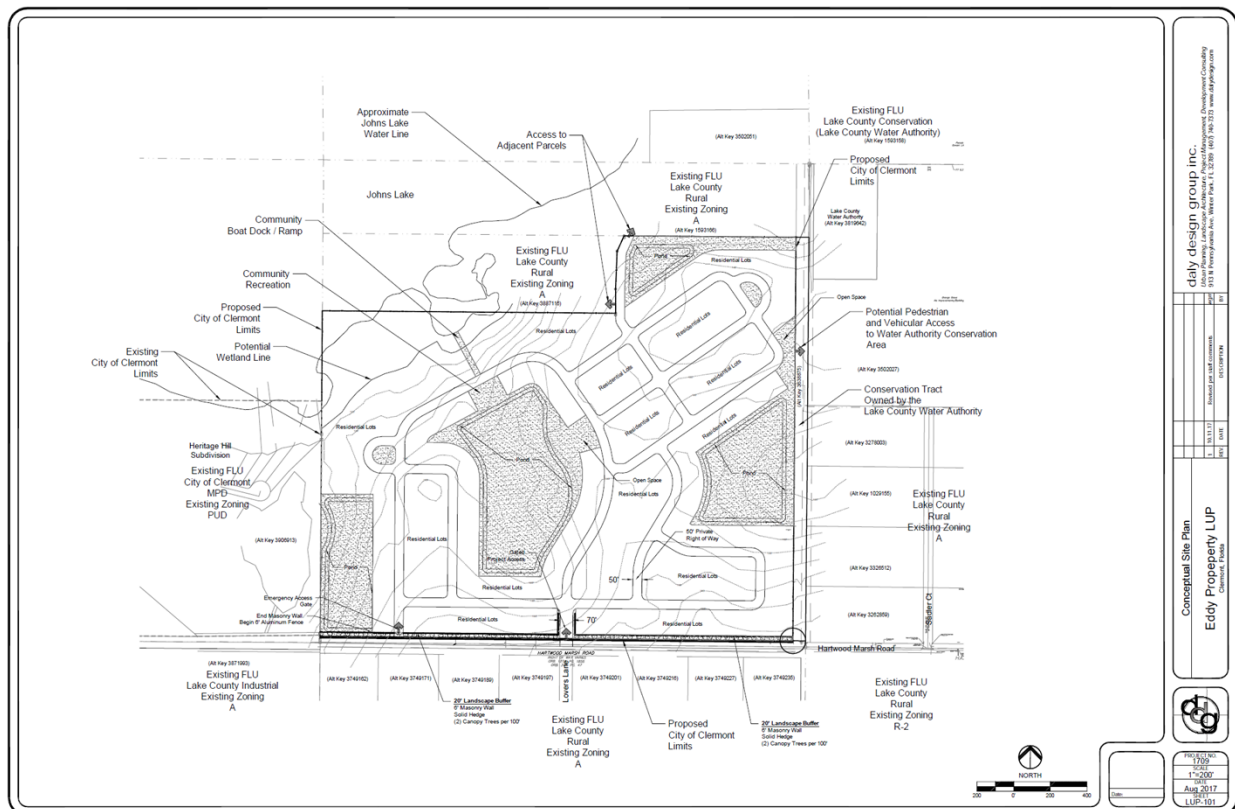
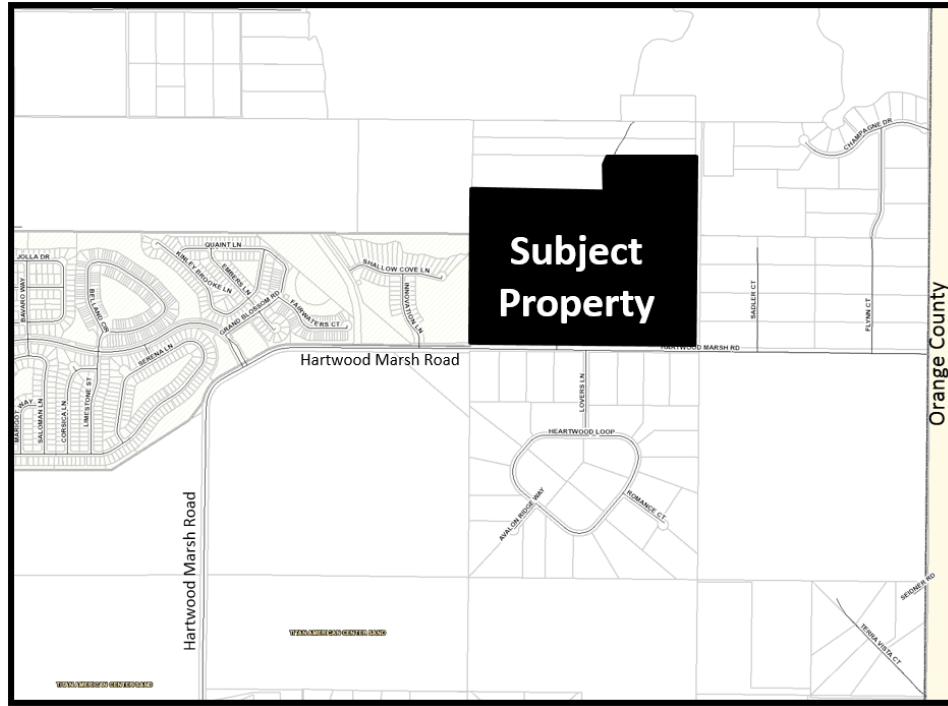
Should any Section or part of this Section be declared invalid by any court of competent jurisdiction, such adjudications shall not apply to or affect any other provision of this Ordinance, except to the extent that the entire Section or part of the Section may be inseparable in meaning and effect from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

SECTION 11:

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

CITY OF CLERMONT ORDINANCE No. 2017-42

Location map:



CITY OF CLERMONT
ORDINANCE No. 2017-42

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 23rd day of January, 2018.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, MMC, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Exhibit - Location Map - Eddy Property

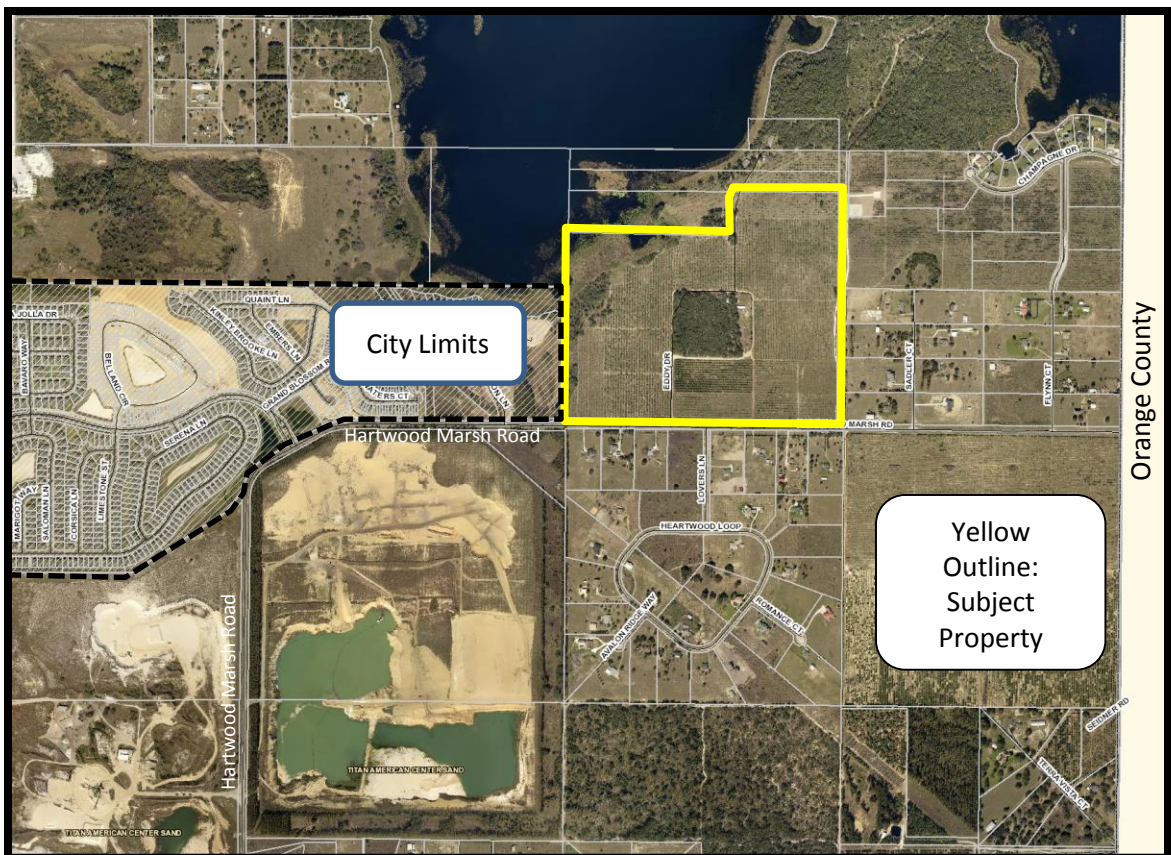
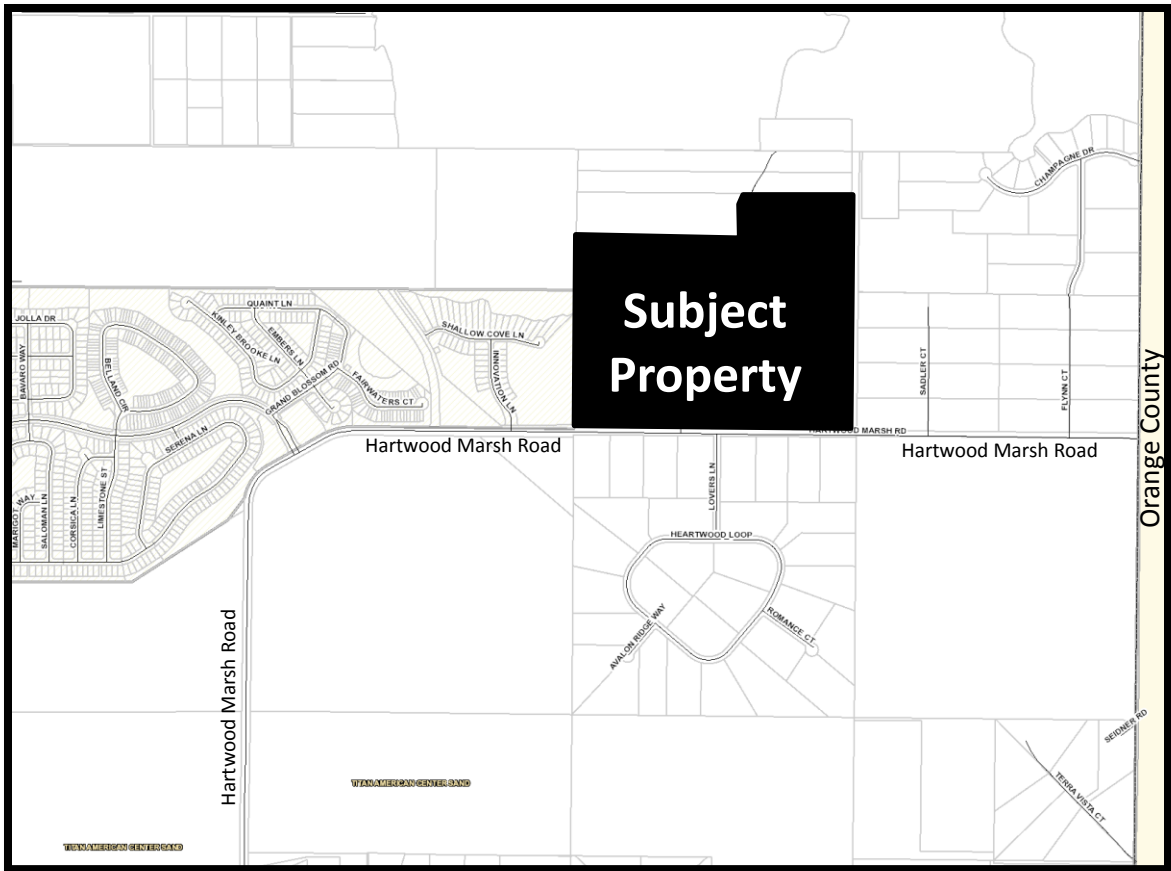


Exhibit – Future Land Use Map – Eddy Property

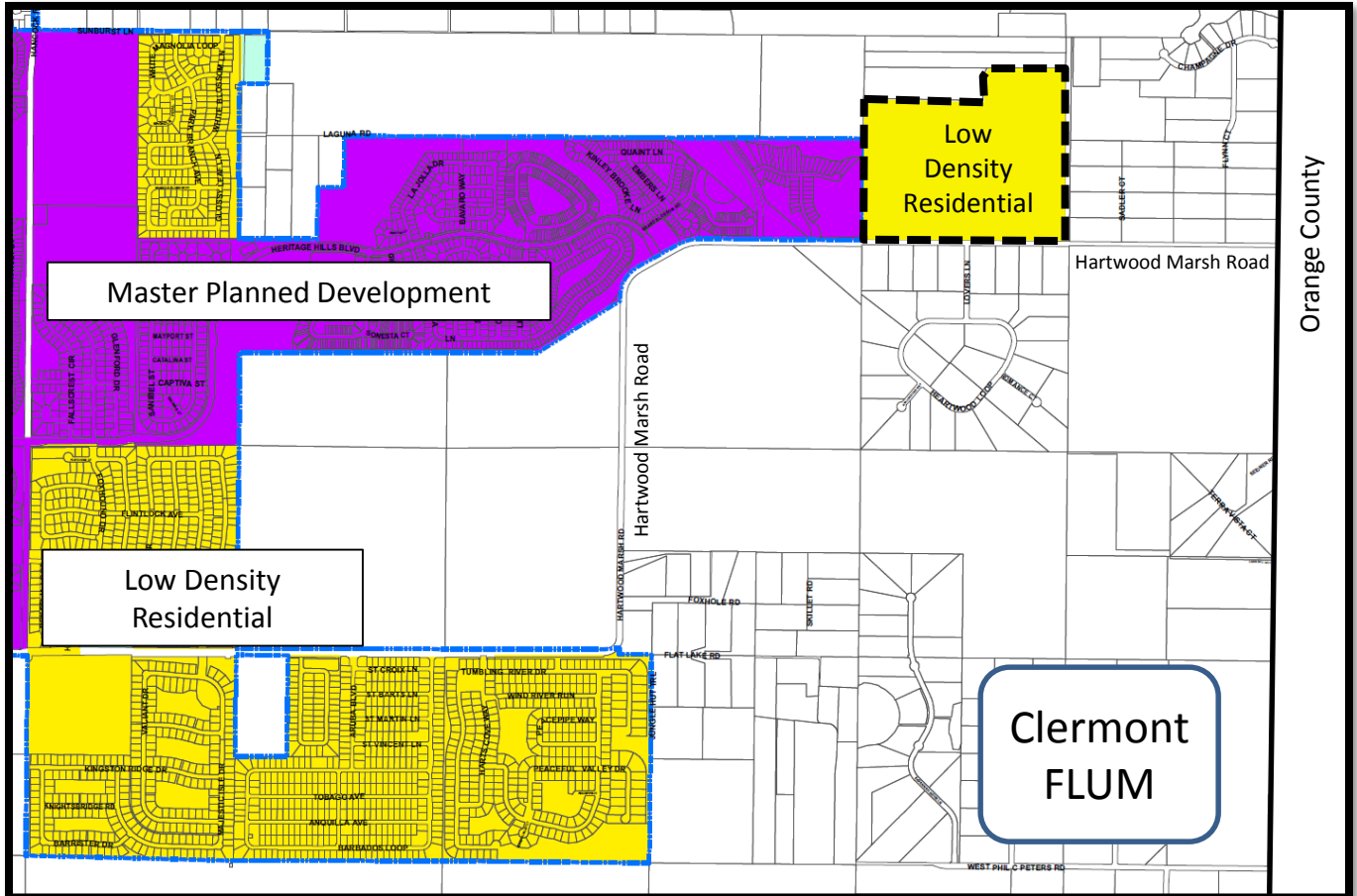
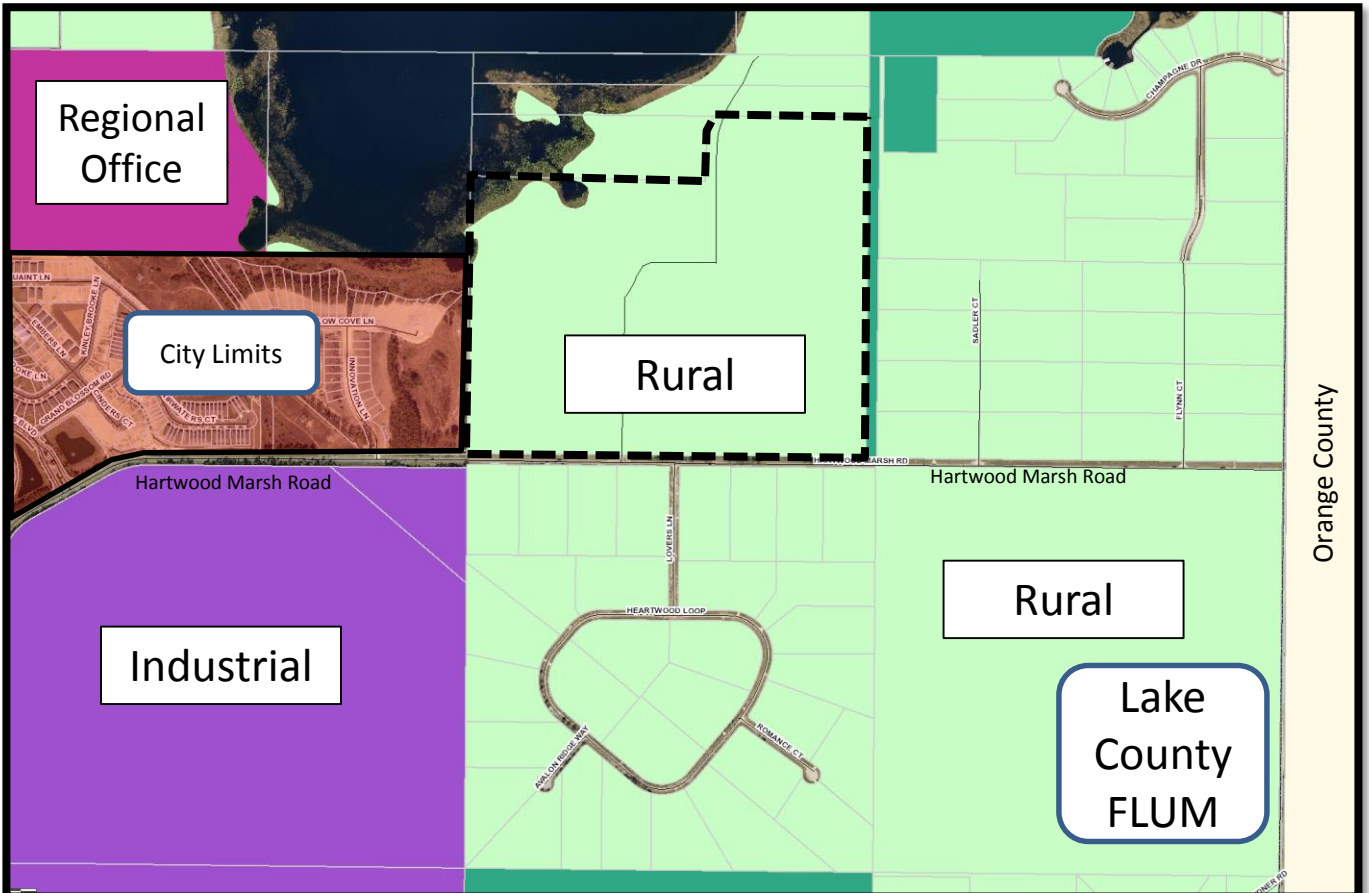
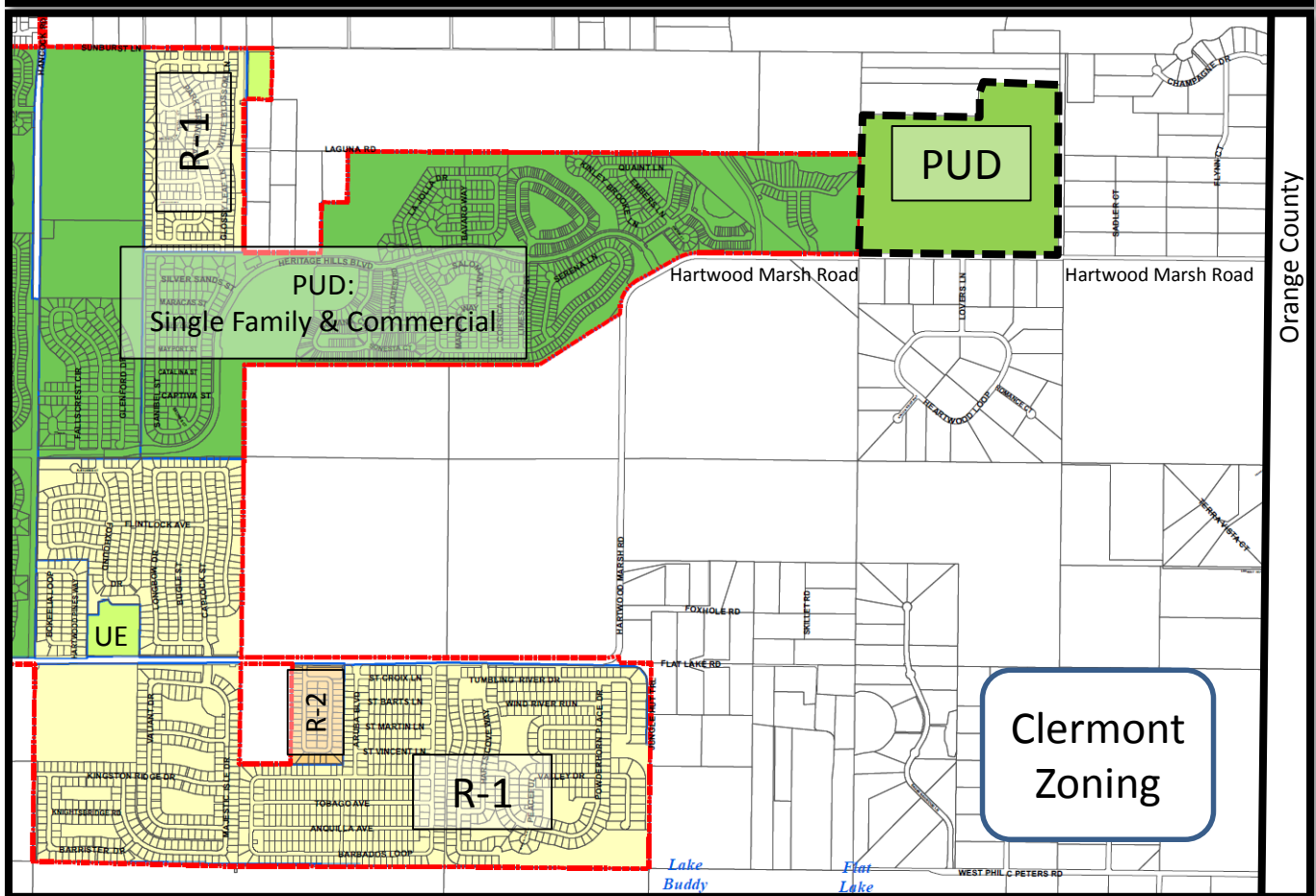
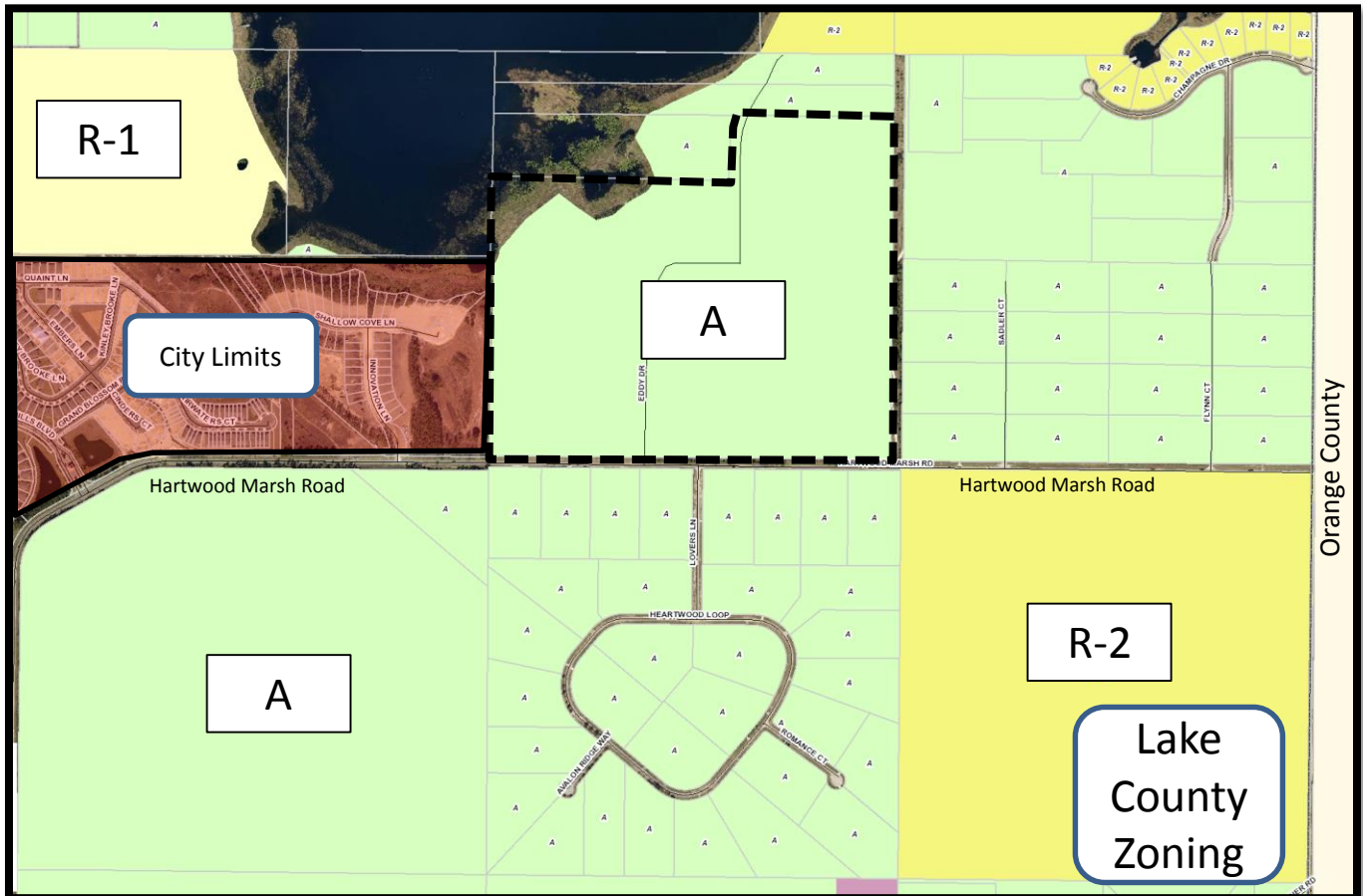


Exhibit – Zoning Map – Eddy Property



Legal Description:

The northwest 1/4 of section 1, township 23 south, range 26 east, less the north 400 feet and less the east 70 feet and less from the north 1/4 corner of section, run south 0°24'23" east along the east line of the northwest 1/4 a distance of 400 feet; thence south 89°45'17" west along the south line of the north 400 feet of the northwest 1/4 a distance of 1007.31 feet for point of beginning; thence run south 23°44'13" west 92.02 feet; thence south 01°41'26" west 206.35 feet; thence south 00°54'02" east 132 feet; thence south 89°45'17" west 1573.47 feet to west line of said section; thence north 0°08'15" west along said west line 422.30 feet to south line of north 400 feet of the northwest 1/4; thence north 89°45'17" east 1615.54 feet to the point of beginning and less the south 33 feet for road right of way, and lying and being in section 1, township 23 south, range 26 east, Lake County, Florida.

The above described tract of land contains 114.394 acres more or less.

General Notes:

1. Primary site access shall be via Hartwood Marsh Road. The internal roads shall be private with access easements granted to the City and County. Emergency access shall be provided along Hartwood Marsh Road. Access to parcels adjacent to North & East Property Boundary shall be provided via the internal private subdivision roads. All internal roads shall be owned and maintained by the HOA.
2. Stormwater management facilities will be designed to meet the water quality and water quantity criteria of the SJRWMD. The applicant shall submit drainage calculations and stormwater management plans when filing for the improvement plan approval. Stormwater Management details shall be submitted with Improvement Plans.
3. Based upon FIRM Map #12069C0595E, a portion of the site along Johns Lake is within AE 100yr flood elevation 99.7'
4. Utility infrastructure shall be public. Utility infrastructure shall be built to the City of Clermont standards.
5. Water service will be provided by the City of Clermont.
6. Wastewater Service shall be provided by the City of Clermont.
7. Fire Protection shall be provided by the City of Clermont Fire Rescue / Lake County Fire Rescue. The applicant shall comply with all City of Clermont fire protection requirements.
8. Police Protection shall be provided by the City of Clermont.
9. Project may be constructed in multiple phases. Determination for phasing shall be established at Improvement Plan development.
10. Generalized location and acreage of common open space and recreation facilities will be determined with Improvement Plan submittal. Detailed plans for recreational facilities are to be provided with improvement plans.
11. All common open and recreation facilities space are to be owned and maintained by a mandatory homeowner association.
12. Pedestrian and vehicular access may be provided to the existing Lake County Water Authority conservation area.
14. Site grading shall be consistent with Section 94-195 (c). All cuts and / or fills will not exceed 10' except in the retention ponds. No retaining walls if required shall exceed 6' in height.
15. This Land Use Plan is considered conceptual in nature and is subject to change based upon site conditions.

Eddy Property PUD

Land Use Plan

Parcel ID # 01-23-26-0002-0000-0300

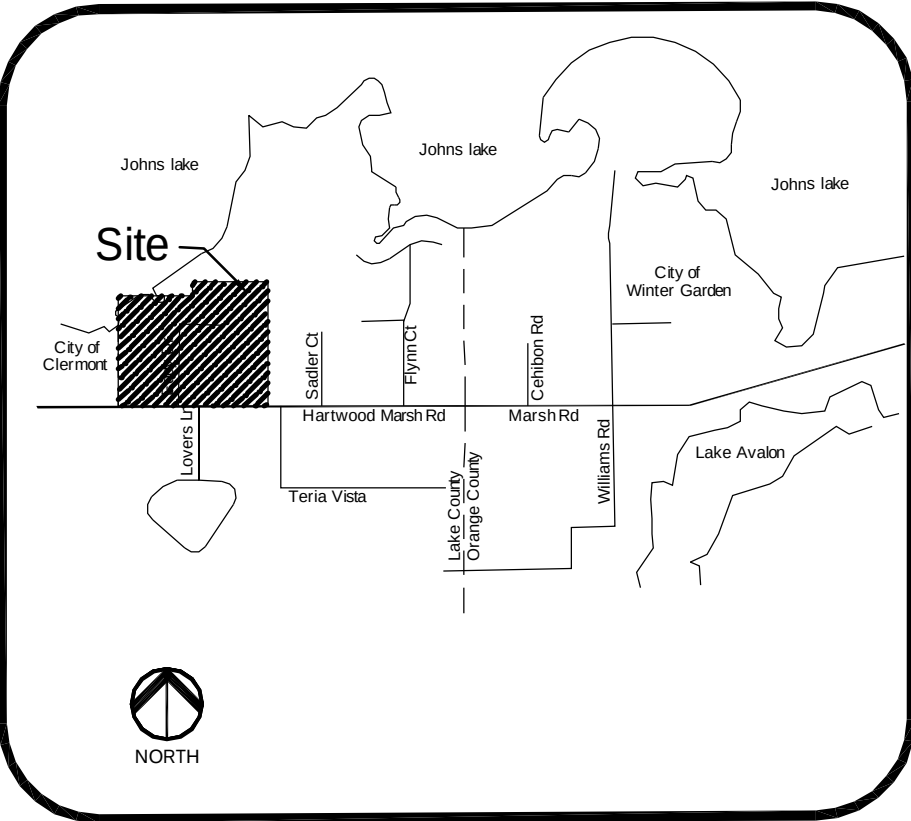
Altkey 1593174

Clermont, Florida

August 2017

Revised:

1 10.11.17 Revised per staff comments wgm

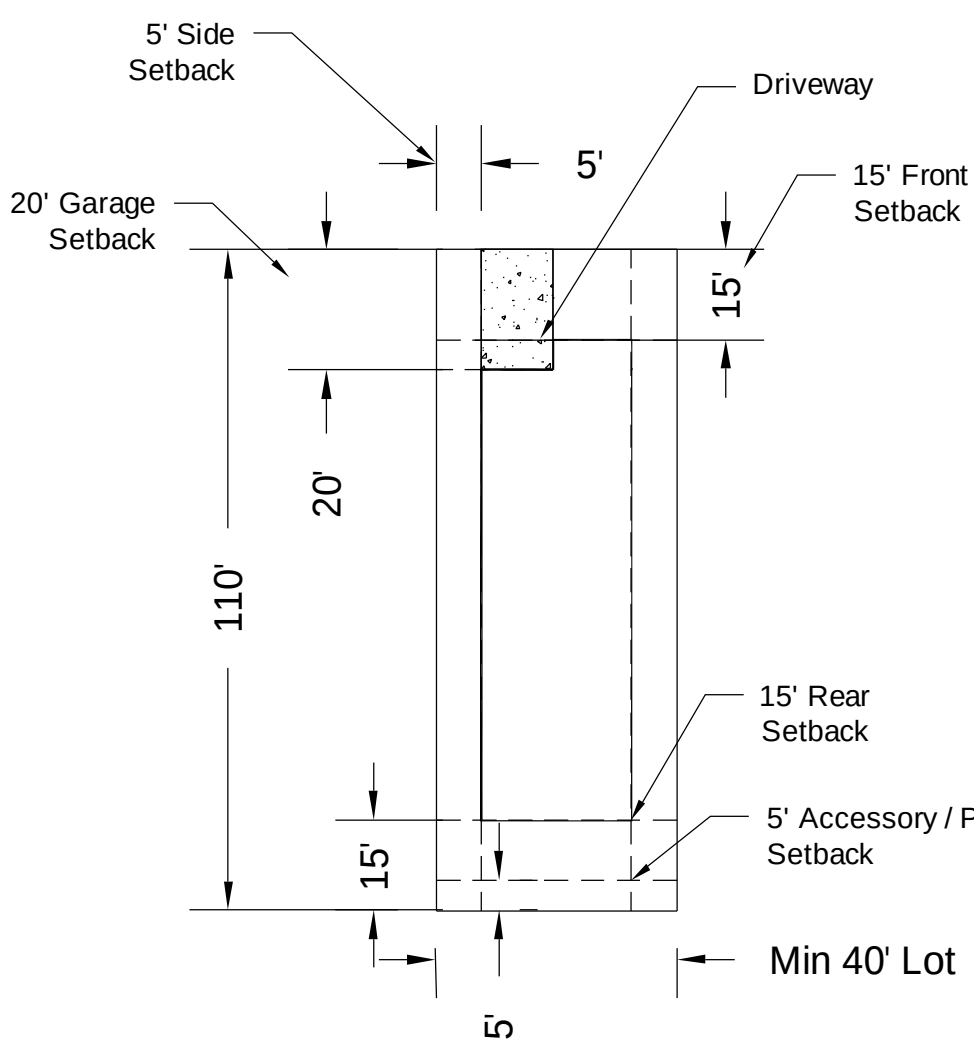


Location Map

Site Data				
Total Land Area	114.39	ac		
Johns Lake	1.28	ac		
Potential Conservation	5.2	ac		
Net Developable Area	107.91	ac		
Current Lake County FLU	RURAL			
Current Lake County Zoning	A			
Proposed Clermont FLU	Low Density Residential			
Proposed Clermont Zoning	PUD			
Minimum Open Space (25% of net)	26.98	ac		
Proposed Uses				
Single Family Residential				
Maximum Proposed Units	340	du		
Proposed Density	2.97	du/ac		
Design Item	*40' Lot	50' Lot	60' Lot	75' Lot
Minimum Lot Area	4,400 sf	5,500 sf	6,600 sf	9,000 sf
Minimum Living Area	1,200 sf	1,500 sf	1,500 sf	1,500 sf
Minimum Lot Width	40'	50'	60'	75'
Minimum Lot Depth	110'	110'	110'	120'
Minimum Front Building setback	15'	15'	15'	15'
Minimum Front Garage Setback	20'	20'	20'	20'
Minimum Side Yard Setback	5'	5'	5'	5'
Setback from Side Street	15'	15'	15'	15'
***Minimum Rear Yard Setback	15'	15'	15'	20'
Minimum Building Separation	10'	10'	10'	10'
Minimum Rear Yard Setback for Pools, Patios, Decks, Screen Rooms or Ancillary Structures	5'	5'	5'	5'
**Maximum Impervious Surface Ratio (ISR)	0.75	0.75	0.75	0.75
Maximum Building Ht	40'	40'	40'	40'
Setbacks from High Water Line, Mean High Water Line, or Jurisdictional Wetland Line	50'	50'	50'	50'
Minimum front yard easement	5'	5'	5'	5'
Minimum side and Rear Yard Drainage and Utility Easement	5'	5'	5'	5'

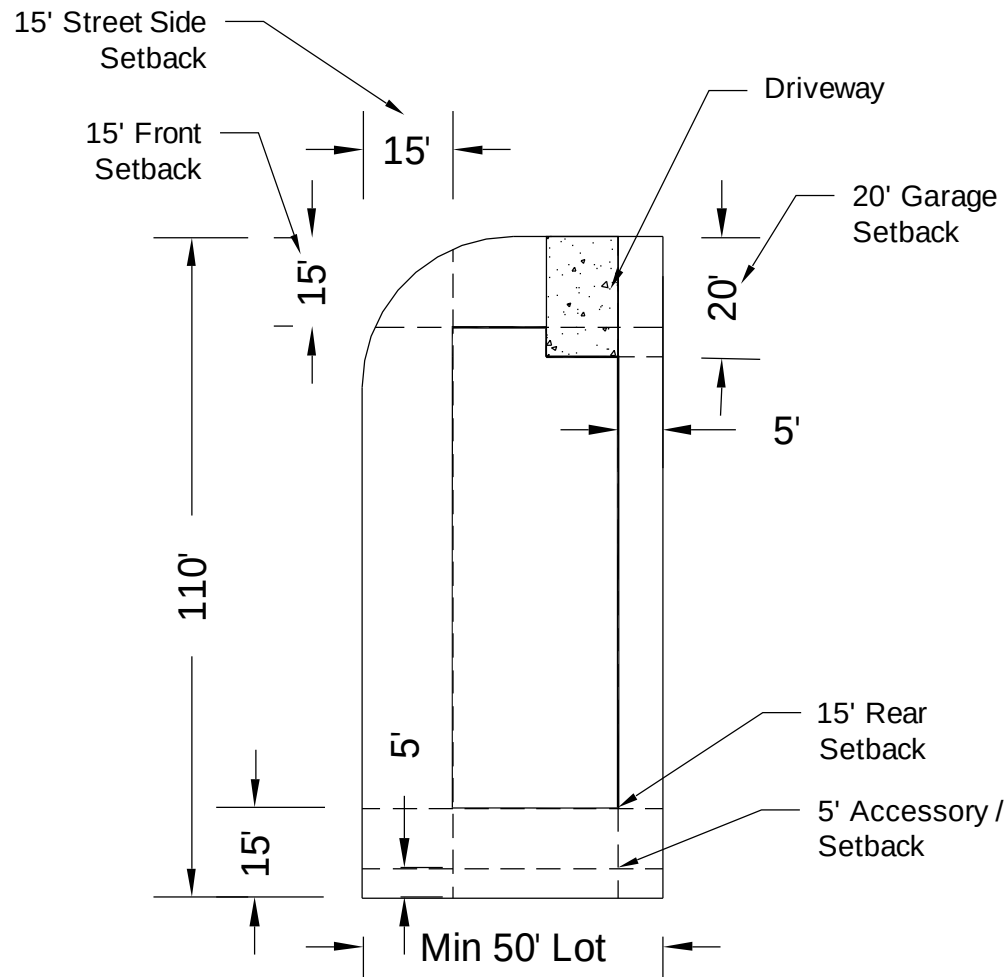
Notes:

- * The maximum allowable 40' lots for the overall PUD development shall not exceed 30% of the total units. Furthermore no 40' lots shall be allowed along the perimeter of the PUD Boundary and shall be located within the interior of the project.
- ** The maximum allowable ISR for the overall PUD development shall be 0.65. Individual lot ISR may exceed 0.65 as shown in the table above as long as overall maximum in not exceeded
- *** Roof covered screen rooms will be allowed to encroach 7.5' into the rear setback.



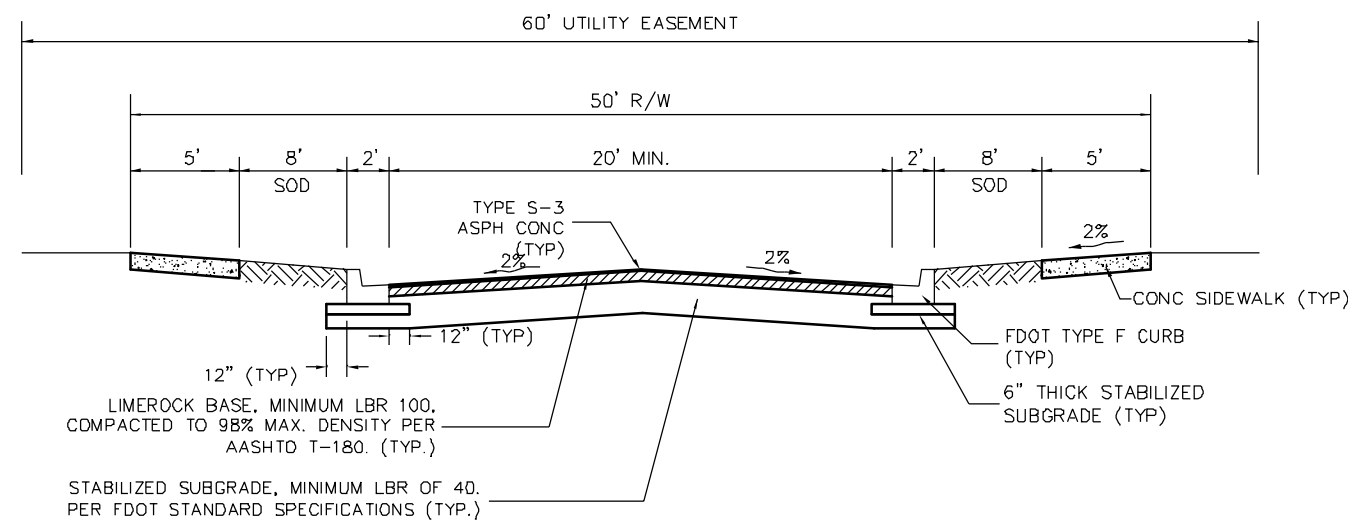
1 PLAN TYPICAL LOT

SCALE: NTS



2 PLAN TYPICAL CORNER LOT

SCALE: NTS



3 SECTION 50' PRIVATE RIGHT OF WAY IN LIEU OF 60' PUBLIC RW

Waiver Request
Request waiver from Section 110-193 to allow a 50' Private right of way in lieu of a 60' Public right of way for all internal roads.

SCALE: NTS

Team Members

Owner

Mary B Eddy, Trustee
11955 Eddy Dr
Winter Garden FL 34787

Applicant

Chuck Piper
804 W. 2nd Ave
Winter Park, Florida 32786
(407) 908-6987

Planner

Daly Design Group
913 N Pennsylvania Ave
Winter Park, Florida 32789
(407) 740-7373
Contact: Mr. Tom Daly

Environmental Consultant

Bio-Tech Consulting
315 Fern Creek Ave
Orlando, Florida 32803
(407) 894-5969
Contact: Mr. Spencer Clark

Civil Engineer

Madden, Moorhead and Stokes, Inc.
431 E Horatio Ave
Maitland FL 32751
(407) 629-8330
Contact: Mr. David Stokes

Surveyor

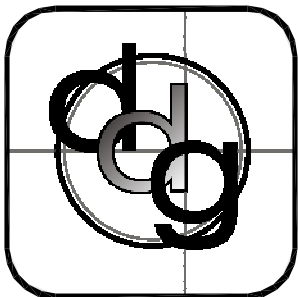
Allen and Company
Professional Surveyors and Mappers
213 S Dillard Street, Ste 210
Winter Garden, Florida 34787
(407) 654-5355
Contact: Mr. James Rickman

Traffic Engineer

Traffic & Mobility Consultants LLC
3101 Maguire Blvd, Suite 265
Orlando, FL 32803
(407) 531-5332
Contact: Mr. Mohammed Abdallah, PE, PTOE

Sheet Index

CVR - Cover
LUP - 101 - Conceptual Site Plan
Survey



CVR
1709



**Lake County
WATER AUTHORITY**

Michael J. Perry, Executive Director • Neil Kelly, Secretary-Treasurer

27351 SR 19 • Tavares, Florida 32778-4251 • (352) 324-6141 • Fax (352) 324-6364 • email: info@lcwa.org • www.lcwa.org

October 26, 2017

John E. Kruse, AICP
Senior Planner
City of Clermont
Development Services Department
685 W. Montrose St., Clermont, FL 34711

Subject: Eddy Property, Alternate Key #1593174 Public Hearings

Mr. Kruse:

The Lake County Water Authority Board of Trustees met on October 25th to discuss the potential zoning and the comp plan changes to the Eddy Property, Alt Key #1593174. As you may know, this property is adjacent to the Water Authority's 92-acre Scrub Point Preserve, which was acquired by the Water Authority in 1996.

Mr. Chuck Piper, on behalf of the applicant, was present to discuss concerns that the Board may have. Discussions with Mr. Piper will continue; however, the Water Authority Board wanted to formally advise the City of Clermont regarding the following concerns regarding this proposed development, in advance of the November 7th Planning and Zoning Commission meeting, so that they may be taken into consideration:

- Based upon the site plan that had been submitted to the City, the Water Authority is concerned about the infringement by the development's eastern retention pond on the historic public road access to the Preserve, which has been in use since before 1996, and would request that the retention pond be moved or realigned in such a manner as to allow the historic road to continue in place;
- The Water Authority is concerned about damage to a strand of mature oaks, which are located to the east of the public, historic, road, in the event the access road were required to be moved easterly in order to accommodate the proposed eastern retention pond in the configuration and location as currently proposed by the applicant, and again, would request that the retention pond be moved or realigned in such a manner as to allow the historic road to continue in place without damage to the trees;
- The Water Authority is concerned about damage to the strand of mature oaks with placement of the eastern retention pond in such close proximity to the trees and would request that the retention pond be relocated and/or realigned and designed in such a manner as to minimize any potential damage to the trees;
- The Water Authority is concerned about potential impacts of the proposed development on the adjacent Preserve property, and would request that an adequate buffer of no less than Fifty (50) feet, be required and designed into the development plan to minimize the impacts upon the Preserve vegetation and wildlife habitat.

BOARD OF TRUSTEES

District One
Peggy Cox

District Two

District Three
Diana M. Mullins

District Four
Doug Bryant

District Five
Amy Stone

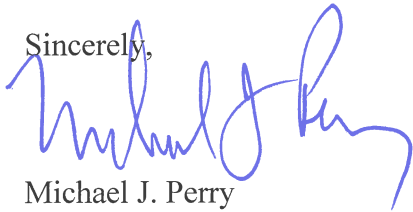
At-Large
Adam Dufresne

At-Large
Keith A. Farner

- The Water Authority is concerned about the continuation of its prescribed burn program to ensure the health of the Preserve and safety of adjacent residents, and would request that the developer be required to include an acknowledgement of the Water Authority's prescribed burn program in covenants and restrictions and Homeowner Association documents;
- The Water Authority is concerned about the potential installation of exotic vegetation along the Preserve's border and the damage that would do to Preserve vegetation and wildlife habitat, and would request that no exotic vegetation be permitted within Fifty (50) feet of the Preserve boundary.

Please share the Water Authority's concerns with the Planning and Zoning Commission and the City Council prior to any decisions being made by the City. Please feel free to contact me if you have questions or care to discuss this further. Staff of the Water Authority will attend the November 7, 2017 and January 23, 2018 meetings.

Sincerely,



Michael J. Perry
Executive Director

cc: Darren Gray, City Manager



October 2, 2017

Mr. John E. Kruse, AICP
Senior Planner
Development Services Dept.
685 W. Montrose St.
Clermont, FL 34711

RE: Eddy Property, Traffic Impact Study Methodology

Mr. Kruse,

The Lake~Sumter MPO has reviewed the document submitted for the Eddy Property Traffic Impact Study Methodology. The Lake~Sumter MPO offers the following Observations and Comments:

Observations Regarding the Project:

1. The project site is on approximately 115 acres of Land which is currently agricultural and has one existing dwelling unit and a barn. The site is located on the north side of Hartwood Marsh Road approximately 0.8 miles west of the Lake County/Orange County line.
2. The project will consist of 340 single family detached residential units with a buildout year of 2021.
3. Access to the property is proposed to be onto Hartwood Marsh Road via the existing Eddy Drive. However, according to the submitted Conceptual Site Plan 'A' there will be two gated driveways onto Hartwood Marsh Road. The main gated driveway will be a primary access and is located approximately at the midpoint of the property and aligned with Lovers Lane. A secondary gated access, to the west of the main driveway, is shown as a secondary emergency access. This secondary access is shown to the west of the existing Eddy Drive, which apparently will be closed since there are residential lots and a retention pond in the roadway alignment.
4. The proposed residential land use will generate approximately 3,237 daily trips, 248 AM Peak Hour Trips, and 316 PM Peak Hour Trips. These calculations were done using the ITE equations (not the rates).
5. With 316 PM Peak Hour trips, this project qualifies for a Tier 3 Traffic Impact Study, which is acknowledged in the Methodology.
6. The study radius for roadway segments is 4.55 miles from the site.
7. The project distribution will be determined using FSUTMS and the CFRPM (V6.1) as indicated in the model plot attachment.

Comments Regarding Traffic Impacts:

1. The trip generation calculations are acceptable.

"Promoting Regional Transportation Partnerships"

www.LakeSumterMPO.com

225 W. Guava St. Suite 211, Lady Lake, Florida 32159
Phone (352) 315-0170

2. Since the project is only 0.8 miles west of the Orange County line, please extend the analysis into Orange County on Marsh Road/Stoneybrook Pkwy. to SR 429 and use the Orange County traffic data as well as FDOT Florida Traffic Information (FTI) DVD as appropriate for these segments.
3. Regarding the 'Trip Distribution' section:
 - a. Please note in the text that the CFRPM (V6.1) is being used. Also, note any modifications that are made to the model network.
 - b. The model results as plotted in the attachments needs to have the centroids revised as follows:
 - Just west of the site there is a centroid that shows a connection to SR 50 to the north with 3% of the project traffic on it. There is no such connection, please remove.
 - South of the site entrance (TAZ 1641) there is a centroid that shows a connection to the south 90° bend with 1% of the project traffic on it. There should be no project trips on this centroid since there is no roadway connection and the land uses are a mine and low density residential.
 - The first centroid connector going to the south to the east of the project is for Williams Road which connects to CR 545 (Avalon Road) via Seidner Road and Davenport Road. Please make this roadway connection when running the model (it is a potential cut through to CR 545 (Avalon Road)).
4. Regarding the 'Traffic Analysis' section, the proposed radius of 4.55 miles is acceptable.
5. Regarding the 'Study Segments' section, be aware of the CR 455 extension which is currently funded for a PD&E and is next on the priority list after Citrus Grove Road is finished. It is feasible that the CR 455 extension will be funded near the end of the next five years or shortly thereafter.
Also, please add the following:
 - Hartwood Marsh Road from Project to Williams Road (in Orange County).
 - Marsh Road from Williams Road to CR 545 (Avalon Road).
 - Stoneybrook Parkway from CR 545 (Avalon Road) to SR 429 (Western Beltway).
6. Regarding the 'Study Intersections' section, as noted in comment #2 above and since there is 60% of the project traffic going to the east (Orange County), please add the following intersections:
 - a. Hartwood Marsh Road at US 27.
 - b. Hartwood Marsh Road at Williams Road.
 - c. Marsh Road at CR 545 (Avalon Road).
 - d. Stoneybrook Pkwy. at SR 429 (Western Beltway).
7. Be aware that Hartwood Marsh Road is on the List of Priority Projects and planned to be a 4 lane section from US 27 to Hancock Road. East of Hancock Road the roadway is policy bound to remain a 2 lane section (in both Lake County and in Orange County) to CR 545 (Avalon Road).

Recommended Multimodal Accommodations:

1. Please consider a safe, secure and convenient system for pedestrians and bicyclists which provide direct non-motorized access, linkages, and through-cuts between common origins and destinations.
2. Consider continuous pedestrian facilities along all major streets; these should be direct and interconnect with all other modes of transportation within the project and onto adjacent properties.
3. Require the developer to provide ramps and curb cuts throughout the pedestrian system for physically challenged persons.

"Promoting Regional Transportation Partnerships"

www.LakeSumterMPO.com

225 W. Guava St. Suite 211, Lady Lake, Florida 32159
Phone (352) 315-0170

Should you have any questions please contact me by email at or by phone at (352)315-0170 ext. 3.

Thank You,

Brian R. Hutt

Brian R. Hutt
Lake~Sumter MPO
TMS Project Manager
bhutt@lakesumtermpo.com
Phone: (352) 315-0107 Ext. 3

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Phone (352) 315-0170



October 26, 2017

Mr. John E. Kruse, AICP
Senior Planner
Development Services Dept.
685 W. Montrose St.
Clermont, FL 34711

**RE: Eddy Property, Traffic Impact Study Methodology
Response to Review Comments**

Mr. Kruse,

The Lake~Sumter MPO has reviewed the document submitted from Traffic Mobility Consultants (TMC) to the Lake~Sumter MPO comments regarding the Eddy Property Traffic Impact Study Methodology. The Lake~Sumter MPO (LSMPO) offers the following Observations and Comments:

Observations Regarding the Project:

1. The project site is on approximately 115 acres of Land which is currently agricultural and has one existing dwelling unit and a barn. The site is located on the north side of Hartwood Marsh Road approximately 0.8 miles west of the Lake County/Orange County line.
2. The project will consist of 340 single family detached residential units with a buildout year of 2021.
3. Access to the property is proposed to be onto Hartwood Marsh Road via the existing Eddy Drive. However, according to the submitted Conceptual Site Plan 'A' there will be two gated driveways onto Hartwood Marsh Road. The main gated driveway will be a primary access and is located approximately at the midpoint of the property and aligned with Lovers Lane. A secondary gated access, to the west of the main driveway, is shown as a secondary emergency access. This secondary access is shown to the west of the existing Eddy Drive, which apparently will be closed since there are residential lots and a retention pond in the roadway alignment.
4. The proposed residential land use will generate approximately 3,237 daily trips, 248 AM Peak Hour Trips, and 316 PM Peak Hour Trips. These calculations were done using the ITE equations (not the rates).
5. With 316 PM Peak Hour trips, this project qualifies for a Tier 3 Traffic Impact Study, which is acknowledged in the Methodology.
6. The study radius for roadway segments is 4.55 miles from the site.
7. The project distribution will be determined using FSUTMS and the CFRPM (V6.1) as indicated in the model plot attachment.

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Comments Regarding Traffic Impacts:

Lake Sumter MPO (LSMPO) accepts the responses to the comments submitted on October 2, 2017 with the exception of responses to #2, #5 and #6 as follows:

1. **Response to comment #2 from TMC:** *We agree that the development will have some traffic impact in Orange County. However, the proposed analysis is consistent with the City of Clermont's and the Lake Sumter MPO methodology requirements, which do not extend into adjoining counties. Therefore, the analysis will not be extended into Orange County or the City of Winter Garden as requested by the reviewer.*

LSMPO Response: The Methodology Guidelines do not specify jurisdictional boundaries only the area of influence and study area. It would not be good planning practice nor would we be good neighbors if we ignored the impacts of a project to adjacent jurisdictions. The LSMPO will be contacting the Orange County Planning Department to make them aware of this project. Please include the analysis to the extents requested.

2. **Response to comment #5 from TMC:** *As per our response to comment #2, the study will be expanded to include the segments within Lake County and the City of Clermont. The analysis will not be extended to include facilities in Orange County or the City of Winter Garden.*

LSMPO Response: As noted in the LS MPO response above, The Methodology Guidelines do not specify jurisdictional boundaries only the area of influence and study area. Please extend the analysis as requested.

3. **Response to comment #6 from TMC:** *As per our response to comment #2, the study will be expanded to include the segments within Lake County and the City of Clermont. The analysis will not be extended to include facilities in Orange County or the City of Winter Garden.*

LSMPO Response: As noted in the LSMPO response above, The Methodology Guidelines do not specify jurisdictional boundaries only the area of influence and study area. Please extend the analysis as requested.

Recommended Multimodal Accommodations:

1. Please consider a safe, secure and convenient system for pedestrians and bicyclists which provide direct non-motorized access, linkages, and through-cuts between common origins and destinations.
2. Consider continuous pedestrian facilities along all major streets; these should be direct and interconnect with all other modes of transportation within the project and onto adjacent properties.
3. Require the developer to provide ramps and curb cuts throughout the pedestrian system for physically challenged persons.

Should you have any questions please contact me by email at or by phone at (352)315-0170 ext. 3.

Thank You,

Brian R. Hutt, AICP

Brian R. Hutt
Lake~Sumter MPO
TMS Project Manager

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**City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
November 7, 2017**

Page 1

The meeting of the Planning & Zoning Commission was called to order Tuesday, November 7, 2017 at 6:30 p.m. by Chairman Nick Jones. Other members present were Cuqui Whitehead, Carol Thayer, Tony Hubbard, Judy Prioli, and Herb Smith. John Kruse, Senior Planner, Dan, Mantzaris, City Attorney and Jane McAllister, Planning Specialist, were also in attendance.

Commissioner Whitehead moved to approve the minutes of the October 3, 2017 meeting as written; seconded by Commissioner Smith.

MINUTES of the Planning and Zoning Commission meeting held October 3, 2017 were approved as written.

Chairman Jones reviewed the fact that the Planning and Zoning Board is a recommending body and does not make a final decision. That is the duty of the City Council.

REPORTS: Commissioner Whitehead reported that United Way is handling all the donations for the people of Puerto Rico who were affected by Hurricane Irma.

She recognized the fact the Commissioner Prioli's husband passed away and expressed condolences from the Commission.

Chairman Jones commented how nice the downtown market was this past weekend.

**1. REQUEST FOR A LARGE-SCALE COMPREHENSIVE PLAN
AMENDMENT**

REQUEST: To change the City's Future Land Use designation from Lake County Rural to City of Clermont Low Density Residential.

APPLICANT: Chuck Piper

The applicant, Chuck Piper, is requesting a Future Land Use change on the subject property. This request is being heard concurrently with requests for annexation and a rezoning to a Planned Unit Development (PUD) for single-family housing. The property is located within the Interlocal Service Boundary Agreement (ISBA) and the Joint Planning Area (JPA). The property has been historically used for agricultural uses, but is now inactive.

The proposed map amendment will change the future land use from Lake County's Rural to the City's Low Density Residential. The City's Low Density Residential does not permit commercial or industrial uses. The applicant is requesting up to 340 units on 114.39 acres, which equates to 2.97 units per acre. The City's Low Density Residential allows up to three (3) units per acre. This proposed land use is the City's lowest density residential land use category.

City of Clermont
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November 7, 2017

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Several policies in the City's Comprehensive Plan support the proposed map amendment. These policies include:

Policy 1.1.1: Urban services such as water and sewer shall not be extended outside the Lake County/Clermont Joint Planning Area (JPA) without a companion land use amendment modifying the boundary and amending the land uses. An exception may be considered where public health, safety and welfare require a community water system or the extension of water service to ensure safe potable water.

Policy 1.6.1: Low-Density Residential. Areas delineated on the FLUM for low-density residential development shall accommodate a maximum density of up to three dwelling units per acre and shall be comprised primarily of single-family detached homes on individual lots.

Policy 1.12.3: The City shall encourage requests for voluntary annexation into the City when those lands are logical extensions of the existing City limits, when services can be properly provided and when proposed uses are compatible with the City's comprehensive plan.

Upon approval by the City Council, the proposed amendment would be transmitted 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 January.

Staff recommends approval of the large-scale comprehensive plan amendment to change the future land use from Lake County Rural to the City's Low Density Residential.

2. REQUEST FOR REZONING

REQUEST: To change the zoning from Urban Estate to Planned Unit Development (PUD)

APPLICANT: Chuck Piper

Senior Planner, John Kruse, presented the staff report as follows:

The applicant, Chuck Piper, is requesting a rezoning to a Planned Unit Development (PUD) consisting of up to 340 single-family residential units on 114.39+/- acres. The property is east of Heritage Hills Development, north of Hartwood Marsh Road. This request is being heard concurrently with requests for annexation and a large-scale comprehensive plan amendment. The property is currently in Lake County with a zoning designation of Rural. Once the property is annexed, it will become Urban Estate.

The applicant has provided a conceptual site plan, prepared by Daly Design Group Inc., revision date 10-11-17, showing the proposed layout. The project will consist of up to 340 residential lots. The development will be at a density of 2.97 units per acre. The applicant desires to offer a range of lot sizes from 40 feet in width up to 75 feet in width. The minimum lot area ranges from 4,400 square feet up to 9,000 square feet. The applicant has limited the maximum number of 40 foot

**City of Clermont
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wide lots to 30% of the development or a maximum of 102 lots. These lots will be placed in the interior of the project and shall not be allowed on the perimeter of the project. In addition, the applicant has included a design item table with the minimum lot sizes and associated setbacks and criteria. This has been done in the past with other Planned Unit Developments, such as WaterBrooke and Highland Ranch.

Staff understands the very nature of the PUD zoning allows waivers to the Land Development Code in order to provide flexible development options for the project. The applicant has requested several waivers to the Land Development Code.

Those waivers include the following:

1. Allow private streets within the subdivision with gated entry/exits. Section 110-192(1)
2. Allow fifty-foot (50') right-of-way width for interior roadway network for the development instead of the minimum sixty-foot (60') right-of-way. Section 110-193
3. A minimum of 25% of the net buildable area of the Planned Unit Development shall be provided as open space. A waiver is requested to allow individual phases of the PUD to exceed the net buildable area without providing common open space in proportion to that contained within the entire PUD. The final open space upon buildout will be 25% or greater. Section 122-316(b)4
4. Allow Impervious Surface Ratio (ISR) of 0.75 (75%) of the individual lots, while maintaining an overall PUD development ISR of 0.65 (65%). Section 122-35(2)
5. Allow solid roof covered screen rooms to encroach seven and one-half feet (71/2 feet) into the rear setback. Section 122-342
6. Allow street trees within the right-of way along the frontage of a residential lot to count toward the minimum number of required trees on the lot and to allow such trees to be less than six feet from curbs and sidewalks as long as minimum of five feet of clearance is provided between the tree and any public potable water, wastewater, or reclaimed water main. Section 118-71(1)

Staff has reviewed the applicant's proposal and believes the proposed use at this location is compatible with the uses in the area. This property is along a corridor between the City of Clermont and the City of Winter Garden that has experienced rapid growth patterns in the past several years. The City has received comments from the Lake County Water Authority, the Lake-Sumter MPO, and Lake County Public Works. Conditions have been added to the PUD ordinance to address most of the concerns.

Staff believes the proposal meets the standards in regards to Section 122-315, Review Criteria for a PUD. However, staff is not supportive of the fifty-foot (50') rights-of-way, the street trees counting towards the lot trees, and the impervious surface ratio (ISR) for individual lots at 75%. However, staff recognizes that these requests have been sought in other developments. Therefore, staff recommends approval of Ordinance 2017-42 for a Planned Unit Development to be developed in substantial accordance with the conceptual site plan prepared by Daly Design Group, Inc., revision date 10-11-17.

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Mr. Kruse said that these two items are related and would be heard together but voted on separately.

Chairman Jones asked if the representative for the applicant wished to speak.

Tom Daly, Daly Design Group, Inc. representing Eddy Property, said that the city of Winter Garden is marching forward with development toward the Lake County line. He said the property in question is 114 acres and has been in the Eddy family for more than 100 years. The family has insisted it be developed as a low density project. Mr. Daly described the surrounding areas and how they might be developed. He said the main access will be from Hartwood Marsh Road at Lovers Lane, and there will be another entrance to the west of the main entrance, also along Hartwood Marsh Road.

Mr. Daly said that notices were sent to the surrounding property owners to have a meeting with the developer in order to get an idea of how the neighbors feel about their project, and to listen to any objections or suggestions. The people do not want the land to go from rural to residential. There are concerns about adding to the traffic problem on Hartwood Marsh Road.

Mr. Daly asked that the commission recommend that item number 2, under Section 4 – Landscaping, Buffering and Screening: A fifty foot buffer is required along the eastern property line, which is a conservation area owned by the Lake County Water Authority. This buffer shall consist of Florida friendly landscaping and shall not contain exotic vegetation, be less than 50 feet wide. He said it is excessive.

He also asked that the Roadway Lighting requirement along Hartwood Marsh Road be removed as the developer promised the neighbors there would be no roadway lighting.

Mr. Daly showed elevations of various Pulte Homes that would likely be built on the property. This is not an age restricted community, and there will be a wide selection of lot and home sizes depending upon what the market dictates.

Commissioner Prioli asked if a traffic light is needed, would the developer provide one. Mr. Daly said the traffic engineers have not determined that one would be needed. They will put in turn lanes and other safety measures.

Commissioner Hubbard asked if they wanted the landscaping requirement in Section 4, Item 2, removed entirely.

Mr. Daly said he would like to remove the buffer totally.

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MINUTES
PLANNING AND ZONING COMMISSION
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Commissioner Smith was concerned about 5 foot setbacks on the 40 foot lots.

Mr. Kruse said adjoining subdivisions have 45 foot, and 40 foot wide lots.

Chairman Jones asked about the lighting issue on Hartwood Marsh Road. Mr. Daly said it is a County Road and therefore would adhere to County standards.

Mr. Kruse said the City requests lighting along the roadway as a safety precaution. He added that the streetlights are only on the side of the street where the development exists.

Chairman Jones opened the floor to the public.

Peggy Cox, District 1 Trustee, Lake County Water Authority, has concerns about the road between the development and the land that belongs to the Lake County Water Authority. She said there is a tree buffer of mature oaks. There is a native scrub along John's Lake which is not open to the public. Lake County Water Authority would like to keep this area as pristine as possible.

Ms. Cox asked that item 9 under Section 7 in the rezoning ordinance – Transportation Improvements/Access Management, which states: The development may have a pedestrian and road connection to the Lake County Water Authority property, as shown on the Land Use Plan, with submission of written approval from the Lake County Water Authority, be removed in its entirety.

City Attorney Mantzaris advised that that condition requires permission from the Lake County Water Authority, and the item should be removed from the rezoning ordinance.

Brent Myers, Sadler Court, said his property overlooks all of the old orange groves. He doesn't mind having more homes, but 3 homes per acre is excessive, and the traffic is getting worse and worse. Having this development of 340 homes next door will be detrimental to the area. He said his view will go from rolling hills to roof tops. He would prefer five acre lots, and he wouldn't mind one acre lots, but no more than that.

Daniel Osbourne, 11945 Eddy Drive, Winter Garden, FL said his parents are concerned that they will not have access to their property if this development goes in.

City Attorney said the property owner and the developer have reached an agreement in reference to access to the property.

Bridget Connelly, 11400 Lovers Lane, said they have been inundated with developments along Hartwood Marsh Road. With this development there will be over 3,000 homes in the. The traffic is horrible now and will only get worse. There are no cut through roads, and you have to wait for 50 cars to go by before you can turn on to Hartwood Marsh Road. She said it should be developed as 1 house for 5 acres and at the very most 1 house per acre.

**City of Clermont
MINUTES
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John Grayford, 17330 Hartwood Marsh Road, objects to the traffic now, and said it will be even worse when these 350 additional homes are built. He wants to keep this area as rural as possible. He said 5 acre tracts would be desirable.

Jackie Polk, 115 Sadler Court, said the traffic on Hartwood Marsh Road is so bad now, and will get worse with the addition of 350 more homes. She said she worries about her children at the bus stop because of the speeders on this road. Ms. Polk said the schools are so overcrowded now and this development will only make them more overcrowded.

Lisa Grayford, 17330 Hartwood Marsh Road, said she is a teacher at Windy Hill Middle School, and that they have had an influx of new students due to those relocating from Puerto Rico because of Hurricane Irma. She said her school is maxed out now, with 1430 students at this time. Ms. Grayford is concerned that the local schools are not able to accommodate any more children.

Rhonda Miles, 10424 Blacklake Road, said when she bought her house there were all 5 acre lots and she was told it would always be 5 acre lots. Now there are subdivisions all around her. It is all closing in on her. She is concerned with the ecosystem in the area.

Chairman Jones closed the public portion of the meeting.

The applicant was given the opportunity to respond to some of the citizen's concerns.

Chairman Jones asked Mr. Kruse about the possibility of having a roundabout where Hartwood Marsh Road. Intersects with Lovers Lane and at the entrance to the proposed subdivision.

Mr. Kruse replied that it is a County road, and it is entirely up the county engineers to address what happens. He said the City of Clermont has no control over when the county will widen or add additional roundabouts, or additional streets.

Mr. Kruse reiterated the Large-Scale Comp Plan Amendment process. He told the commission they are voting tonight on a recommendation for the Comp Plan Amendment and the Rezoning.

Commissioner Prioli asked why we are bringing these things in before the infrastructure is in place. She suggested there be a moratorium on development.

Commissioner Hubbard, said there are 5 acre tracts surrounding the area and this property should be 5 acre tracts as well.

Commissioner Whitehead said traffic on Hartwood Marsh Road is horrendous. She said she finds a lot of things about these proposals disturbing.

**City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
November 7, 2017**

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Commissioner Hubbard moved to deny the request for a Large-scale Comprehensive Plan Amendment; seconded by Commissioner Prioli. The vote was unanimous to deny this request.

Commissioner Hubbard moved to deny the rezoning request, seconded by Commissioner Priolo. The vote was Unanimous to deny the request.

3. REQUEST FOR A REZONING

REQUEST: To change the zoning from Urban Estate to Planned Unit Development (PUD).

APPLICANT: Chuck Piper

Senior Planner, John Kruse, presented the staff report as follows:

The applicant is requesting a rezoning from Urban Estate to Planned Unit Development (PUD). A portion of this project was subject to a rezoning request earlier this year, however, the applicant requested a withdrawal to further refine the development plans and work with staff on the Hooks Street extension and alignment. The applicant has made changes and improvements to the original plan and is seeking a rezoning to a Planned Unit Development (PUD) for the subject property that consists of 45+/- acres. The property is south of SR 50 at the intersection on Emil Jahna Road and SR 50. The property has over 1,500 lineal feet of frontage on SR 50. The subject property consists of the existing FDOT stormwater pond and the applicant's property. If the zoning is approved, the applicant will relocate the existing stormwater pond to the rear of the property. FDOT is aware of the applicant's proposal and has not objected. The applicant is requesting the northern portion of their site along with FDOT's parcel be used for a commercial shopping center consisting of retail and restaurant uses while the southern portion will be comprised of Hooks Street and a townhome development. The proposed commercial uses would be limited to the uses permitted under the C-2 General Commercial zoning with no automotive dealerships or other automotive uses allowed. Lot 5 would also permit a gas station/convenience store.

The applicant is proposing a total commercial building area of up to 162,000 square feet. The applicant has submitted a conceptual site plan, as prepared by Lochrane Engineering, dated Oct 19, 2017, showing the configuration of 5 commercial lots with proposed buildings. The largest lot, lot 1 with 18+/- acres, will consist of three (3) buildings that will exceed 20,000 square feet but no more than 45,000 square feet. The applicant has identified these buildings on the plan as A, C, and E. The other buildings on the lot will be 20,000 square feet or less. The four (4) out parcels, lots 2-5, are on much smaller lots and will consist of single buildings and users. The remaining portion of the project will consist of Hooks Street, Emil Jahan Road, an open space tract, and a residential portion consisting of up to 85 townhomes. The developer has agreed to construct their portion of Hooks Street and dedicate the necessary right-of-way.

City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
November 7, 2017

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The applicant has identified six waivers to the Land Development Code in order to develop the site. The waivers to be considered are: (1) a reduction in the required number of dumpster pads from 22 to 10, (2) a reduction in the required number of loading zones from 16 to 12, (3) maximum grade change from 15 feet to 30 feet, primarily due to the filling of the existing FDOT pond and relocation with the addition of a small depressed area south of the existing stormwater pond, (4) a shared 10 foot interior landscape buffer between abutting property boundaries, (5) one additional multi-tenant sign, and (6) allow buildings to occupy more than 20,000 square feet of floor space, up to a maximum building floor space of 45,000 square feet. These areas on the conceptual plan have been depicted on the attached waiver map.

Staff understands that the very nature of the PUD zoning allows waivers to the Land Development Code in flexible development purposes.

Staff recommends approval.

Applicant, J.J. Johnson, 3670 Maguire Blvd. Orlando, FL. said they have been working on this project for quite some time. He has worked with staff and with the County for the extension of Hooks Street. He said they are giving the land for Hooks Street extension as well as building the street. The lineal feet will be substantial and therefore will be very costly. He said they have increased the landscaping, and reduced the size of the buildings as well.

Commissioner Prioli asked about the size of the buildings, and what kind of business are expected to occupy them.

Mr. Johnson said the 45,000 foot building is about the size of a Publix Supermarket. He said he expects there might be a gym, or grocery store, or movie theater that would go in these larger buildings.

Chairman Jones opened the floor to public comment.

Patricia Dooley, 1043 Hidden Bluff, Summit Greens, is concerned that they can barely use the front entrance on Highway 50 because the traffic is a nightmare. She said this project will make it even more impossible to get out on to State Road 50.

Chairman Jones asked who was improving the road on the east side of the project.

Mr. Kruse said Mattamy Orlando, LLC will improve that road.

Commissioner Prioli said the traffic to get into Summit Greens off of highway 50 is impossible. She said if they want to develop this project there should be a traffic light there.

Commissioner Hubbard moved to approve the request for a rezoning; seconded by Commissioner Smith.

The vote was 5-1 in favor of approval with Commissioner Prioli voting no.

**City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
November 7, 2017**

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There being no further business, the meeting was adjourned at 8:30 p.m.

Nick Jones, Chairman

ATTEST:

Jane C. McAllister – Planning Specialist

Rez 1709-0001



**CITY OF CLERMONT
REZONING
APPLICATION**

DATE: 09/06/2017

FEE: \$542.⁰⁰
+ cost of advertisement

PROJECT NAME (if applicable): Eddy Property

APPLICANT: Chuck Piper

CONTACT PERSON: Chuck Piper

Address: 804 W 2nd Ave

City: Windermere State: Florida Zip: 32786

Phone: 407-908-6986 Fax: _____

E-Mail: chuckpiper@cfl.rr.com

OWNER: Mary B. Eddy

Address: 11955 Eddy Drive

City: Winter Garden State: Florida Zip: 34783

Phone: _____ Fax: _____

Address of Subject Property: Eddy Drive, Winter Garden Florida

Legal Description (include copy of survey): _____

NW 1/4--LESS N 400 FT & LESS E 70 FT & LESS FROM N 1/4 COR |
OF SEC RUN S 0-24-23 E ALONG E LINE OF NW 1/4 A DIST OF 400 FT, S 89-45-17 W ALONG S LINE
OF N 400 FT OF NW 1/4 A DIST OF 1007.31 FT FOR POB, RUN S 23-44-13 W 92.02 FT, S 01-41-26 |
W 206.35 FT, S 0-54-02 E 132 FT, S 89-45-17 W 1573.47 FT TO W LINE OF SEC. N 0-08-15 W ALONG
SAID W LINE 422.30 FT TO S |LINE OF N 400 FT OF NW 1/4, N 89-45-17 E 1615.54 FT TO POB & |
LESS S 33 FT FOR RD R/W-- |ORB 1529 PG 1669 |

Acreage: 114 Land Use: Rural (Lake County)
(City verification required)

Present Zoning: A-1 (Lake County) Proposed Zoning: PD (City of Clermont)
(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?

CONSTRUCT SINGLE FAMILY COMMUNITY

Chuck Piper
Applicant Name (print)

X [Signature]
Applicant Name (signature)

Mary B Eddy
Owner Name (print)

X Mary B Eddy
Owner Name (signature)

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

Eddy Property Legal Description

Legal Description:

The northwest 1/4 of section 1, township 23 south, range 26 east, less the north 400 feet and less the east 70 feet and less from the north 1/4 corner of section, run south 0°24'23" east along the east line of the northwest 1/4 a distance of 400 feet; thence south 89°45'17" west along the south line of the north 400 feet of the northwest 1/4 a distance of 1007.31 feet for point of beginning; thence run south 23°44'13" west 92.02 feet; thence south 01°41'26" west 206.35 feet; thence south 00°54'02" east 132 feet; thence south 89°45'17" west 1573.47 feet to west line of said section; thence north 0°08'15" west along said west line 422.30 feet to south line of north 400 feet of the northwest 1/4; thence north 89°45'17" east 1615.54 feet to the point of beginning and less the south 33 feet for road right of way, and lying and being in section 1, township 23 south, range 26 east, Lake County, Florida.

The above described tract of land contains 114.394 acres more or less.

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. 2017-42

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

¾ of a mile east of Heritage Hills Boulevard on Hartwood Marsh Road,
North of the intersection of Lovers Lane and Hartwood Marsh Road
Alternate Key 1593174

LEGAL DESCRIPTION

The Northwest 1/4 of Section 1, Township 23 South, Range 26 East, less the North 400 feet and less the East 70 feet and less from the North 1/4 corner of section, run South 0°24'23" East along the East line of the Northwest 1/4 a distance of 400 feet; thence South 89°45'17" West along the South line of the North 400 feet of the Northwest 1/4 a distance of 1007.31 feet for Point of Beginning; thence run South 23°44'13" West 92.02 feet; thence South 01°41'26" West 206.35 feet; thence South 00°54'02" East 132 feet; thence South 89°45'17" West 1573.47 feet to West line of said section; thence North 0°08'15" West along said West line 422.30 feet to South line of North 400 feet of the Northwest 1/4; thence North 89°45'17" East 1615.54 feet to the Point of Beginning and less the South 33 feet for road right of way, and lying and being in Section 1, Township 23 South, Range 26 East, Lake County, Florida.

The above described tract of land contains 114.39 acres more or less.

From: Urban Estate
To: Planned Unit Development

This request will be considered by the Planning & Zoning Commission on Tuesday, November 7, 2017 at 6:30 p.m.

A public meeting to consider the request will be held before the City Council on Tuesday, January 23, 2018 at 6:30 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 Howe, MMC
City Clerk

Daily Commercial
October 31, 2017 and January 9, 2018



CITY OF CLERMONT

AGENDA ITEM

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Meeting Date	
Tuesday, January 23, 2018	
Agenda Item Name	
Ordinance No. 2018-01 <i>Final</i> <i>LDC Changes</i>	
Requested Action	
Recommend approval of Ordinance 2018-01.	
Staff Report	
This request is staff initiated to update three sections of the Land Development Code. The proposal includes updates to Chapter 122 Zoning, Section 122-313; Chapter 86 Administration, Article IV Variances; and Chapter 34 Environment, Article II Noise, Section 34-35 Prohibited Acts and Section 34-38 Exceptions. The staff initiated amendment to Chapter 122 Zoning has been driven by the Downtown Master Plan and the desire to accomplish important goals identified in the plan. In order to develop at a higher density and to work within the existing site-specific characteristics, several inquiries have been made to rezone property to a Planned Unit Development (PUD). The applicant requests to go through the process to rezone the property to PUD zoning, which often provides detailed site-specific language, an inclusive site plan, and precise development standards. On many occasions, staff has to inform the applicant that PUD's are limited to one acre or more in size. This language is contained in Section 122-313. Staff has noted that many of the parcels downtown are less than one acre in size. In order to facilitate this process, staff is recommending no minimal acreage requirement in the Downtown Mixed Use Category. The applicant would still come before council for approval of a rezoning to the Planned Unit Development. The change only applies to properties in the Downtown Mixed Use Future Land Use Category. The staff initiated amendment to Chapter 86 Administration; Article IV Variances reorganizes some of the layout of the chapter while also changing the review criteria in Section 86-174. Currently, there are eight criteria in this section that the applicant and staff address. On many occasions, staff is unable to support a variance request due to one negative response to the eight criteria. In unique and particular circumstances, staff believes that the variance could be granted that would continue to protect the public safety and welfare of the city and not be in conflict with the city's comprehensive plan. The revision will reduce the existing eight criteria down to five criteria and provide a more understandable format for both the applicant, staff, and the council. In addition, it gives staff the opportunity to review variances more objectively, which may lead to supporting the variance request. The staff initiated amendment to Chapter 34 Environment, Article II Noise, Section 34-35 Prohibited Acts and Section 34-38 Exceptions is mainly due to clarify when construction activities can occur. Currently, there is a conflict in the code that in one section, 34-35, that specifically mentions days and times of construction activity. The other section, 34-38 (5), only states hours and does not mention days. This has caused confusion since it has been interpreted that every day, even Sunday, construction activity can occur. The removal of this portion of the code is still addressed in Section 34-61 (5) Noises – all unnecessary or unauthorized noises and annoying vibrations, including animal noises. An addition has been added to Section 34-38 to allow the city manager or authorized designee to allow construction equipment and activity outside of the stated timeframe on a case by case basis with performance conditions in place.	

Staff recommends approval of Ordinance 2018-1, which includes updates to the Land Development Code dealing with no minimum acreage requirement for a PUD in the Downtown Mixed Future Land Use, changes to the review criteria for variances, and clarification of construction activity times and days.

Additional Analysis

Fiscal Impact Summary

Fiscal Impact

Fund Number and Description

Available Budget Amount

Exhibits Attached (copies of original agreements)

- | | | |
|----|------------------------------|--|
| 1. | Ordinance 2018-1 Markup Copy | ORD 2018-1 PUD DMU (revised).doc |
| 2. | Ad | O-2018-01 Legal Ad change to 122-313.doc |



CITY OF CLERMONT
ORDINANCE No. 2018-1

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 122 ZONING, SECTION 122-313 GENERAL REQUIREMENTS; CHAPTER 86 ADMINISTRATION, ARTICLE IV VARIANCES; CHAPTER 34 ENVIRONMENT, ARTICLE II NOISE, SECTION 34-35 PROHIBITED ACTS, SECTION 34-38 EXCEPTIONS 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 January 3, 2018 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 122 Zoning, Section 122-313 General Requirements; Chapter 86 Administration, Article IV Variances; and Chapter 34 Environment, Article II Noise, Section 34-35 Prohibited Acts, Section 34-38 Exceptions; 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 (underlined indicates added and strikethrough indicates deletion):

Sec. 122-313. - General requirements.

The following general requirements and special regulations shall apply to all planned unit developments:

- (1) *Minimum area.* No site shall qualify for a planned unit development unless the development consists of a contiguous area of at least one acre or more, except in the Downtown Mixed Use Future Land Use Category, which has no minimum area.
- (2) *Unified control.* All land included for purposes of development within a planned unit development shall be owned or under control of the petitioner for such zoning designation, whether that petitioner is an individual, partnership or corporation, or group



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of individuals, partnerships or corporations. The petitioner shall present firm evidence of the unified control of the entire area within the proposed planned unit development and shall state agreement that, if he proceeds with the proposed development, he shall:

- a. Do so in accord with the officially approved final master land use plan of the development, and such other conditions or modifications as may be attached to the special regulations.
 - b. Provide agreements, covenants, contracts, deed restrictions, improvements or sureties acceptable to the city council for completion of the undertaking in accordance with the formally approved final master land use plan, as well as for the continuing operation and maintenance of such areas, functions, facilities and improvements as are not to be provided, operated and maintained at general public expense.
 - c. Bind all development successors in title to any commitments made under subsections (2)a. and (2)b. of this section.
- (3) *Development approval.* Formal approval of all planned unit developments shall be granted according to comprehensive and detailed plans satisfactory to the city council. Such approval shall be contingent upon specific evaluation of project concept, uses, density or intensity, location, and recreation and open space areas. Items required for such analysis and approval may include but are not limited to:
- a. Plans detailing streets, utilities, lot or building sites, setbacks, impervious surface ratio, landscaping and the like for the overall project; and site plans, floor plans and elevations for all buildings as intended to be located, constructed or used, as related to each other, and detailed for other uses and improvements on the land as related to the buildings and structures.
 - b. A program for provision, operation and maintenance of such areas, improvements, facilities and services as will be for common use by some or all of the occupants of the planned unit development, but will not be provided, operated or maintained at general public expense.
 - c. Pertinent research studies, analysis or calculations that satisfactorily identify infrastructure impacts and indicate means for concurrency with warranted improvements.

Chapter 86 Administration, Article IV Variances.

Sec. 86-171. - ~~Permitted variances; exclusions.~~ Purpose and general provisions, definitions

The purpose of this Section is to provide for relief from certain requirements of the land development regulations when the strict administration of such regulations prevent an important need and the reasonable use of the property for which a variance is sought. In so doing, the following rules apply:

- (1) Use variances are not permitted.



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(2) All variances run with the land.

(3) All variance requests to the requirements of the Florida Americans with Disabilities Accessibility Implementation Act must be preceded through the procedures required under such act.

The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Practical difficulty means use of all or a portion of the property at issue cannot occur with reasonable physical accommodation that is economically reasonable.

Unnecessary hardship means a practical difficulty which exists due to an unintended effect of the land development regulation.

Use variance means an exception to the uses permitted in a particular zoning district by right, special exception or conditional use.

~~(a) *Hardship relief.* A hardship may exist in which the strict application of one or several requirements of this land development code would render a parcel incapable of reasonable use. Specified provisions set forth in this land development code or in the development standards may be waived when, because of the particular physical shape, surroundings or topographical condition of the property, compliance would result in a particular hardship upon the owner. A hardship is distinguished from a mere inconvenience or a desire to increase monetary gain.~~

~~(b) *Exclusions.* Requests for variances from requirements of the land development code shall generally be considered for those provisions which regulate proposed site development and the requirements applicable to existing development. The following request for variances shall not be considered:~~

~~(1) Requests for variances to the adopted comprehensive plan.~~

~~(2) Requests for variances to permit a use which is not allowed as a permitted use or as a conditional use within the specific zoning district.~~

~~(3) Requests for variances to permit the expansion of a nonconforming use of any land or structure, or the continuance of any nonconforming use which has ceased by discontinuance or abandonment for a period of one year, or the reestablishment of a nonconforming building or structure which has been destroyed or damaged by fire, explosion or act of God or in another manner to the extent of 50 percent or more of its assessed valuation.~~

~~(c) *Final decision.* Final determination of a hardship relief decision is vested in the city council sitting as the board of adjustment as provided for in this article.~~

(Code 1998, § 86-171; Ord. No. 281-C, § 1(ch. 8, § 1), 11-8-1994)



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Sec. 86-172. - ~~Application.~~ Submittal requirements for application

Application for variance shall be filed with the city on the designated form ~~made on the appropriate forms provided by the department of planning and zoning~~, and shall be accompanied by the appropriate fee as established by resolution of the city council and on file in the city clerk's office. Application for a variance shall be filed ~~in the office of the director of planning~~ on or before the date established for such submission as adopted by resolution of the city council. The following shall be submitted for variance; ~~information shall be provided~~:

- (1) Completion of the appropriate forms; ~~Proof of ownership, or notarized authorization of the owner if represented by an agent or contract purchaser.~~
- (2) Site Plan ~~Legal description of the property.~~
- (3) Reasons identifying why a variance is warranted. (Note: The burden of proof is the obligation of the applicant. Justification for compliance with the criteria for a variance must be fully documented and proven by the applicant. Each variance must stand on it's own merits. Past variance approvals will not be grounds for approval of future variances.); and Plot plan or schematic drawing of the property involved, showing the location of existing buildings or structures and the location of proposed buildings or structures, which specifically delineates and illustrates the extent of the variance request.
- (4) Payment of the requisite application fee. ~~A written statement which explains the conditions and circumstances of the alleged hardship and the necessity of the action. The written statement shall clearly justify the granting of relief from requirements of the land development code and satisfactorily address the review criteria of this article.~~

(Code 1998, § 86-172; Ord. No. 281-C, § 1(ch. 8, § 2(A)), 11-8-1994; Ord. No. 291-C, § II, 2-23-1999)

Sec. 86-173. - Notice of public hearing.

All variance requests shall be considered at public hearings, which shall be noticed as follows:

- (1) The city shall send notice of the proposed variance to the owners of all adjoining properties to the subject property. Such notice shall include the date, time and place of the public hearing before the board of zoning adjustment, along with a clear and concise description of the proposed variance. For the purposes of such notification, adjoining properties shall include those properties within 150 feet of the subject property even when separated from the subject property by a road, canal, easement, right-of-way or similar barrier.
- (2) Notice of public hearing shall be published in a newspaper of general circulation within the city no less than five days prior to the date set for the hearing, and the matter shall be entered on the agenda of the next regular meeting of the board of zoning adjustment if the meeting is five or more days forthcoming. The applicant



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shall be responsible for the cost of advertising and it shall be paid no later than 24 hours prior to the scheduled hearing date. Failure to pay this cost will delay the hearing and the applicant may occur additional advertising costs.

- (3) After an application has been filed, the applicant shall post the subject property with signage as provided by or as directed by the city. The sign or signs shall be erected on each street side of said land or where the sign or signs would be in the most conspicuous place to the passing public as determined by the administrative official or his designated representative.

(Code 1998, § 86-173; Ord. No. 281-C, § 1(ch. 8, § 2(B)), 11-8-1994; Ord. No. 306-C, § 2, 3-27-2001)

Sec. 86-174. - Review criteria and findings.

A variance may be granted from the land development regulations if the board concludes that literal enforcement of the provisions of the land development regulations would result in either practical difficulty (for setback and parking provisions) or unnecessary hardships (for all other land development regulations) for the property at issue. In order for a variance to be granted, the board must also find that, by granting the variance, the remaining regulations will protect the public safety and welfare of the city and if it finds that:

- (1) Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners or negatively impact the standard of living of the citizens of the city;
- (2) The variance will allow a reasonable use of the property, which use is not out of character with other properties in the same zoning category;
- (3) In the context presented, strict compliance with the land development regulation will not further any legitimate city objective, or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied;
- (4) The granting of the variance is consistent with the city's comprehensive plan; and
- (5) The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied.

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

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



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- ~~(2) — The condition giving rise to the requested variance has not been created by any person presently having an interest in the property;~~
- ~~(3) — Literal interpretation and enforcement of the land development code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development code, and would work unnecessary and undue hardship on the applicant;~~
- ~~(4) — The variance request is not based exclusively upon a desire to reduce the cost of developing the site or otherwise economically founded;~~
- ~~(5) — The variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building or structure;~~
- ~~(6) — Granting of the variance request will not confer on the applicant any special privilege that is denied by the land development code to other lands, buildings or structures in the same zoning district;~~
- ~~(7) — The proposed variance will not substantially diminish property value in, or alter the essential character of, the area surrounding the site; and~~
- ~~(8) — The granting of the variance will be in harmony with the general intent and purpose of this land development code, and will not be injurious to the surrounding properties or detrimental to the public welfare.~~

(Code 1998, § 86-174; Ord. No. 281-C, § 1(ch. 8, § 2(C)), 11-8-1994)

Sec. 86-175 – Review of variance applications

Under this Section, applications for variances shall be:

- (1) Reviewed by the Administrative Official. A report reviewing the circumstances surrounding the application with a recommended action shall be produced and shared with the applicant in advance of the Board of Zoning Adjustment public hearing; and
- (2) Approved, denied, or approved with conditions by the city council after one public hearing.

Sec. 86-175 176. - Time limit for commencing construction.

When any variance is granted, construction of the structure or other variance item must begin within one year ~~two years~~ from the date of grant. It shall be the obligation of the owner to file written notice with the administrative official and director of planning that he has begun the proposed construction. If no such notice is filed, the variance shall automatically lapse.

(Code 1998, § 86-175; Ord. No. 281-C, § 1(ch. 8, § 2(D)), 11-8-1994; Ord. No. 294-C, § 2, 9-28-1999; Ord. No. 2010-05-C, § 2, 3-23-2010)

Sec. 86-176 177. - Transfer.



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A variance in the zoning regulations may be transferred along with the transfer of the property ownership, but only for the specific use and approved plan originally granted.

(Code 1998, § 86-176; Ord. No. 281-C, § 1(ch. 8, § 2(D)), 11-8-1994)

Sec. 86-177 178. - Reapplication after denial.

Variance requests which have been denied may not be resubmitted for a period of one year.

(Code 1998, § 86-177; Ord. No. 281-C, § 1(ch. 8, § 2(D)), 11-8-1994)

Secs. 86-178 179—86-200. - Reserved.

Chapter 34 Environment, Article II Noise

Sec. 34-35. - Prohibited acts.

- (a) It shall be unlawful for any person to produce, cause to be produced, allow to be produced or project, by any means, any sound or noise across a property line in such manner as to create a sound level which exceeds the limits set forth for the receiving land use listed in section 34-36 when measured at or within the property line of the receiving property. For any activity or use of land or buildings not expressly listed in the zoning districts in the city, the city council, upon notice to the owner or occupant of the property producing sound, may determine the category of use under this article for which the activity or use is to be considered. Notwithstanding the foregoing, the existence of a noise which relates to the receiving land use listed in section 34-40 may be determined by the city's law enforcement officers, code enforcement officers, code inspectors, and/or their agents pursuant to section 34-40(a)(1).
- (b) Notwithstanding any violation of subsection (a) above, the following specific uses, activities and circumstances are declared to be in violation of this article:
 - (1) *Radios, television sets, exterior loudspeakers, musical instruments, and similar devices.* Operating or permitting the use or operation of any radio receiving set, exterior loudspeaker, amplified sound equipment, musical instrument, phonograph, television set, or other machine or device for the production or reproduction of sound in such a manner as to create a noise across the boundary of the property, including, without limitation, public and private rights-of-way from which the noise originates. In addition to the preceding, radios, cassette players, disk players and similar devices associated with motor vehicles or motorboats, shall not be operated or amplified in such a manner as to be felt or clearly heard at 25 feet or more from such device, when operated or parked on a public or private right-of-way or public or private space. In determining whether such devices may be clearly heard, the city's law enforcement officers, code enforcement officers, code inspectors, and/or their agents must utilize their normal auditory senses without any enhancements or hearing aids. Particular words or phrases or the name of any song or artist are not required to be identified. The detection of a rhythmic bass reverberating sound shall be sufficient to determine if

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a violation has occurred. To the extent that the Florida Uniform Traffic Control Law provisions regulate noise originating from within public or private rights-of-way, those provisions shall apply where currently existing or as amended.

- (2) *Construction equipment and activity.* Operating or causing to be operated any equipment or performing any outside activity in furtherance of construction, repair, alteration or demolition work on buildings, structures, roads, or projects within the city except between the hours of 7:00 a.m. and 9:00 p.m. Monday through Friday and between the hours of 9:00 a.m. and 9:00 p.m. on Saturday, excluding all legal, state, and nationally recognized holidays. ~~A variance may be obtained as set forth in this article from the city for such construction or repair work outside of such hours.~~ The city manager or authorized designee may allow construction equipment and activity outside of this timeframe on a case by case basis when it is determined to be in the best interest of the City. The city manager may impose conditions that limit any negative impacts to the surrounding properties.

Sec. 34-38. - Exceptions.

- (a) The following noise and sounds are exempt from this article:

- (1) Noise and sounds caused by or related to emergency vehicles, equipment, and personnel during emergencies, which shall be deemed to include all work made necessary by an emergency to restore property to a safe condition, all work made necessary by an emergency to restore public utility service and all work made necessary by an emergency to protect persons or property from imminent injury, death, or substantial harm.
- (2) Noise and sounds produced by city, county, state, and federal government vehicles, equipment and personnel during the pursuit of official duties of the respective governments, including but not limited to public works construction and maintenance, authorized safety signals, warning devices and emergency testing.
- (3) Noise and sounds produced by public utility vehicles, equipment and personnel during the pursuit of the public duty of such public utility.
- (4) Noise and sounds produced by activities or events approved by the city council where the person responsible for such activities or events obtains the city council's approval after such person clearly and expressly has advised the city council that the noise or sounds associated with the activities or events would be in violation of this article but for this exemption.
- ~~(5) Noise and sounds produced between the hours of 7:00 a.m. and 9:00 p.m. by the mowing of grass; the operation of other yard maintenance equipment; the construction of properly permitted buildings, structures and other improvements; and the operation of farm equipment during farming activities.~~
- (65) Railway locomotives and railway cars.
- (76) Aircraft and airport activity conducted in accordance with federal laws and regulations.

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- (87) Motor vehicles operating on a public right-of-way subject to F.S. § 316.293 or other provisions of the Florida Uniform Traffic Control Law that regulate noise and sounds originating from within public or private right-of-way where currently existing or as amended.
- (98) Organized athletic contests.
- (109) Noise and sounds produced from churches between the hours of 7:00 a.m. and 10:00 p.m.
- (110) Community events, such as fairs, school activities, community festivals and the like which do not extend their activities beyond 11:00 p.m. or commence before 7:00 a.m. Any community activity which extends beyond 11:00 p.m. or commences before 7:00 a.m. and would otherwise violate this article must apply for and receive prior approval from the city.
- (121) Noise and sounds produced by an electrical generator during a time period in which regular electrical utility service is temporarily unavailable to the property upon which the generator is located.
- (1312) Noise and sound associated with uses or activities for which a variance has been obtained from the city approving such noises and sounds contrary to the restrictions of this article.

CITY OF CLERMONT
ORDINANCE No. 2018-1

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 23rd day of January, 2018.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, 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. 2018-1

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 122 ZONING, SECTION 122-313 GENERAL REQUIREMENTS; CHAPTER 86 ADMINISTRATION, ARTICLE IV VARIANCES; CHAPTER 34 ENVIRONMENT, ARTICLE II NOISE, SECTION 34-35 PROHIBITED ACTS, SECTION 34-38 EXCEPTIONS; PROVIDING FOR CODIFICATION; SEVERABILITY; EFFECTIVE DATE; AND PUBLICATION.

This ordinance will be considered by the Planning & Zoning Commission on Wednesday, January 3, 2018 at 6:30 P.M.

A public meeting to consider the ordinance will be held before the City Council on Tuesday, January 23, 2018 at 6:30 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 Howe,
MMC
City Clerk

Daily Commercial
December 20, 2017 & January 9, 2018



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AGENDA ITEM

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Meeting Date		
Tuesday, January 23, 2018		
Agenda Item Name		
Ordinance No. 2018-02 <i>Final Comprehensive Plan Text Change</i>		
Requested Action		
Recommend approval of Ordinance 2018-2.		
Staff Report		
This request is staff initiated to add a policy to the Commercial Land Use Category in the City's Comprehensive Plan. Recently, the City has processed two residential storage facility requests, the Huber self-storage project and the Citrus Tower self-storage project. Both of the projects have the Industrial Future Land Use category with C-2 General Commercial zoning along with a conditional use permit. Staff believes that the Industrial future land use is not the most appropriate land use for this type of use. Staff believes the residential self-storage use is more compatible within the Commercial Future Land Use and the uses associated within the C-2 General Commercial zoning designation. Unfortunately, the Commercial Future Land Use only allows a floor area ratio (FAR) up to 0.25 (25%). This proposes a challenge with residential self-storage facilities since a majority of the site is buildings with very little required parking. Therefore, the sites are assigned an Industrial Future Land Use, which allows a floor area ratio up to 1.0, to allow the project to be in compliance with the comprehensive plan. The proposed addition of the policy below will allow residential self-storage facilities in the Commercial future land use. This type of use will still require C-2 General Commercial zoning along with a conditional use permit and is only applicable to residential storage facilities. Policy 1.9.5: Residential storage facilities shall be allowed as a conditional use within the commercial land use category and shall be limited to a maximum intensity of 1.0 FAR. This shall not include the storage of manufacturing or commercial products. Staff recommends approval of Ordinance 2018-02.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Ordinance 2018-2	2018-02 Residential storage facilities Policy 1.9.5 addition.doc	
2. Legal Ad	Self Storage Comp Plan Ad.doc	
3. Self Storage FLU Amendment	Self Storage FLU amendment language.docx	



CITY OF CLERMONT
ORDINANCE NO. 2018-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF CLERMONT, FLORIDA, PURSUANT TO THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING ACT, CHAPTER 163, PART II, FLORIDA STATUTES BY ADOPTING TEXT CHANGES TO THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN TO AMEND THE COMMERCIAL LAND USE CATEGORY TO ALLOW FLOOR AREA RATIO (FAR) OF 1.0 FOR RESIDENTIAL SELF STORAGE FACILITIES; SETTING FORTH THE AUTHORITY FOR ADOPTION OF THE COMPREHENSIVE PLAN AMENDMENTS; SETTING FORTH THE PURPOSE AND INTENT OF THE COMPREHENSIVE PLAN AMENDMENTS; ESTABLISHING THE LEGAL STATUS OF THE COMPREHENSIVE PLAN AMENDMENTS; PROVIDING FOR SEVERABILITY, CONFLICT AND AN EFFECTIVE DATE.

WHEREAS, the Comprehensive Plan of the City of Clermont was adopted by the City of Clermont on August 13, 1991, 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 Statutes 163.3187; and

WHEREAS, the Planning and Zoning Commission, acting as the Local Planning Agency, held a public hearing January 3, 2018 and made recommendations to the City Council for amendments to the plan; and

WHEREAS, the City Council of the City of Clermont held public hearings January 9, 2018 and January 23, 2018 on the proposed amendments to the plan in light of written comments, proposals and objections from the general public;

NOW, THEREFORE, BE IT ORDAINED and enacted by the City Council of the City of Clermont, 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 Element is hereby amended with the addition of Policy 1.9.5 under Objective 1.9: Commercial Land Use Category, as shown below.

Policy 1.9.5: Residential storage facilities shall be allowed as a conditional use within the commercial land use category and shall be limited to a maximum intensity of 1.0 FAR. This shall not include the storage of manufacturing or commercial products.



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ORDINANCE NO. 2018-02

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. 2018-02

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 23rd day of January, 2018.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

CITY OF CLERMONT

NOTICE OF PROPOSED AMENDMENT TO COMPREHENSIVE PLAN ORDINANCE NO. 2018-2

The City of Clermont will hold public hearings on Wednesday, January 3, 2018 at 6:30 pm before the Planning and Zoning Commission and on Tuesday, January 23, 2018 (final hearing) at 6:30 pm before the City Council to consider proposed changes to the Future Land Use Element of the City's adopted comprehensive plan.

Ordinance #2018-2:

An ordinance of the City Council of the City of Clermont, Lake County, Florida, amending the Comprehensive Plan for the City of Clermont, Florida, pursuant to the local government Comprehensive Planning Act, Chapter 163, Part II, Florida Statutes by adopting a text change to the Goals, Objectives and Policies of the Future Land Use Element of the Comprehensive Plan; setting forth the authority for adoption of the Comprehensive Plan Amendments; setting forth the purpose and intent of the Comprehensive Plan Amendments; establishing the legal status of the Comprehensive Plan Amendments; providing for severability, conflict and an effective date.

The public hearings will be in the Council chambers of City Hall, 685 W. Montrose St., and are open to public comment. Please call (352) 394-4083 Ext. 7598 if you have any questions.

The proposed amendment may be inspected at the City's Development Services Department (first floor, City Hall) between 8am and 5pm. Monday-Friday.

Please be advised that under state law, any person deciding to appeal a decision made at the public hearing will need a record of the proceedings and may need to ensure a verbatim record is made. Persons with disabilities who need assistance should contact the City Clerk's office, (352) 241-7331, at least 48 hours prior to the public hearing.

Tracy Ackroyd Howe, MCC
Clermont City Clerk

Daily Commercial
December 24, 2017 & January 9, 2018

Objective 1.9: Commercial Land Use Category. The commercial category is established to assure availability of sufficient office and commercial sites to serve the needs of the existing and projected population. In addition to office and commercial uses, residential uses are allowed, preferably as mixed-use, high-density developments, as well as supportive accessory uses, churches and schools as conditional uses, minor public utilities (i.e., telephone switching stations, lift stations, drainage infrastructure, and similar facilities), parks and open space, municipal facilities and other civic and cultural uses subject to standards and performance criteria set forth in this plan and in the land development regulations.

Policy 1.9.1: The commercial land use category shall accommodate activities such as general retail sales and services, professional and business offices, personal services and limited residential use. Based on current land use trends, the City estimates that the mix of uses will be 90 percent office and commercial uses and 10 percent residential, public facilities/institutional and recreation uses.

Policy 1.9.2: The maximum intensity of commercial development shall be limited to 0.25 FAR. Residential development shall be limited to 12 units per acre; however, densities higher than eight units per acre shall require a conditional use permit or a Planned Unit Development (PUD) zoning.

Policy 1.9.3: Hotels and hospitals shall be allowed as a conditional use within the commercial land use category and shall be limited to a maximum intensity of 3.0 FAR.

Policy 1.9.4: Nursing homes, assisted living facilities and independent living facilities shall be permitted in the commercial land use category as a PUD consistent with land development regulations and may have a maximum intensity of 3.0 FAR.

Policy 1.9.5: Residential storage facilities shall be allowed as a conditional use within the commercial land use category and shall be limited to a maximum intensity of 1.0 FAR. This shall not include the storage of manufacturing or commercial products.



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, January 23, 2018		
Agenda Item Name		
Resolution No. 2018-01 <i>Sod Depot</i>		
Requested Action		
Recommend denial of Resolution No. 2018-01.		
Staff Report		
The Planning and Zoning Commission on January 3, 2018 voted 6-0 to recommend approval of Resolution No. 2018-01 Conditional Use Permit. The applicant, is requesting a conditional use permit to allow outdoor sales and storage of Sod and Landscape Materials in the M-1 Industrial zoning district. The Land Development Code, Section 122-263 (c) requires uses to be enclosed; outdoor storage; all manufacturing and commercial uses must be conducted within a completely enclosed building, except for outdoor storage, which must be completely screened from any public street and adjacent properties. The applicant is requesting to operate a distribution facility for sales and outside storage of Sod and Landscape Materials. The existing building will be used as the office and garage without any major renovations. Concrete bins will be constructed to store landscape materials like mulch and stone. The site shall be developed in substantial accordance with the conceptual plan prepared by McCoy and Associates. Staff has reviewed the application and believes that the proposed use will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, however, since the planning and zoning meeting on January 3, 2018, staff has had concerns over what the final look of the development will look like. Staff is not comfortable with the proposed screening of the outdoor concrete storage bins. Until the applicant can provide a realistic visual of the concrete bins and how the screening will effectively cover the site, staff is recommending denial of the Conditional Use Permit to allow outdoor sales and storage of Sod and Landscape Materials in the M-1 Industrial zoning district with the conditions contained in Resolution No. 2018-01.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		

1.	Resolution No. 2018-01	2018-01 CUP SOD & Landscape.pdf
2.	Location Map	Sod Depot Location Map.pdf
3.	Site Plan	Site Plan.pdf
4.	Application	CUP Application.pdf
5.	Legal Ad	CUP SOD DEPOT LEGAL AD.pdf



CITY OF CLERMONT
RESOLUTION NO. 2018-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, GRANTING A CONDITIONAL USE PERMIT TO ALLOW OUTSIDE SALES AND STORAGE OF SOD AND LANDSCAPE MATERIALS IN THE M-1 INDUSTRIAL ZONING DISTRICT

WHEREAS, the Planning and Zoning Commission of the City of Clermont, Lake County, Florida at a meeting held January 3, 2018 recommended approval of this Conditional Use Permit to allow outside sales and storage of sod and landscape materials in the M-1 Industrial zoning district, at the following location:

LOCATION:

1033 Hook Street, Clermont, FL
Alternate Key #2665858 and 2665840

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

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

This application for a Conditional Use Permit to allow outside sales and storage of sod and landscape materials in the M-1 Industrial zoning district, be granted subject to the following conditions:

CONDITIONAL USE PERMIT CONDITIONS:

SECTION 1. General Conditions.

1. The conditions as set forth in this Conditional Use Permit shall be legally binding upon any heirs, assigns and successors in title or interest.
2. No expansion of the use or additions to the facility shall be permitted except as approved by another Conditional Use Permit.
3. No person, firm, corporation or entity shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building or structure, or alter the land in any manner within the boundary of the project without first submitting necessary plans, obtaining necessary approvals, and obtaining necessary permits in accordance with the City of Clermont Land Development Regulations and those of other appropriate jurisdictional entities.
4. The structure shall be inspected by the Fire Inspector for life safety requirements and all requirements must be met prior to any Certificate of Occupancy being issued.



CITY OF CLERMONT
RESOLUTION NO. 2018-01

5. The structure shall be inspected by the Building Inspector and all building code violations must be corrected prior to a Certificate of Occupancy being issued.
6. The final Certificate of Occupancy shall not be issued until each of the stated conditions has been met and all impact fees have been paid per City standards.
7. 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.
8. The Conditional Use Permit must be executed and filed in the office of the City Clerk within 90 days of its date of grant by the City Council or the Permit shall become null and void.
9. The applicant shall record in the Public Records of Lake County within 90 days of its date of approval by the City Council, a short-form version of this Conditional Use Permit as provided by the City or a form acceptable to the City, to provide notice to all interested parties, the assigns, successors and heirs of the developer/applicant and all future owners of the above-referenced property that the real property described above is subject to the terms and conditions of the Conditional Use Permit.
10. No business can occupy any portion of the building(s) after construction and final Certificate of Occupancy, unless the proposed business has applied for and obtained a Local Business Tax Receipt from the Development Services Department.
11. The property shall be developed in substantial accordance with the Conceptual Site Plan prepared by McCoy & Associates, dated November, 2017. Any new development on the subject property must be submitted for site plan review and approved by the Site Review Committee prior to the issuance of a zoning clearance or other development permits. The conceptual site plans submitted with the Conditional Use Permit application are not the approved construction plans.
12. This permit shall become null and void if substantial construction work has not begun within two (2) years of the date of 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.

SECTION 2. Land Use.

1. This Conditional Use Permit is to allow outside sales and storage of sod and landscape materials in the M-1 Industrial zoning district.
2. The site may also be used for any permitted use in the M-1 Industrial zoning district.
3. The site shall be developed according to the City of Clermont Land Development Codes and all building must meet the City of Clermont Architectural Standards.



CITY OF CLERMONT
RESOLUTION NO. 2018-01

4. All outside storage of sod and landscape materials shall be completely screened from public view and adjacent properties with an opaque at planting landscape buffers. A minimum 20 feet wide landscape buffers shall be required adjacent to any arterial or collector roads. Any fencing shall be ornamental metal or decorative PVC/vinyl.
5. Interior lighting on the site shall be directed downward into the site and shall not spill over onto adjacent properties.
6. All landscaping, drainage/water retention and site plan approved conditions must be maintained in perpetuity for the site.



CITY OF CLERMONT
RESOLUTION NO. 2018-01

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida, this 23rd day of January, 2018.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney



**CITY OF CLERMONT
CONDITIONAL USE PERMIT (CUP)
FILING INSTRUCTIONS
Page 2**

In addition to the attached application, the applicant shall provide the follow information:

1. Proof of ownership, i.e. tax receipt, deed, or Lake County Property record card.
2. A complete legal description and survey of the subject property.
3. A preliminary site plan clearly depicting the proposed project, showing the location and dimensions of the site, topographic features including floodplains and wetlands, all existing and proposed structures, architectural elevations (all sides), signs, driveways, parking areas and landscaping, etc. Maximum size for plans is 11" x 17" (two full size copies for detail as needed, depending on type of CUP)
4. One PDF copy of the Site Plan on disk, as directed by City staff. This will depend if the project borders a Lake County right-of-way.
5. Plans for the provision of services and infrastructure, and if required, traffic studies, Transportation Proportionate Fair Share information, or School Concurrency information.
6. Landscape plans in conformance with Chapter 118 of the Code. (see #3 above)
7. Original signature application

APPLICATION FEE: \$845.00, plus the cost of the advertisement

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



**CITY OF CLERMONT
CONDITIONAL USE PERMIT (CUP)
FILING INSTRUCTIONS**

1. Prior to submitting an application, a meeting with the Development Services Director is required. Call 394-4083 to schedule a meeting.
2. After meeting with the Planning Manager, the applicant shall prepare and submit 6 sets of preliminary site plans for review by the Site Review Committee (SRC) (if required). The preliminary site plan shall clearly depict the proposed project, showing the location and dimensions of the site, topographic features including floodplains and wetlands, all existing and proposed structures, architectural elevations (all sides), signs, driveways, parking areas and landscaping, etc.
3. After the preliminary site plans are reviewed by the Site Review Committee (SRC), a list of review comments will be forwarded to the applicant. The applicant will then revise the preliminary site plan, addressing the comments from the SRC. The revised plans must be approved by the SRC prior to submitting the CUP application.
4. Upon preliminary site plan approval, the applicant will submit a complete CUP application, including the revised preliminary site plan. The revised preliminary site plan is for purposes of the conditional use permit only, and is not an approved site plan for construction.*
5. Complete CUP applications that are submitted to and accepted by the Development Services Director on or before the 1st of the month will be scheduled for public hearings the following month. Public hearings are scheduled for the 1st and 4th Tuesdays of the following month for the Planning & Zoning Commission and the City Council respectively.
6. Your presence at the Public Hearings is strongly recommended. Staff will present the application, but it is the applicant's responsibility to make a case for their request.

** The site plan submitted with the CUP application is not the final site plan approved for construction. After the CUP is approved by the Council, site plans and the site review application shall be submitted to the Site Review Committee for review and approval, pursuant to Chapter 86 of the City of Clermont's Land Development Regulations. Construction can commence only after the final site plans have been approved and a zoning clearance has been issued.*



**CONDITIONAL USE PERMIT (CUP)
APPLICATION**

DATE: November 30, 2017

FEE: \$845
+ cost of advertisement

PROJECT NAME (if applicable): Sod Depot of Clermont

APPLICANT: JHL Landscape Supply, LLC

CONTACT PERSON: Luis Silva, AMBR

Address: 1127 Coastal Circle

City: Ocoee State: FL Zip: 34761

Phone: Fax:

E-Mail: soddepotorlando@gmail.com

OWNER: Green, Alan J.

Address: 21385 County Road 455

City: Clermont State: FL Zip: 34715

Phone: 407-412-8266 Fax:

Address of Subject Property: 1033 Hook Street, Clermont, FL 34711

General Location: Southeast corner U.S. Highway 27 & Hooks Street, Clermont, FL

Legal Description (include copy of survey): See Attached

Land Use (City verification required): Commercial

Zoning (City verification required): M-1



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.

The property is located on the southeast corner of Hooks St. and the eastbound exit for northbound US Hwy 27. We are requesting to operate a distribution facility for sod and landscape materials. The existing building will be used as the office and garage without major renovations. Concrete bins will be constructed to contain landscape materials like mulches and stone. If business is good, a second building could be constructed next to the existing building in the future for expansion purposes.

Luis Silva

Applicant Name (print)

x 

Applicant Name (signature)

Alan Green

Owner Name (print)

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
Development Services Department
685 W. Montrose St.
P.O. Box 120219
Clermont, FL. 34712-021 9
(352) 394-4083 Fax: (352) 394-3542

Advertising Receipt

The Daily Commercial
PO Box 490007
Leesburg, FL 34749-0007
Phone: (352) 365-8200
Fax: (352) 365-1951

CITY OF CLERMONT
Carlie Zinker
P.O. BOX 120219
CLERMONT, FL 34712

Account Number: 7101866
Order Number: 10071518
Phone: (352) 241-7331
Date: 12/13/17
Ad Taker: liana.rickman

Ad Classification: LEGAL NOTICES

Description	Start	End	Total
LEGAL NOTICE Notice is hereby given that the City of Clermont will consider a	12/28/2017	01/16/2018	\$156.00

LEGAL NOTICE

Notice is hereby given that the City of Clermont will consider a request for a Conditional Use Permit to allow outside sales and storage of Sod and Landscape Materials in the M-1 Industrial zoning district.

LOCATION

1033 Hook Street, Clermont, FL
Alternate Key #2665858 and
2665840

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 Wednesday, January 3, 2018 at 6:30pm.

A public meeting to consider the request will be held before the City Council on Tuesday, January 23, 2018 at 6:30pm.

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 Howe, MMC
City Clerk

Ad No: 10071518
December 28, 2017 &
January 16, 2018

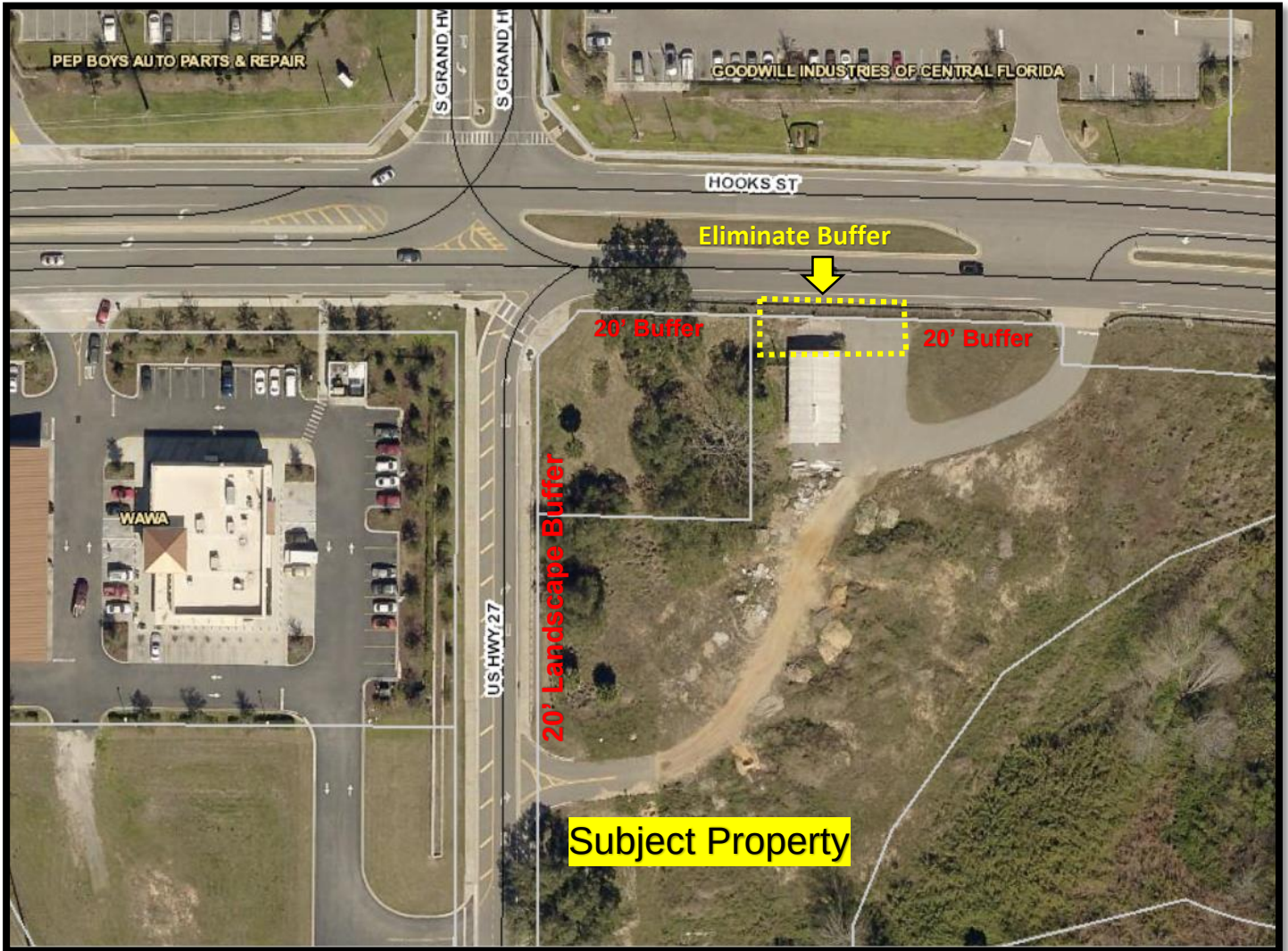
Payment Info	
Ad Price	\$156.00
Tax	\$0.00
Sub Total	\$156.00
Prepaid Amount	\$0.00
Balance Due	\$156.00



AGENDA ITEM

Meeting Date								
Tuesday, January 23, 2018								
Agenda Item Name								
Variance Request <i>Sod Depot</i>								
Requested Action								
Recommend denial of variance requests.								
Staff Report								
The applicant, is requesting two variances from the Land Development Code (1) to eliminate the required sidewalk along the Hooks Street right-of-way as required by the Land Development Code, Section 110-265; (2) to allow for elimination of the required landscape buffer in front of the existing building and below the existing Hooks Street retaining wall as required by the Land Development Code. The requested variances will allow development of the parcel for the proposed use of outdoor sales and storage of Sod and Landscape Materials in the M-1 Industrial zoning district. The proposed use will require a Conditional Use Permit that is being heard concurrently with this variance request. The Land Development Code, Section 110-265 requires a minimum five feet sidewalk be constructed adjacent to any right-of-way to meet ADA requirements and provide pedestrian safety. The subject property has an existing retaining wall that may prevent sidewalk construction within the Hooks Street right-of-way. Section 86-174 of the LDC requires a positive finding on eight items in order to grant a variance, and staff believes that four of the eight do not meet these findings. Therefore, staff recommends denial of the variance requests to the Clermont Land Development Code.								
Additional Analysis								
Fiscal Impact Summary								
<table border="1"> <thead> <tr> <th>Fiscal Impact</th> <th>Fund Number and Description</th> <th>Available Budget Amount</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>			Fiscal Impact	Fund Number and Description	Available Budget Amount			
Fiscal Impact	Fund Number and Description	Available Budget Amount						
Exhibits Attached (copies of original agreements)								
1. Site Plan	Site Plan.pdf							
2. Variance Exhibit	Sod Depot Variance Exhibit .pdf							
3. 86-174 Review Criteria	86-174 Review Criteria-Sod Depot.pdf							
4. Application	Variance Application.pdf							
5. Legal AD	SOD DEPOT VARIANCE AD.pdf							

SOD DEPOT VARIANCE EXHIBIT



SOD Depot Variance

The requirements for a variance are as follows:

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

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

FINDINGS:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district;
Applicant response: (1) *The existing retaining walls prevent sidewalk construction within the Hooks Street right-of-way.* (2) *A landscape buffer in front of the existing building would prevent access.*

Staff comments: *This parcel does have circumstances existing which are peculiar to the land. The applicant purchased this property with the current conditions. The existing retaining wall and topography of the property may create some development challenges for proposed development. The applicant is proposing minimum improvements to develop the property.*

Negative finding

- (2) The condition giving rise to the requested variance has not been created by any person presently having an interest in the property;
Applicant response: *Existing conditions were result of widening of Hooks Street & the topography that required a 7’ retaining wall to be constructed along the south side of Hooks Street.*

Staff comments: *The current conditions of the site were not created by the applicant giving rise to the requested variance. However, the parcel was purchased with the existing conditions and could be developed with a different use that may allow more flexibility and compliance with the land development codes.*

Negative finding

- (3) Literal interpretation and enforcement of the land development code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development code, and would work unnecessary and undue hardship on the applicant;
Applicant response: (1). *There is not sufficient space for sidewalk construction in the Hooks Street right-of-way.* (2). *The existing building faces Hooks Street and the front door would not be accessible if the landscape buffer was installed.*

Staff comments: *With the existing conditions in place that are presenting challenges in developing the site, the applicant would be faced with undue hardship to develop the lot according to the land development code, even if it was feasible. However, the applicant may choose another parcel that does not present these challenges.*

Negative finding

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

Applicant response: *The variance requests are based upon unique challenges of the existing property.*

Staff comments: *The applicant is proposing minimum improvements to develop the property. City Code Section 110-265 requires a minimum five feet wide sidewalk be constructed adjacent to each street right-of-way abutting each parcel of land with development.*

Negative finding

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

Applicant response: *All possible requirements have been met.*

Staff comments: *The requested variance is the minimum necessary to make possible reasonable use of the land.*

Positive finding

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

Applicant response: *The request is based upon the unique challenges of the existing property.*

Staff comments: *The City Council has granted similar variance requests in the past for other properties in the same zoning district.*

Positive finding

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

Applicant response: *The surrounding property value will not be diminished. There is already an existing sidewalk along the north side of Hooks Street. The landscape buffer would be located below the existing retaining wall on the south side and would not provide a visual barrier from the street as a result.*

Staff comments: *The proposed variances appear not to substantially diminish property values or alter the essential character of the area and surrounding properties.*

Positive finding

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

Applicant response: *The surrounding property value will not be diminished. There is already an existing sidewalk along the north side of Hooks Street. The Landscape Buffer would be located below the existing retaining wall on the south side and would not provide a visual barrier from the street as a result.*

Staff comments: *Granting of the requested variances will not be injurious to the surrounding properties or detrimental to the public welfare. The applicant will be providing a 20' wide opaque landscape buffer adjacent to the street right-of-ways for the remaining parcel.*

Positive finding

STAFF RECOMMENDATION:

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



CITY OF CLERMONT VARIANCE

Filing Instructions

Any person requesting a Variance shall file a complete application in the Development Services Department at least thirty (30) days prior to the hearing date of the City Council. All applications must be complete, to include applicable site plans and/or other pertinent descriptive materials in order to be processed.

A Pre-Application meeting with the Development Services Director (or designated staff) is required prior to submittal of the application. The Development Services Director shall determine if the application is complete and properly filed.

APPLICATION FOR VARIANCE DOES NOT GUARANTEE APPROVAL. THE APPLICANT MUST BE PRESENT AT ANY MEETINGS TO JUSTIFY AND SUPPORT THE REQUEST

Notification of Public Hearing

All variance requests shall be considered at public hearings, which shall be noticed as follows:

- (1) The City shall send notice of the proposed variance to the owners of all adjoining properties to the subject property. Such notice shall include the date, time and place of the public hearing before the City Council, along with a clear and concise description of the proposed variance. For the purposes of such notification, adjoining properties shall include those properties within 150 feet of the subject property even when separated from the subject property by a road, canal, easement, right-of-way or similar barrier.
- (2) Notice of public hearing shall be published in a newspaper of general circulation within the City no less than five (5) days prior to the date set for hearing the variance request.

Conditions of Approval and Denial

- (1) When any variance is granted, construction of the structure or other variance item must be started within one year from the date the variance is granted. It shall be the obligation of the owner to file written notice with the Administrative Official and the Development Services Director that he has begun the proposed construction. If no such notice is filed, the variance shall automatically lapse.
- (2) A variance in the zoning regulations may be transferred along with the transfer of the property ownership, but only for the specific use and approved plan originally granted.
- (3) Variance requests which have been denied may not be resubmitted for a period of two (2) years.



CITY OF CLERMONT

VARIANCE

Filing Instructions

Page 2

Check List

The following information shall be provided:

- _____ Proof of ownership, (i.e. Lake County Property record card, tax receipt, or deed.
- _____ Legal description of the property – may be on information above.
- _____ Plot plan (drawn to scale) of the property involved showing the location of existing buildings or structures and the location of proposed buildings or structures which specifically delineates and illustrates the extent of the variance request. Maximum size for plans is 11" x 17" (two full size copies for detail as needed, depending on the Variance).
- _____ A written justification based on Sec. 86-174, which explains the conditions and circumstances of the alleged hardship and the necessity of the action. Staff will review the application based on the review criteria. Therefore, it is in the applicant's best interest to submit the application with those eight (8) items in mind to justify the variance request.
- _____ Visual aids that may clarify the variance request such as overhead projections, large scale drawings, etc. A location map must be included that identifies the location of the property. These will be presented by the applicant at the public hearing.
- _____ The original application and all supplemental materials.
- _____ Fee: \$300.⁰⁰ plus cost of advertisement for existing single-family residential
\$600.⁰⁰ plus cost of advertisement for all others

City of Clermont

Development Services Department
685 W. Montrose St.
P.O. Box 120219
Clermont, FL. 34712-021 9
(352) 394-4083 Fax: (352) 394-3542



CITY OF CLERMONT
VARIANCE
Application

DATE: January 3, 2017

FEE: 600.00

PROJECT NAME (if applicable): Sod Depot of Clermont

APPLICANT: JHL Landscape Supply, LLC

CONTACT PERSON: Luis Silva, AMBR

Address: 1127 Coastal Circle

City: Ocoee State: FL Zip: 34761

Phone: 407-412-8266 Fax: _____

E-Mail: soddepotorlando@gmail.com

OWNER: Green, Alan J.

Address: 21385 County Road 455

City: Clermont State: FL Zip: 34715

Phone: _____ Fax: _____

Address of Subject Property: 1033 Hooks Street, Clermont, FL 34711

General Location: Southeast corner U.S. Highway 27 & Hooks Street, Clermont, FL

Legal Description (include copy of survey): See attached

Land Use (City verification required): Commercial



Zoning (City verification required): M-1

CITY OF CLERMONT
VARIANCE
Application
Page 2

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

City Zoning Ordinance (Land Development Code Section) from which you are requesting relief:
1) 110-265 Sidewalks. & 2) 118-37 Landscape Buffers.

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

1) No sidewalk along Hooks Street right of way along the northern property line.

2) No 20' landscape buffer in front of existing building & below the existing Hooks Street retaining wall.

How does the Code create a hardship? _____

1) Existing Hooks St. retaining walls prevent sidewalk construction.

2) A landscape buffer between existing retaining wall & the existing building would prevent access to building.

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

Variance requested – subject and code section: 1) 110-265 Sidewalks. 2) 118-37 Landscape Buffers.

Sec. 86-174. Review criteria and findings.

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

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

1) Existing retaining walls prevent sidewalk construction within the Hooks Street right of way.

2) A landscape buffer in front of the existing building would prevent access.

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

1) & 2) Existing conditions were result of widening of Hooks Street & the topography that required a 7' retaining wall to be constructed along the south side of Hooks Street.



CITY OF CLERMONT

VARIANCE

Application

Page 3

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

1) There is not sufficient space for sidewalk construction in the Hooks Street right of way.

2) The existing building faces Hook Street & the front door would not be accessible if the landscape buffer were installed.

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

1) & 2) The requests are based upon the unique challenges of the existing property.

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

1) & 2) All possible requirements have been met.

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

1) & 2) The requests are based upon the unique challenges of the existing property.

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

1) & 2) The surrounding property value will not be diminished. There is already an existing sidewalk along the north side of Hooks Street. The landscape buffer would be located below the existing retaining wall on the south side and would not provide a visual barrier from the street as a result.



CITY OF CLERMONT
VARIANCE
Application
Page 4

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

1) & 2) The surrounding property value will not be diminished. There is already an existing sidewalk along the north side of Hooks Street. The landscape buffer would be located below the existing retaining wall on the south side and would not provide a visual barrier from the street as a result.

Luis Silva, AMBR

Applicant Name (print)

X 

Applicant Name (signature)

Alan J. Green

Owner Name (print)

X 

Owner Name (signature)

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

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

City of Clermont

Development Services Department.
685 W. Montrose St.
P.O. Box 120219
Clermont, FL. 34712-021 9
(352) 394-4083 Fax: (352) 394-3542



ARTICLE IV. VARIANCES

Sec. 86-171. Permitted variances; exclusions.

(a) *Hardship relief.* A hardship may exist in which the strict application of one or several requirements of this land development code would render a parcel incapable of reasonable use. Specified provisions set forth in this land development code or in the development standards may be waived when, because of the particular physical shape, surroundings or topographical condition of the property, compliance would result in a particular hardship upon the owner. A hardship is distinguished from a mere inconvenience or a desire to increase monetary gain.

(b) *Exclusions.* Requests for variances from requirements of the land development code shall generally be considered for those provisions which regulate proposed site development and the requirements applicable to existing development. The following request for variances shall not be considered:

- (1) Requests for variances to the adopted comprehensive plan.
- (2) Requests for variances to permit a use which is not allowed as a permitted use or as a conditional use within the specific zoning district.
- (3) Requests for variances to permit the expansion of a nonconforming use of any land or structure, or the continuance of any nonconforming use which has ceased by discontinuance or abandonment for a period of one year, or the reestablishment of a nonconforming building or structure which has been destroyed or damaged by fire, explosion or act of God or in another manner to the extent of 50 percent or more of its assessed valuation.

(c) *Final decision.* Final determination of a hardship relief decision is vested in the city council sitting as the board of adjustment as provided for in this article.

(Ord. No. 281-C, § 1(ch. 8, § 1), 11-8-94)

Sec. 86-172. Application.

Sec. 86-173. Notice of public hearing.

Sec. 86-174. Review criteria and findings.

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



- (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district;
- (2) The condition giving rise to the requested variance has not been created by any person presently having an interest in the property;
- (3) Literal interpretation and enforcement of the land development code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development code, and would work unnecessary and undue hardship on the applicant;
- (4) The variance request is not based exclusively upon a desire to reduce the cost of developing the site or otherwise economically founded;
- (5) The variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building or structure;
- (6) Granting of the variance request will not confer on the applicant any special privilege that is denied by the land development code to other lands, buildings or structures in the same zoning district;
- (7) The proposed variance will not substantially diminish property value in, or alter the essential character of, the area surrounding the site; and
- (9) The granting of the variance will be in harmony with the general intent and purpose of this land development code, and will not be injurious to the surrounding properties or detrimental to the public welfare.

(Ord. No. 281-C, § 1(ch. 8, § 2(C)), 11-8-94)

Sec. 86-175. Time limit for commencing construction.

When any variance is granted, construction of the structure or other variance item must begin within one year from the date of grant. It shall be the obligation of the owner to file written notice with the administrative official and director of planning that he has begun the proposed construction. If no such notice is filed, the variance shall automatically lapse.

(Ord. No. 281-C, § 1(ch. 8, § 2(D)), 11-8-94; Ord. No. 294-C, § 2, 9-28-99)

Daily Commercial

Advertising Receipt

The Daily Commercial
PO Box 490007
Leesburg, FL 34749-0007
Phone: (352) 365-8200
Fax: (352) 365-1951

CITY OF CLERMONT
Carlie Zinker
P.O. BOX 120219
CLERMONT, FL 34712

Account Number: 7101866
Order Number: 10072332
Phone: (352) 241-7331
Date: 01/11/18
Ad Taker: liana.rickman

Ad Classification: LEGAL NOTICES

Description	Start	End	Total
LEGAL NOTICE Notice is hereby given that the City Council of the City of Cle	01/16/2018	01/16/2018	\$105.37

LEGAL NOTICE

Notice is hereby given that the City Council of the City of Clermont will consider a request for the following two variances: (1) to eliminate the required sidewalk along the Hooks Street right-of-way as required by the Land Development Code, Section 110-265; (2) to allow for elimination of the required landscape buffer in front of the existing building and below the existing Hooks Street retaining wall as required by the Land Development Code, Section 118-37 Landscape Buffers; at the following location:

LOCATION:

1033 Hooks Street, Clermont, FL
Alternate Key #2665858
and 2665840

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

This request will be heard by the City Council at a public hearing to be held on Tuesday, January 23, 2018 at 6:30 P.M. in the Clermont City Hall located at 685 West Montrose Street.

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

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

Tracy Ackroyd Howe, MMC
Clermont City Clerk

Ad No: 10072332
January 16, 2018

Payment Info	
Ad Price	\$105.37
Tax	\$0.00
Sub Total	\$105.37
Prepaid Amount	\$0.00
Balance Due	\$105.37



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date	
Tuesday, January 23, 2018	
Agenda Item Name	
JPA Review <i>Clontz-Hanover</i>	
Requested Action	
Staff Report	
Lake County Planning and Zoning is requesting comments from the City of Clermont regarding the 153.32-acre residential home development located on the east side of Highway 27 along Schofield Road. The applicant, Hanover Homes has proposed a residential development which will consist of 578 single family dwelling homes not to exceed 4 dwelling units per acre. Approval of the development application would include rezone of the Subject Property from Lake County Agriculture (A) Zoning to Lake County Planned Unit Development (PUD). The subject property is within the Wellness Way Area Plan. The applicant submission was done prior to the Wellness Way Area Plan going into effect, therefore, the subject property is not subject to the Wellness Way Area Plan. This proposed residential development is located within the Clermont Joint Planning Area and ISBA. The development is not within the City of Clermont Utility Service area . The applicant has applied for PUD Zoning and within the Clermont JPA, the filed PUD can request waivers to and as part of the proceedings, which would waive JPA requirements. Staff has identified items within the PUD that do not meet the JPA requirements. These include: lot sizes- the Clermont JPA requires a minimum 75-ft lot size. The proposed development seeks lot sizes of 40-50-60. Additionally, the development does not address the disparity in the Lake County Comprehensive Plan Urban Low Future Land Use Category Policy 1-1 3.2 the minimum ISR is 60% for the Future Land Use. The proposed development is requesting a waiver to allow for an ISR up to 75%. Based upon the small lot design requested and presented in the site plan, staff believes the development does not make use of high quality urban design to define the character of the proposed development. With small lots ranging in 40-50-60 ft. and with the JPA minimum lot size of 75-ft. Staff believes the development does not provide a coherent public realm through an improved network of streets, mulch paths, bicycle paths and sidewalks that is pleasant, interesting, and comfortable for pedestrian activity. Further staff believes the relationship between the proposed small lot subdivision and the public environment, lacks clarity and emphasis on: building siting and orientation, height and massing, articulation of facades and entry ways, building fenestration, pedestrian circulation, type and placement of street trees, landscaping and transitional spaces, and location of driveways and garages. Staff believes this lack of diversity will not sustain the development over-time in an area of critical economic importance. The JPA does address grading, allowing for a 10 ft cut and fill. The applicant has not addressed their grading plan. The JPA does not address landscaping for residential use. The applicant does have a landscape plan, which	

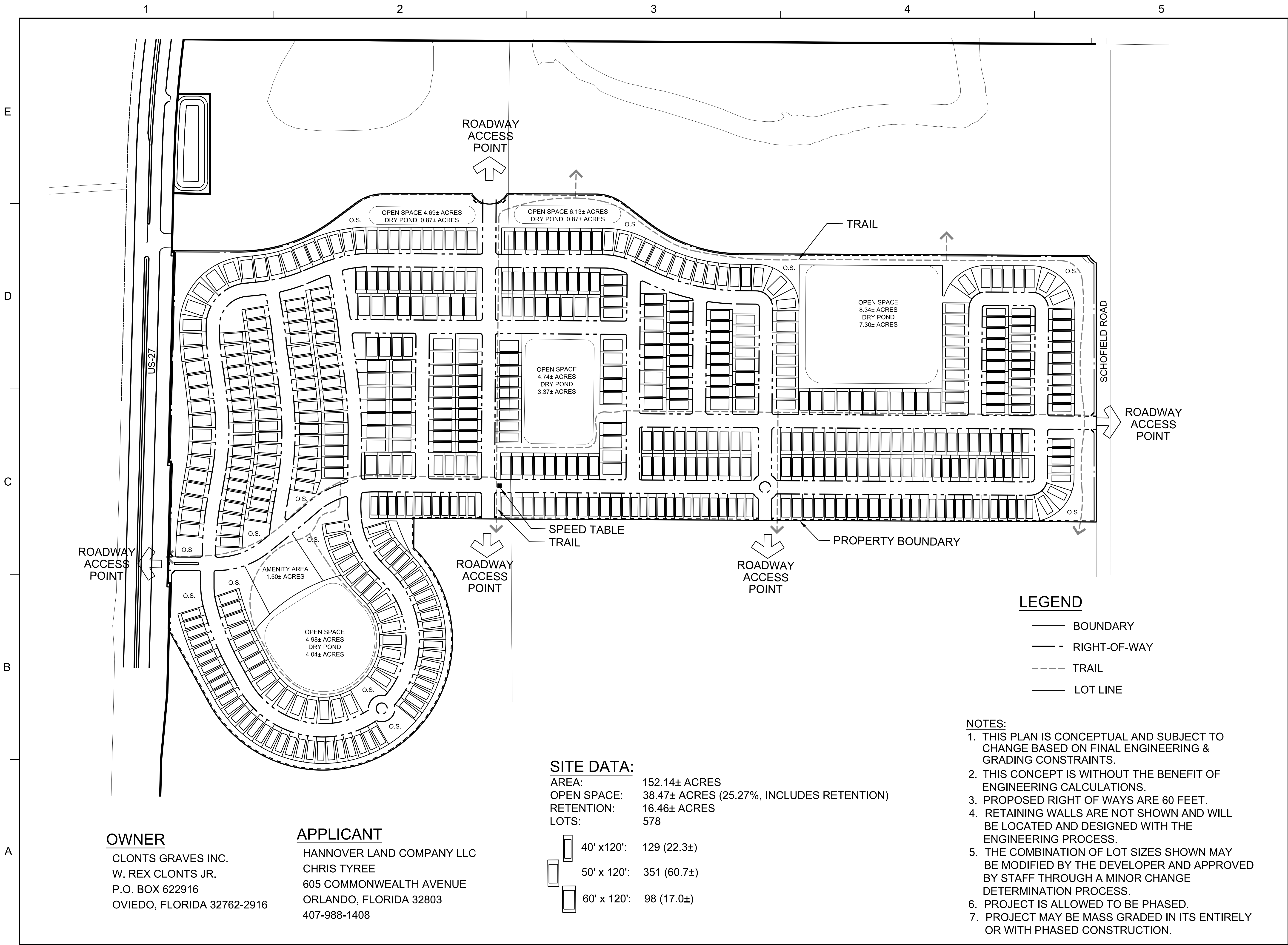
includes:

Staff has noted that the Lake County Parks and Trails Master Plan includes a plan for the South Lake-Citrus Ridge Trail along US27. Staff believes construction of the developments proportionate share of this trail in conjunction with the proposed development is critical to creating the active transportation linkages and reducing health equity gaps throughout Lake County and Clermont.

The ISBA envisions properties such as the subject property at hand, could be annexed into the City of Clermont even if the timing of those lands are not immediately contiguous. The city must consider the quality of place, character and context of development in relation to area assets, transportation access, educational institutions and environment. Staff believes the proposed site lacks aforementioned critical components to sustain the development over-time in an area of critical economic importance.

Staff is requesting your comments and recommendations for this project. These comments will be forwarded to Lake County Planning and Zoning and the Lake County Board of County Commissioners.

Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Site Plan	06_Exhibit B Site Plan Clontz.pdf	
2. Home Elevations	08_Exhibit D - Building Elevations (1).pdf	
3. Lake County Draft PUD Ordinance	04_PUD.Draft.Ordinance Clontz.pdf	
4. Map of Proposed Development	Clontz Map 2.docx	



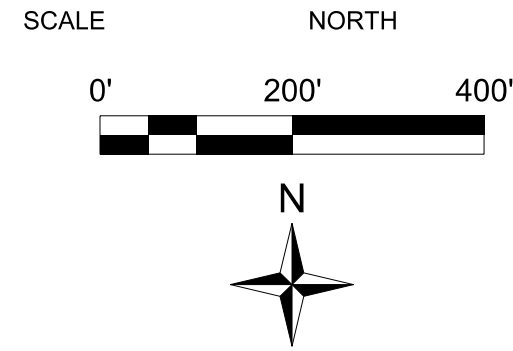
OWNER
CLONTS GRAVES INC.
W. REX CLONTS JR.
P.O. BOX 622916
OVIEDO, FLORIDA 32762-2916

APPLICANT
HANNOVER LAND COMPANY LLC
CHRIS TYREE
605 COMMONWEALTH AVENUE
ORLANDO, FLORIDA 32803
407-988-1408

SITE DATA:			
AREA:	152.14± ACRES		
OPEN SPACE:	38.47± ACRES (25.27%, INCLUDES RETENTION)		
RETENTION:	16.46± ACRES		
LOTS:	578		
	40' x 120':	129	(22.3±)
	50' x 120':	351	(60.7±)
	60' x 120':	98	(17.0±)

LEGEND			
——	BOUNDARY		
- - -	RIGHT-OF-WAY		
- - -	TRAIL		
——	LOT LINE		

- NOTES:**
1. THIS PLAN IS CONCEPTUAL AND SUBJECT TO CHANGE BASED ON FINAL ENGINEERING & GRADING CONSTRAINTS.
 2. THIS CONCEPT IS WITHOUT THE BENEFIT OF ENGINEERING CALCULATIONS.
 3. PROPOSED RIGHT OF WAYS ARE 60 FEET.
 4. RETAINING WALLS ARE NOT SHOWN AND WILL BE LOCATED AND DESIGNED WITH THE ENGINEERING PROCESS.
 5. THE COMBINATION OF LOT SIZES SHOWN MAY BE MODIFIED BY THE DEVELOPER AND APPROVED BY STAFF THROUGH A MINOR CHANGE DETERMINATION PROCESS.
 6. PROJECT IS ALLOWED TO BE PHASED.
 7. PROJECT MAY BE MASS GRADED IN ITS ENTIRELY OR WITH PHASED CONSTRUCTION.



REVISIONS			
No.	DATE	BY	Description

PROJECT #	-
DRAWN BY	-
APPROVED BY	-
CHECKED BY	-
DATE	-
DATUM	-

TITLE	
CONCEPT PLAN	
PROJECT:	50099213
SHEET NO.	

Exhibit D Note – Conceptual building elevations are not final and are subject to change.



Exhibit D Note – Conceptual building elevations are not final and are subject to change.



Exhibit D Note – Conceptual building elevations are not final and are subject to change.



**ORDINANCE #2017-XX
RIDGEVIEW PUD**

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

WHEREAS, HANOVER LAND COMPANY, LLC, a Florida limited liability company, (the “Applicant”) made a request on behalf of **CLONTS GROVE, INC.**, a Florida corporation, (the “Owner”) to rezone the property described below to Planned Unit Development (PUD); and

WHEREAS, the Subject Property consists of approximately ____ acres and is generally located in the South Lake County area, South and West of Schofield Road and East of US 27, in Section 28, Township 23, Range 26, more particularly described as follows:

LEGAL DESCRIPTION:

[EXHIBIT “A” – ATTACHED]

WHEREAS, the Subject Property is located within the Urban Low Density Future Land Use Category as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

WHEREAS, the Lake County Planning & Zoning Board reviewed Petition _____ on _____, 20__, after giving Notice of Hearing on petition for a change in zoning, including notice that said petition would be presented to the Board of County Commissioners of Lake County, Florida, on _____, 20__; and

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

WHEREAS, upon review, certain terms pertaining to the development of the above described Subject Property have been duly approved; and

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

Section 1. Terms:

The County Manager or designee shall amend the Official Zoning Map to rezone the Subject Property from Agriculture (A) Zoning to Planned Unit Development (PUD) in accordance with this Ordinance. The uses of the property shall be limited to the uses specified in this Ordinance and generally consistent with the “Conceptual Plan” attached hereto as Exhibit “B”. To the extent there are conflicts between the Conceptual Plan and this Ordinance, this Ordinance shall take precedence.

A. Land Uses:

1. Residential:

- i. A total of 578 single-family dwelling units not to exceed four (4) dwelling units per net buildable acres in accordance with the Comprehensive Plan and Chapter IV of the County's Planned Unit Development District standards.
- ii. Lot Size: Single-family residential dwelling unit shall be a minimum 1,200 square feet, which is the space heated and air conditioned. The minimum lot width is 40' and the Applicant has the ability to construct any combination of 40' wide, 50' wide and 60' wide lots. The combination of lots sizes shown on Exhibit B – Conceptual Plan, may be modified by the Applicant and approved by Staff as part of minor change determination process.
- iii. Model Homes and Sales Centers. Construction of model units, sales centers and temporary parking lots shall be allowed. Up to 6 models may be started prior to each final plat via a metes and bound description. Parking may be located on one of the six lots.
- iv. Phasing. The development will be completed in six (6) phases. Notwithstanding the aforementioned, the undeveloped portions of the Property will remain in its agricultural use to allow for the continuation of citrus production and harvesting. Phasing may be modified and approved by staff during the Preliminary Plat process or minor Change Determination process.

B. Accessory structures or uses. Accessory uses or structures directly associated with the above uses shall be allowed per this Ordinance and in accordance with Sec. 10.01.00 of the Land Development Regulations, as amended.

C. Open Space: Open space shall be a minimum 25% of the net buildable area of the PUD in accordance with the Comprehensive Plan and Land Development Regulations, as amended (the "Open Space"). The provided open space shall be generally consistent with Exhibit "C" – Open Space and Signage Plan.

The PUD will strive to provide a minimum of 10% of the Open Space as Wellness Space. This Wellness Space is intended to be generally consistent with the Wellness Space described in the Wellness Way Area Plan (WWAP), and may consist of trails, active and passive recreation, parks, mews, and amenitized stormwater retention areas. There is no maximum Impervious Surface Ratio for this Wellness Space.

The PUD will strive to provide a minimum of 5% of the Open Space as Green Space. This Green Space is intended to be generally consistent with the Green Space described in the WWAP.

D. Setbacks (Minimums) – Single family dwelling units:

Front	20 feet
Side	5 feet
Rear	15 feet
Accessory Structures, including Pools and Enclosures	5 feet from rear & side
Secondary Front Yard (Corner Lots)	15 feet

Additionally, dwelling units may have porches and/or patios which may be setback fifteen (15) feet from the right-of-way.

E. Development Requirements:

Building Height	maximum 35' or 2 ½ stories
Impervious Surface Ratio (ISR)	maximum 65% for overall development maximum 75% per lot

Each single-family detached lot shall have a maximum ISR of 75% to include principal dwelling, all paved areas, swimming pool and pool decks, and accessory structures. Fifty percent (50%) of the surface water area for a swimming pool shall be included in the ISR calculation. The ISR for the overall PUD shall not exceed 65%.

All other development requirements shall be in accordance with the County's Comprehensive Plan and Land Development Regulations, as amended.

F. Building Design:

Building design will be in accordance with Chapter IX of the County's Development Design and Improvement Standards. Example conceptual building elevations are included as Exhibit "D". The following principles seek to promote a high quality development that will create a sense of place and community through the development of the site:

1. A diversity of housing styles, shapes and materials will be encouraged in order to create variety in the streetscape.

2. The different housing types shall be integrated architecturally in order to give the development a harmonious appearance.
3. The creation of visual richness should be considered when choosing materials and details. Local characteristics are encouraged.
4. A variety of roof heights, pitches and materials will be encouraged.
5. Landscaping should be incorporated into the overall design as a means of linking the development areas with the open spaces.
6. To avoid monotony, the same elevation will not be duplicated directly across the street or immediately adjacent.

G. Landscaping, Buffering, and Screening:

Landscaping, Buffering, and Screening will be in accordance with Chapter IX of the County's Development Design and Improvement Standards. Moreover, the following will be provided:

1. A ten (10) foot wide landscape buffer shall be provided along US 27. This ten (10) foot wide landscape buffer shall include three (3) canopy trees, two (2) ornamental trees, and one (1) row of shrubs per one hundred (100) linear feet. A screen wall or fence shall also be located in this buffer.
2. A ten (10) foot wide landscape buffer shall be provided along Schofield Road. This ten (10) foot wide landscape buffer shall include two (2) canopy trees, one (1) ornamental tree, and one (1) row of shrubs per one hundred (100) linear feet. A screen wall or fence may be located in this buffer.
3. Streets internal to the PUD are permitted to have trees (canopy, understory, or ornamental) a minimum distance of four (4) feet from a sidewalk or trail.
4. All other landscaping, buffering, and screening requirements shall be in accordance with the Land Development Regulations, as amended.

H. Noise:

Compliance shall be in accordance with the Land Development Regulations, as amended.

I. Utilities:

All public utilities and facilities such as sewer, gas, electric, communications, and water systems will be in accordance with Chapter XIV of the County's Administration Section. As such, the following will be provided:

1. Central water and sewer services shall be provided by Utilities, Inc. as the Subject Property is located within its South Service Area for water and sewer.

2. Reuse water may be obtained through Conserv II provided it has the ability and capacity to provide reuse. If reuse is not available through Conserv II, the following alternatives may be utilized:

- i. On-site wells;
- ii. Utilities, Inc. may provide reuse (if available); and
- iii. Potable water may be jumper fed to reuse lines until such a time that reuse is available.

J. Transportation Improvements/Access Management Requirements:

The aforementioned shall be determined for the proposed uses at preliminary plat review and in accordance with the Land Development Regulations and the Traffic Study completed for the Project, as amended. At a minimum, but not limited to, the following conditions are required for development of the property in accordance with the Exhibit "B" – Conceptual Plan, unless determined at preliminary plat review to be unnecessary.

1. Major access will be provided from US 27.
2. A sidewalk and bicycle connection will be made as shown on Exhibit "B" – Conceptual Plan.
3. Emergency access and construction access will be provided from Schofield Road until such time as Schofield Road is improved. After Schofield Road is improved by Lake County or some other entity, it may provide a secondary access to the property. Any transportation improvements which are eligible for impact fee credits by Lake County shall receive credits through an Impact Fee Credit Agreement to be executed with Lake County. Traffic connection points shall be generally consistent with the Concept Plan.

K. Streets

1. Streets internal to the PUD shall be in accordance with the attached Exhibit "E" - Typical Sections.
2. Sidewalks shall be a minimum of four (4) feet wide.
3. Trails shall be a minimum of eight (8) feet wide.
4. Driveways on street corners may have a minimum setback equal to the building setback for lots located on corners; this setback shall be a minimum of fifteen (15) feet.
5. Sidewalks shall follow the longitudinal slope of the adjacent roadway.
6. The maximum roadway length shall be 1320 feet. Cul-de-sacs, mews, speed tables, or other similar feature may be utilized as block delineating features for road segments that exceed 1320 feet.

L. Schools: School Concurrency shall be met before final plat approval in accordance with the Comprehensive Plan and Land Development Regulations, as amended.

M. Lighting: Exterior lighting shall be in accordance with Chapter 3.09 of the County's Land Development Regulations and consistent with Dark-Sky Principles.

N. Signage (subdivisions):

1. Applicant may have up to two (2) ground, wall or gate signs at each of the north, east and west entrances as shown on Exhibit C - Open Space and Signage. These entrance signs maybe located on the Property line. The maximum allowable sign copy area for each entrance sign shall not exceed sixty (60) square feet.
2. Applicant may have monument signage in accordance with the locations specified on Exhibit "C" - Open Space and Signage. The maximum allowable sign copy area for each monument sign shall not exceed twenty (20) square feet. Monument signage is allowed within the right-of-way within a landscaped median.
3. Applicant may have wayfinding signage along trails, secondary streets and model homes. The maximum sign copy area for each wayfinding sign shall not exceed ten (10) square feet.

O. Fencing: Pickett style fencing is allowed adjacent to open space. Pickett style fencing may consist of aluminum, PVC, or other material. A combination of pickett fence and opaque fence/screen wall may be used along the perimeter of the PUD.

P. Fire Protection and Emergency Services Access: Access and fire safety requirements of the development shall be provided in accordance with the Florida Fire Prevention Code and Land Development Regulations, as amended.

Q. Concurrency Management Requirements: Any development shall comply with the Lake County Concurrency Management System, as amended.

R. Development Review and Approval:

1. Prior to the issuance of any permits, with the exception of the six (6) model homes, the Applicant shall be required to submit a preliminary plat, construction plans, and final plat generally consistent with Exhibit "B" – Conceptual Plan for review and approval in accordance with the Comprehensive Plan and Land Development Regulations, as amended.
2. PUD Expiration: Physical development shall commence within three (3) years from the date of this Ordinance approval. Failure to commence construction within three (3) years of approval shall cause the revocation of this ordinance, in accordance with the Comprehensive Plan or superseding documents amended. Prior to expiration of the three-year time frame, the Board of County Commissioners may grant, via a Public Hearing, one (1) extension of the time frame for a maximum of two (2) years upon a showing that reasonable efforts have been made towards securing the required approvals and commencement of work.

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

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

- A. After establishment of the facilities as provided herein, the aforementioned property shall only be used for the purposes named in this Ordinance. Any other proposed use must be specifically authorized by the Board of County Commissioners.
- B. No person, firm, or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building structure, add other uses, or alter the land in any manner within the boundaries of the above described land without first obtaining the necessary approvals in accordance with the Lake County Code, as amended, and obtaining the permits required from the other appropriate government agencies.
- C. This Ordinance shall inure to the benefit of, and shall constitute a covenant running with the land and the terms, conditions, and provisions hereof, and shall be binding upon the present Owner and any successor, and shall be subject to each and every condition herein set out.
- D. Construction and operation of the proposed use shall at all times comply with the regulations of this and other governmental permitting agencies.
- E. The transfer of ownership or lease of any or all of the property described in this Ordinance shall be included in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions established by this Ordinance and agrees to be bound by these conditions. The purchaser or lessee may request a change from the existing plans and conditions by following procedures contained in the Land Development Regulations, as amended.
- F. Action by the Lake County Code Enforcement Special Master. The Lake County Code Enforcement Special Master shall have authority to enforce the terms and conditions set forth in this ordinance and to recommend that the ordinance be revoked.

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

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

ENACTED this ____ day of _____, 2017.

FILED with the Secretary of State _____, 2017.

EFFECTIVE _____, 2017.

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

TIMOTHY I. SULLIVAN, Chairman

ATTEST:

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

APPROVED AS TO FORM AND LEGALITY

MELANIE MARSH, County Attorney

EXHIBIT “A” – LEGAL DESCRIPTION

EXHIBIT “B” – CONCEPTUAL PLAN

EXHIBIT “C” – OPEN SPACE & SIGNAGE PLAN

EXHIBIT “D” – ELEVATIONS

EXHIBIT “E” – TYPICAL SECTIONS



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, January 23, 2018		
Agenda Item Name		
Ordinance No. 2018-03 <i>Introduction MSTU</i>		
Requested Action		
Consider introduction of Ordinance 2018-03.		
Staff Report		
In 2000, Lake County began providing emergency and ambulance services in Lake County and created a Municipal Service Taxing Unit (MSTU) to fund the services. The City of Clermont may be included within the service boundary by adopting an ordinance. The term of the ordinance is for one year. Staff recommends approval.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Ordinance	2018-03 MSTU.docx	
2. Ad	2018-03 Ordinance MSTU.doc	
3. Letter from Lake County	Ltr from Lake County re. M.S.T.U..pdf	



CITY OF CLERMONT
ORDINANCE NO. 2018-03

AN ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, ADOPTED PURSUANT TO SECTION 125.01(l)(q), FLORIDA STATUTES (1999), CONSENTING TO THE INCLUSION OF THE CITY OF CLERMONT, FLORIDA, WITHIN THE COUNTY-WIDE MUNICIPAL SERVICE TAXING UNIT FOR THE PROVISION OF AMBULANCE AND EMERGENCY MEDICAL SERVICES, AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; PROVIDING FOR THE CITY TO BE INCLUDED WITHIN SAID MUNICIPAL SERVICE TAXING UNIT FOR A SPECIFIED TERM OF YEARS; PROVIDING FOR SEVERABILITY, EFFECTIVE DATE AND PUBLICATION.

WHEREAS, Lake County has taken action to create a non-profit corporation to provide ambulance services in Lake County effective September 30, 2000; and

WHEREAS, Lake County has determined that the best mechanism to secure the necessary funding to provide said ambulance services is to create a countywide municipal service taxing unit authorizing the County to levy ad valorem taxes therein for the provision of ambulance and emergency medical services, and has enacted an emergency ordinance creating that municipal service taxing unit; and

WHEREAS, Section 125.01(l)(q), Florida Statutes, provides that the boundaries of a municipal service taxing unit may include all or part of the boundaries of a municipality if the affected municipal consents, by ordinance, to be included therein; and

WHEREAS, the City Council of the City of Clermont has determined that it is in the best interest of and serves the health, safety and general welfare of the residents of Clermont to include the City of Clermont within the Lake County municipal service taxing unit for ambulance and emergency services; and

WHEREAS, Lake County's emergency ordinance expressed its intent to include the City of Clermont within the boundaries of the "Lake County Municipal Service Taxing Unit for Ambulance and Emergency Medical Services," subject to the adoption of an approving ordinance by the City Council of the City of Clermont;

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

SECTION 1.

The City Council of the City of Clermont consents to the inclusion of the City of Clermont within the boundaries of the "Lake County Municipal Service Taxing Unit for Ambulance and Emergency Medical Services."



CITY OF CLERMONT
ORDINANCE NO. 2018-03

SECTION 2.

This consent shall be for a term of one (1) year.

SECTION 3.

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

SECTION 4.

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 5.

This Ordinance shall take effect immediately upon final adoption by the City Council of the City of Clermont, Florida.



CITY OF CLERMONT
ORDINANCE NO. 2018-03

PASSED AND ADOPTED BY the City Council of the City of Clermont,
Lake County, Florida on this 13th day of February, 2018.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, 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. 2018-03

AN ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, ADOPTED PURSUANT TO SECTION 125.01(l)(q), FLORIDA STATUTES (1999), CONSENTING TO THE INCLUSION OF THE CITY OF CLERMONT, FLORIDA, WITHIN THE COUNTY-WIDE MUNICIPAL SERVICE TAXING UNIT FOR THE PROVISION OF AMBULANCE AND EMERGENCY MEDICAL SERVICES, AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; PROVIDING FOR THE CITY TO BE INCLUDED WITHIN SAID MUNICIPAL SERVICE TAXING UNIT FOR A SPECIFIED TERM OF YEARS; PROVIDING FOR SEVERABILITY, EFFECTIVE DATE AND PUBLICATION.

A meeting to consider the Ordinance will be held before the City Council on Tuesday, February 13, 2018 at 6:30pm for final enactment.

The meeting will be held in Clermont City Hall located at 685 West Montrose Street, Clermont, FL 34711.

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

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 Howe, MMC
City Clerk

Daily Commercial
January 30, 2018



LAKE COUNTY
FLORIDA

COUNTY ATTORNEY'S OFFICE

DIANA JOHNSON
Assistant County Attorney
dmjohnson@lakecountyfl.gov

MELANIE MARSH*
County Attorney
mmarsh@lakecountyfl.gov

MATTHEW MOATS
Assistant County Attorney
mmoats@lakecountyfl.gov

*Board Certification in City, County and Local Government Law

December 1, 2017

Darren Gray, City Manager
City of Clermont
685 W. Montrose Street, 3rd Flr.
Clermont, FL 34711

RE: Renewal of Countywide Municipal Service Taxing Unit for Ambulance and Emergency Medical Services

Dear Darren:

The City executed Ordinance No. 2017-03 on February 14, 2017, providing that Clermont continue to be included within Lake County's Countywide Municipal Service Taxing Unit for Ambulance and Emergency Medical Services. The consent was for a period of one (1) year and will expire February 14, 2017.

Please advise if the City is considering amending its Ordinance to remain a part of the MSTU and provide our office with a copy of the amended/new Ordinance once approved. If not, please advise me of the same.

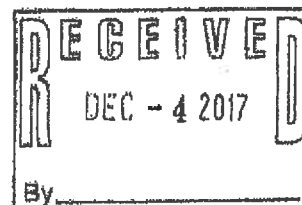
Also, would the City consider changing the expiration from a one (1) year term to a longer term or even a no expiration date? Currently, we have four cities with a no expiration date and nine cities that have terms of at least two (2) years or longer up with a few at five (5) year terms. Let me know if this is something the City would be interested in.

If you have any questions, please do not hesitate to contact me.

Sincerely,


Melanie Marsh

MM/jc
99-148



cc: Gail Ash, Mayor (685 W. Montrose St., Clermont, FL 34711)
Daniel F. Mantzaris, City Attorney (P.O. Box 87, Orlando, FL 32802-0087)

P.O. BOX 7800 ♦ 315 W. MAIN ST. ♦ SUITE 33S ♦ TAVARES, FLORIDA 32778-7800 ♦ P 352.343.9787 ♦ F 352.343.9646
Board of County Commissioners ♦ www.lakecountyfl.gov

TIMOTHY I. SULLIVAN
District 1

SEAN M. PARKS, AICB, QEP
District 2

WENDY R. BREEDEN
District 3

LESLIE CAMPIONE
District 4

JOSH BLAKE
District 5